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ARTICLE I

Elections

Sec. 2-1. Election wards.

The corporate area of the City is hereby divided into three (3) wards, bounded and described as follows:

(1) Ward 1. City Council Ward 1 contains all annexed portions of the City of Fort Lupton, Colorado, situated north of the centerline of 9th Street (also known as Weld County Road 14) and East of the centerline of Denver Avenue.

(2) Ward 2. City Council Ward 2 contains all annexed portions of the City of Fort Lupton, Colorado, lying within the following boundary:

Beginning at the intersection of the centerline of Rollie Avenue with the centerline of Colorado Highway 52; thence easterly along the centerline of Colorado Highway 52 to its intersection with the eastern City Limits at College Avenue; thence southerly along the City Limits, thence westerly along the City Limits, thence southerly along the City Limits to the centerline of Weld County Road 12; thence, following the City Limits generally westerly to the centerline of South McKinley Avenue; thence southerly thence westerly along the City Limits to the centerline of South Fulton Avenue; thence southerly, thence easterly thence southerly thence westerly along the City Limits to the intersection with US Highway 85; thence northerly along US Highway 85 to its intersection with 4th Street as extended to the West, thence easterly along the centerline of 4th Street to the intersection with Rollie Avenue; thence southerly along the centerline of Rollie Avenue to its intersection with Colorado Highway 52, to the point of beginning.

(3) Ward 3. City Council Ward 3 contains all annexed portions of the City of Fort Lupton, Colorado lying within the following boundary:

Beginning at the intersection of the centerline of Rollie Avenue with the centerline of Colorado Highway 52; thence easterly along the centerline of Colorado Highway 52 to its intersection with the eastern City limits at the right-of-way for Weld County Road 31; thence northerly along the right-of-way for Weld County Road 31 to its intersection with 9th street (also known as Weld County Road 14); thence westerly to its intersection with Denver Avenue; thence northerly along the centerline of Denver Avenue to the northern City limits of the City of Fort Lupton; thence northerly, westerly, and southerly along said City limits to the intersection with Colorado Highway 52; thence easterly along the centerline of Colorado Highway 52 to the centerline of US Highway 85; thence northerly along US Highway 85 to its intersection with 4th Street as extended to the West; thence easterly along the centerline of 4th Street to its intersection with Rollie Avenue; thence southerly along the centerline of Rollie Avenue to its intersection with Colorado Highway 52 to the point of beginning. (Prior code 2-358-8, 2-358-9, 2-358-10, 2-358-11; Ord. 639 §1, 1993; Ord. 2003-817 §1)

Sec. 2-2. Election dates.

The First Tuesday in April 1974 is hereby designated as the day for holding the election of municipal officers provided for by the laws of the State for the City to be so organized, said day being the next annual period of the election of municipal officers. At said election short terms to January 1976 shall be filled; thereafter, the election shall take place on the second Tuesday of November of each odd year thereafter. (Prior code 2-358-12)

Sec. 2-3. Polling places.

The City Council shall provide one (1) convenient place in each ward for holding such election, shall properly equip said place for holding said election and shall furnish such number of voting machines or suitable ballot boxes as shall be required for holding said election or as provided for in a coordinated election. (Prior code 2-358-13; Ord. 645 §1, 1993)

Sec. 2-4. Election of officials.

At the election herein above specifically provided for, the qualified voters of the City shall elect one (1) Mayor, and two (2) Councilmembers from each of the wards hereinabove provided. (Prior code 2-358-17; Ord. 645 §1, 1993)

Sec. 2-5. Term of office.

At the November 4, 1975 election, six (6) councilmembers shall be elected. The one (1) candidate for councilmember receiving the highest number of votes in each ward shall be elected for a four-year term, and the one (1) candidate receiving the next highest number of votes in each ward shall be elected for a two-year term. At the next subsequent regular election and at each regular election thereafter, one (1) council-member shall be elected to serve a four-year term in each ward. At the November 4, 1975 election and at the regular reelection every two (2) years thereafter, a mayor shall be elected to serve a two-year term. Thereafter, councilmembers shall be elected to serve four-year terms; and the Mayor shall be elected to serve a two-year term. (Prior code 2-382-1, 2-382-2; Ord. 645 §1, 1993)

Sec. 2-6. Write-in candidate affidavit.

(a) No write-in vote for any municipal office in any election in the City shall be counted unless an affidavit of intent to be a write-in candidate has been filed with the City Clerk by the candidate prior to twenty (20) calendar days before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(b) The City Clerk shall have a form of such affidavit of intent and shall make said form available to such persons in the office of the City Clerk prior to twenty (20) calendar days before the day of the election. (Ord. 2005-844 Part 1)

Sec. 2-7. Cancellation of election.

(a) If the only matter before the electors is the election of persons to office and if, at the close of business on the nineteenth calendar day before the election, there are not more candidates than offices

to be filled at such election, including candidates filing affidavits of intent as set forth above, the City Clerk, if instructed by resolution of the City Council either before or after such date, shall cancel the election and the City Council shall by resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected as of the effective date of the resolution.

(b) Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place. (Ord. 2005-844 Part 1)

Secs. 2-8—2-20. Reserved.

ARTICLE II

Mayor and City Council

Sec. 2-21. City Council; authority, qualifications and vacancies.

(a) City Council. The City Council shall consist of six (6) Councilmembers and the Mayor. The City Council shall constitute the legislative body of the City, shall have the power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(b) Qualifications. The Mayor and each Councilmember shall be a resident of the City and a registered elector therein. If the Mayor or any Councilmember shall move from or become, during the term of his or her office, a nonresident of the City, he or she shall be deemed thereby to have vacated his or her office.

(c) Vacancies. The City Council shall have power, by appointment, to fill all vacancies in the City Council or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of Councilmember and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for Councilmember receiving the highest number of votes shall be elected to four-year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term or terms. (Prior code 2-328-3; Ord. 645 §1, 1993)

Sec. 2-22. Mayor.

(a) The Mayor shall preside over all meetings of the City Council and shall perform such duties as may be required of him or her by statute or ordinance.

(b) Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the City. The Mayor shall be the presiding officer of the City Council.

(c) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the City, as the Councilmembers or any statutes or ordinances may require.

(d) Except as may be required by statute, the Mayor shall exercise such additional powers and perform such additional duties as the City Council may from time to time prescribe. (Prior code 2-358-18; Ord. 645 §1, 1993)

Sec. 2-23. Mayor Pro Tem.

At its first meeting following each biennial election, the City Council shall choose one (1) of the Councilmembers as Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor from any meeting of the City Council or during the absence of the Mayor from the City or his or her inability to act, perform the duties of the Mayor. (Ord. 645 §1, 1993)

Sec. 2-24. Acting Mayor.

In the event of the absence or disability of both the Mayor and the Mayor Pro Tem, the Councilmembers may designate another of their number to serve as acting Mayor during such absence or disability. (Ord. 645 §1, 1993)

Sec. 2-25. Compensation of Mayor and Councilmembers.

(a) The compensation for the Mayor of Fort Lupton shall be two hundred dollars (\$200.00) monthly, plus twenty-five dollars (\$25.00) for attendance at each regular, workshop or special meeting of the City Council, Council budget and planning retreats and posted special meetings with other elected official bodies.

(b) The compensation for each member of the City Council shall be one hundred fifty dollars (\$150.00) monthly, plus twenty-five dollars (\$25.00) for attendance at each regular, workshop or special meeting of the City Council, Council budget and planning retreats and posted special meetings with other elected official bodies.

(c) The compensation schedule set forth above shall apply only to those persons elected or appointed to fill positions of those persons elected after November 5, 2001, and shall neither increase nor diminish during the term of office for which the person was elected or appointed. Each person appointed to fill a vacancy in the office of Mayor or member of Council shall receive the same compensation as was established for the office when the vacancy occurred. (Ord. 644, 1993; Ord. 2001-784)

Sec. 2-26. Regular meetings of City Council and Enterprise Boards.

(a) Regular meetings of the City Council shall be held on the second and fourth Wednesdays of each month at the City Complex at 7:00 p.m. Regular meetings of the Fort Lupton Utilities Enterprise Board and the Golf Course Enterprise Board shall be held on the second and fourth Wednesdays of each month at the City Complex at 7:00 p.m. concurrent with the City Council meeting and integrated with the regular agenda and minutes of those meetings. Special meetings of

either Enterprise Board shall be called in the same manner as special meetings of the City Council, as provided in Section 2-27 of this Code.

(b) When a regular meeting date of the City Council and the Enterprise Boards occurs on a national, state or recognized holiday, the City Council shall have the option not to meet on the holiday or to select an alternate date, provided that notice is given. Notice shall be given by the City Council at the preceding meeting announcing that no meeting will take place or announcing the alternate meeting date. One (1) publication announcing the changes for the entire year, due to holidays, is sufficient publication notice for the entire year. (Prior code 2-564-1, 2-564-5; Ord. 645 §1, 1993; Ord. 2001-783)

Sec. 2-27. Special meetings.

(a) Special meetings of the City Council shall be called by the City Clerk on the written request of the Mayor and/or by any three (3) members of the City Council, by at least twenty-four (24) hours' written notice prior to said meeting, to each member of the City Council, served personally or left at his or her usual place of residence.

(b) The City Council at any duly convened meeting may, by majority vote, call a special meeting for a future date. Notice of such meeting shall be given to any member of the City Council not in attendance.

(c) No business shall be transacted at any special meeting of the City Council unless the same has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the City Council present consent thereto and all the members absent file their written consent; provided, however, that ordinances may be introduced and read only at regular meetings or adjourned regular meetings.

(d) Should the City Council convene for a special meeting pursuant to a request of an interested party for the purpose of accommodating time constraints of said interested party, the City Council may, in its discretion, assess fees for the special meeting against the interested party. The City Council may from time to time by resolution adopt a schedule of fees which may be assessed for special meetings. Said fees shall reasonably compensate the staff of the City and the City Attorney for time spent in preparation for attendance at special meetings. (Prior code 2-564-2; Ord. 645 §1, 1993)

Sec. 2-28. Public meetings.

All regular and special meetings of the City Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the City Council may prescribe. (Prior code 2-564-3)

Sec. 2-29. Executive and study sessions.

The City Council may hold such study sessions and executive sessions as the City Council may determine; provided, however, that no formal and legally binding action by the City Council shall be taken at any such executive or study sessions. (Prior code 2-564-4)

Sec. 2-30. Attendance at meetings.

(a) Attendance requirements. All members of the City Council shall be required to regularly attend City Council meetings, both regular and special, for the purpose of fully representing their constituents. The minimum attendance requirements shall be that no member shall be permitted to be absent for more than three (3) consecutive regular or special meetings unless said member is excused by the remaining members of the City Council.

(b) Excused absences. The City Council shall have the authority to excuse the absence of any member of the City Council for any reason the City Council may deem reasonable and appropriate, taking into account the family, work and health and any other appropriate circumstances of the member.

(c) Vacancy declared. The City Council may declare vacant any office of a Councilmember where a Councilmember has accrued three (3) consecutive unexcused absences, and the City Council shall declare said vacancy to exist by an appropriate roll call vote. If any vacancy occurs in the office of a Councilmember by unexcused absences, the same shall be filled by appointment of a majority vote of the City Council, and such appointee shall hold such office only until the next regular election when such vacancy shall be filled by election as in other cases. (Prior code 2-443-1, 2-443-2, 2-443-3)

Sec. 2-31. Conduct of meetings; voting.

(a) Meetings of the City Council shall be conducted by the Mayor.

(b) A majority shall constitute a quorum to do business at all meetings of the City Council, and each member, including the Mayor, shall vote upon every question put by the Chair unless allowed by the City Council to abstain. The Mayor shall preside at all meetings of the City Council and shall have the same voting powers as any member of the City Council. Upon the taking of any vote, the City Clerk shall record in the minutes the names of those voting and their votes.

(c) At the hour appointed for meeting, the members shall be called to order by the Mayor or, in his or her absence, by the Mayor Pro Tem, and the City Clerk shall proceed to call the roll, note the absentees and announce whether a quorum is present. If a quorum is present, the City Council shall proceed with the business before it, in the manner and order as established by the City Council. (Ord. 645 §1, 1993)

Sec. 2-32. Passage of ordinances; quorum.

A majority of the City Council, including the Mayor, elected or appointed, then sitting, shall constitute a quorum to transact business. For purposes of the passage of ordinances or resolutions, appointed shall be the same as elected under state statute. (Ord. 645 §1, 1993)

Sec. 2-33. Boards and commissions.

The City Council shall create and appoint members to such boards and commissions as may now or hereafter exist, including but not limited to the following:

- (1) Library Board.
- (2) Planning Commission.
- (3) Zoning Board of Adjustment. (Ord. 645 §1, 1993)

Secs. 2-34—2-50. Reserved.

ARTICLE III

Officers and Employees

Sec. 2-51. Appointed officials.

(a) The incumbents of the following positions shall be deemed to be appointed officials of the City:

- (1) City Administrator;
- (2) City Clerk;
- (3) City Attorney; and
- (4) Municipal Judge.

(b) These officials of the City have been and, in the future, shall be appointed by majority vote of all members of the City Council, following the regular November 2007 municipal election, for a three-year term, and reappointed every two (2) years thereafter unless good cause exists for the removal pursuant to Section 2-54 of this Article. These positions, which are also referred to as appointed officers by state law, do not include officials who are selected from among the City Council membership which are the:

- (1) Mayor Pro Tem; and
- (2) City Treasurer.

(c) Neither the Municipal Judge nor the City Attorney must reside in the City. The City Council shall establish the salary and benefits for each appointed official. All appointed officials of the City are subject to the control and direction of the Mayor pursuant to Section 31-4-107(b), C.R.S. (Ord. 645 §1, 1993; 663 §I, 1994; Ord. 2007-887)

Sec. 2-52. Appointed officials; general provisions.

(a) The activities and functions under the direction and management of the City Administrator shall be distributed among such departments as established by ordinance of the City Council.

(b) Each department shall be headed by an employee appointed by the City Administrator and confirmed by the City Council subject to the direction and control of the City Administrator. With

the consent or direction of the City Council, the City Administrator may serve as the department head of one (1) or more departments; and, with the consent of the City Council, may appoint one (1) person as the department head of two (2) or more departments.

(c) The City Administrator shall serve as the Personnel Officer unless the City Council has authorized the appointment of a Personnel Officer. (663 §II, 1994; Ord. 98-728, Part 2; Ord. 99-754)

Sec. 2-53. Oath of office; bond.

(a) When required by the City Council, each officer or employee, before entering upon the duties of his or her office, shall take and subscribe to an oath to support the Constitution and laws of the United States and the State and the ordinances of the City.

(b) In all cases where, by law, ordinance or resolution of the City Council, a bond is required of any such officer, he or she shall make and execute to the City a bond in such sum as is required, to be approved by the City Council, conditioned for the faithful performance of all duties pertaining to such office, the proper care of all money or property of the City coming into his or her hands and the proper accounting for or delivery of the same. (Ord. 645 §1, 1993)

Sec. 2-54. Removal of City officers (also known as appointed officials).

(a) Cause for removal. By a majority vote of all members elected to the City Council, any appointed officer may be removed from office pursuant to Section 31-4-107, C.R.S. No removal for charges specified under Section 31-4-107(2)(b), C.R.S., shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made is required to live in the City and has moved out of the limits of the City. When any officer who is required to reside in the City by the personnel rules or this Code ceases to reside within the City, he or she shall be removed from office without other cause. A Municipal Judge may be removed during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S.

(b) Specification of charges. All charges preferred against any such officer of the City, for any cause or causes specified in the foregoing subsection, for the removal of such officer, shall be made in writing to the City Council and shall clearly specify any such cause or causes of removal.

(c) Service of charges and notice of hearing. A copy of such charges and specifications, together with a notice of the time and place of hearing, shall be served upon the accused at least fifteen (15) days before the day of hearing.

(d) Hearing. At the time and place so set, the City Council shall meet and proceed according to its rules to hear the evidence against the accused officer, as well as the evidence offered in his or her behalf, adjourning from time to time as may be necessary, until all the evidence shall have been given.

(e) Decision. Within three (3) days after the evidence shall have been given, the City Council shall vote by yeas and nays upon each charge and specification separately. The question upon each charge shall be "Is the accused guilty?" If the City Council, by a lawful number, finds the accused officer guilty of any specified charge aforesaid, it shall resolve that the accused be removed from office and his or her office declared vacant.

(f) Appearance by counsel. Upon the trial as aforesaid, the accused shall be heard by himself or herself or by counsel in his or her defense, and the City may also be represented by counsel in the prosecution of such charges. The Chief of Police, the Mayor or the City Clerk may serve any paper required to be served by any provisions of this Article. (Ord. 645 §1, 1993; 663 §III, 1994; Ord. 98-728, Part 3)

Sec. 2-55. City Clerk; duties.

The City Clerk shall perform the following duties:

- (1) Be the City Clerk of the City Council, attend all meetings of the City Council and keep a permanent journal of its proceedings.
- (2) Be the custodian of all of the City's records, and such records shall be open at all reasonable times for inspection by electors of the City.
- (3) Certify by his or her signature all ordinances and resolutions enacted or passed by the City Council.
- (4) Provide and maintain in his or her office a supply of forms for election petitions required to be filed.
- (5) Countersign all warrants drawn on the City Treasury.
- (6) Maintain and administer cemetery records;
- (7) Organize and support applicable committees as assigned; and
- (8) Perform such other duties as may be prescribed for him or her by law or by the City Council or the City Administrator. (Ord. 645 §1, 1993; Ord. 98-721; Ord. 99-754)

Sec. 2-56. City Attorney; powers and duties.

The City Attorney shall perform the following duties:

- (1) Act as legal advisor to, and be attorney and counsel for, the City Council and be responsible solely to the City Council. He or she shall advise any officer or department head of the City in matters relating to his or her official duties when so requested.
- (2) Prosecute ordinance violations and conduct for the City cases in Municipal Court.
- (3) Prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the City Council, and promptly give his or her opinion as to the legal consequences thereof.
- (4) Call to the attention of the City Council all matters of law, and changes or developments therein, affecting the City.

(5) Perform such other duties as may be prescribed for him or her by the City Council. (Ord. 645 §1, 1993)

Sec. 2-57. City Administrator; powers and duties.

(a) The City Administrator, pursuant to Section 31-4-107(b), C.R.S., shall be subject to the control and direction of the Mayor.

(b) The City Administrator shall be charged with the general administration of the City with authority to appoint and supervise the department heads of the City and the general responsibility to administer the governmental and proprietary activities of the City; to perform the functions and exercise the authority set forth in the personnel rules of the City; to make recommendations to the City Council concerning the affairs of the City; to keep the City Council advised of the financial conditions and future needs of the City; and to prepare and submit to the City Council such reports as are required by the City Council. (Prior code 2-565-1, 2-565-2, 2-565-3; Ord. 643, 1993; Ord. 645 §1, 1993; 663 §IV, 1994; Ord. 99-754)

Sec. 2-58. Reserved.

Sec. 2-59. Reserved.

Sec. 2-60. Finance Department.

(a) Establishment. There is established the Finance Department.

(b) Functions. The functions of the Finance Department shall include:

(1) Determining taxes due, billing and collecting taxes and administration of tax foreclosure processes and foreclosure sales;

(2) Accounting for revenues and expenditures, furnishing budget and financial planning reports and maintaining federal and state aid, grant, loan and entitlement accounting reports and other financial statements;

(3) Maintaining a payroll system and records;

(4) Controlling and administering the inventory of City real property, except unimproved City land, and City personal property;

(5) Providing investment maintenance;

(6) Administering purchasing functions, including purchasing general office supplies and equipment where appropriate for centralized use, accounts receivable and accounts payable;

(7) Maintaining automated data processing for the Finance Department;

(8) Providing treasury services, including, but not limited to, debt management;

(9) Preparing the annual financial plan and budget and capital improvement program funding;

- (10) Maintaining project and program accounting records;
- (11) Maintaining City enterprises, funds, records and accounts;
- (12) Administering and maintaining risk management programs and records, insurance programs, safety meetings, bulletins, records and workers' compensation programs;
- (13) Administering pension plans and retirement programs for City employees;
- (14) Organizing and supporting applicable committees as assigned; and
- (15) Such other functions and duties as the City Administrator may assign. (Ord. 663 §V, 1994; Ord. 98-721; Ord. 99-754)

Sec. 2-61. Public Works Department.

- (a) Establishment. There is established the Public Works Department.
- (b) Functions. The functions of the Public Works Department shall include:
 - (1) Managing any water distribution infrastructure, including water mains, fire hydrants and service lines;
 - (2) Managing any wastewater distribution infrastructure, including sewer mains and service lines;
 - (3) Surveying to establish boundaries of City property and review of surveying performed by City consultants;
 - (4) Reviewing of community and subdivision development to assure compliance with City ordinances and regulations;
 - (5) Constructing, repairing and maintaining of roads, streets, trails, parks, drainage facilities and other City facilities and structures;
 - (6) Maintaining, repairing, cleaning and renovating City buildings, except for recreational facilities and structures;
 - (7) Maintaining and repairing of City rolling stock and public works equipment;
 - (8) Coordinating City operations and construction projects with federal, state, county and other outside agencies;
 - (9) Preparing, administering and implementing emergency preparedness response plans pertaining to utilities, buildings and infrastructures;
 - (10) Organizing and supporting applicable committees as assigned; and

(11) Such other functions and duties the City Administrator may assign. (Ord. 663 §V, 1994; Ord. 98-721; Ord. 99-754)

Sec. 2-62. Public Safety Department.

(a) Establishment. There is established the Public Safety Department.

(b) Management. The Public Safety Department shall be managed by the Public Safety Director (Chief of Police).

(c) Functions. The functions of the Public Safety Department shall include:

(1) Enforcing the Code of the City and the laws of the State;

(2) Implementing and administering the rules and regulations of the Police Department;

(3) Suppressing and controlling all riots, disturbances and breaches of the peace for the maintenance of good order and public safety and welfare;

(4) Directing and administering the operations of the Police Department, subject to the personnel rules and policies of the City;

(5) Preparing and rendering reports of the operational and financial affairs of the Police Department;

(6) Reviewing and recommending issuance of alcohol dispensing or selling licenses and other special licenses;

(7) Issuing of gun permits pursuant to City ordinances and state laws;

(8) Preparing, coordinating and managing the City Emergency Preparedness Plan;

(9) Directing and supervising the City Emergency Dispatch Center and any contracts related thereto; and

(10) Such other functions and duties the City Administrator may assign.

(d) Special provision. Before entering upon the duties of the Public Safety Director, he or she shall take and subscribe to an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the Code of the City and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(e) Oath of officers. Before entering upon the duties of his or her office, each police officer shall take and subscribe an oath that he or she will support the Constitution and laws of the State, the Constitution of the United States and the Code of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(f) Custodian of personal property. The Public Safety Director is the official custodian of each and every article or object of personal property lost, stolen, confiscated, forfeited or abandoned which has been delivered to or is taken into custody by the City.

(g) Disposition of property. All lost, stolen, confiscated, forfeited or abandoned property delivered to the custodian shall be subject to disposition as follows:

(1) In cases of property where the owner is known to the City, that property shall be returned to the owner after the City has terminated its official use of the property, unless the property has been confiscated by or forfeited to the City.

(2) If the actual owner of the property is unknown to the City, the custodian shall examine such property and any public records which might reveal the ownership of the property and attempt to notify the actual or apparent owner in person, by phone or by first class mail, postage prepaid, to the last known address of such actual or apparent owner, which notice should describe the property and indicate that it will be sold or otherwise disposed of unless claimed within thirty (30) days of the giving or mailing of such notice.

(3) All property which is confiscated, forfeited or remains unclaimed for more than thirty (30) days after the same is no longer required to be held in custody, or which remains unclaimed more than thirty (30) days after the notice to the actual or apparent owner, shall become the property of the City and may be retained or disposed of for the benefit of the City or its citizens but not for private use or gain. The City may elect to sell by sealed bid or by public auction after sufficient public notice, and after proper attempts to locate owners, if such information be available to the City, any personal property under its control. Proceeds from such sales will become part of the general fund as other revenue. (Ord. 663 §V, 1994)

Sec. 2-63. Code Enforcement and Community Service Officers.

Persons employed as Code Enforcement Officers and Community Service Officers in the Public Safety Department may be appointed by the City Administrator, and be authorized by the Mayor, to serve as duly appointed law enforcement officers of the City, authorized to enforce municipal code violations only. These personnel shall have the authority to issue summonses and complaints pursuant to Rule 206 of the Municipal Court Rules of Procedure and Section 13-10-111, C.R.S. These personnel are law enforcement officers for all purposes under this Code, including all zoning provisions and Sections 10-71 through 10-74 and 10-77, and may enforce all parking provisions found throughout this Code, including the Model Traffic Code, adopted by reference; except that these personnel shall not have arrest powers or authorization to enforce provisions (other than herein noted) of Chapters 8 and 10 of this Code. (Ord. 663 §VI, 1994; Ord. 99-754; Ord. 2001-779; Ord. 2002-797)

Sec. 2-64. Employees.

Positions not designated as officials or appointed officials in this Article are designated as employee positions. The policy and practice of the employee/employer status in the City is "employment at will." Employees have no tenure or vested rights in the continuance of their employment and nothing in this Code, nor in the personnel rules and procedures of the City, shall be utilized or construed as affecting or amending this status. Neither the employee nor the City is bound

to continue the employment relationship if either chooses, at his, her or its will to end the employment relationship at any time; except that employees or proposed employees who sign contracts with the City for a specific minimum term of employment are bound by the obligations of such a contract. (Ord. 663 §VII, 1994; Ord. 99-754)

Sec. 2-65. Engineering Department.

- (a) Establishment. There is established the Engineering Department.
- (b) Functions. The functions of the Engineering Department shall include:
 - (1) Designing and managing public works projects, including preparation of plans, specifications and construction packages;
 - (2) Reviewing and administering engineering, architectural and other public works-related professional consultant contracts;
 - (3) Inspecting and reviewing community and subdivision developments relating to design and construction standards for drainage, streets, curb, gutters, sidewalks, water and wastewater facilities and other City-related development and infrastructure standards;
 - (4) Coordinating and managing the development of the Six Year Capital Improvements Program;
 - (5) Organizing and supporting applicable committees as assigned; and
 - (6) Such other functions and duties as the City Administrator may assign. (Ord. 99-754)

Sec. 2-66. Enterprises Department.

- (a) Establishment. There is established the Enterprises Department.
- (b) Functions. The functions of the Enterprises Department shall include:
 - (1) Managing any water enterprise, including operating and maintaining water sources, treatment and distribution facilities and complying with all applicable federal and state regulations;
 - (2) Managing any wastewater enterprise, including operating and maintaining wastewater treatment and collection facilities and complying with all applicable federal and state regulations;
 - (3) Managing any golf course enterprise, including operating and maintaining golf course grounds, club house, equipment and facilities;
 - (4) Organizing and supporting applicable committees as assigned; and
 - (5) Such other functions and duties as the City Administrator may assign. (Ord. 99-754)

Sec. 2-67. Parks Department.

(a) There is hereby established the Parks Department.

(b) The functions of the Parks Department shall include maintaining and administering City parks, open spaces, cemetery grounds and structures and providing support and services for related City functions, committees and the Golf and Recreation Enterprises. The City may charge the Golf and Recreation Enterprises for such support and services. (Ord. 99-754; Ord. 2004-820, Pt. 2)

Sec. 2-68. Planning and Development Department.

(a) Establishment. There is established the Planning and Development Department.

(b) Functions. The functions of the Planning and Development Department shall include:

(1) Administering and processing annexations, zoning, rezoning, subdivisions, planned unit developments, other land use and development plats, City growth and master planning;

(2) Coordinating enforcement of zoning, annexation, subdivision, growth management and development ordinances, agreements and regulations, and development agreements;

(3) Ensuring that the requirements of the City's various master plans are incorporated in the Six Year Capital Improvements Program;

(4) Managing and administering the City's economic development programs and coordinating such programs with applicable state and local agencies;

(5) Organizing and supporting applicable committees as assigned; and

(6) Such other functions and duties as the City Administrator may assign. (Ord. 99-754)

Sec. 2-69. Legal and Court Department.

(a) Establishment. There is established the Legal and Court Department.

(b) Functions. The functions of the Legal and Court Department shall include:

(1) Providing research and legal advice to the City Council and other City staff as requested and defending the City in litigation matters as necessary;

(2) Coordinating all activities of the Municipal Court including summonses, cash preparation and management, record keeping, arraignments, jury trial preparation, transport orders, warrants and dispositions;

(3) Coordinating community service efforts and referrals from outside agencies;

(4) Prosecuting misdemeanor crimes and violations of the Fort Lupton Municipal Code; and

(5) Such other functions and duties as the City Administrator may assign. (Ord. 99-754)

Secs. 2-70—2-80. Reserved.

ARTICLE IV

Social Security

Sec. 2-81. Legislative declaration.

In the opinion of the City Council, the extension of the social security system to employees and officers of the City will be of great benefit not only to the employees of said City by providing that said employees and officers may participate in the provision of the Old-Age and Survivors' Insurance System, but also to the City by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government. (Prior Code 2-249-1; Ord. 645 §1, 1993)

Sec. 2-82. Establishment.

(a) The 38th General Assembly of the State of Colorado, in regular session, enacted a statute, known as "House Bill No. 291," which is the enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the State Department of Employment Security to act as the Department to implement the coverage of employees and officers under the Old-Age and Survivors' Insurance System.

(b) Appropriation is hereby made from the proper fund or funds of the City in the necessary amount to pay into the contribution fund as provided in Section 5(c)(1) of the enabling Act and in accordance with the plan or plans and agreement.

(c) Authority is given to the Mayor and the City Clerk of the City to enter into an agreement with the State Department of Employment Security, which agreement shall be in accordance with House Bill No. 891 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this City shall be in effect as of January 1, 1957. (Prior code 2-249-1; Ord. 645 §1, 1993)

Secs. 2-83—2-100. Reserved.

ARTICLE V

Secs. 2-101—2-120. Reserved.

ARTICLE VI

Secs. 2-121—2-140. Reserved.

ARTICLE VII

Municipal Court

Sec. 2-141. Creation of Municipal Court.

A qualified Municipal Court of record in and for the City is hereby created and established pursuant to and governed by the provisions of state law. (Ord. 625 §4-1, 1992; Ord. 645 §1, 1993)

Sec. 2-142. Appointment of Municipal Judge.

The Municipal Court shall be presided over by a Municipal Judge, who shall be appointed by the City Council for a specified term of two (2) years and who may be reappointed for subsequent terms; except that the initial appointment under this Section may be for a term of office which expires on the date of the next election of the City Council. Any vacancy in the office of Municipal Judge shall be filled by appointment of the City Council for the remainder of the unexpired term. Additional judges as may be needed to transact the business of the Court may be appointed by the City Council for a term as necessary. (Ord. 625 §4-1, 1992; Ord. 645 §1, 1993)

Sec. 2-143. Compensation of Municipal Judge.

The compensation of the Municipal Judge shall be an annual salary in an amount set by the City Council and shall be payable quarterly. (Ord. 645 §1, 1993)

Sec. 2-144. Oath of office.

Before entering upon the duties of his or her office, a Municipal Judge shall take an oath of affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the laws of the City, and will faithfully perform the duties of his or her office. (Ord. 645 §1, 1993)

Sec. 2-145. Assistant judges.

The City Council may appoint such assistant judges as may be necessary to act, or such substitute judges as circumstances require in case of temporary absence, sickness, disqualification or other inability of the presiding or assistant Municipal Judges to act. In such cases of immediate necessity, the Mayor may act on behalf of the City Council to appoint a temporary substitute judge to act until the regularly appointed judge can resume duty or until the next regular meeting of the Council. (Ord. 625 §4-1, 1992)

Sec. 2-146. Powers of Municipal Judge.

The Municipal Judge has all judicial powers relating to the operation of the Municipal Court, subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court. The presiding Municipal Judge has authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado Supreme Court. The judicial powers of the Municipal Judge shall include the power to enforce subpoenas issued by any board, commission, hearing officer or other body or officer of the City authorized by law or ordinance to issue subpoenas. (Ord. 625 §4-1, 1992)

Sec. 2-147. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the City, with full power to punish violators thereof by the impositions of such fines and penalties as are prescribed by ordinance. (Ord. 645 §1, 1993)

Sec. 2-148. Rules of procedure.

In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court. (Ord. 645 §1, 1993)

Sec. 2-149. Contempt power.

(a) When the Municipal Court finds a person over the age of eighteen (18) to be in contempt, the Municipal Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and incarceration not to exceed a term of three hundred sixty-five (365) days.

(b) When the Municipal Court finds a person under the age of eighteen (18) to be in contempt, the Municipal Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00), and incarceration not to exceed a term of two (2) days.

(c) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury. (Prior code 4-527-4; Ord. 645 §1, 1993; Ord. 2006-865 Pt. 1)

Sec. 2-150. Court Clerk.

The City Administrator, with the approval of the City Council, may appoint a person to serve as Court Clerk, whose duties shall be those assigned by the presiding Municipal Judge. The presiding Municipal Judge may also act as Court Clerk in accordance with state statutes. (Ord. 645 §1, 1993)

Sec. 2-151. Posting of bond.

For the convenience of the public, any person who shall have been arrested for the violation of any ordinance of the City may appear before the Municipal Judge or the Chief of Police and give bond conditioned for his or her appearance before the Municipal Judge at a time certain. Said bond shall be in a sum to be fixed by the Municipal Judge or Chief of Police at not more than the maximum penalty provided for the violation thereof, by the ordinance of which the person is alleged to have violated. This bond shall be signed by such defendant with surety or sureties to be approved by such Municipal Judge or Chief of Police, or such defendant may deposit the amount thereof in cash and thereupon such defendant may be released from custody to appear at the next session of Municipal Court or such day as is fixed in said bond. Such defendant may sign a written plea of guilty and empower a person to be named therein to appear in Municipal Court for him or her to enter such plea of guilty and from said deposit pay such fine and cost as may be imposed by the Court. (Prior code 4-219-1)

Sec. 2-152. Electronic monitoring program.

(a) The Municipal Court shall be empowered to place a liable or convicted person on probation or to suspend cost of the electronic monitoring program, all or part of a fine/penalty or term of incarceration imposed with such terms of probation or suspension as the Municipal Court deems just. Further, as a condition of that probation or suspension, the Municipal Court may order the person to participate in an electronic monitoring program (commonly referred to as "in-home incarceration") for a period not to exceed ninety (90) days and may order that the defendant pay all costs associated with that program. The Municipal Court shall be empowered to determine eligibility for an electronic monitoring program and set terms and conditions according to the circumstances of each case. Failure to comply with the terms and conditions of the electronic monitoring program shall constitute a violation of probation or of a suspended sentence and may constitute contempt of court. If the Municipal Court finds that a violation did occur, the Municipal Court may impose any suspended sentence or restructure the sentence according to the circumstances then existing.

(b) Electronic monitoring shall consist of the attachment of a device upon the person of the defendant for the purpose of reporting to a central monitoring office or device in order to ascertain and control the whereabouts of the defendant.

(c) The parents of a child and the child sentenced to electronic monitoring who fail to comply with the terms and conditions of the electronic monitoring program may be ordered to pay the costs of the electronic monitoring program, in addition to all or part of the suspended fine.

(d) The electronic monitoring program will be funded through the Municipal Court surcharge, as defined in Section 2-155. (Ord. 625 §4-4, 1992; Ord. 2006-865 Pt. 2)

Sec. 2-153. Witness fees.

All persons subpoenaed to appear as witnesses in Municipal Court are entitled to be paid a witness fee in the amount of five dollars (\$5.00). Those fees may be ordered to be paid to the Court as costs by convicted defendants. Regardless of whether a conviction results or not, defendants shall be responsible for paying witness fees to those witnesses subpoenaed by defendants. (Ord. 625 §4-5, 1992)

Sec. 2-154. Appeals.

Appeals from Municipal Court shall be to the Weld County District Court according to the Municipal Court Rules of Procedure and statutes for courts of record, with the defendant paying directly a qualified professional transcriber approved by the Court to prepare the transcript of the proceedings. (Ord. 625 §4-6, 1992)

Sec. 2-155. Sentencing; stays of execution.

(a) At the time sentence is imposed, the Court may, but need not, grant a defendant a stay of execution upon such terms and with such security as the Court deems just.

(b) If a jail term is imposed and no stay of execution is granted, the defendant shall be immediately remanded to the custody of the Police Department to serve said jail term.

(c) If a fine, costs or fees are imposed and a stay of execution is granted, the defendant shall pay said amounts within the time granted by the stay of execution and shall be informed when said stay of execution is granted that failure to pay within the time allowed may constitute a contempt of court. The Court may order a date certain for the defendant to return in the event the amounts are not timely paid, to show cause, if the defendant have any, why the defendant should not be held in contempt of court for failure to pay. If the defendant neither timely pays nor returns on the date ordered, a bench warrant may be issued for the arrest of the defendant.

(d) If the defendant fails to timely pay the amounts due, the defendant shall return on the date set and show cause, if he or she has any, why he or she should not be found in contempt of court for failure to pay. If the defendant appears and is found in contempt for failure to pay, the court may impose such penalty as may be appropriate for the contempt and may forthwith demand the custody of the defendant to the Police Department for the defendant's incarceration in City or County facilities until such amounts are paid, with credit given at the rate of ten dollars (\$10.00) per day while in custody.

(e) The City Council hereby recognizes the Victim's Compensation Fund (VCF) and the Municipal Court's authority to collect VCF fees from each defendant who is found guilty or pleads guilty or no contest in the Municipal Court, and further specifies as follows:

(1) A Victim's Compensation Fund (VCF) fee of not less than ten dollars (\$10.00) shall be imposed and collected from each such defendant as court costs, in addition to any other court costs imposed. This VCF fee is not subject to being suspended, waived or converted to Useful Public Service (UPS) or Voluntary Public Service (VPS) hours. The VCF shall be established as a separate restricted account of the City, shall be budgeted as such and shall not be subject to transfer to any other account at any time, except as may be necessary for disbursement as set forth in the VCF guidelines.

(2) The VCF guidelines are approved and adopted as attached to the ordinance codified herein, on file in the office of the City Clerk, and may be amended from time to time by approval of the City Council.

(f) The Municipal Court has the authority to order restitution to victims of crime (or the VCF if disbursement has been made to the victim through that fund) in cases where defendants are found guilty or plead guilty or no contest. There is no limit on the dollar amount of restitution the Municipal Court may order. The full scope and process of this authority is found in Sections 18-1.3-601, et seq. and 16-18.5-101, et seq., C.R.S., which the City Council finds and adopts as applying to the Municipal Court.

(g) The City Council hereby ratifies the Municipal Court-imposed police equipment and training fee and the Municipal Court surcharge. The Municipal Court has authority to collect such fees and surcharges from each defendant who is found liable for a traffic infraction, or is guilty or pleads guilty or no contest in the Municipal Court, and further specifies as follows:

(1) A police equipment and training fee of not less than five dollars (\$5.00) shall be imposed and collected from each such defendant as court costs, in addition to any other court costs imposed. The police equipment fee shall be established as a separate restricted account of the City and shall be budgeted as such, and shall not be subject to transfer to any other account at any time,

except as may be necessary for disbursement of funds as set forth in the police equipment fee guidelines.

(2) A Municipal Court surcharge of not less than five dollars (\$5.00) shall be imposed and collected from each such defendant as court costs, in addition to any other court costs imposed. Proceeds from the Municipal Court surcharge may be used for purposes related to probation or diversion programs created by the Municipal Court.

(3) The police equipment and training fee and Municipal Court surcharge guidelines are approved and adopted as attached hereto, and may be amended from time to time by resolution of the City Council. (Prior code 4-527-3; Ord. 2004-837 Pt. 1; Ord. 2006-865 Pt. 3)

Sec. 2-156. Assessment of court costs, jury fees and collection costs.

The Municipal Judge is empowered to assess court costs of up to seventy-five dollars (\$75.00) against any defendant who pleads guilty or no contest, or is found guilty or liable for a traffic infraction at the time of sentencing or at the time of entry of judgment and penalty. Total court costs may exceed seventy-five dollars (\$75.00), if the total is more than seventy-five dollars (\$75.00) as a result of witness fees assessed, jury fees assessed or assessments pursuant to Subsection 2-155(g). Convicted defendants are to be assessed witness fees of ten dollars (\$10.00) for each witness subpoenaed and appearing and each juror summoned or serving in a jury trial case. Jury fees shall be ten dollars (\$10.00) per day for persons appearing pursuant to being summoned and fifteen dollars (\$15.00) per day for persons serving on the jury. Total costs may also exceed seventy-five dollars (\$75.00) as a result of warrant issuance fees imposed or an outstanding judgment warrant cost (OJW), and collection fees for cases that are referred to a private collection agency. Entry of an order to pay a fine, penalty or assessment, and court costs, also constitutes a civil judgment against a defendant. If all or a part of such are not paid when due, one (1) of the City's options is to collect the amount due as a civil judgment, including referral to a collection agent or agency. Collection costs shall be due to the City from the defendant, and the original amount ordered and due shall be increased to include interest from the date ordered due at the rate of twelve percent (12%) per annum, court costs incurred in the collection process, attorney fees incurred in the collection process and the fee or charge for collection by the agent or agency. (Ord. 625 §4-2, 1992; Ord. 2004-837 Pt. 2; Ord. 2006-865 Pt. 4)

Sec. 2-157. Parental responsibility.

(a) Whenever a minor under the age of eighteen (18) years residing with his or her parents is convicted of a violation of a municipal ordinance or code section, or found liable for a traffic infraction for which the Municipal Court imposes a fine, a penalty or court fees or costs, the parents of the minor may be jointly responsible for payment of such fine, penalty or court costs, by court order. It shall be an affirmative defense to the obligation created by this Section if the parent demonstrates to the Municipal Court that, at the time of the violation, either:

(1) The parent did not have lawful custody of the minor; or

(2) The minor is emancipated. For purposes of this Section only, the term emancipated minor means a minor over fifteen (15) years and under eighteen (18) years of age who has, with real or apparent assent of his or her parents, demonstrated his or her independence from his or her parents in matters of care, custody and earnings. The term may include but shall not be limited to any

such minor who has the sole responsibility for his or her own support, who is married or who is in the military.

(b) Parents are ordered by the Municipal Court to attend the first appearance in Municipal Court with their children who are alleged to have committed a violation. At that time or, if they do not appear at that time, at a later time when they do appear, the Municipal Court shall make the parents parties to the action and advise them of their responsibility under this Section. It is at that time that the parents must raise any affirmative defense, unless the Municipal Court grants permission for them to demonstrate their affirmative defense at a later hearing. (Ord. 2006-865 Pt. 5)

Secs. 2-158—2-180. Reserved.

ARTICLE VIII

Planning Commission

Sec. 2-181. Creation.

Pursuant to statutory authority, there is hereby created a Planning Commission for the City. (Ord. 645 §1, 1993; Ord. 649, 1994)

Sec. 2-182. Membership; appointment; terms.

The Planning Commission shall consist of a minimum of five (5) and a maximum of seven (7) regular members, who shall be appointed by the Mayor. There shall be no exofficio members. The terms of each regular member shall be staggered so that no more than three (3) persons' terms will expire at the same time, with a minimum three-year term and a maximum six-year term. One (1) alternate member may be appointed, within the same term parameters as a regular member, who shall act as a regular member of the Commission when any other member is absent from a meeting. (Ord. 649, 1994; Ord. 98-720; Ord. 2008-899)

Sec. 2-183. Chairman elected; meetings; public record.

The Commission shall elect its chairman from among the appointed members and 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. Election of officers shall take place at the first regularly scheduled meeting in January of each year. Regular meetings shall be scheduled for the second and fourth Tuesday of each month, with the Commission holding a minimum of one (1) regular meeting in each month. It 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. (Ord. 649, 1994)

Sec. 2-184. Staff and finances.

The Commission may, with the consent of the Council, contract with planners, engineers and architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated by the Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work. (Ord. 649, 1994)

Sec. 2-185. Powers and duties.

The Planning Commission shall have all of the powers and perform each and all of the duties specified in Section 31-23-201, et seq., C.R.S., as now constituted or as later amended. (Ord. 649, 1994)

Sec. 2-186. Master plan preparation.

The Commission may prepare a master plan for the City and make careful and comprehensive surveys and studies of present conditions and future growth of the City with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, mores, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements. (Ord. 649, 1994)

Secs. 2-187—2-200. Reserved.

ARTICLE IX

Library Board

Sec. 2-201. Creation.

There is hereby created and established a free public library and reading room, in and for the City, pursuant to state law. (Prior code 2-135-1)

Sec. 2-202. Board of Directors.

(a) The library and reading room shall be under the control of a board of seven (7) directors, consisting of the Mayor and six (6) citizens. Not more than one (1) member of the City Council shall be a member of said Board of Directors at any one (1) time.

(b) On the establishment of the public library and reading room, the Mayor shall, with the approval of the City Council, proceed to appoint six (6) persons from the citizens of the City who, with the Mayor, shall constitute the Board of Directors, and the president of said Board shall be the Mayor.

(c) Such Board of Directors shall constitute a body corporate by the name and style of "The Board of Directors of the Public Library of the City of Fort Lupton," and in that name may receive by gift, grant or devise, real and personal property for the use of the library and reading room, and be a party to all suits, proceedings and contracts the same as municipal corporations in this state.

(d) Such Board of Directors shall have the power to elect such officers and employees as it shall deem necessary, and to exercise all other powers provided in said statute or such powers as may hereinafter be provided. (Prior code 2-135-2, 2-135-3, 2-135-4, 2-135-5)

Sec. 2-203. Gifts, bequests, donations.

Any person may donate money, personal property or real estate for the benefit of such library and reading room and vest title thereto in the Board of Directors, as aforesaid, to be held and controlled by it, when accepted according to the terms of the deed, gift or bequest. (Prior code 2-135-6)

Secs. 2-204—2-220. Reserved.

ARTICLE X

Historic Preservation Board

Sec. 2-221. Board established.

There is hereby created a Historic Preservation Board, hereinafter in this Article referred to as the Board, which shall have the principal responsibility for matters of historic preservation as set forth in this Article. (Ord. 651, 1994; Ord. 95-677)

Sec. 2-222. Membership.

The Board shall consist of seven (7) regular voting members, providing a balance of interests and skills. At least four (4) members shall be residents of the City. Three (3) members may reside outside of the City limits. Among the seven (7) regular members, three (3) members shall be professionals or shall have considerable expertise or experience in a discipline that will prove valuable to the practical tasks encountered in historical designation or preservation; i.e., realtors, museum curators, planners, historians, architects, landscapers, archeologists, builders, geographers, anthropologists and attorneys. City Council may appoint up to two (2) ex-officio (nonvoting) members of the Board. The City Administrator may provide assistance to the Board. (Ord. 651, 1994; Ord. 95-677; Ord. 2007-890, Part 1)

Sec. 2-223. Appointments and terms of office.

(a) Members of the Board shall be appointed by the 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 membership shall serve as follows:

- (1) One (1) appointee shall serve a one-year term.
- (2) One (1) appointee shall serve a two-year term.
- (3) Three (3) appointees shall serve three-year terms.

(b) Members may continue to serve until their successors have been appointed. Members may be appointed to serve successive terms without limitation, subject to City Council approval. 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. Members of the Board may be removed by the City Council for neglect of duty or malfeasance in office. (Ord. 651, 1994; Ord. 95-677 Ord. 2007-890, Part 2)

Sec. 2-224. Quorum and voting.

A quorum for the Board shall consist of four (4) 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, and a majority vote of those present shall be required. A tie vote shall be deemed denial of the motion or recommended action. (Ord. 651, 1994; Ord. 95-677)

Sec. 2-225. Officers.

The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms. (Ord. 651, 1994; Ord. 95-677)

Sec. 2-226. Meetings.

The Board shall hold at least one (1) regularly scheduled meeting a month. Minutes shall be kept of all Board proceedings. (Ord. 651, 1994; Ord. 95-677)

Sec. 2-227. Powers and duties.

The Historic Preservation Board shall:

- (1) Adopt criteria for review of historic resources and for review of proposals to alter, demolish or move designated resources.
- (2) Review resources nominated for designation as a historic site or landmark and recommend that the City Council designate by ordinance those resources qualifying for such designation.
- (3) Review and make decisions on any application for alterations to a designated historic site.
- (4) Review and make decisions on any application for moving or demolishing a designated historic structure or improvement.
- (5) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.
- (6) Develop and assist in public education programs including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences.
- (7) Conduct surveys of historic areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas.

(8) Advise the City Council on matters related to preserving the historic character of the City. (Ord. 651, 1994; Ord. 95-677)

Sec. 2-228. Rules and procedures.

The Historic Preservation Board shall conduct its proceedings in accordance with the "City of Fort Lupton Rules and Procedures for Boards and Commissions" which set forth additional rules and procedures regarding officers' duties, member resignations, vacancies, agenda procedures, etc. In addition, the Board may establish additional rules of operation that are consistent with this Article. (Ord. 651, 1994; Ord. 95-677)

Sec. 2-229. Declaration of policy.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of sites, structures, objects and districts of historical, architectural or geographic significance located within the City are a public necessity and are required in the interest of the prosperity, civic pride and general welfare of the people. It is the opinion of the City Council that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets. (Ord. 651, 1994)

Sec. 2-230. Purpose.

(a) The purposes of this Article are to:

(1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;

(2) Foster civic pride in the beauty and accomplishments of the past;

(3) Stabilize or improve aesthetic and economic vitality and values of such sites, structures, objects and districts;

(4) Protect and enhance the City's attraction to tourists and visitors;

(5) Promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City;

(6) Promote good urban design;

(7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts now so owned and used, to the extent that the objectives listed above can be attained under such a policy;

(8) Create and empower the Historic Preservation Board in its administration and enforcement of the City's historic preservation management program; and

(9) Cooperate with state and federal historic preservation efforts as defined by the bylaws, policies and procedures of the Board.

(b) It is not the intention of this Article to preserve every old building in the City, but rather to provide a process to evaluate and protect only those sites, buildings, structures, neighborhoods and landmarks deemed to have historical, architectural or archaeological significance.

(c) The intention of this Article is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the City's unique historic character by ensuring that demolition of, moving or alterations to properties of historic value shall be carefully considered for impact of the property's contribution to the City's heritage. (Ord. 651, 1994)

Sec. 2-231. Staff.

The Historic Preservation Board shall have a secretary who shall be the custodian of the records of the Board. (Ord. 651, 1994)

Sec. 2-232. Volunteer Accident Medical Plan.

The members of the Historic Preservation Board shall be covered by the City's Volunteer Accident Medical Plan (VAMP). (Ord. 2007-890, Part 3)

Sec. 2-233. Chamber of Commerce liaison.

The Chamber of Commerce may appoint a person to act as an official liaison between the Chamber and the Historic Preservation Board. (Ord. 2007-890, Part 4)

Secs. 2-234—2-250. Reserved