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REVISIONS TO BROOMFIELD MUNICIPAL CODE

REVISION NO.	DATE ADDED	BY
1-78	September 14, 1978	Linda Dorsey
2-78	NOVEMBER 1, 1978	Barbara Bowers
3-78	January 25, 1979	Barbara Bowers
1-79	March 12, 1979	Barb Bowers
2-79	April 12, 1979	Barb Bowers
3-79	August 27, 1979	Bowers
3-80	March 10, 1980	B Bowers
2-80	June 27, 1980	J. W. ...
3-80	December 31, 1980	B Bowers
1-81	May 7, 1981	Nancy Wright
2-81	August 14, 1981	Barb. Bowers
3-81	January 27, 1982	Barb. Bowers
1-82	May 20, 1982	Barbara Bowers
2-82	Sept. 9, 1982	Barbara Bowers
3-82	Jan. 20, 1983	Barbara Bowers
1-83	May 9, 1983	Barbara Bowers
3-83		Graig
1-84		Graig
2-84		Graig
3-84	2-85	Graig
1-85	May 28, 1985	Schuler
2-85	9-85	Graig
1-86	min 3-86	Loe
3-86	7/8/87	Kris Ottosen
1-87	7/8/87	Kris Ottosen
8-88	9/31/88	J. Amman
1-89	1/27/89	J. Amman
	Current 2/92	Graig
8-91	2/4/92	Graig
10-91	inserted	
12-91	inserted	
4-92	inserted	L Brown
7-92	7-27-92	L Brown

Broomfield (Colo.)
[Laws, etc.]

BROOMFIELD
=
MUNICIPAL CODE

1978

REPLACES
1978
1977
.B76
43
1977

A Codification of the General Ordinances
of the City of Broomfield, Colorado

Codified, Indexed and Published by

BOOK PUBLISHING COMPANY
2518 Western Avenue
Seattle, Washington

PREFACE

The Broomfield Municipal Code is a codification of the general and permanent ordinances of the city of Broomfield, Colorado. The ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Terry W. Cole, city attorney. This volume covers ordinances through Ordinance 311, passed February 14, 1978.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter, and section. Thus, Section 18.12.050 is Section .050, located in Chapter .12 of Title 18. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

Footnotes referring to applicable statutory provisions are located throughout the text. A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

BOOK PUBLISHING COMPANY
2518 Western Avenue
Seattle, Washington 98121

PROCEDURE FOR DRAFTING ORDINANCES

New ordinances often amend, repeal, or add new sections to the code.

It is important when drafting these ordinances to mention, within the ordinance, the affected code section. Some cities/counties also like to include the underlying ordinance of the section being changed, which can be determined from the ordinance history in parentheses at the end of each section.

Procedure When Amending Existing Code Section.

Amend the code section specifically. The underlying ordinance section may also be included.

Examples: §3.04.020 of the _____ Municipal Code is amended to read as follows:

§3 of Ord. 319 and §3.04.020 of the _____ Municipal Code are amended to read as follows:
. . . .

Procedure When Repealing Existing Code Section.

Repeal the code section specifically, plus the underlying ordinance section if you wish. We consider both to be repealed whether you mention the underlying ordinance or not.

Examples: §3.04.020 of the _____ Municipal Code is hereby repealed.

§3 of Ord. 319 and §3.04.020 of the _____ Municipal Code are hereby repealed.

Procedure When Adding New Material to Code.

If new provisions are to be added to the code, you should determine where such material would best fit within an existing section, chapter or title. If there is no existing section, chapter or title, you should assign a new title, chapter or section number. In any case, our expandable decimal numbering system is designed to allow for the incorporation of new material without disturbing the numbering system of existing material.

The following language is sufficient to locate the new ordinance in the code:

There is hereby added to the Municipal Code of _____ §5.10.033, which is to read as follows:

Subsection D is hereby added to §5.10.040 of the Municipal Code as follows:

If you have any questions as to the proper placement of a new provision, please contact us.

Two copies of all ordinances passed should be forwarded to Book Publishing Company - 2518 Western Avenue - Seattle, Washington 98121.

Our editorial staff is always willing to provide assistance should there be any difficulty in amending the code.

BROOMFIELD MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 937, adopted August 25, 1992.**

Remove old pages:

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Insert new pages:

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Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

October 1992

Filed by: C. Gonzalez
Date: 11/10/92

BROOMFIELD MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 932, adopted June 9, 1992.**

Remove old pages:

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Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

July 1992

Filed by: *L Brown*
Date: *7-27-92*

BROOMFIELD MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 926, adopted March 10, 1992.**

Remove old pages:

Beginning:

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Beginning:

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Title page
i
Supplementation Tab (before Supplementation
instruction sheets)
iii (behind Supplementation instruction sheets)

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Insert this instruction sheet behind the Supplementation Tab in the front of the volume.
File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

April 1992

Filed by: *L Brown*
Date: *7-27-92*

REVISION 12-91
February 1992

BROOMFIELD MUNICIPAL CODE

Supplement Insertion Guide

This Supplement consists of reprinted pages replacing existing pages in the Broomfield Municipal Code, and covers all ordinances through:

Ordinance No. 922, adopted December 10, 1991.

Remove pages listed in the column headed "Remove old pages" and in their places insert the pages listed in the column headed "Insert new pages."

Remove old pages

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This guide for insertion should be retained as a permanent record of pages supplemented and should be inserted in front of the Code.

MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(904) 576-3171
1-800-262-CODE

Note—The revision number on Municipal Code Supplements indicates that the Supplement includes all ordinances adopted through that month.

BROOMFIELD MUNICIPAL CODE

Supplement Insertion Guide

This Supplement consists of reprinted pages replacing existing pages in the Broomfield Municipal Code, and covers all ordinances through:

Ordinance No. 914, adopted September 24, 1991.

Remove pages listed in the column headed "Remove old pages" and in their places insert the pages listed in the column headed "Insert new pages."

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This guide for insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Code.

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Tallahassee, FL 32316
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BROOMFIELD MUNICIPAL CODE

Supplement Insertion Guide

This Supplement consists of reprinted pages replacing existing pages in the Broomfield Municipal Code, and covers all ordinances through:

Ordinance No. 910, adopted August 13, 1991.

Remove pages listed in the column headed "Remove old pages" and in their places insert the pages listed in the column headed "Insert new pages."

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This guide for insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the Code.

MUNICIPAL CODE CORPORATION
Post Office Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32316
(904) 576-3171
1-800-262-CODE (National)
1-800-342-CODE (Florida)

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SUPPLEMENT
 INSERTION GUIDE
 BROOMFIELD MUNICIPAL CODE

January, 1989

(Covering Ordinances through 806)

This supplement consists of reprinted pages replacing existing pages in the Broomfield Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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NOTE: The revision number on Municipal Code Supplements indicate that the Supplement includes all ordinances adopted through that month.



City of Broomfield

NUMBER SIX GARDEN OFFICE CENTER • BROOMFIELD, COLORADO 80020 • PHONE (303) 469-3301

SUPPLEMENT

INSERTION GUIDE

BROOMFIELD MUNICIPAL CODE

August, 1988

(Covering Ordinances through 777)

This supplement consists of reprinted pages replacing existing pages in the Broomfield Municipal Code.

Remove pages listed in the column headed "Remove Pages" and in their places insert the pages listed in the column headed "Insert Pages."

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NOTE: The revision number on Municipal Code Supplements indicate that the Supplement includes all ordinances adopted through that month.

Revised



City of Broomfield

NUMBER SIX GARDEN OFFICE CENTER • BROOMFIELD, COLORADO 80020 • PHONE (303) 469-3301

MEMORANDUM

TO: All Holders of the Broomfield Municipal Code
FROM: Broomfield City Clerk
SUBJECT: Revision No. 1-83 - Broomfield Municipal Code
DATE: April 20, 1983

The following pages have been revised and are included in Broomfield Municipal Code Book Revision No. 1-83. Please replace your present corresponding pages with these new revised pages.

Pages 39, 40, 41, 42, 278-I, 278-J, 278-J-1, 278-V, 365, 366, 453 and 454; and 516-E.

The following page is a new page and is also included in Broomfield Municipal Code Book Revision No. 1-83. Please add it to your Municipal Code Book.

Page 406-A, 516-F and 601.

Sincerely,



Lucy Brown
City Clerk

LB:wjr

CHECKLIST FOR THE
BROOMFIELD, COLORADO, MUNICIPAL CODE

This checklist is included to provide a positive means for ascertaining whether your code contains all current pages. The checklist is updated with each supplement.

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HOME RULE CHARTER

AND

CODE

OF THE

CITY OF BROOMFIELD

1992

Supplemented by

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

Book No. _____

OFFICIALS
of the
CITY OF
BROOMFIELD

Mayor

Robert J. Schulze

Mayor Pro Tem

Henry A. Stovall

City Council

Jay K. Armstrong
William Berens
Alan L. Castle
Lawrence Cooper
Linda Fahrenbruch
David James
Ralph G. Johnson
Robert Sakaguchi
Norman A. Smith

City Clerk

Vicki Marcy

City Attorney

Roy Howard

SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Broomfield Municipal Code" is amended by the addition thereto of a new Section 9.02.010, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Broomfield Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 9.02.010 of the "Broomfield Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 9.02.010 of the "Broomfield Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

Repeal: Sections, articles and chapters may be repealed as follows:

Section 9.02.010 of the "Broomfield Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

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PREFATORY SYNOPSIS

The members of the Charter Commission of the City of Broomfield, Colorado, herewith submit to the voters of the City a proposed Home Rule Charter, which we have framed in conformity with Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971.

The Charter Commissioners have worked long and hard to achieve a simple and direct form of local government based on sound principles of public administration, and tailored to the present and future needs of the citizens of Broomfield. We believe this Charter provides a sound and yet flexible framework for the governance of our Municipal Government through local self-determination.

Under the Proposed Charter, a Council-Manager form of government is established. The Council is established as the policy-making legislative body of the City. It consists of ten Council members elected from five wards within the City and an elected Mayor. These officials are elected for a two-year term of office, thereby insuring maximum accountability to the local electorate.

The Mayor presides at all Council meetings, but votes only in case of tie. In addition, the Mayor possesses the right to veto over any ordinance, which veto may be overridden by an affirmative vote of two-thirds membership of the entire Council at the next regular Council meeting following the veto.

The executive power is vested in a City Manager who is appointed by and serves at the pleasure of the City Council. The Charter also establishes guidelines for the establishment of a Personnel Merit System for all City employees except major department heads.

The annual municipal election is set on the first Tuesday after the first Monday in November of odd-numbered years, with the first election under this Charter to be held on November 4, 1975. The Charter provides that all elections are to be non-partisan and conducted in accordance with Colorado Municipal Election Law.

The Charter requires a vote of the electorate before any new or additional income tax, sales tax, or excise tax is enacted. Under the Charter, the City has flexible funding and borrowing procedures, but has a general debt limit not to exceed 10 percent of the assessed valuation of the taxable property within the City.

Additional matters covered in this Charter for the future framework of Broomfield Municipal Government relate to general Council Procedures, Legislation, Initiative and Referendum Powers of the people, Municipal Administration Guidelines, Legal and Judiciary Appointments, Municipal Boards and Commissions, City Finances and Budget, Municipal Borrowing Procedures, Improvement Districts, Inter-Governmental relations, Public Utilities and Franchises, General Provisions, and Transitional Procedures.

The proposed Charter is very much a compromise of our Commission deliberations. But this document vests the People of the City of Broomfield with every major political power permitted any Home Rule Community under the Constitution of the State of Colorado. We believe this Charter provides a structure for quality government in the City of Broomfield which will endure for many years to come.

HOME RULE CHARTER
FOR
THE CITY OF BROOMFIELD, COLORADO

PREAMBLE

We the people of Broomfield, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish and adopt this Home Rule Charter for the City of Broomfield.

As adopted by the Broomfield Charter Commission

A.E. Morr, Jr., Chairman
Duane W. Van Skiver, Vice Chairman
Thomas Tighe III, Secretary

Joe H. Bergheim
Virgil D. Blackburn
Kermit L. Darkey
John P. Elliott, Jr.
Robert Evans
John E. Hollis
Stephen S. Jones
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David L. Locke

Richard A. Lueb
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Thomas P. Milavec
Donald K. Miller
George J. Moyer
Robert L. Niehoff
Norman A. Smith
Henry A. Stovall
Charles A. Waddell

May 30, 1974

CHAPTER I
NAME-BOUNDARIES

Section 1.1 Name and Boundaries.

The municipal corporation heretofore existing as the "City of Broomfield" in Counties of Boulder, Adams and Jefferson, State of Colorado shall remain and continue a body politic and corporate and under this Charter and shall be known as the "City of Broomfield" with the same boundaries until changed in a manner authorized by law.

CHAPTER II
MUNICIPAL POWERS

Section 2.1 Powers, Rights and Liabilities.

(a) By the name of the city of Broomfield, the municipal corporation shall have perpetual succession, shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City of Broomfield and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of said City of Broomfield; may, by the name of the City of Broomfield, sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings; may purchase, receive, hold and enjoy, or sell and dispose of real and personal property; may have and use a common seal and alter the same at pleasure.

(b) The City shall have all the power of local self-government and home rule and all power possible for a city to have under the Constitution of the State of Colorado. The City shall also have all powers that now or hereafter may be granted to municipalities by the laws of the State of Colorado, and the enumeration of particular powers in this Charter is not exclusive of others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance of the Council of the City.

(c) All ordinances of the City of Broomfield in force at the time this Charter goes into effect shall continue in force except insofar as they may conflict with the provision of this Charter or shall be amended or repealed by ordinance enacted under the authority of this Charter.

Section 2.2 Form of Government.

The municipal government provided by this Charter shall be the "Council-Manager" form of government. Pursuant to the provisions of this Charter and subject only to limitations imposed by the State Constitution, all powers of the City shall be vested in an elective Council, with an elective Mayor.

CHAPTER III
ELECTIONS

Section 3.1 Laws Governing Elections.

Special and general municipal elections shall be governed by the Colorado Municipal Election Law as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may by ordinance establish the method for the registration of electors; the number, qualifications and compensation for election judges and clerks; and the boundaries of election precincts. The Council may by ordinance establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

Section 3.2 Municipal Elections.

A general municipal election shall be held on the first Tuesday after the first Monday in November of 1975, and of each odd-numbered year thereafter. Any special municipal election may be called by resolution or ordinance of the Council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. Polling places for all municipal elections shall be open from 7:00 A.M. to 7:00 P.M. on election day.

Section 3.3 Precincts.

The election precincts of the City shall remain as they existed on the effective date of this Charter until altered by the Council as hereinafter provided. The Council shall by resolution from time to time establish convenient election precincts in accordance with this Charter and statutes.

Section 3.4 Non-Partisan Elections.

All municipal elections shall be non-partisan. No candidate for any municipal office shall run under a party label of any kind.

Section 3.5 Recall.

Any election official or elected officer of the City may be recalled at any time after 90 days in office by the electors entitled to vote for a successor of such incumbent through the procedure in the manner provided for in Article XXI of the State Constitution. Consistent with the Constitution and this Charter, the Council may provide by ordinance for further recall procedures.

CHAPTER IV
COUNCIL AND MAYOR

Section 4.1 City Council.

The City Council shall consist of ten (10) members, one (1) of whom shall serve as Mayor Pro-Tem, and a Mayor. Two (2) of the Councilmembers shall be elected from each of the five (5) wards; the Mayor Pro-Tem shall be elected from within and by the Council, as hereinafter provided; and the Mayor shall be elected at large from the entire City.

Section 4.2 Wards.

(a) The City is hereby divided into five (5) wards whose boundaries shall be the same as presently established. Changes in the boundaries of wards may be made by ordinance adopted by the City Council, which changes shall be made at least 180 days prior to any regular municipal election. Wards shall be contiguous and compact, and shall have approximately the same number of voters.

(b) No change in the boundary of any ward shall operate to exclude any council member from office before the expiration of the term for which the incumbent was elected or appointed.

Section 4.3 Terms of Office-Mayor and Councilmembers.

(a) The terms of office of the councilmembers, including the Mayor, hereafter to be elected in accordance with the provisions of this Charter, shall commence on their taking the oath of office at the ensuing organizational meeting of the City Council held after the election in the year elected and shall continue during the term for which they shall have been elected until their successors shall have been elected and duly qualified.

(b) On the first Tuesday after the first Monday in November, in the year 1977, the first regular municipal election shall be held under the provisions of this Charter amendment, at which time a Mayor shall be elected from the City at large for a two (2) year term and shall be elected every two years thereafter; and two (2) Councilmembers shall be elected from each of the five (5) wards of the City as follows: the candidate receiving the highest number of votes within each

ward shall be elected for a four (4) year term and the candidate receiving the next highest number of votes within said ward shall be elected for two (2) year term. Thereafter, each Councilmember shall be elected for a four year term. (Amendment passed 11/2/76).

Section 4.4 Mayor--Powers and Duties.

The Mayor shall preside at meetings of Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him by this Charter or the ordinances of the City. He shall have no power to vote except in cases of tie vote of the members of the Council present and voting. The Mayor shall have the power of veto, as provided in the Charter. The Mayor shall be recognized as the head of the City government for all ceremonial, dignitary and legal purposes, and he shall execute and authenticate legal instruments requiring his signing as such official.

Section 4.5 Mayor Pro-Tem.

The Council shall, at its first meeting following each regular municipal election, and after the newly elected members take office, elect one of its members to serve as Mayor Pro-Tem, for a term expiring at the first Council meeting following each regular election except as hereinafter provided. The Mayor Pro-Tem shall be elected by a majority of the Councilmembers present at said meeting and may be removed by a majority of the entire Council.

The Mayor Pro-Tem shall preside at meetings of Council in the absence or disability of the Mayor. He shall have all the powers, rights and privileges of a council member. He shall have no tie-breaking vote nor power of veto, but shall have all other powers and duties of the Mayor in his absence or disability.

Section 4.6 Qualifications.

(a) No person shall be eligible to hold office as an elected official, unless, at the time of his nomination and election he be a qualified elector as defined by the laws of the State of Colorado, a resident and qualified elector of the City as defined by ordinance and a resident of his ward if elected by ward.

(b) Each elected official shall maintain his residency in the City and ward, if elected by ward throughout his term of office. If an elected official shall move from the City or ward, if elected by ward, during his term of office his seat thereof shall be vacant and such vacancy filled by the City Council as provided by this charter.

(c) No elected official shall be a salaried employee of the City during his term of office, nor perform personal services for the City for which he is compensated other than as provided in this Charter.

(d) The City Council shall be the judge of election and qualifications of its own members.

Section 4.7 Vacancies.

(a) An elected official shall continue to hold his office until his successor is duly qualified. An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, refuses to serve, or ceases to be a resident of the city or ward, if elected by ward, or is convicted of a felony.

(b) Within thirty days after a vacancy occurs, the remaining councilmembers shall choose by majority vote a duly qualified person to fill such vacancy. He shall serve the unexpired term until his successor is duly qualified. If four or more vacancies exist simultaneously, the remaining councilmembers shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety days and provided that their successors have not previously been elected.

(c) If a vacancy occurs in the office of Mayor, the council shall call a special election within 60 days to elect a new mayor, unless said vacancy occurs within 180 days of the general municipal election. The person elected mayor shall serve in that office until the next general municipal election.

Section 4.8 Compensation

The members of the Council shall receive such compensation, and the Mayor such additional compensation, as the council shall prescribe by ordinance; provided, however, that the compensation of any member during his term of office shall not be increased or decreased. The Mayor and Council may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

Section 4.9 Powers of Council.

The Council shall constitute the legislative and governing body of the City and shall have all legislative powers and functions of municipal government, except as otherwise provided in the Constitution of the State of Colorado, this Charter or by Statutes applicable to Home Rule Cities, and shall have the power and authority to adopt such laws, ordinances, resolutions and rules as it shall deem proper.

Section 4.10 Oath of Office and Bond.

(a) Every elected officer under this Charter, before entering upon the duties of his office, shall take an oath or affirmation of office, that he will support the Constitution and the laws of the United States and of the State of Colorado, and this Charter and the ordinances of the City and will faithfully perform the duties of his office upon which he is about to enter. The City Clerk shall file each oath, together with any bond required by this Charter, or by the Council.

(b) In case of failure to comply with the provisions of this Section within ten (10) days from the date of his appointment, or within ten (10) days from the date prescribed in this Charter to take office, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by motion or resolution, extend the time in which such officer may qualify as above set forth.

CHAPTER V COUNCIL PROCEDURE

Section 5.1 Regular Meetings.

The Council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of Council. The Council shall determine the rules of procedure governing meetings. The first regular meeting of the Council following the regular municipal election and in the month of said election, shall be the organizational meeting. (Amendment passed 11/2/76).

Section 5.2 Special Meetings.

Special meetings of the Council shall be called by the Clerk on the written request of the Mayor, or by any four (4) members of the Council on at least twenty-four (24) hours written notice to each member of the Council, served personally or left at his usual place of residence or place of business, and written notice posted in at least three (3) public places, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Section 5.3 Business at Special Meeting.

No business shall be transacted at any special meeting of the 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 Council present consent thereto and all the members absent file their written consent.

Section 5.4 Quorum: Adjournment of Meeting.

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings; but in the absence of a quorum, a lesser number may adjourn any meeting to a later date or time. In the absence of all members, the Clerk may adjourn any meeting for not longer than one week.

Section 5.5 Organization and Rules of Council.

The Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) Minutes of the proceedings of each regular or special meeting shall be kept in the English language by the Clerk and shall be signed by the Presiding Officer and Clerk of the meeting at which the minutes are approved.

(b) A roll call vote upon all ordinances, resolutions and motions shall be taken by "Yes" or "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to state that the vote was unanimous.

(c) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct.

Section 5.6 Meetings to be Public

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. The Council may hold such study sessions and executive sessions as the Council may determine and may exclude from said meetings the public and citizens, provided however, no formal and legally binding action by the Council for the City shall be taken at any such executive or study session.

CHAPTER VI
LEGISLATION

Section 6.1 Prior City Legislation.

(a) All by-laws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect after the effective date of this Charter until repealed or amended.

(b) If any such by-law, ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Mayor, such officers or members of any board or commission shall, after the effective date of this Charter, be appointed by the Council, except as otherwise provided in this Charter.

(c) Those provisions of any effective valid by-law, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

Section 6.2 Council Acts.

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. All ordinances and resolutions shall be confined to one subject except in case of repealing ordinances, and ordinances making appropriations shall be confined to the subject of appropriations.

Section 6.3 Voting.

A vote by 'Yes' or 'No' shall be taken upon the passage of all ordinances, resolutions and motions and entered upon the records, except that where the vote is unanimous it shall only be necessary to state that the vote was unanimous. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present for passage. Every member, when present, must vote upon ordinances, resolutions and motions, except he shall be excused from voting on matters involving the consideration of his own official conduct or when his personal or financial interest is involved. For every member excused from voting, the quorum and total membership of Council shall be reduced by one for the purpose of action on each and every ordinance, resolution and motion. (Amendment passed 11/2/76).

Section 6.4 Action by Ordinance Required.

In addition to such acts of the Council as are required by other provisions of this charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance; provided, however, that this section shall not apply to the adoption of the budget and levying of an ad valorem tax, as provided in this Charter.

Section 6.5 Form of Ordinance -- Effective Date.

All ordinances shall be introduced in written or printed form and no ordinance or section thereof shall be amended or repealed except by an ordinance regularly adopted. The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City of Broomfield, Colorado." With the exception of emergency ordinances, the effective date of all ordinances shall be seven days after public notice following final passage unless a later date is prescribed in the ordinance, or it is vetoed by the mayor as provided in Section 6.7 of this charter.

Section 6.6 Procedure for Passage of Ordinances.

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

(a) The ordinance shall be introduced at any regular or special meeting of the Council by any member thereof.

(b) The ordinance shall be read in full, or in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meetings, said ordinance may be read by title only.

(c) After the first reading of the ordinance, the same shall be approved or rejected by a vote of the Council.

(d) If the ordinance is approved on first reading, it shall be published in full unless otherwise provided herein. The Council shall set a day, hour and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour and place shall be included in the first publication.

(e) The ordinance shall be introduced at Council a second time, at a meeting not earlier than seven days after first publication for final approval, rejection, or other action as may be taken by vote of the Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final approval by vote of the Council.

(f) Except as otherwise provided in this Charter, an ordinance, if amended in substance, shall be published in full after final passage, but if not amended in substance, it shall be published either by title or in full as the Council may determine.

(g) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

Section 6.7 Veto by Mayor

The Mayor shall have the power to veto any ordinance passed by Council subject to the following:

(a) The Mayor must veto the ordinance passed by Council and must exercise the power of veto with a complete written explanation of the reasons thereof addressed and delivered to each Council member not later than seven (7) days from the date of its final passage.

(b) The Mayor's veto may be overridden only by an affirmative vote of two-thirds (2/3) membership of the entire Council at the next regular Council meeting following the veto.

(c) If the Mayor does not exercise the veto power, ordinances shall take effect as provided elsewhere in this Charter.

Section 6.8 Emergency Ordinances.

(a) An ordinance which is declared therein to be an emergency ordinance and which is immediately necessary for the preservation of the public peace, health, safety or welfare may be enacted at the regular or special meeting at which it is introduced by unanimous minus one vote of councilmembers present and without any requirement of publication and without any requirement of a second reading and passage. The purpose of the emergency must be clearly stated in the ordinance. Such emergency ordinances, after passage, shall take effect eight days therefrom, but shall for information purposes, be published as required in this Charter for ordinances after final passage.

(b) No ordinance granting any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money, or fixing rates charged by any City-owned utility shall ever be passed as an emergency measure, except as provided by Section 12.10(b), Emergency Appropriations, and Section 14.2, Short-Term Notes.

(c) The Mayor shall not have veto power on an emergency ordinance. (Amendment passed 6/2/76).

Section 6.9 Publication of Ordinances.

Pursuant to requirements for publication of ordinances as provided elsewhere in this Charter, said ordinances shall be published in a newspaper of general circulation in the City.

Section 6.10 Codification.

The Council shall cause the ordinances to be codified and maintained thereafter in current form. Revisions to the codes may be accomplished by reference as provided in this Charter.

Section 6.11 Codes Published by Reference.

Standard codes, promulgated by the Federal Government, the State of Colorado, or by an agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference; provided the publication of the ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the City Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance.

Section 6.12 Disposition of Ordinances.

A true copy of every ordinance, as adopted by Council shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro-Tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the City, shall be separately numbered and recorded commencing with "Peoples' Ordinance No. 1." But the failure to so file and authenticate such ordinance shall not invalidate it or suspend its operation.

Chapter VII
INITIATIVE AND REFERENDUM

Section 7.1 Initiative.

(a) Any proposed ordinance, except an ordinance pertaining to the City budget, appropriation of funds, levy of taxes, salaries and tenure of city officials or employees, zoning or rezoning of property and acquisition or disposition of municipal properties, may be submitted to the Council by petition signed by qualified electors of the City equal in number to the percentage hereinafter required.

(b) An initiative petition accompanying the proposed ordinance signed by qualified electors of the City equal in number to 15 percent of the total vote cast in the last general municipal election, shall be filed with the City Clerk at least sixty days prior to any general or special municipal election, and shall contain a request that said proposed ordinance be submitted to a vote of the people if not passed by the Council. The Council shall within thirty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition either (a) pass said ordinance without alteration, or (b) call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

(c) An initiated ordinance shall be published in like manner as other proposed ordinances. The ballot upon which such proposed ordinance is submitted shall state briefly the nature and it shall contain the words "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". If a majority of the qualified electors voting thereon shall vote in favor thereof, the same shall thereupon without further publication become an ordinance of the City.

(d) The provisions of this Section shall in no way affect nor preclude the procedures for recall of any elected official or officer as provided in this Charter.

Section 7.2 Referendum.

(a) The referendum shall apply to all ordinances passed by the Council, except ordinances related to or levying municipal taxes, city budget, appropriation of funds, calling a special election, authorizing the issuance of local improvement district bonds payable primarily from special assessments, levying special assessments, emergency ordinances, ordinances to meet contractual obligations of the City, salaries and tenure of City officials or employees, acquisition or disposition of municipal properties.

(b) If, at any time within thirty days after the final passage of an ordinance to which the referendum is applicable, a petition signed by qualified electors equal in amount to at least ten percent of the total vote cast in the last general municipal election be presented to the Council protesting against the going into effect of any ordinance, the same shall thereupon be suspended and the Council shall reconsider such ordinance; and if the same be not entirely repealed shall submit the same to a vote of the qualified electors of the City in a manner as provided in respect to the initiative at the next regular municipal election, or at a special election called therefor. If a majority of the qualified electors vote in favor of such ordinance, it shall go into effect without further publication.

(c) The Council, on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to a vote of the people in a manner as in this Charter provided.

(d) If provisions of two or more proposed ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall become effective.

Section 7.3 Certificate of Clerk. Amendment of Petition.

Within ten days from the filing of any initiative or referendum petition, the City Clerk shall ascertain whether the petition is signed by the requisite number of qualified electors, and if sufficient shall attach thereto a certificate of sufficiency showing the result of such examination. If the petition is insufficient, the Clerk shall forthwith in writing notify one or more of the persons designated as filing the same on the petition. The petition may then be amended within ten days from the filing of the certificate. The City Clerk, within five working days after such amendment, shall make the examination of the amended petition and attach thereto a certificate of the result. If still insufficient, the Clerk shall return the petition to one of the persons designated thereon as filing it, without prejudice to the filing of a new petition for the same purposes, but such petition shall not be refiled within one year after return by the Clerk.

Section 7.4 Prohibition of Amendment or Re-Enactment.

An ordinance adopted by the electorate may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of six (6) months after the date of the election at which it was repealed provided however, that ordinances may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electorate by the Council on its own motion.

Section 7.5 Implementation.

The Council may adopt such additional rules and regulations as are deemed necessary to implement this Chapter.

CHAPTER VIII
MUNICIPAL ADMINISTRATION

Section 8.1 City Manager.

The City Manager shall be the chief executive and administrative officer of the City. The Council, by a majority vote, shall appoint a City Manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary to be fixed by Council. The manager shall be appointed without regard to any consideration other than his fitness, competency, training and experience as a manager. At the time of his appointment, he need not be a resident of the City or state, but during tenure of office he shall reside within the City. No member of the Council shall be appointed manager during the term for which he shall have been elected, nor within one year after the expiration of his term.

Section 8.2 Acting City Manager.

The Council may appoint an acting City Manager during the period of vacancy in the office, or during the absence or disability of the City Manager. Such acting City Manager shall, while he is in such office, have all responsibilities, duties, functions and authority of the City Manager.

Section 8.3 Powers and Duties.

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty and be required to: (a) be responsible for the enforcement of the laws and ordinances of the City; (b) hire, suspend, transfer and remove City employees; (c) make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform; (d) cause a proposed budget to be prepared annually and submit it to the Council and be responsible for the administration of the budget after its adoption; (e) prepare and submit to the Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the Council make written or verbal report at any time concerning the affairs of the City under his supervision; (f) keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council for adoption as he may deem necessary or expedient; (g) exercise supervision and control over all executive and administrative departments except as otherwise herein provided and recommend to the Council any proposal he thinks advisable to establish, consolidate or abolish administrative departments; (h) be responsible for the enforcement of all terms and conditions imposed in favor of the city in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Council for such action and proceedings as may be necessary to enforce the same; (i) attend Council meetings and participate in discussions with the Council in an advisory capacity without right to vote; (j) establish a system of accounting and auditing for the City which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the City; (k) provide for engineering, architectural, maintenance and construction services required by the City; and (l) perform such other duties as may be prescribed by this Charter, or by ordinance, or required of him by Council which are not inconsistent with this Charter.

Section 8.4 Removal of City Manager.

The Council at a regular or special meeting may, upon the vote of the majority of the entire Council, remove the City Manager from office. Upon such termination the Council may in its discretion provide termination pay.

Section 8.5 Relationship of Council to Administrative Service.

Neither the council, its members, the mayor, nor any council committee shall dictate the appointment of any person to office by the city manager except as otherwise provided in this Charter or in any way interfere with the city manager or other city officer to prevent him from exercising his judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council, its members, the mayor and any council committee shall deal with the administrative service solely through the city manager and neither the council, its members, the mayor, nor any council committee thereof shall give orders to any of the subordinates of the city manager.

Section 8.6 City Clerk.

The Manager with the approval of Council shall appoint a City Clerk, who shall be custodian of the City seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The Clerk shall have power to administer oaths and take acknowledgments under seal of the City, and shall perform such other duties as required by this Charter, the Council, or the Manager. The Manager, with the approval of City Council, can remove the City Clerk in a manner similar to which he or she is appointed.

Section 8.7 Bonding of Employees.

All City officials and employees dealing directly with municipal funds or substantial inventories of materials and supplies shall post bond in an amount and under such conditions as required by Council, and at the expense of the City.

Section 8.8 Administrative Departments.

(a) The administrative functions of the City shall be performed by the departments existing at the time this Charter is adopted and such departments as the Council may hereafter establish by ordinance, upon recommendation of the City Manager. The Council may, by ordinance, upon recommendation of the City Manager, consolidate or merge any departments, whether set forth in this Charter or established by ordinance.

(b) All departments of the City, except as otherwise provided in this Charter, shall be under the supervision and control of the City Manager, and he shall have the right to divide with Council approval such departments into separate divisions and to assign various functions and duties to the different departments and divisions.

CHAPTER IX
PERSONNEL

Section 9.1 Personnel Merit System.

(a) Within one year after the effective date of this Charter that City Council shall create and enact a Personnel Merit System and establish a Personnel Merit Commission composed of three (3) qualified electors.

(b) The Personnel Merit System shall include all city employees within the provision including the police and fire department chiefs and exclude from the system shall be the City Manager, department heads excepting the police and fire department heads, elective officers, appointees of Council, appointed members of boards and commissions, persons employed to make or conduct a special inquiry, investigation, examination or installation or audit.

(c) The Personnel Merit Commission shall have jurisdiction and final authority to hear and determine appeals by any aggrieved employee who has been subject to disciplinary action of any kind.

(d) The Personnel Merit Commission shall promulgate its own rules and regulations consistent with implementing ordinances adopted by Council.

CHAPTER X
LEGAL AND JUDICIARY

Section 10.1 City Attorney.

The Council shall appoint a City Attorney to serve at the pleasure of Council. He shall be an attorney-at-law admitted to practice in Colorado. The City Attorney shall be the legal representative of the City and he shall advise the Council and City officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution. The Council may provide the City Attorney such assistants as Council may deem necessary, and may on its own motion or upon request of the City Attorney employ special counsel. Council shall establish compensation for the City Attorney, his assistants and special counsel.

Section 10.2 Municipal Court.

(a) Municipal Judge. There shall be a municipal court vested with exclusive original jurisdiction of all causes arising under the ordinances of the city and as may be conferred by law. The municipal court shall be presided over and its functions exercised by a judge appointed by the Council for a specified term of not less than two years.

The Council may reappoint the municipal judge for a subsequent term or terms, except that the initial appointment may be for term of office which expires on the date of the organizational meeting of the Council after the next general election. Any vacancy in the office of municipal judge shall be filled by appointment by the council for the remainder of the unexpired term. The municipal judge shall be an attorney-at-law admitted to practice in the State of Colorado.

(b) Deputy Judges. Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judge shall have all the powers of the municipal judge when called on to act by the municipal judge or the Council. In the event that more than one municipal judge is appointed, the Council shall designate a presiding municipal judge, who shall serve in this capacity during the term for which he was appointed. The deputy municipal judges shall be attorneys admitted to practice in the State of Colorado and serve at the pleasure of the Council.

(c) Compensation. The municipal judge shall receive a fixed salary or compensation set by the Council which salary or compensation shall not be dependent upon the outcome of the matters to be decided by the municipal judge. The deputy municipal judges may receive such compensation for services rendered as Council may determine.

(d) Removal. Any municipal judge may be removed during his term of office only for cause. A judge may be removed for cause if:

- (1) He is found guilty of a felony or any other crime involving moral turpitude;
- (2) He has a disability which interferes with the performance of his duties, and which is, or is likely to become, of a permanent character;
- (3) He has willfully or persistently failed to perform his duties; or
- (4) He is habitually intemperate.

CHAPTER XI BOARDS AND COMMISSIONS

Section 11.1 Existing Boards and Commissions.

All existing Boards and Commissions shall continue as established by ordinance, except as otherwise provided by ordinance or this Charter.

Section 11.2 Right to Establish, Amend and Abolish.

(a) In addition to those Boards and Commissions existing at the time of this Charter, Council may create any Boards and Commissions including Advisory and Appeal Boards. Advisory

Boards may be created by resolution. All other Boards and Commissions shall be created by ordinance, which shall prescribe the powers and duties delegated by Council. Initial appointments by the Council to any Board or Commission shall specify the term of office of each member in order to achieve overlapping tenure. Council shall also make appointment to fill vacancies for unexpired terms. Each Board and Commission shall elect its own chairman and vice-chairman from among its members. Each Board and Commission shall operate in accordance with its own rules of procedure, except as otherwise directed by Council. Appointees shall be subject to removal for just cause at the pleasure of the City Council by majority vote of the entire Council in office at the time the vote is taken.

(b) The Council may increase, reduce, or change any or all of the powers, duties and procedures of any Boards or Commission existing at the time of this Charter, or created by ordinances or resolutions thereafter.

(c) Any Board or Commission existing at the time of this Charter or created under this provision which is not required by statute or this Charter may be abolished by Council.

(d) No member of the City Council, the Mayor, any city employee, nor any appointed city official shall serve on any permanent Board or Commission heretofore established by Council during his tenure as councilmember, mayor, or city employee or appointed city official.

CHAPTER XII FINANCE AND BUDGET

Section 12.1 Fiscal Year.

The fiscal year of the City and all of its agencies shall begin on the first day of January and end on the last day of December of each year.

Section 12.2 Proposed Budget and Message.

Prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the Council a recommended budget for the next fiscal year and an accompanying message.

Section 12.3 Budget Message.

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work program. It should contain the proposed financial policies of the City for the next fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the City's debt

position, give the balance between the total estimated expenditures and total anticipated revenue from all sources, taking into account the estimated surpluses or deficits in the various funds, and include such other material as the Manager deems necessary or which the Council may require.

Section 12.4 Budget Content

The budget shall provide a complete financial plan of all municipal funds and activities for the next fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall include the following in separate sections unless otherwise provided by ordinance:

(a) Anticipated revenues classified as cash surplus, miscellaneous revenues, and amounts to be received from property tax; cash surplus being defined for purposes of this article as the amount by which cash is expected to exceed current liabilities and encumbrances at the beginning of the next fiscal year;

(b) Proposed expenditures for current operations during the next fiscal year, detail by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

(c) A reasonable provision for contingencies;

(d) A capital depreciation account;

(e) Required expenditures for debt service, judgments, cash deficient recovery and statutory expenditures;

(f) Proposed capital expenditures during the next fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure;

(g) Anticipated net surplus or deficit for the next fiscal year for each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget;

(h) The bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

(i) Such other information as the Council may request.

Section 12.5 Capital Program.

(a) The Manager, with such assistance as the Council may direct, shall prepare and submit to the Council a long-range capital program, simultaneously with his recommended budget.

(b) The capital program shall include the following, unless otherwise provided by ordinance:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the following fiscal years, with appropriate supporting information as to the necessity for the improvement;

(3) Cost estimates, method of financing and recommended schedules for each such improvement;

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;

(5) Such other information as the Council may request.

This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 12.6 Public Hearing.

A public hearing on the proposed budget and proposed capital program shall be held before its final adoption at such time and place as the Council may direct. Notice of such public hearing and notice that the proposed budget is on file for public inspection in the municipal building shall be published one time at least seven days prior to the hearing.

Section 12.7 Council Action on Budget.

(a) Amendments. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit.

(b) Adoption. The Council shall adopt the budget by resolution on or before the final day established by law for the certification of the next year's tax levy to the county. If it fails to adopt the budget by this date, the amounts appropriated for the operation of the current fiscal year shall be deemed adopted for the next fiscal year on a month-to-month basis, with all items in it pro-rated accordingly, until such time as the Council adopts the budget for the next fiscal year.

(c) Balanced Budget. The total of the proposed expenditures and provisions for contingencies shall not exceed the total of estimated revenue.

(d) Tax Levy. Adoption of the budget by Council shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. Council shall cause the same to be certified to the appropriate authorities as required by law.

Section 12.8 Contingencies.

The budget may include an item for contingencies. Except in those cases where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer shall be made without the express approval of the Council, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 12.9 Public Records.

Copies of the budget and capital program as adopted shall be public records and shall be made available to the public in the municipal building.

Section 12.10 Amendments After Adoption.

(a) Supplemental appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize

the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(c) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of deficit, any remedial action taken by him and his recommendation as to any other steps to be taken. The Council shall then take action to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

(d) Transfer of Appropriations. Any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, agency, or object to another.

(e) Limitation--Effective Date. No appropriation for debt service may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 12.11 Independent Audit.

An independent audit shall be made of all City accounts at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by certified or registered public accountants, experienced in municipal accounting, selected by the Council. Copies of such audit shall be made available for public inspection at the municipal building.

Section 12.12 Lapse of Appropriation.

Every appropriation, except an appropriation for a Capital Expenditure Fund or Special Fund, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a Capital Expenditure Fund or Special Fund shall continue in effect until the purpose for which it has been made has been accomplished or abandoned or it is transferred as permitted in Section 12.10.

CHAPTER XIII
TAXATION

Section 13.1 Tax Authority and Limitations.

The Council shall have authority to levy and impose taxes for municipal purposes and to provide for their collection, provided that no income tax, sales tax, use tax, or excise tax shall be levied after the approval of this Charter until such tax shall be approved by a majority of the electorate voting at a regular or special election. Council shall also have authority to levy and provide for collection of special assessments for local improvements as provided in this charter or by ordinance.

Section 13.2 Collection of Taxes.

(a) Unless otherwise provided by ordinance, the County Treasurer shall collect City ad valorem taxes in the same manner and at the same time as general ad valorem taxes are collected. In like manner, the Council may provide for collection of special improvement assessments by the said Treasurer.

(b) All laws of this State for the assessment of property and the levy and collection of ad valorem taxes, sale of property for taxes and the redemption of the same, shall apply and have the full force and effect in respect to taxes for the City as to such general ad valorem taxes, except as may be modified pursuant to this Charter.

Section 13.3 Authority to Acquire Property.

In addition to all other power which it has to acquire property, the City is hereby authorized to purchase or otherwise acquire property in which there are delinquent taxes or special assessments. The City may also dispose of any property acquired under this authority in like manner as any other property.

CHAPTER XIV
MUNICIPAL FUNDING

Section 14.1 Forms of Borrowing.

The City may borrow money for any municipal purpose as provided herein and issue the following securities to evidence such indebtedness:

- (a) Short-term notes;
- (b) General obligation bonds and other like securities;
- (c) Revenue bonds and other like securities;
- (d) Special or local improvement bonds and other like securities;
- (e) Any other legally recognized security which the Council may provide.

Section 14.2 Short-Term Notes.

The City, upon the affirmative vote of the majority of the entire Council in office at the time the vote is taken is hereby authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Any such short-term notes shall mature before the close of the fiscal year in which the money is so borrowed except as is permitted in the provision of this Charter pertaining to Emergency Appropriations.

Section 14.3 General Obligation Bonds.

(a) No bonds or other evidence of indebtedness payable in whole or in part from the proceeds of general property taxes or to which the full faith and credit of the City is pledged, shall be issued, except in pursuance of an ordinance adopted and approved by two-thirds (2/3) vote of the entire Council, or until the question of their issuance shall, at a general or special election, be submitted to a vote of the electors and approved by a majority of those voting on the question.

(b) The Council shall determine which of the aforementioned methods of approval of such securities shall be utilized subject to the limitations of subsection 14.3(c) below.

(c) Pursuant to subsection (a) above, the Council may, without voter approval, issue such securities in total amounts not to exceed two per cent (2%) of the assessed valuation of the taxable property within the City, as shown by the last preceding assessment for city purposes.

(d) General obligation bonds issued for acquiring water and rights thereto, or acquiring, improving or extending a City water system or sewer system or any combination of such purposes may be so issued without an election and upon a vote of approval by a majority of two-thirds (2/3) vote of the entire Council, without the restrictions contained in this section.

(e) The provisions of this Section shall not apply to Short-Term Notes, Revenue Bonds, Refunding Bonds, nor Special or Local Improvement District Bonds, which are provided for elsewhere in this Chapter.

Section 14.4 Revenue Bonds.

The City, pursuant to ordinance, and without an election, may borrow money, issue bonds, or otherwise extend its credit for purchasing, constructing, condemning, otherwise acquiring, extending or improving a water, electric, gas or sewer system, or other public facility or income-producing project or for

any other capital improvement; provided that the bonds or other obligations shall be made payable from the net revenues derived from the operation of such system, utility or other such project or capital improvement, and provided, further, that any two or more of such systems, utilities, projects or capital improvements may be combined, operated and maintained as joint municipal systems, utilities, projects or capital improvements, in which case such bonds or other obligations shall be made payable out of the net revenue derived from the operation of such joint systems, utilities or capital improvements.

Section 14.5 Funding of Revenue Bonds.

In addition to the provisions of Section 14.4 relating to Revenue Bonds, the City shall have the authority to issue revenue bonds payable from the revenue and income of the project, facility, or improvement to be constructed or installed with the proceeds of the bond issue, or payable in whole or in part from the available proceeds of a City sales and use tax which may be imposed pursuant to this Charter.

Section 14.6 Refunding Bonds.

(a) The Council may authorize, by ordinance, without an election, issuance of refunding bonds or other like securities for the purpose of refunding and providing for the payment of the outstanding bonds or other like securities of the City as the same mature, or in advance of maturity, by means of an escrow or otherwise.

(b) Any refunding bonds or other like securities issued for the purpose of refunding revenue bonds or other revenue securities shall be payable from the revenues of the system, utility, income-producing project or other capital improvement that was acquired, extended or improved with the proceeds of the original bond issue.

Section 14.7 Limitation on Indebtedness.

The aggregate amount of bonds or other evidences of indebtedness of the City shall not exceed ten percent (10%) of the assessed valuation of the taxable property within the City as shown by the last preceding assessment for City purposes; provided however, in determining the amount of indebtedness, there shall not be included within the computation:

(a) Bonds or other evidences of indebtedness, outstanding or authorized to be issued for the acquisition, extension or improvement of a municipal water-works system, or municipal storm sewer, sanitary sewer, combined storm and sanitary sewers, or sewage disposal systems;

(b) Short-term note;

(c) Special or local improvement securities;

(d) Securities payable from the revenues of an income-producing system, utility, project, or other capital improvement or from City sales or use taxes.

(e) Long term installment contracts other than real property acquisitions, rentals and leaseholds pursuant to Section 14.9.

Section 14.8 Bonds: Interest, Sale, Prepayment.

(a) The terms and maximum interest rate of general obligation or revenue bonds or other like securities shall be fixed by the authorizing ordinance and such securities shall be sold to the best advantage of the City.

(b) Any refunding bond may be exchanged dollar for dollar for a bond refunded.

(c) All bonds may contain provisions for calling the same at designated periods prior to the final due date, with or without the payment of a prior redemption premium.

Section 14.9 Long Term Installment Contracts, Rentals and Leaseholds--City Property.

(a) In order to provide necessary land, buildings, equipment, and other property for governmental or proprietary purposes, the City is hereby authorized to enter into long-term installment purchase contracts and rental or leasehold agreements. Such agreements may include an option or options to purchase and acquire title to such property within a period not exceeding the useful life of such property. Each such agreement and the terms thereof shall be concluded by an ordinance duly enacted by the Council.

(b) The Council is authorized and empowered to provide for the said payments by a tax levy imposed upon property included within the boundaries of the City, or by rates, tolls or service charges imposed for the use of such property or any part thereof by others, or by any other available municipal revenue, or by any one or more of the above sources.

(c) The obligation created hereunder shall not constitute an indebtedness of the City within the meaning of the legal limitations on contracting of indebtedness by cities.

(d) Property owned, held or used by the City shall be exempt from taxation so long as it is owned, held or used by the City for authorized City functions.

CHAPTER XV
IMPROVEMENT DISTRICTS

Section 15.1 Power to Create Special or Local Improvement Districts.

(a) The City shall have the power to create Special or Local Improvement Districts within designated districts in the City, to contract for, construct or install special or local improvements of every character within the said designated districts, to assess the cost thereof, wholly or in part upon the property benefited in such district, and to issue special or local improvement bonds therefor.

(b) The Council shall, by ordinance, prescribe the method and manner of creating such improvements, of letting contracts therefor, issuing and paying bonds for construction or installation of such improvements, including the costs incidental thereto, for assessing the costs thereof and for all things in relation to the authority herein created.

(c) Except as otherwise provided by Charter or by ordinance, the Statutes of the State of Colorado shall govern the creation and organization of Special or Local Improvement Districts, the assessment of costs, the issuance of bonds therefor and all things in relation thereto.

Section 15.2 Creation of Special or Local Improvement Districts.

Special or Local Improvement Districts created pursuant to this Chapter may be so created by:

- (a) Ordinance; or
- (b) On a petition by the owners of more than fifty per cent (50%) of the area of the proposed district, provided that such majority shall include not less than fifty per cent (50%) of the land owners in the proposed district, subject in either event to protest by the owners of the frontage area to be assessed.

Right to protest and notice of public hearing shall be given as provided by Council by ordinance. All protests shall be considered but if the public welfare warrants, Council shall have final decision. Such improvements shall confer special benefits on the real property within the said districts and general benefits to the City-at-large. The Council shall by ordinance prescribe the method and manner of making such improvements, of assessing the cost thereof, and issuing and paying bonds for costs and expenses of constructing or installing such improvements.

Section 15.3 Improvement District Bonds; Levy for General Benefit to Special Fund; Pledge of Credit.

(a) In consideration of general benefits conferred on the City at large from the construction or installation of improvements in Special or Local Improvement Districts, the City Council may contract by ordinance prior to the issuance of any bonds of any Special or Local Improvement District, that the payment of such bonds, both as the principal, interest and costs appertaining thereto become due, is additionally secured by a Special Fund herein created, and pursuant hereto may levy annual taxes on all taxable property within the City at a rate not exceeding two (2) mills in any one (1) year, to be disbursed as determined by the Council, for the purpose of paying for such improvements, pursuant to Section 15.5, for the payment of any assesment levied against the City itself in connection with said bonds issued for Special or Local Improvement Districts, for the purpose of advancing money to maintain current payments of interest and equal annual payments of the principal amount of said bonds or for any prior redemption premium appertaining to such bonds.

(b) The proceeds of such taxes shall be placed in a Special Fund and shall be disbursed only for the purposes specified in this Section, provided, however, that in lieu of such tax levies, the Council may annually transfer to such Special Fund any available money of the City, but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited.

(1) As long as any bonds issued for Special or Local Improvement Districts hereafter organized, remain outstanding, the tax levy or equivalent transfer of money to the Special Fund created for the payment of said bonds shall not be diminished in any succeeding year until all of said bonds and the interest thereon shall be paid in full, unless other available funds are on hand therefor, or such bonds and interest are paid by the City as provided in Section 15.5 of this Chapter.

(c) After the bonds have been retired in full, any monies remaining in such Special Funds shall be transferred as provided in Section 15.4.

(d) Bonds of any Special or Local Improvement District payable from special assessments, which payment may be additionally secured as provided in this Section, shall not be subject to any debt limitation nor affect the City's debt incurring power, nor shall such bonds be required to be authorized at any election; and such bonds shall not be held to constitute a prohibited lending of credit or donation, not to contravene any constitutional, statutory or Charter limitation or restriction.

Section 15.4 Surplus and Deficiency Fund--Payment of Bonds by City.

(a) Where all outstanding Bonds of a Special or Local Improvement District have been paid and money remains to the credit of the district or in a Special Fund created pursuant to Section 15.3 for the said bond issue, it may be transferred, in whole or in part, by ordinance, to a Surplus and Deficiency Fund, and whenever there is a deficiency in any Special or Local Improvement District Fund to meet the payment of outstanding bonds and interest due thereon, the deficiency shall be paid out of the said fund; or in the alternative, Council, may by ordinance transfer all or part of any unencumbered balance from a Special or Local Improvement District Fund or a Special Fund created pursuant to Section 15.3 for the said bond issues to any other City fund.

(b) Whenever a Special or Local Improvement District has paid and cancelled three-fourths (3/4) of its bonds issued and for any reason the remaining assessments are not paid in time to redeem the final bonds of the district, the City shall pay the bonds when due and reimburse itself by collecting the unpaid assessments due the district.

Section 15.5 Review of Improvement District Proceedings.

No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity of, or enjoin the performance of the issue or collection of any bonds or the levy or collection of any assessments authorized by this Chapter, or for any other relief against any acts or proceedings of the City done or had under this Chapter, shall be maintained against the City, unless commenced within thirty (30) days after the performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

CHAPTER XVI
INTERGOVERNMENTAL RELATIONS

Section 16.1 Regional Service Authorities.

In the interest of governmental services provided on a regional or area-wide basis and the benefits realized by the City of Broomfield from said services, the Council may by ordinance provide grant of municipal funds services on a regional or area-wide basis, existing at the time this Charter becomes effective or thereafter created. The Council shall also have the authority to allow City participation in said service authorities in any manner it deems desirable.

Section 16.2 Cooperative Intergovernmental Contracts.

The City Council by two-thirds (2/3) vote of the entire Council may enter into contracts or agreements with other governmental units of every kind and character for the joint use of buildings, equipment, or facilities, or for furnishing or receiving commodities or services of public benefit under such terms and conditions as shall be approved by Council.

CHAPTER XVII
UTILITIES AND FRANCHISES

Section 17.1 General Powers.

The City shall have and exercise with regard to all utilities and franchises, all municipal powers, including without limitation, all powers now existing and which may be hereafter provided by the Constitution and statutes. The right of the City to construct, lease, purchase, acquire, condemn or operate any public utility, work or way, is expressly reserved. Except as otherwise provided by Constitution, or this Charter, all powers concerning the granting, amending, revoking, or otherwise dealing in franchises, shall be exercised by the Council.

Section 17.2 Water Rights.

The City shall have the authority to buy, sell, exchange, lease, own, control and otherwise deal in water rights.

Section 17.3 Utility Rates.

The Council shall, by ordinance, establish rates, rules and regulations and extension policies for services provided by City owned utilities, both within and outside the corporate limits of the City.

Section 17.4 Management of Municipal Utilities.

All municipally owned or operated utilities shall be administered as a regular department of the City.

Section 17.5 Use of Public Places by Utilities.

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys or other public places of the City by the city and by other utilities insofar as such joint use may be reasonably practicable.

Section 17.6 Granting of Franchises.

(a) No franchise shall be granted except upon approval by a majority of the electors voting thereon.

(b) The Council shall establish by ordinance the terms, fees, compensation, conditions, and any other matters related to the granting of franchises.

Section 17.7 Present Franchises.

All franchise ordinances and agreements of the City in effect at the time this Charter is effective shall remain in full force and effect in accordance with their respective terms and conditions unless modified by another franchise.

Section 17.8 Transit Facilities.

Council may require by ordinance and by fair apportionment of the cost, any railroad or other transportation system to elevate or lower any of its right-of-way or tracks running over, under, along or across any public thoroughfare; and to construct and maintain all street crossings, bridges, viaducts and other conveniences in good condition with proper approaches and safety devices.

Section 17.9 Revocable Permits.

The Council may grant a permit at any time for the temporary use or occupation of any street, alley, or City owned place, provided such permit shall be revocable by the Council at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

Section 17.10 Franchise Records.

The City shall cause to be kept in the office of the City Clerk an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record, a complete history of all such franchises, shall include a comprehensive and convenient reference to all actions at law affecting the same, and copies of all annual reports and such other matters of information and public interest as the Council may from time to time require.

CHAPTER XVIII
GENERAL PROVISIONS

Section 18.1 Eminent Domain.

The City shall have the right of eminent domain within or without its corporate limits as provided by the State Constitution and the statutes.

Section 18.2 Reservation of Power.

The power to supercede any law of this state now or hereafter in force, insofar as it applies to local or municipal affairs shall be reserved to the City, acting by ordinance, subject only to restrictions of Article XX of the state Constitution.

Section 18.3 Restrictions on Sale of Municipally-Owned Real Property.

The City shall not sell or dispose of municipally-owned buildings or real property in use for public purposes without first obtaining the approval of a majority of the electors voting thereon.

Section 18.4 Bequests, Gifts, and Donations.

Council, on behalf of the City, may receive or refuse bequests, gifts and donations of all kinds of property in fee simple or trust for public, charitable, or other purposes, and do all things and acts necessary to carry out the purpose of such gifts, bequests, and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

Section 18.5 Severability of Charter Provisions.

If any provision, section, article or clause of this Charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

Section 18.6 Charter Amendments.

This Charter may be amended at any time in the manner provided by statute. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Section 18.7 Interpretations.

Except as otherwise specifically provided or indicated by the context hereof, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein. The singular number shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter, and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

Section 18.8 Definitions.

As used in this Charter, the following words and phrases shall have the following meaning:

(a) Appropriation. The authorized amount of monies set aside for expenditure during a specified time for a specific purpose.

(b) City. City of Broomfield, Colorado, a municipal corporation.

(c) Council. The City Council of the City of Broomfield.

(d) Manager. The City Manager of the City of Broomfield appointed pursuant to this Charter.

(e) Franchise. An irrevocable privilege granted by the City permitting a specified use of public property for a specified length of time.

(f) Employee. A person employed by the City of Broomfield.

(g) General Municipal Election. A municipal election held every two years at which candidates for elective offices of the City are voted upon in accordance with this Charter.

(h) Public Utility. Any person, firm or corporation operating heat, power or light systems, communication systems, water, sewer or scheduled transportation systems, and serving or supplying the public under a franchise granted by the City.

(i) Officer and/or Official. Any person elected to office or appointed by Council, including appointees to boards and commissions.

(j) Constitution. The Constitution of the State of Colorado.

(k) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legislative procedure.

(l) Elector. A resident of the City qualified to vote under the Constitution and statutes of the State of Colorado.

Section 18.9 Chapter and Section Headings.

The chapter, section and subsection headings are inserted for convenience and reference only and shall not be construed to limit, describe or control the scope or intent of any provisions therein.

CHAPTER XIX
TRANSITIONAL PROVISIONS

Section 19.1 Status of Transitional Provisions.

The purpose of this Chapter is to provide for an orderly transition from the present City government of Broomfield to a home rule government under the provisions of this Charter. The provisions of this Charter shall constitute a part of this Charter only to the extent necessary to accomplish that purpose.

Section 19.2 Effective Date of Charter.

This Charter shall become effective immediately upon voter approval, except those provisions relating to the election of Council shall become effective at the first general election scheduled under this Charter to be held on November 4, 1975.

Section 19.3 Present Elected Officials to Continue in Office.

The present City Council and Mayor in office at the time of the adoption of this Charter shall continue to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices.

The present City Clerk and City Treasurer in office at the time of the adoption of this Charter shall continue to serve and carry out functions, powers and duties of their offices until the general municipal elections under this Charter.

Section 19.4 Continuation of Appointed Officers and Employees.

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in that City office or employment which corresponds to the City office or employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.

Section 19.5 Saving Clause

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing agreements or contracts between the City of Broomfield and individuals, corporations or public agencies.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Broomfield Charter Convention, duly elected by the people of Broomfield, Colorado, at a special election held on February 12, 1974, or duly appointed according to law, under authorization of Article XX Constitution of the State of Colorado, to frame a Home Rule Charter for the City of Broomfield, do hereby certify that the foregoing is the proposed Charter as finally approved and adopted by the members of the Convention on the 30th day of May, 1974, for submission to the people of Broomfield at a special election to be held on November 5, 1974.

Executed in triplicate at Broomfield, Colorado, this 30th day of May, 1974.

A.E. MORR, JR.
Chairman

Thomas Tighe III Secretary	Duane W. Van Skiver Vice Chairman
Joe H. Bergheim	Richard A. Lueb
Virgil D. Blackburn	David L. Markham
Kermit L. Darkey	Thomas P. Milavec
John P. Elliott, Jr.	Donald K. Miller
Robert Evans	George J. Moyer
John E. Hollis	Robert L. Niehoff
Stephen S. Jones	Norman A. Smith
Robert C. Kelly	Henry A. Stovall
David L. Locke	Charles A. Waddell

State of Colorado)
County of Boulder) ss

Subscribed and sworn to before me this 30th and 31st day of
May, 1974.

My commission expires: August 30, 1977.

witness my hand and official seal. (s) Leslie J. Shurtz
(SEAL) Notary Public

I hereby certify that the above and foregoing document
is the Charter adopted at the Special Election for the City
of Broomfield, Colorado, held Tuesday, November 5, 1974, and
duly filed by me with the Secretary of State of the State
of Colorado.

(SEAL)

Attest: (s) Lucy Brown,
City Clerk

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Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 Right of Entry
- 1.12 General Penalty

Chapter 1.01

CODE ADOPTION*

(RESERVED)

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Ordinances passed prior to adoption of the code.
- 1.01.040 Codification authority.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Secondary codes adopted by reference.
- 1.01.100 Violations and punishment.
- 1.01.110 Penalty sections of the code.

1.01.010 Adoption. Pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes 1973, as amended, there is hereby adopted the "Broomfield Municipal Code" as published by Book Publishing Company, Seattle, Washington. (Ord. 333 Sl, 1978).

1.01.020 Title-citation-reference. This code shall be known as the "Broomfield Municipal Code" and it shall be sufficient to refer to said code as the "Broomfield Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as "Municipal Code". Further reference

* For charter provisions on the codification of city ordinances, see Charter S6.10; for statutory provisions on codification, see CRS 1973 31-16-201 et seq. (1975 Supp.)

1.01.030--1.01.080
(Rev. 2-78)

may be had to the titles, chapters, sections and subsections of the "Broomfield Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 333 S1, 1978).

1.01.030 Ordinances passed prior to adoption of the code. The last ordinance included in the original code is ordinance 311, passed February 14, 1978. The following ordinances, passed subsequent to ordinance 311, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324 and 325. (Ord. 333 S1, 1978).

1.01.040 Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Broomfield, Colorado, codified pursuant to the provisions of sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes 1973. (Ord. 333 S1, 1978).

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Broomfield Municipal Code" or to any portion thereof, or to any ordinance of the City of Broomfield, Colorado, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 333 S1, 1978).

1.01.060 Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 333 S1, 1978).

1.01.070 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designed by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within the code. (Ord. 333 S1, 1978).

1.01.080 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee,

or penalty, at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. No. 333, § 1, 1978)

1.01.090 Secondary codes adopted by reference. Pursuant to Colorado Revised Statutes 1973, section 31-16-202, as amended, there are hereby adopted by reference as secondary codes, the following codes, as amended by the terms of the Broomfield Municipal Code, to-wit:

- A. The Model Traffic Code for Colorado Municipalities, 1977 Revision, promulgated and adopted by the Colorado State Department of Highways, 4201 E. Arkansas, Denver, Colorado. The purpose of this code is to provide a system of traffic regulations consistent with state law, and to promote safety on the streets of the city.

Penalties. The following penalties, herein set forth in full, shall apply to the Broomfield Traffic Code:

- (1) It is unlawful for any person to violate any of the provisions adopted or stated in the Broomfield Traffic Code.
- (2) Every person convicted of a violation of any provision stated or adopted in the Broomfield Traffic Code shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

B—H *Reserved.*

At least three (3) copies of each of the above secondary codes are on file in the office of the city clerk of the City of Broomfield and may be inspected during regular business hours. (Ord. No. 333, § 1, 1978; Ord. No. 832, § 1, 5-9-89)

Editor's note—Subsections (b)—(e) and (i) were repealed by Ord. No. 442 of 1981; subsection (h) was repealed by Ord. No. 452 of 1981; subsections (f) and (g) were repealed by Ord. No. 832, § 1, adopted May 9, 1989.

1.01.100 Violations and punishment. It shall be unlawful for any person to violate any provisions or to fail to comply with any of the requirements of this code. Any person who shall violate any of the provisions of this code, shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a period of not more than ninety (90) days or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of this code is committed, continued, or permitted by such person and shall be punished accordingly. (Ord. No. 333, § 1, 1978)

1.01.110 Penalty sections of code. The following sections of the code adopted by this ordinance are penalty sections, and said penalty sections are hereinafter set forth in full and reenacted according to CRS 1973 31-16-204. (Ord. No. 333, § 1, 1978)

Chapter 1.04

GENERAL PROVISIONS

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- 1.04.010 Definitions.
- 1.04.020 Title of office.
- 1.04.030 Interpretation of language.
- 1.04.040 Grammatical interpretation.
- 1.04.050 Acts by agents.
- 1.04.060 Prohibited acts include causing and permitting.
- 1.04.070 Computation of time.
- 1.04.080 Construction.
- 1.04.090 Repeal shall not revive any ordinances.

1.04.010 Definitions. The following words or phrases, whenever used in the ordinances of the City of Broomfield, Colorado, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. *City* means the City of Broomfield, Colorado, or the area within the territorial limits of the City of Broomfield, Colorado, and such territory outside of the city over which the city has jurisdiction or control by virtue of the city's ownership of such territory, or by virtue of any constitutional or statutory provision.
- B. *Council* means the city council of the City of Broomfield, Colorado. "All its members" or "all councilmembers" means the total number of councilmembers holding office.
- C. *Law* denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the City of Broomfield and, when appropriate, and all rules and regulations which may be promulgated thereunder.
- D. *May* is permissive.
- E. *Month* means a calendar month.
- F. *Must* and "shall" are each mandatory.
- G. *Oath* includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- H. *Or* may be read "and" and "and" may be read "or" if the sense requires it.
- I. *Owner*, applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, or the whole or a part of such building or land.

J. "Peace officer," for the purpose of interpreting or construing any ordinance, resolution, rule, regulation or charter provision of the city of Broomfield and every applicable statute and court rule or procedure, means and includes every public official of the city of Broomfield, whether elected or appointed, and every employee of the city of Broomfield who, as a part of, in the course of, or in connection with his duties as such public official or employee, has or shall have any responsibility for or in connection with the execution, administration or enforcement of all or any part of any city ordinance, resolution, rule, regulation or charter provision. "Peace officer" includes but is not limited to police officers of the city of Broomfield and public officials and employees of the city who are not police officers. Public officials and employees of the city who are peace officers within the meaning as defined in this subsection shall have the power and authority to issue and serve summonses and complaints in the municipal court, without oath, affidavit or verification, but nothing contained in this subsection shall vest or be taken to vest in persons who are not sworn police officers other powers, duties, rights and emoluments of sworn police officers of the city of Broomfield not otherwise vested in such public officials or employees. Peace officers who are not sworn police officers of the city are not entitled to the retirement, pension, disability or other benefits to which sworn police officers are entitled by law and shall not have the power to arrest, but shall have those powers of inspection, investigation, search and seizure conferred by the rule, regulation, charter provision, resolution, or ordinance, or part thereof, which it is their duty to execute, administer or enforce.

K. "Person" includes a natural person, joint venture, joint stock company, partnership, associate, club, company, corporation, business, trust organization, or the manager, lessee, agent, servant, officer or employee of any of them.

L. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

M. "Preceding and "following" mean next before and next after, respectively.

N. "Property" includes real and personal property.

O. "Public way" includes all streets, highways, avenues, boulevards, lanes, parkways, alleys, courts, places, squares, curbs, or other public thoroughfares in this city, and the rights-of-way thereof, which are maintained by the city and are open to public use, unless the context of a particular ordinance, resolution, or regulation otherwise indicates, together with such other public property so designated in any law of this state. The word "street" is equivalent to the term "public way."

P. "Real property" includes lands, tenements and hereditaments.

Q. "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

R. "State" means the state of Colorado.

S. "Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

T. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

U. "Year" means a calendar year. (Ord. 284 §2, 1977).

1.04.020 Title of office. Use of the title of an officer, employee, department, board or commission means that officer, employee, department, board or commission of the city, unless otherwise specifically designated. (Ord. 284 §3, 1977).

1.04.030 Interpretation of language. All words and phrases shall be construed according to the context in which they are used and according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 284 §4, 1977).

1.04.040 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed as provided for in Section 1.04.030. (Ord. 284 §5, 1977).

1.04.050 Acts by agents. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 284 §6, 1977).

1.04.060 Prohibited acts include causing and permitting. Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 284 §7, 1977).

1.04.070 Computation of time. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 284 §8, 1977).

1.04.080 Construction. The provisions of the ordinances of the city and all proceedings under them are to be liberally construed with a view to effect their objects and to promote justice. (Ord. 284 §9, 1977).

1.04.090 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 284 §10, 1977).

Chapter 1.08

RIGHT OF ENTRY

Sections:

- 1.08.010 Short title.
- 1.08.020 Right of entry generally.
- 1.08.030 Presentation of credentials required--Refusal of entry.
- 1.08.040 Notice of intention to inspect required when.
- 1.08.050 Notice of intention to inspect--Contents--Search warrant required when.
- 1.08.060 Search warrant--Issuance.
- 1.08.070 Search warrant--Entrance permitted on presentation.
- 1.08.080 Search warrant--Basis of probable cause.
- 1.08.090 Search warrant--Return--Inventory of property taken required.
- 1.08.100 Search warrant--Issuance authority.
- 1.08.110 Applicability of notice requirement.
- 1.08.120 Emergency entry.
- 1.08.130 Seizure of property--Requirements.
- 1.08.140 Violation--Penalty.

1.08.010 Short title. This chapter shall be known and cited as "Ordinance No. 286, the Broomfield Right of Entry Ordinance." Reference to Ordinance 286 shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. 286 §2, 1977).

1.08.020 Right of entry generally. Whenever it is necessary to make an inspection for the purpose of enforcing any ordinance, resolution or regulation of the city, or whenever there is reasonable cause to believe that there exists or there is occurring in any building or upon any premises within the jurisdiction of the city any violation of a city ordinance, resolution, or regulation, any peace officer of the city may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon such peace officer by law; provided, that except in emergency situations or when the consent of the owner and/or occupant or other person or persons having charge or control of such building or premises has been otherwise obtained, the provisions set forth in Sections 1.08.020 through 1.08.080 shall be followed. (Ord. 286 §3(part), 1977).

1.08.030 Presentation of credentials required--Refusal of entry. If a building or premises is occupied, the peace officer shall first present proper credentials and request entry. If a building or premises is unoccupied, the peace officer shall first make a reasonable effort to locate the owner and/or occupant or other person or persons having charge or control of the building or premises and, upon locating the owner and/or occupant or other person or persons, shall present proper credentials and request entry. If such entry is refused, the peace officer shall give the owner and/or occupant or person in charge or control of the building or premises a twenty-four-hours' written notice of the peace officer's intention to inspect. (Ord. 286 §3.01, 1977).

1.08.040 Notice of intention to inspect required when. If the owner and/or occupant or other person or persons in charge or control of the building or premises cannot be located after a reasonable effort, the peace officer shall leave, at the building or premises, a twenty-four-hours' written notice of the peace officer's intention to inspect. (Ord. 286 §3.02, 1977).

1.08.050 Notice of intention to inspect--Contents--Search warrant required when. The written notice of intention to inspect given to the owner and/or occupant or other person or persons in charge or control or left at the building or premises as set forth in Sections 1.08.020 and 1.08.030 shall state that the property owner and/or occupant or person or persons in charge or control of the building or premises has the right to refuse entry and in the event such entry is refused, inspection may be made only upon the issuance of a search warrant by a magistrate having applicable jurisdiction. (Ord. 286 §3.03, 1977).

1.08.060 Search warrant--Issuance. After the expiration of the twenty-four-hour period from the giving or leaving of such notice, the peace officer may appear before any municipal judge of the city or any other judge having applicable jurisdiction and, upon a showing of probable cause, which shall be made in writing and under oath, shall obtain a search warrant entitling the peace officer to enter into the building or upon the premises. (Ord. 286 §3.04, 1977).

1.08.070 Search warrant--Entrance permitted on presentation. Upon presentation of the search warrant and proper credentials, or possession of the search warrant and proper credentials in the case of an unoccupied building or premises, the peace officer may enter into the building or upon the premises using such reasonable force as may be necessary to gain entry therein. (Ord. 286 §3.05, 1977).

1.08.080 Search warrant--Basis of probable cause. For the purposes of Sections 1.08.020 through 1.08.080, a determination of "probable cause" will be based upon reasonableness as the ultimate standard and, if a valid public interest justifies the entry contemplated, then there is probable cause to issue a search warrant. The standard necessary to determine the probable cause will vary with the municipal program being enforced, but may be based upon the passage of time, the condition of the building, premises or structure, or of the entire area, or the need to inspect in order to enforce the provisions of a city ordinance, resolution or regulation. The peace officer will not be required to demonstrate specific knowledge of the condition of the particular building, premises or structure in order to obtain a search warrant under this chapter. (Ord. 286 §3.06, 1977).

1.08.090 Search warrant--Return--Inventory of property taken required. After a search or inspection under authority of any search warrant issued from the municipal court or from any other court of competent jurisdiction, the return of such search warrant shall be made promptly and within ten days after the date of the warrant. It shall be accompanied by a verified written inventory of any property taken under the warrant, which may consist of a true copy of the receipt referred to in Section 1.08.130. If a copy of such receipt is returned to the court as the inventory, it shall be verified by the peace officer who made the search or inspection and seizure. (Ord. 286 §8, 1977).

1.08.100 Search warrant--Issuance authority. Any municipal judge of the city, or any other judge of any court of applicable jurisdiction, shall have power to issue a search warrant, upon a showing of probable cause for the implementation of the inspection as provided for in Sections 1.08.020 through 1.08.080. (Ord. 286 §6, 1977).

1.08.110 Applicability of notice requirement. The right of entry provisions of any city ordinance or codes heretofore or hereafter adopted by the city are not repealed by this chapter. However, the notice provisions of Sections 1.08.020 through 1.08.080 of this chapter are specifically made applicable to all such right of entry provisions in all cases not involving emergencies or where the consent of the owner and/or occupant, or other person or persons in charge or control of the building or premises, has not been obtained. It is the specific intent of this chapter that all entries of peace officers be subject to the notice provisions of Sections 1.08.020 through 1.08.080, except where there is an emergency or such consent has been otherwise obtained. (Ord. 286 §4, 1977).

1.08.120 Emergency entry. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of any city ordinance, resolution or regulation, a peace officer of the city may enter into any building or upon any premises within the jurisdiction of the city, upon a presentation of proper credentials in the case of an occupied building or premises, or possession of the proper credentials in the case of an unoccupied building or premises. In an emergency situation, the peace officer may use such reasonable force as may be necessary to gain entry into any building or upon any premises. For the purposes of this section, an emergency situation includes but is not limited to any situation where there is imminent danger of loss of life, limb and/or property caused by explosive materials, disease, fire, structural weakness, or any other condition which could cause such imminent danger, whether similar or dissimilar. (Ord. 286 §5, 1977).

1.08.130 Seizure of property--Requirements. If any property is seized incident to or as a result of an entry or search under this chapter, the peace officer taking the property shall give to the person from whom or from whose premises the property was taken a copy of the search warrant issued and a receipt for the property taken, specifically describing the property. If the premises are unoccupied at the time of search or inspection, the peace officer shall leave such copy and receipt at the place from which the property was taken, posted or left in a conspicuous place within or upon the premises searched or inspected. If the person from whose possession or premises property is taken is present at the time of the seizure, the receipt shall be filled out in the presence of such person; provided, however, that if for any reason the receipt cannot be filled out in the presence of such person, or if the premises are unoccupied, then the receipt shall be filled out in the presence

of at least one other peace officer other than the peace officer who is the applicant for the warrant. (Ord. No. 286, § 7, 1977)

1.08.140 Violation–Penalty. The penalty for violation of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 286, § 9(1), 1977)

Chapter 1.12

GENERAL PENALTY*

Sections:

- 1.12.010 Short title.
- 1.12.020 Definitions.
- 1.12.030 Penalties designated.
- 1.12.040 Violators designated.
- 1.12.050 Liability of corporations generally—Agent and high managerial agent defined.
- 1.12.060 Liability of individual for corporate conduct.

1.12.010 Short title. This chapter shall be known and cited as “Ordinance No. 285, the Broomfield Penalty Ordinance.” Reference to Ordinance 285 shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. No. 285, § 2, 1977)

1.12.020 Definitions. Unless the context otherwise requires, the following words and terms where used in this chapter shall have the meanings and constructions given in this section:

- A. *Accomplice* means any person who knowingly and voluntarily unites with the principal offender in the commission of any violation, either as a principal or as an accessory, before, during or after the fact.
- B. *Person* means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or their manager, lessee, agent, servant, officer or employee of any of them.
- C. *Violation* means failing to comply with any of the mandatory requirements of any ordinance, resolution, rule, regulation or law of the city, including failure to take affirmative action, or the doing of any act prohibited by any ordinance, resolution, rule, regulation or law of the city. (Ord. No. 285, § 3, 1977)

1.12.030 Penalties designated. Whenever in any ordinance, resolution, rule, regulation or law of the city, the doing of any act is required, prohibited, or declared to be unlawful, any person who is convicted of a violation of any such ordinance, resolution, rule, regulation or law shall, for each offense, be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except

***Editor’s note**—Ordinance No. 333, adopted in 1978, readopted Ch. 1.12, General Penalty, in its entirety.

where a different penalty is specifically prescribed by any ordinance of the city, and provided, that no person under the age of eighteen (18) years as of the date of the violation for which he is convicted shall be subject to the imposition of a jail sentence, except in the case of a conviction of a traffic offense or as otherwise provided by the Colorado Children's Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person, and shall be punished accordingly. It is the intent of this chapter that the general penalties set forth in this section shall apply wherever no specific penalty has been otherwise provided in any ordinance of the city. The suspension or revocation of any license, certificate evidencing accord of inspection services, or other privilege conferred by the city shall not be regarded as a penalty for the purposes of this chapter. (Ord. No. 337, § 1, 1978; Ord. No. 914, § 1, 9-24-91)

1.12.040 Violators designated. Every person who commits, attempts to commit, conspires to commit, or aids or abets a commission of any act declared to be in violation of any ordinance, resolution, rule, regulation, or law of this municipality, whether individually or in connection with one or more persons, as a principal or accomplice, is guilty of such offense and subject to penalty or penalties therefor; and every person who fraudulently or wilfully induces, causes, coerces, requires or directs another to violate any provision of any ordinance, resolution, rule, regulation or law of this city is likewise guilty of such offense and subject to the penalties therefor. (Ord. No. 285, § 5, 1977)

1.12.050 Liability of corporations generally—Agent and high managerial agent defined. A corporation is guilty of an offense if the conduct constituting the offense consists of an omission to discharge a specific duty or affirmative performance imposed on corporations by law; or the conduct constituting the offense is engaged in, authorized, solicited, requested, commanded or knowingly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment or in behalf of the corporation.

As used in this section, "agent" means any director, officer or employee of a corporation, or any other person who is authorized to act in behalf of the corporation, and "high managerial agent" means an officer of a corporation or any other agent in a position of authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees. (Ord. 285 S6, 1977).

1.12.060 Liability of individual for corporate conduct.
A person is criminally liable for conduct constituting an offense which he performs or causes to occur in the name of or in behalf of a corporation, to the same extent as if such conduct were performed or caused by him in his own name and behalf. (Ord. 285 S7, 1977).

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ADMINISTRATION AND PERSONNEL*

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Chapter 2.02

CITY COUNCIL COMPENSATION

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- 2.02.020 Mayor's additional compensation.
- 2.02.030 When effective.
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2.02.010 Compensation of members of council. Each member of the city council, including the mayor, shall receive two hundred dollars (\$200.00) per month (or part thereof) during his or her term of office. (Ord. No. 605, § 1, 1985)

2.02.020 Mayor's additional compensation. The mayor shall receive an additional two hundred dollars (\$200.00) per month (or part thereof) during his or her term of office, for a total of four hundred (\$400.00) per month. (Ord. No. 605, § 1, 1985)

*Editor's note—Current salary provisions are on file in the city clerk's office.

2.02.030 When effective. The compensation provided for in sections 2.02.010 and 2.02.020 shall take effect at the start of the term of the mayor and any member of council elected or appointed after November 1, 1985. (Ord. No. 605, § 1, 1985)

2.02.040 Expenses. Pursuant to section 4.8 of the charter, the council hereby orders that the mayor and council be paid their actual and necessary expenses incurred in the performance of their duties of office upon submitting evidence of such expenses to the support services department. (Ord. No. 605, § 1, 1985)

Chapter 2.04

ADMINISTRATIVE ORGANIZATION*
(RESERVED)

Chapter 2.08

CITY MANAGER†
(RESERVED)

*Charter reference—Municipal administration, Ch. 8.

†Charter reference—City manager, § 8.1 et seq.

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EMPLOYEES' REVIEW COMMITTEE

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2.10.010 General. Full-time city employees select fellow employees as representatives to assist the city manager and personnel division in reviewing personnel policies and procedures and the fringe benefit package. Representatives shall serve a two-year term or until their successors are elected or appointed. Representatives on the existing Employees' Personnel Policies and Procedures Review Committee shall continue to serve until their current terms expire and until their successors are elected or appointed. (Ord. 660 S1, 1985)

2.10.020 Composition. Eight representatives shall be selected to represent groups of employees who, by nature of their duties, have a common interest in personnel policies and procedures as follows:

A. One member elected by and representing employees of the parks and recreation department (group A);

B. One member elected by and representing employees of the city clerk's office, finance department, city manager's office, municipal court, support services department, and library department (group B);

C. One member elected by and representing employees of the planning and community development department, engineering department, building and zoning inspection department, and the administration division of the public works department (group C);

D. Two members elected by and representing employees of the public safety department (group D) to include one representative from patrol and community services field assignments, and one representative from investigations and all support assignments.

E. Three members elected by and representing employees of the public works department (group E) to include one representative from utilities and street maintenance divisions, one representative from the water plant operations division, and one representative from the wastewater plant operations division. (Ord. 660 S1, 1985)

2.10.030 Ineligible personnel. Department heads, the personnel officer, supervisors in group 1 (see subsection A of section 2.14.070 of chapter 2.14 of the Broomfield Municipal Code), part-time, and temporary employees are ineligible to serve on the committee or vote for its representatives. (Ord. 660 S1, 1985)

2.10.040 Elections. Employee representatives must be employed within and elected by the group they represent. To enhance continuity, one-half of the committee membership will be elected each year. Selection of representatives shall be made by secret ballot. Annually from January 1 through January 16, the personnel division will accept names of employees who are interested in serving on the committee to represent those groups open for election. These names will be placed on ballot forms to be distributed to employees during the third week in January. Upon tabulation of the ballots, the candidate with the highest number of votes shall be elected to represent his fellow employees. The first runner-up shall be designated as an alternate who may substitute during the absence of the regular representative. In the event the regular representative will be unable to complete his full term of service, the representative's alternate will be designated as the new representative. At that time, the second runner-up or an appointee by the representative (if there is no runner-up) would be designated as the alternate. (Ord. 660 S1, 1985)

2.10.050 Representative's role. It is the duty of each employee representative to attend all committee meetings and express his constituents' views. If the representative is unable to attend, he should arrange for his alternate to attend. It is further the representative's responsibility to report back to his group so that all subjects discussed at meetings are understood by employees within his group. In the event that additional information or data is required, it shall be the responsibility of each representative to obtain that information for his group. It shall be the duty of the committee to advise the city manager concerning the employee pension program. In addition, the committee must collectively appoint a full-time employee to serve on the board of trustees of the city of Broomfield employees' medical care expense plan. If a representative misses two consecutive meetings or a total of three meetings in one year, that representative shall be replaced as designated in section 2.10.040 unless otherwise determined by a majority vote of the committee. (Ord. 660 S1, 1985)

2.10.060 Meetings.

A. Meetings with management. The committee will meet with the city manager as needed. Either the committee or the city manager may call such a meeting. Committee members and the city manager will be given a minimum of seventy-two hours notice for each meeting called. The city manager may designate a representative to attend such meetings.

B. Meetings of committee. The committee will be entitled to use appropriate periods of duty time prior to meetings with management to conduct meetings of the committee itself. Time and scheduling shall be coordinated with and approved by respective supervisors.

C. Meetings with employee groups. Each employee group will be entitled to use an appropriate period during working hours for the group's representative(s) to report back after each meeting with management. Time and scheduling of the meetings shall be coordinated with and approved by supervisors and department heads. (Ord. 660 S1, 1985)

2.10.070 Chairperson. At the first meeting after each committee election, the representatives shall elect a chairperson from among the representatives. It shall be the duty of the chairperson to advise the representatives of the time and location of committee meetings and meetings with management. The chairperson is responsible for seeking the full and timely attendance of all representatives at meetings and for preparing a written agenda from which meetings will be informally conducted. (Ord. 660 S1, 1985)

Chapter 2.12

PERSONNEL MERIT COMMISSION*

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- 2.12.070 Jurisdiction; appeal hearing authority.
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- 2.12.090 Removal from office.

2.12.010 Members—Number. The personnel merit commission shall be composed of three (3) members appointed by the city council. If any member is absent from any meeting of the commission, an alternate member, who shall be appointed by council, shall serve as the third member of the commission. (Ord. 264, Art. 1, § 1, 1975; Ord. No. 809, § 1, 1-24-89)

2.12.020 Same—Qualifications. All commissioners, prior to appointment, shall be qualified electors of the city, and if any commissioner ceases to reside within the city, his membership on the commission shall automatically terminate. All members shall serve without compensation, and the appointed members shall hold no other municipal office, either elective or appointive. (Ord. No. 264, Art. 1, § 2, 1975)

2.12.030 Same—Term of office. Commissioners shall be appointed to three-year overlapping terms of office, with the initial appointments to establish the commission being made respectively for one-year, two-year and three-year terms. The alternate member shall serve an indefinite term, at the pleasure of council. (Ord. No. 264, Art. 1, § 3, 1975; Ord. No. 809, § 2, 1-24-89)

2.12.040 Vacancies. Vacancies shall be filled by appointment for the remainder of the unexpired term. (Ord. No. 264, Art. 1, § 4, 1975)

2.12.050 Organization; meetings; rules. The commission shall elect a chairman from among its members, whose term shall be one (1) year, with eligibility for reelection. The commission shall meet at least once annually, at which time a chairman shall be selected. Other meetings shall be called by the chairman as often as needed to conduct official business, as identified in this chapter. The commission shall also have authority to promulgate rules and regulations, as it deems necessary, in order to carry out its stated function, so long as said rules and regulations conform to the scope and intent of this chapter. (Ord. No. 264, Art. 2, 1975)

*Charter reference—Personnel merit system, § 9.1.

2.12.060 Expenditures; coordination of staff support. The personnel merit commission may expend such funds as it deems necessary in carrying out its functions, as stated in this chapter. The expenditures of the commission shall be within the amounts appropriated by the city council on an annual basis, such appropriation to provide for the equipment, staff support and space accommodations as deemed necessary by the council. Staff support as to recordkeeping, scheduling of meeting space and provision of necessary supplies shall be coordinated and administered by the city manager or his designated representative. (Ord. No. 264, Art. 3, 1975)

2.12.070 Jurisdiction; appeal hearing authority. The personnel merit commission shall have jurisdiction and final authority to hear and determine appeals by any aggrieved employee who has been subject to disciplinary action of any kind, as contained within the rules and regulations of the personnel merit system. (Ord. No. 264, Art. 4, § 1, 1975)

2.12.080 Appellate hearing authority; findings. The commission, in carrying out its function of conducting appellate hearings, shall have access to all city documents it deems necessary as well as the authority to compel the appearance of and to question witnesses. The commission, upon conclusion of hearings, shall issue findings of fact, and shall sustain, mitigate or reverse the disciplinary action in question. (Ord. No. 264, Art. 4, § 2, 1975)

2.12.090 Removal from office. Commissioners shall be subject to removal from office, by a majority vote of the city council, for failure to act in a manner so as to fulfill their duties as specified in this chapter. (Ord. No. 264, Art. 5, 1975)

Chapter 2.14

PERSONNEL MERIT SYSTEM

Sections:

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2.14.005 Legislative declaration. The personnel merit system is established pursuant to the provisions of section 9.1 of the Charter. The personnel merit system does not establish or create a contract of employment, either express or implied, between the city and any employee. These rules do not grant any right of continued employment to any employee and are subject to change by the city, including changes to employee benefits and personnel practices. Any such change may apply to both present and future employees of the city. (Ord. No. 921, § 1, 6-9-92)

2.14.010 Positions covered. All employees of the city of Broomfield shall be covered by this chapter 2.14 except the following:

- A. City manager.
- B. Department heads, except the director of public safety who shall be included.
- C. Elective officers.
- D. Appointees of the city council.
- E. Appointed members of boards and commissions.
- F. Persons employed to make or conduct a special inquiry, investigation, examination, installation or audit. (Ord. No. 659, § 1, 1985)

2.14.020 Definitions. As used in this chapter 2.14, unless the context clearly indicates or requires otherwise, certain words and terms are defined as follows:

- A. *Career employee* means an employee not on probation.
- B. *Charter* means the home rule charter of the city of Broomfield.
- C. *City council* means the policy-making body of the city composed of ten (10) members, two (2) elected from each of five (5) wards, and a mayor elected at large from the entire city.
- D. *City manager*: The city manager, or any designee thereof in writing, is the appointing authority who has authority to appoint, suspend, promote, demote, transfer, remove or otherwise discipline employees of the city.
- E. *Class* means a position or group of positions which are sufficiently similar with respect to duties, responsibilities and authority that they may be designated by the same class title and compensated within the same pay range.
- F. *Class specification* means the written description of a class.
- G. *Class title* means the title assigned to any particular class and used for reference with regard to that class.
- H. *Classification plan* means a list of classes supported by written specifications.
- I. *Compensation* means all forms of valuable consideration including but not limited to salaries, wages, uniform allowance and insurance premiums.

J. *Confidential position* means a position with access to city personnel data or financial data.

K. *Conflict of interest* means any personal, property or pecuniary interest or any other private interest held by an individual which may directly or indirectly affect, or which may reasonably be perceived by the public as directly or indirectly affecting, judgment or actions in the conduct of public duties.

L. *Days*, unless otherwise specified, means normal business days (Monday through Friday) excluding city holidays.

M. *Demotion* means a placement of an employee from a position in one (1) class to a position in another class that has a lower minimum salary rate than the original class and less authority or responsibility.

N. *Department head* means an employee, appointed by the city manager, who serves as the administrative head of a department.

O. *Disciplinary action* means an oral warning, written reprimand, suspension, demotion or dismissal. This term does not include a transfer, change in assignment, change in working hours or other terms and conditions of employment.

P. *Dismissal* means an involuntary separation of an employee by the city.

Q. *Emergency services employee* means an employee in a class designated by the department head which is subject to call-back on a twenty-four (24) hour basis and who is employed subject to his ability to respond to emergency situations.

R. *Employee* means an individual paid for present services or work performed on a noncontractual and nonvoluntary basis.

S. *Employment date* means the date on which an employee commences performance of duties.

T. *Full-time employee* means an employee who is hired to work in a continual, year-round position for a minimum of two thousand eighty (2,080) hours in a calendar year (or proportionately less for an employee hired during the calendar year).

U. *Household* means those who share living accommodations and financial, recreational or social activities.

V. *Immediate family* means those individuals related to an employee in the following manner: mother; father; stepmother; stepfather; foster mother; foster father; spouse; mother-in-law; father-in-law; grandmother; grandfather; brother(s); sister(s); children, to include stepchildren and foster children; or any relative living in the same household.

W. *Layoff* means separation because city council has not budgeted funds for the position, other lack of funds, curtailment of work, change in operations or organizational structure or other reasons not related to fault, delinquency or misconduct on the part of the employee.

X. *Leave* means an authorized absence from regularly scheduled work hours which has been approved by proper authority.

Y. *Original appointment* means the appointment of a person not previously employed by the city.

Z. *Part-time employee* means an employee who is hired to work in a continual, year-round position for less than two thousand eighty (2,080) hours in a calendar year (or proportionately less for an employee hired during the calendar year).

AA. *Pay range* means a minimum and maximum rate of pay for a given class and all rates in between.

BB. *Personnel division* means a division of the support services department which is responsible for coordinating the personnel activities of the city under the direction of the city manager.

CC. *Probation* means a specified time period following original appointment, demotion, reemployment after separation from city employment or appointment to a different class or department used to determine the employee's fitness for a particular position.

DD. *Probationary employee* means an employee who has not completed probation.

DD1. *Promotion* means the increase in an employee's duties and responsibilities in conjunction with the placement of the employee from a position in one (1) class to a position in another class that has a higher minimum rate of pay.

EE. *Provisional appointment* means an appointment authorized by the city manager without formal recruitment procedures as described in this chapter 2.14.

FF. *Reclassification* means the official determination by the personnel division that a position be assigned to a different class from the one to which it was previously assigned.

GG. *Separation* means the termination of employment.

HH. *Separation date* means the date of the employee's last day actively at work while in actual attendance at the work station.

II. *Suspension* means an involuntary absence imposed on an employee.

JJ. *Temporary employee* means an employee who is hired for a specifically limited period of time, normally not to exceed nine (9) months in duration.

KK. *Terms and conditions of employment* shall include, but are not limited to, the following: standards for examination, selection and employment; causes for disciplinary action; duties to be included in position; numbers and types of positions or employees assigned to a work unit, department or project; specific assignment of duties to an employee; working hours and working schedules; assignment of overtime; amount of overtime required; working locations; duration of temporary appointments or assignments.

LL. *Transfer* means the city-initiated movement of an employee from one (1) position to another position of the same class in the same department. A temporary duty assignment which does not exceed thirty-one (31) calendar days is not a transfer.

MM. *Work period* means a fixed and regularly recurring period of not less than seven (7) consecutive twenty-four (24) hour periods for employees, excluding designated sworn law enforcement personnel. The work period for designated sworn law enforcement personnel shall be established by the department head with the concurrence of the personnel division.

NN. *Workweek* means a fixed and regularly recurring period of one hundred sixty-eight (168) hours (seven [7] consecutive twenty-four [24] hour periods) established by the department head with the concurrence of the personnel division. (Ord. No. 659, § 1, 1985; Ord. No. 921, §§ 2, 3, 6-9-92)

2.14.030 Administration--City manager. The city manager shall be responsible for the effective administration of these policies and procedures and may delegate such functions as he deems necessary. The city manager may establish, adopt, amend or rescind other administrative policies and procedures consistent with the applicable provisions of the charter, ordinances (including this chapter 2.14) and resolutions. (Ord. No. 659, § 1, 1985)

2.14.040 Administration--Department heads. Department heads will provide staff assistance to the city manager and the personnel division in the implementation of this chapter 2.14. Department heads may establish such rules as deemed necessary for the efficient and orderly administration of their department. Such rules must be consistent with this chapter 2.14 and filed with the personnel division before they become effective. Copies of supplemental departmental rules shall be provided to all employees within that department. (Ord. No. 659, § 1, 1985)

2.14.050 Classification plan--Composition. The following two (2) elements are contained within the classification plan:

- A. Listing of class titles.
- B. Class specifications. The written class specifications shall include the following:
 - (1) *General description of work.* Makes a general statement of the type of work and responsibilities which characterize the position.
 - (2) *Examples of duties.* States typical tasks common to positions of a specific class. The tasks are intended to provide in a general context the range of duties performed by a class. Examples are not intended as a definitive statement nor to limit the duties performed by an employee. Any single position of a class may not perform all of the duties listed and some positions will require duties that are not listed. Examples of duties will include essential required tasks. Persons hired in a class must be able to perform the essential tasks required by the position.
 - (3) *Performance indicators.* Identifies specific job performance requirements to measure performance criteria for job evaluation.

- (4) *Independence of action.* Indicates the need to apply knowledge and make independent decisions as indicated by the nature of supervision or direction received; the extent to which decisions and actions are subject to review by higher authority or are controlled by established policies and procedures; the relative variety and complexity of matters on which decisions are required; the relative frequency with which the need for decisions arise; the requirement for analytical ability and creative and original thinking; and the consequence of error.
- (5) *Personnel management responsibility.* Considers the extent to which the incumbent is required to plan, organize, direct, review and appraise the work of others in the organization, and perform other personnel functions such as counseling, discipline, leave approval, hiring and keeping and maintaining records.
- (6) *Working relationships.* Considers the extent and purpose of interactions of the incumbent with others not in the supervisory chain within and outside the organization in performing the work including the importance of the subject matter, objectives of the relationships, and the level, frequency and complexity of contacts required.
- (7) *Working conditions.* Considers physical characteristics of the work and its environment, dexterity and exertion required by the work, degree of risks, and discomforts or unpleasantness imposed upon the incumbent by the work environment.
- (8) *Necessary applicant traits.* Considers the training, experience and other qualifications an applicant needs to bring to the work in order to qualify for entry into the class. This section serves as a guide to the personnel division and the department head in developing employee selection methods and training programs. Lists specific physical and mental requirements for completion of essential job duties and responsibilities.
- (9) *Education and experience.* States type and amount of experience, training and education expected to provide adequate preparation for the duties of the position.
- (10) *Necessary special requirements.* Specifies what licenses, certificates or unusual skills are required for appointment to a position. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 4, 6-9-92)

2.14.060 Classification plan--Administration and maintenance. The classification plan shall be prepared and maintained by the personnel division and is subject to final approval by the city manager.

A. *Newly budgeted positions.* The department head shall submit to the personnel division a written description of the duties and responsibilities of any newly budgeted position. The personnel division shall review the duties and responsibilities in order to assign the position to an existing class or to prepare a new class.

B. *Reclassification of existing positions.* When the type of duties and responsibilities of an employee have changed substantially for a period of at least three (3) months, the department head, supervisor, employee or personnel division may initiate a request for reclassification

review on the form designated by the personnel division. Upon receipt of this form, the personnel division shall request that the employee fill out a position description form and shall obtain other necessary information from the employee, supervisor and department head. The personnel division may determine that 1) the duties and responsibilities fall within the employee's existing class; 2) the employee's existing class should be modified to include the duties and responsibilities; 3) the employee should be reclassified to another existing class; or 4) the employee should be classified to a newly created class. The results of the review shall be conveyed to the city manager for approval, disapproval or modification. The personnel division will then notify the employee, supervisor and department head of its conclusions, such notification to be made within one hundred twenty (120) calendar days of the receipt of the completed position description form in the personnel division. If the employee does not agree with the results of the reclassification review, he may request a meeting with the city manager and personnel division.

- (1) *Employee's probation period.* When an employee's position is reclassified, the employee shall not be subject to a new probation period.
- (2) *Pay rates.* Pay rates will be established in accordance with the provisions in section 2.14.120. Any pay increase will be retroactive to the date the request for reclassification review was initiated.

C. *Minimum rate of pay for new classes.* When it is necessary to create a new class, the personnel division shall either 1) conduct a survey of cities to determine an appropriate minimum rate of pay for the new class; or 2) establish the minimum rate of pay in relationship to existing city classes. (Ord. No. 659, § 1, 1985; Ord. No. 921, §5, 6-9-92)

2.14.070 Pay plan--Definitions. All classes shall fall within the following groups:

A. Group 1 shall consist of executive, supervisory, administrative and professional classes designated by the city manager.

B. Group 2 shall consist of all positions not included in Group 1. (Ord. No. 650, § 1, 1985)

2.14.080 Pay plan--Composition.

A. *Pay ranges.* The ranges identified within the pay plan shall correspond to the classification plan and shall consider:

- (1) Pay ranges established for other classes;
- (2) Prevailing rates of pay for similar occupational categories in the market area;
- (3) Changes in economic conditions;
- (4) Relative difficulty and responsibility of positions within a class; and
- (5) Current financial policy and economic considerations of the city.

B. *Pay plan.* The pay plan is composed of a list of pay rates expressing a minimum and maximum rate for each class.

C. *Salary administration plan.* The salary administration plan shall be reviewed and adopted by city council through the annual budget process. Proposed amendments to the salary administration plan will be submitted by the city manager to the city council for approval. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 6, 6-9-92)

2.14.090 Pay plan--Appointment rate.

A. The minimum rate of pay for a class shall normally be paid for appointment to a position in the class. Appointment above the minimum rate may be made for justifiable reasons as determined by the department head and approved by the city manager.

B. Pay rates for a provisional appointment shall be established by the city manager. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 7, 6-9-92)

2.14.100 Pay plan--Demotion rate. When an employee is demoted, his rate of pay shall be within the pay range of the class to which demoted. The exact rate shall be determined by the department head and approved by the city manager. (Ord. No. 659, § 1, 1985)

2.14.110 Pay plan--Transfer rate. When an employee is transferred, rate of pay shall not be changed. (Ord. No. 659, § 1, 1985)

2.14.120 Pay plan--Position reclassification rate. When an employee's position is reclassified, the employee's rate of pay shall be within the pay range of the class to which reclassified. The exact rate shall be determined by the department head and approved by the city manager. (Ord. No. 659, § 1, 1985)

2.14.130 Pay plan--Promotion rate. Upon the promotion of an employee, the employee's rate of pay will be set within the pay range of the class to which the employee is promoted. The employee's rate of pay upon promotion is set by the employee's department head and approved by the city manager. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 8, 6-9-92)

2.14.140 Pay plan--Pay advancement.

A. Employees may receive pay increases as a result of the following:

- (1) Annual performance evaluation;
- (2) End of probationary period;
- (3) Merit bonus; or
- (4) Certification programs.

B. Prior to the effective date of any pay increase for an annual performance evaluation or the end of a probationary period, a completed performance evaluation form must be submitted to the personnel division. A department head, with the approval of the city manager, may defer a pay increase pending performance improvement. (Ord. No. 659 §1, 1985; Ord. No. 921, § 9, 6-9-92)

2.14.150 Pay plan--Pay adjustment programs.

A. *"On-call" pay.* Employees required to be readily available (as determined by the department head) to return to work on specific weekends or holidays shall receive additional pay as follows: for each hour of on-call service, the employee shall be paid one-eighth ($\frac{1}{8}$) hour at his straight-time rate. On-call pay must be approved by the employee's supervisor in advance.

B. *"Call-back" pay.* Any employee who is called in by his supervisor to report to work during the employee's nonscheduled working hours shall be guaranteed a minimum of two (2) hours of pay. The two (2) hour minimum shall not apply where the extra time worked is an extension of normal working hours. The supervisor has the right to assign an employee under this provision to work on any project or task for the full duration of time paid. Call-back pay is in addition to any applicable on-call pay. (Ord. No. 659, § 1, 1985)

2.14.160 Pay plan--Hours of work and overtime.

A. *Attendance.*

(1) *General.* Employees are to be in attendance and on time at their work station as scheduled by the department. All departments shall maintain accurate daily records of employee attendance and hours of work.

(2) *Hazardous conditions.* If city offices or facilities are closed by order of the city manager (as confirmed by the employee's supervisor), those employees designated as "emergency services employees" by their department head will be required to work as scheduled. Nonemergency services employees will not work unless they have made arrangements with their supervisor.

B. *Overtime.*

(1) *General.* At the discretion of the department head, city manager or other supervisory personnel, reasonable overtime may be required of employees.

(2) *Overtime compensation.* The city will pay overtime compensation in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 10, 6-9-92)

2.14.170 Transfer.

A. A department head, with the approval of the personnel division, may transfer an employee from one (1) position to another position of the same class within the department.

B. It shall not be necessary to post job announcements, advertise position openings or conduct examinations for positions filled through transfer of current city employees.

C. Information regarding pay rates is in Section 2.14.110. (Ord. No. 659, § 1, 1985)

2.14.180 Recruitment--Personnel requisition form. Upon receipt of a signed personnel requisition form, the personnel division shall initiate actions to fill a vacancy. (Ord. No. 659, § 1, 1985)

2.14.190 Recruitment levels. Recruitment for applicants to fill vacant positions will commence at level 1 and proceed through level 4 until vacant positions are filled. If there are an insufficient number of eligible applicants in any level, as determined by the appointing authority in conjunction with the personnel division, recruitment will be commenced at the next level.

A. Level 1: Former employees who have been laid off by the city for one (1) year after their effective date of lay-off; provided, however, that any such employee is eligible for reemployment by the city as indicated on their separation personnel action form.

B. Level 2: Current city employees.

C. Level 3: Former city employees who were employed for at least two (2) months in the recruited for vacant class and who are eligible for reemployment or reconsideration as indicated on their separation personnel action form; provided, however, that recruitment at Level 3 is limited to former employees who have filed their current name and address with the personnel division for reemployment by the city.

D. Level 4: All other persons interested in city employment.

E. Applicants on a certified eligibility list will be considered for appointment prior to commencing recruitment at any level. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 11, 6-9-92)

2.14.200 Recruitment--Job announcement and advertisement.

A. For each vacancy where there is an insufficient number of eligible applicants, the personnel division shall prepare a job announcement. This announcement shall be posted in appropriate locations to inform interested persons of the opportunity to apply. Each announcement shall be posted a minimum of five (5) calendar days and shall contain: title and minimum rate of pay for the position; time and place for making application; closing date for application; general informative statement of the nature of the position or work; and minimum qualifications, including education, training, experience and necessary special qualifications.

B. When published advertising is necessary, such advertisements shall be published in at least one (1) newspaper of local circulation and shall include the title, minimum rate of pay, place and closing date for application. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 12, 6-9-92)

2.14.210 Recruitment--Application.

A. All applicants shall be required to complete the application form and provide such other information as may be designated by the personnel division. The application form shall be used to collect information related to applicants' suitability for employment.

B. Any person who misrepresents or omits information on an application form or resume will be eliminated from further consideration for employment by the city. If such misrepresentation or omission is discovered by the city after the person is employed, such employee may be subject to disciplinary action.

C. Applicants must notify the personnel division of any change in address or telephone number or other matters on their application. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 13, 6-9-92)

2.14.220 Recruitment--Applicant eligibility. Eligibility shall be determined by the personnel division. To be eligible, an applicant must meet the criteria of this section:

A. *Relatives of city employees and elected officials.* An appointment, demotion, promotion or transfer which would result in two (2) members of an immediate family or household working in a supervisory-subordinate relationship or in the same division shall require approval of the city manager. If there are two (2) people in the same immediate family or household and if either would serve in an elected or confidential position, the appointment, demotion, promotion or transfer shall require the approval of the city manager. In order to appoint, demote, promote or transfer under this paragraph, the city manager must determine that there is no substantial likelihood of impairment of job performance or conflict of interest.

B. *Qualification.* An applicant must meet all qualifications set out in the classification plan and the job announcement.

C. *Disqualification.* An applicant must not have:

- (1) A record of unsatisfactory employment;
- (2) Been adjudged guilty of a crime or infraction which would relate to his fitness to perform the duties of the position;
- (3) Made false statements of any material fact or practiced or attempted to practice deception or fraud in the application or examination process;
- (4) Missed or failed an examination provided for in section 2.14.230;
- (5) Failed to respond within seven (7) calendar days to any inquiry or request of the personnel division; or
- (6) Failed to report for duty when directed. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 14, 6-9-92)

2.14.230 Examinations.

A. *General.* Examinations may consist of written, oral, medical, physical, psychological, performance criteria, background investigation, fingerprinting, polygraph examination, assessment center evaluation, or any combination thereof as determined by the personnel division and the appointing authority. If required, medical and psychological examinations shall be conducted by a medical or psychological professional appointed by the city. The costs of any preemployment examinations will be paid by the city.

B. *Notification of results.* Each applicant will be notified by the personnel division of the status of his or her application.

C. *Promotional examinations.*

- (1) Promotional examinations will be limited to employees who meet the minimum qualifications in the class specification. Admission to promotional examinations may be restricted by the personnel division to regular employees within a division or department when such action is in the best interest of the city, as determined by the personnel division in consultation with the appropriate department head.
- (2) Promotional examinations will be conducted in the same manner as original appointment examinations as described in subsection A above.
- (3) Promotional examinations are subject to the provisions of subsection 2.14.240B of this chapter requiring the personnel division to establish and certify eligibility lists to appointing authorities. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 15, 6-9-92)

2.14.240 Appointment.

A. *Appointing authority.* Subject to the written approval of the city manager, the head of each city department shall have appointing authority for employees of that department. For any department head position covered by this chapter 2.14, the city manager is the appointing authority. The appointing authority may be delegated by the city manager in writing.

B. *Eligibility lists.*

- (1) After the examinations, including promotional examinations, for a vacant position are completed, the personnel division will establish an eligibility list of those persons qualified for consideration for appointment to the vacant position. The eligibility list will then be certified by the personnel division to an appointing authority for the appointment of a qualified person to a vacant position in the appointing authority's department.
- (2) An eligibility list will be active for not less than sixty (60) days nor for more than one (1) year, as determined by the personnel division. Any eligibility list may be terminated by the personnel division after one-half (½) of those on the list have either been employed by the city or otherwise eliminated from consideration for employment by the city. Except as otherwise provided in this chapter, any person not on an active eligibility list shall not be appointed to any vacant position in the city.
- (3) The appointing authority may appoint any person from an eligibility list certified by the personnel division.
- (4) It is the responsibility of a person on an eligibility list to notify the personnel division in writing of any change of availability of the person for employment.
- (5) The name of any person on an eligibility list may be removed by the personnel division if the person requests in writing that his or her name be removed or if such person cannot otherwise be located by the personnel division. The name of a person on an

eligibility list may be removed if the person has either waived or refused appointment twice to the same class.

C. *Citizens' preference.* In cases where residents of the city of Broomfield are eligible and as qualified as non-city applicants, such city residents shall be hired; provided, however, that an appointment of such resident shall not otherwise violate any state or federal law. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 16, 6-9-92)

2.14.250 Types of appointment. Appointments to city employment shall be made within one (1) of the following categories:

A. *Full-time.* Full-time appointments require recruitment, examination and selection procedures as set forth in sections 2.14.180 through 2.14.240.

(1) *Standard probation period.* The standard probation period for all full-time employees is six (6) consecutive months, except entry-level police officers who shall serve a standard twelve (12)-consecutive-month probation period.

B. *Part-time.* Part-time appointments require recruitment, examination and selection procedures as set forth in Sections 2.14.180 through 2.14.240.

(1) *Limitation on hours worked.* A part-time employee may not work more than one thousand six hundred sixty-four (1,664) hours in the calendar year (or proportionately less hours if hired for a period of less than twelve [12] months in the calendar year) without approval of the city manager.

(2) *Standard probation period.* The standard probation period for all part-time employees is twelve (12) consecutive months.

C. *Temporary appointments.*

(1) Temporary appointments do not require recruitment, examination and selection procedures as set forth in sections 2.14.180 through 2.14.240 of this chapter. In filling vacancies for temporary positions, the personnel division will coordinate the recruitment procedures with the department head.

(2) Appointments to temporary positions shall not exceed nine (9) months in duration without approval of the city manager. Successive appointments to the same position shall not be made without at least a three (3) month break in service.

D. *Provisional.* Provisional appointments do not require recruitment, examination and selection procedures as set forth in sections 2.14.180 through 2.14.240. Provisional appointments must be authorized by the city manager, after considering the recommendation of the personnel division.

1. *General.* A provisional appointment may be authorized to a) fill the position of an employee on extended leave, b) prevent undue delay or serious interference with the provision of necessary public services, c) employ a student through a cooperative education or work-study program, or d) provide a position to an employee who would otherwise be laid off.

2. *Standard probation period.* The standard probation period for all provisional employees is based on type of appointment as indicated in section 2.14.250 of this chapter. (Ord. No. 659, § 1, 1985; Ord. No. 921, §§ 17, 18, 6-9-92)

2.14.260 Probation.

A. *Purpose.* Probation is an integral part of the selection procedure providing time to train, observe and evaluate an employee to determine his fitness for career employee status. Probationary employees may be disciplined for cause.

B. *Length.* See section 2.14.250 for standard probation periods. Employees who are demoted, reemployed after separation from city employment, or appointed to a different class or department are subject to a new probation.

The department head may recommend that an employee's probation be ended early based on exceptional job performance or prior city employment. Such a request must be presented in memorandum form to the personnel division, accompanied by a signed evaluation form, and must be approved by the city manager to be effective.

C. *End of probation.* At the end of an employee's probation, the person with appointing authority, with the concurrence of the personnel division, shall take one (1) of the following actions:

- (1) End probation;
- (2) Extend probation for a specified length of time up to six (6) months (probation may be extended for up to six [6] months any number of times);
- (3) Dismiss the employee;
- (4) Demote the employee or return him to a former position.

In all cases, the employee shall be notified in writing of the action taken within two (2) weeks of the scheduled expiration of the probation period. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 19, 6-9-92)

2.14.270 Performance evaluation. The personnel division, under the direction of the city manager and in cooperation with department heads, shall establish a performance evaluation system for rating employees at the conclusion of their probation period and at least annually thereafter.

A. *Evaluation forms.* Using the class specification as a basis, the department head and personnel division will develop a form for evaluating employee performance. A copy of the form shall be given to the employee and the employee's immediate supervisor.

B. *Rating by supervisor.* The current supervisor shall request preliminary written input from the employee on the form provided by the personnel division. Each immediate supervisor for the period being evaluated shall then complete the designated form to evaluate the employee's performance.

C. *Performance evaluation review.* The supervisor(s) shall then review the written evaluation(s) with the employee. At the conclusion of this review, the evaluation form(s) should be signed by the supervisor(s) and employee and a copy provided to the employee.

D. *Employee's response.* The employee may write any comments or concerns regarding the evaluation on the evaluation form(s) or on additional pages as necessary. The evaluation form(s) and any employee response shall be transmitted to the department head for review.

E. *Files.* Evaluation forms and the employee's response will become a permanent part of the employee's personnel file.

F. *Continued suitability.* To ensure continued suitability for employment, a department head may require any of the examinations referred to in subsection A of section 2.14.230. (Ord. No. 659, § 1, 1985)

2.14.280 Conduct.

A. *General.* City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the city. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting city business.

B. *Activities.* Certain activities, by virtue of their relationship to city service or to the unique characteristics of municipal activity, must be regulated or restricted. Violation of these regulations and restrictions shall be cause for disciplinary action. These regulations and restrictions are:

- (1) *Receipt of gifts.* A city employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any item of monetary value from any person who has or is seeking to obtain business with the city, or from any person within or outside city employment whose interests may be affected by the employee's performance or nonperformance of official duties. Items in the category of advertising novelties having wide distribution may be retained by the recipient. The prohibition of this section is not intended to apply to the purchase of a meal in a setting where the people are discussing city business.
- (2) *Outside employment.* If the city manager determines that any employee's outside employment interferes with performance of duties or results in a conflict of interest, he may order it terminated. A full-time employee must obtain prior written approval of the department head and the city manager for outside employment.
- (3) *Privileged information.* City employees who are involved with plans, programs or information of significant public interest may not use this privileged information for personal gain nor to benefit family, friends or acquaintances. If an employee has an outside interest which could be affected by any city plan or activity, this situation must be reported to the employee's supervisor and department head immediately. Each employee is charged with the responsibility of ensuring that only information that should be made available to the general public is released.

- (4) *Political activity.* No city employee shall work as a Broomfield municipal election judge or assist in the publication or distribution of any materials approving, supporting, disapproving or commenting on a candidate for election to Broomfield municipal office. Employees may seek Broomfield municipal office, provided they resign their position with the city at the time of undertaking any campaign activities. (Ord. No. 659, § 1, 1985)

2.14.290 Causes for disciplinary action. Causes for disciplinary action shall include, but shall not be limited to, the following:

- A. Incompetency or inefficiency in the performance of job duties;
- B. Neglect or refusal to comply with an instruction, order or direction of a supervisor unless such instruction, order or direction is injurious to the employee's or general public's health and welfare;
- C. Engaging in offensive, threatening or abusive behavior;
- D. Deliberate or careless conduct endangering the safety of any person;
- E. Carelessness, negligence, misuse or intentional destruction of city property;
- F. Reporting for work under the influence of alcoholic beverages or illegal drugs;
- G. Possession, use or being under the influence of controlled substances or alcohol while on the job;
- H. Violating a safety rule or practice;
- I. Smoking in unauthorized areas on city property;
- J. Interfering with the work of other employees;
- K. Sleeping on duty;
- L. Taking property without permission;
- M. Misrepresenting or falsifying information in an application form, personnel record, time report or other city report or record, or in a verbal statement;
- N. Unauthorized absenteeism or unauthorized tardiness;
- O. Leaving assigned work area without prior authorization by the supervisor;
- P. Violation of any ordinance, resolution, statute, the charter, or personnel or departmental rule, regulation, order or code of professional ethics;
- Q. Inducing or attempting to induce any employee in the service of the city to commit an unlawful act or to act in violation of any ordinance, resolution, statute, the charter, or personnel or departmental rule, regulation, order or code of professional ethics;
- R. Failure to report (where known or reasonably suspected) violations of any ordinance, resolution, statute, the charter, a personnel policy or departmental rule, regulation, order or code of professional ethics by another city employee during working hours;

S. Failure to report any conduct by any city employee which may constitute a conflict of interest for that person;

T. Failure to establish and maintain effective working relationships with employees, supervisors, department administrators, elected officials, other public agencies, contractors, developers or the public;

U. Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a city employee;

V. Discussing with unauthorized persons any confidential information gained through employment with the city;

W. Violating the provisions of section 2.14.280;

X. Violating the provisions of section 2.14.430;

Y. Manufacturing, distributing, dispensing or possessing controlled substances or illegal drugs in the workplace;

Z. Failing to report any conviction, within five (5) days of the conviction, for a violation of any federal or state drug statute that occurred in the workplace.

AA. Refusing to submit or consent to a test for alcohol or controlled substances or to consent to the release of the results of any such test as prescribed in section 2.14.305 of this chapter. (Ord. No. 659, § 1, 1985; Ord. No. 896, § 1, 2-26-91; Ord. No. 921, §§ 20, 21, 6-9-92)

2.14.300 Disciplinary actions.

A. *Types of disciplinary action.* There are the following types of disciplinary action:

1. Oral warning;
2. Written reprimand;
3. Suspension;
4. Demotion; and
5. Dismissal.

These actions are listed in increasing order of severity. Less severe actions should generally be used in cases of minor violations. The selection of a particular action is within the discretion of the person taking the disciplinary action.

B. *Notice.* Prior to the effective date of any suspension, demotion or dismissal, written notice must be given. Notice may be given by personal delivery or certified mail. A mailed notice is deemed given on the date it is mailed to the address of the employee as shown in the records of the personnel division. Written notice shall specify the type of disciplinary action, the effective date, the reasons therefor, and the evidence supporting those reasons.

C. *Pay pending hearing.* An employee who is dissatisfied with the proposed action and who proceeds in accordance with section 2.14.340 shall be entitled to have his current pay continued from the filing date of the grievance until the department head hearing provided for in subsection B of section 2.14.340 is concluded.

D. *Who may take disciplinary action.* An employee may receive an oral warning or written reprimand from his immediate supervisor or anyone in the employee's supervisory chain of command. An employee may be suspended, demoted for disciplinary cause, or dismissed only by his department head or the city manager.

E. *Records.* A copy of any written reprimand or notice of suspension, demotion or dismissal shall be given to the personnel division for inclusion in the employee's personnel file. A copy of any notice of suspension, demotion or dismissal shall also be given to the city manager.

F. *Preliminary administrative hearing.* Before an employee is suspended, demoted or dismissed, the employee's appointing authority will provide the employee with a written notice describing the reason or reasons for the proposed suspension, demotion or dismissal. Prior to the effective date of such proposed suspension, demotion or dismissal, the appointing authority will provide the employee with an opportunity to be heard and respond to the reason or reasons for such proposed suspension, demotion or dismissal. (Ord. No. 659, § 1, 1985; Ord. No. 921, § 22, 6-9-92)

2.14.305 Employee controlled substance and alcohol testing.

A. Upon forming a reasonable suspicion, the city manager or any appointing authority is authorized to order an employee to submit to a test for controlled substances or for alcohol or for both controlled substances and alcohol at city expense and at a laboratory selected by the city.

B. Upon order of the city manager or any appointing authority to submit to a test for controlled substances or for alcohol or for both controlled substances and alcohol, any employee refusing to submit to such test or consent to such test or consent to the release of the results of such test to the city is subject to disciplinary action.

C. For purposes of this section, *alcohol* means 190 proof ethyl alcohol or any fermented beverage, as defined in the Colorado Beer Code, or alcoholic liquors, as defined in the Colorado Liquor Code.

D. For purposes of this section, *controlled substances* means any drug or other substance or immediate precursor that is declared to be a controlled substance by the Colorado Controlled Substances Act and defined in section 12-22-303, C.R.S., as amended. (Ord. No. 921, § 23, 6-9-92)

2.14.310 Nondisciplinary suspension. During investigation, hearing or trial of an employee for any civil or criminal charge or pending any hearing or investigation scheduled pursuant to this chapter 2.14, an employee may be suspended by the department head or city manager for the duration of that investigation, hearing or trial. Any suspension made pursuant to this section may be made with full pay and benefits. The nondisciplinary suspension shall identify the specific investigation, hearing or trial and shall terminate upon the completion of that investigation, hearing or trial. (Ord. No. 659, § 1, 1985)

2.14.320 Employee grievance procedure-Policy. Grievances may be processed under sections 2.14.320 through 2.14.350 for any dispute regarding the meaning, interpretation, application or alleged violation of the terms and provisions of this chapter 2.14 or any personnel-related provisions of the municipal charter, but not for matters which are of a policy nature such as matters concerning rate of pay or benefits, terms and conditions of employment and matters involving individual employee evaluations and performance reviews. (Ord. No. 659, § 1, 1985)

2.14.330 Same--Definitions.

A. *Department heads.* For the purposes of section 2.14.340 only, the term *department head* shall include a designee who shall have authority to act on the department head's behalf.

B. *City manager.* For the purposes of section 2.14.340 only, the term *city manager* shall include a designee selected by the city manager who shall have authority to act on the city manager's behalf. (Ord. No. 659, § 1, 1985)

2.14.340 Same--grievance contents. A grievance shall be prepared on forms provided by the personnel division and shall include: a brief statement of the grievance; the date on which the matter complained of occurred; the specific provisions or sections of this chapter 2.14 or city charter allegedly misapplied or misinterpreted; the action requested by the aggrieved employee; and the signature of the employee. Grievances which are not submitted on the designated forms shall not be considered. Only the contents of the grievance as originally submitted to the city manager will be considered for further review. (Ord. No. 659, § 1, 1985)

2.14.350 Same--grievance steps.

A. *Discussion with supervisor.* Any employee who feels he has a grievance should discuss the matter with his immediate supervisor. Such discussion should occur promptly upon the occurrence of facts or circumstances giving rise to a grievance.

B. *Department head hearing.* If an employee's grievance is not resolved through an informal discussion with the immediate supervisor, the employee may obtain further review of the matter from the department head. Such review is initiated by submitting "form A" (provided by the personnel division) to the personnel division within ten (10) days after the employee knows, or reasonably should have known, of the event upon which the grievance is based. The personnel division will submit copies of the grievance to the department head. The department head shall, after affording the employee an opportunity to comment, issue a decision.

Within ten (10) days after submittal of the grievance to the department head, a written decision shall be rendered on "form B" (provided by the personnel division). The employee must pick up the decision in the personnel division. The personnel division will advise the employee if the decision is available prior to the ten (10) day decision-making period.

C. *City manager review.*

1. An employee who is dissatisfied with the decision of the department head may obtain further review of the matter from the city manager. Such review is initiated by submitting "form C" provided by the personnel division to the personnel division within ten (10) days after receipt of the written decision of the department head or the conclusion of the department head's ten (10) day decision-making period, whichever occurs first. The personnel division will submit copies of the grievance to the city manager. The city manager shall investigate the matter and issue a decision. The investigation may consist, at the option of the city manager, of a review of the written documents, individual conferences with affected people, or meeting with the aggrieved employee and appropriate representatives of the city.
2. Within twenty (20) days after submittal of the grievance to the city manager, a written decision shall be rendered on "form D" provided by the personnel division. The employee must pick up the decision in the personnel division. The personnel division will advise the employee if the decision is available prior to the twenty (20) day decision-making period. The decision of the city manager shall be final unless the matter is one which may be appealed to the personnel merit commission as provided in subsection D of this section.

D. *Personnel merit commission hearing.* An employee who is dissatisfied with the decision of the city manager may obtain further review of the matter from the personnel merit commission for any grievance allegedly involving a disciplinary action. Such review is initiated by submitting "form E" (provided by the personnel division) to the personnel division within ten (10) days after receipt of the written decision of the city manager or the conclusion of the city manager's twenty (20) day decision-making period, whichever occurs first. The personnel division will submit to the personnel merit commission copies of the original grievance, the written decisions rendered by the department head and the city manager, and the written appeal by the employee to the personnel merit commission.

1. *Hearing.* The personnel merit commission shall, within thirty (30) calendar days of the filing date of the grievance appeal, commence a hearing on the grievance or establish that a hearing is to be denied for lack of jurisdiction. In the event the employee seeks and obtains a continuance or extension of time regarding such hearing, any back pay shall be reduced by the amount of the extension.
2. *Notice of hearing.* When a hearing is scheduled, the personnel merit commission shall cause written notice of said hearing to be sent to all involved parties and to be posted in the city clerk's office five (5) days in advance of the hearing. Said written notice shall include

the following: time, date, and location of the hearing; name of appellant; and purpose of the public hearing, including the disciplinary action involved and the action requested by the appellant. If prior to posting the notice of the hearing either party has requested that the hearing be closed, no notice shall be posted.

3. Conduct of hearing. All hearings will be open to the public unless the personnel merit commission determines it to be in the best interest of the city to close the hearing. Hearings shall be conducted in accordance with the personnel merit commission's rules and regulations and shall be consistent with and in compliance with the following:

- a. In conducting a hearing, the proceedings shall be as informal as is compatible with the requirements of justice, and the commission shall not be bound by the technical rules of evidence;
- b. All parties to a hearing shall be entitled to counsel or representation of their own choosing at their expense. All parties, through the authority of the commission, shall have the right to have subpoenas issued. The party requesting the issuance of a subpoena shall be responsible for service in accordance with the law and for the mileage and fees of the witnesses; and
- c. The commission shall cause to be taken, kept, and maintained a complete and accurate record of the proceedings of all hearings.

4. Findings. The personnel merit commission shall, within thirty calendar days of the closing date of the hearing, render its findings and decisions in writing on "form F" (provided by the personnel division). The employee must pick up the decision in the personnel division. The personnel division will advise the employee if the decision is available prior to the thirty-day decision-making period. The commission's decision shall be final and shall be binding on all involved parties. If said final decision requires action regarding any of the involved parties, said action shall be initiated within five days of the date said decision is rendered and shall be substantially completed within the time period specified in said decision. The personnel merit commission shall cause a copy of its written findings and decision to be provided to all involved parties.

5. If hearing is denied. In the event a hearing is denied, the personnel merit commission shall cause written notice to be sent to the employee and to all involved parties; said notice shall include a concise statement of the matters considered in reviewing the application for grievance appeal and the reasons for denying the hearing.

E. General provisions.

1. Extension of time. The time limits set forth in section 2.14.340 may be extended only by written agreement of the parties.

2. Time limits. Failure on the part of the city to reply to a grievance at any step of the grievance procedure within the specified time limit shall be considered a denial of the grievance and the employee may seek review at the next step of the grievance procedure within the time limits provided on the same basis as if a formal denial had been rendered on the last day allowed for the city to reply. In the event the employee does not seek review from one step to another within the time limits specified, the grievance shall be considered as settled on the basis of the city's last answer.

3. Loss of time or pay. An employee shall lose no pay while actually presenting or testifying in a grievance procedure. Overtime pay in connection with any grievance must be approved by the department head.

4. Formal hearing not required. No provisions of these procedures should be read or interpreted as requiring or providing, as a matter of rights, for a formal hearing as a part of these procedures except at the personnel merit commission level.

5. Back pay. All claims for back wages shall be limited to the amount of wages that the employee otherwise would have earned less any compensation received for employment obtained subsequent to the reduction of pay or separation from employment and less any unemployment compensation benefits.

6. Limitation of pay. Any back pay shall not go back to any period of time prior to ten days before the filing of a written grievance.

7. Limitation of relief. An employee's relief under this chapter 2.14 shall be limited to pay or benefits the employee otherwise would have earned. There shall be no punitive damages, attorney fees, or costs allowed under this procedure.

8. Exhaustion of procedure required. Complete exhaustion of this procedure is required before commencing

any legal action alleging a violation or misapplication of these procedures. (Ord. 659 S1, 1985)

2.14.360 Separation from employment--general. All separations of employees from positions in the city service shall be designated as one of the following types: end of temporary appointment; resignation; layoff; disability; death; or dismissal. At the time of separation and prior to final payment, all records, assets, uniforms, and other items of city property assigned to the employee shall be submitted to the employee's immediate supervisor. In the event of a shortage of these items, an appropriate replacement cost may be withheld from the employee's final compensation. Employees who separate shall receive payment for all earned salary subject to the limitations identified in this section. (Ord. 659 S1, 1985)

2.14.370 Separation from employment--resignation.

A. Any employee who wishes to resign from city service in good standing shall submit to his immediate supervisor a written notice of resignation stating the date the employee is leaving and the reasons therefor. The notice of resignation shall be submitted a minimum of fourteen calendar days prior to the effective date. Failure to give fourteen calendar days' written notice may be cause for denial of consideration for re-employment, and the employee may be deemed to have resigned "not in good standing."

B. Unauthorized absences from work for a period of three days or longer may be considered a voluntary resignation. (Ord. 659 S1, 1985)

2.14.380 Separation from employment--layoff. A department head, upon notification of the personnel division and the city manager, may separate an employee because city council has not budgeted funds for the position, because of other lack of funds, curtailment of work, or change in operations or organizational structure after giving notice of at least two weeks to such employee. However, no full-time career employee shall be separated from any department while there are provisional, probationary, or temporary employees serving in the same class in that department. The conditions of layoff for career employees shall be as follows:

A. Order of separation. Preference for retention in the particular class subject to layoff shall be based on seniority of uninterrupted service in the class and department. Time served in a higher-level position within

the same department will be counted towards years of service in the employee's current class.

B. Offer of reassignment. A career employee with a satisfactory employment record shall not be terminated as a result of a layoff procedure before the employee has been made a reasonable offer of reassignment to the same class in another department, if a vacancy exists.

C. Appointment to a lower class position. A department head may appoint an employee with a satisfactory employment record who is to be laid off to an existing vacancy in a lower class provided the employee meets the qualifications for that position. (Ord. 659 Sl, 1985)

2.14.390 Separation from employment--disability. An employee may be separated for disability when he cannot perform the required duties because of physical or mental impairment. Action may be initiated by the employee or by the city. Separation by reason of disability must be supported by medical evidence acceptable to the city manager. (Ord. 659 Sl, 1985)

2.14.400 Separation from employment--death. All compensation due shall be paid to the estate of the employee. (Ord. 659 Sl, 1985)

2.14.410 Separation from employment--dismissal. An employee may be dismissed in accordance with sections 2.14.280 through 2.14.300. (Ord. 659 Sl, 1985)

2.14.420 Separation from employment--date of separation. The official date of separation from city employment shall be the date of the employee's last day actively at work while in actual attendance at the work station. The date of separation cannot be extended by accrued leave benefits. (Ord. 659 Sl, 1985)

2.14.430 Separation from employment--exit interview. All full-time employees who separate employment with the city shall be required to complete an exit interview with the personnel division. (Ord. 659 Sl, 1985)

2.14.440 Equal opportunity employment--policy. The city of Broomfield is an equal opportunity employer and shall not fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race,

color, religion, sex, national origin, age, or handicap as provided in federal and state laws and regulations.

It is a policy of the city to provide a work environment that is free from sexual harassment and which forbids sexually harassing conduct by any employee directed toward another employee. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has a purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (Ord. 659 S1, 1985)

Chapter 2.16

SOCIAL SECURITY FOR CITY EMPLOYEES*

Sections:

- 2.16.010 Authority.
- 2.16.020 Payroll deductions.
- 2.16.030 Appropriation.
- 2.16.040 Agreement authority.

2.16.010 Authority. The city is authorized to execute and deliver to the Department of Employment Security, state of Colorado, a plan, or plans, and agreement as required under Sections 24-51-701 through 24-51-710, Colorado Revised Statutes 1973, the Enabling Act, and the Social Security Act, to extend coverage to employees and officers of the city and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System. (Ord. 16 §1, 1962).

2.16.020 Payroll deductions. The city treasurer is authorized to establish a system of payroll deductions to be matched by payments by the city, to be paid into the contribution fund of the state through the Department of Employment Security, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of the city. Such payments are to be made in accordance with the provisions of Sections 3101 and 3111 of the Internal Revenue Code of 1954, if the services of the employees covered by the agreement constituted employment as defined in Section 3121 of such code. Payments made to the Department of Employment Security, state of Colorado, shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made. (Ord. 16 §2, 1962).

2.16.030 Appropriation. Appropriation is 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 referred to in Section 2.16.010 of this code, and in accordance with the plan, or plans, and agreement required by that act. (Ord. 16 §3, 1962).

* For statutory provisions authorizing municipalities to extend Social Security Coverage to municipal employees, see CRS 1973 24-51-704.

2.16.040 Agreement authority. Authority is given to the mayor and the clerk of the city to enter into an agreement with the Department of Employment Security, state of Colorado, which agreement shall be in accordance with Sections 24-51-701 through 24-51-710, Colorado Revised Statutes 1973 and with Section 2818 of the Social Security Act. Such plan and agreement shall provide that the participation of this city shall be in effect as of May 1, 1962. (Ord. 16, S 4, 1962)

Chapter 2.20

PENSION PLAN FOR CITY EMPLOYEES

Sections:

- 2.20.010 Plan adopted--Scope.
- 2.20.020 Purpose.
- 2.20.030 Definitions.
- 2.20.040 Construction of terms.
- 2.20.050 Eligibility--Participation.
- 2.20.060 Contributions--By employer.
- 2.20.070 Contributions--By employees.
- 2.20.080 Normal retirement.
- 2.20.090 Early retirement.
- 2.20.100 Deferred vested pension.
- 2.20.110 Disability retirement.
- 2.20.120 Retirement benefits--General conditions.
- 2.20.130 Normal pension.
- 2.20.140 Early pension.
- 2.20.150 Deferred vested pension.
- 2.20.160 Disability pension.
- 2.20.170 Maximum annual benefit.
- 2.20.175 Limitation on combined benefits and contributions of all defined benefit and defined contribution plans of the employer.
- 2.20.180 In-service death benefit.
- 2.20.190 Designation of beneficiary.
- 2.20.200 Benefit payment--Required joint and survivor option.
- 2.20.210 Benefit payment--Optional forms.
- 2.20.215 Spouse, trust for benefit of spouse, or estate as beneficiary.
- 2.20.220 Other benefits cancelled by option.
- 2.20.230 Retirement committee--Appointment--Composition.
- 2.20.240 Employee powers and duties.
- 2.20.250 Retirement committee--Powers and duties.
- 2.20.260 Retirement committee--Rules and decision authority.
- 2.20.270 Retirement committee-Procedures.
- 2.20.280 Retirement committee--Authorization of benefit payments.
- 2.20.285 Notice of rollover and tax treatment.

- 2.20.290 Payment of expenses.
- 2.20.300 Unclaimed benefits.
- 2.20.310 Governmental restrictions.
- 2.20.320 Effectiveness of restrictions.
- 2.20.330 Continuance of limitations.
- 2.20.340 Excess benefits.
- 2.20.350 Employer contribution limitations.
- 2.20.360 Benefit payments to retired employees subject to restrictions.
- 2.20.370 Benefits--Death benefits not included.
- 2.20.380 Amendment to plan.
- 2.20.390 Restriction of employee's benefits--Agreement to deposit security.
- 2.20.400 Reemployment of retired employees.
- 2.20.410 Nonguarantee of employment.
- 2.20.420 Employee rights to plan assets.
- 2.20.430 Assignment of benefits.
- 2.20.440 Employer--Right to amend plan.
- 2.20.450 Employer--Right to terminate plan.
- 2.20.460 Employer--Consolidation or merger.
- 2.20.470 Plan assets--Liquidation procedures.
- 2.20.480 Plan assets--Manner of distribution.
- 2.20.490 Plan assets--Residual amounts.
- 2.20.500 Plan contingent upon approval.

2.20.010 Plan adopted--Scope. There is created a city employee's pension plan, said plan attached hereto and incorporated herein as follows:

City of Broomfield
Employees' Pension Plan

PREAMBLE

A. The City hereinafter referred to as the "employer," hereby establishes a pension plan for its eligible employees, as defined in this chapter, to be effective January 1, 1977.

B. To fund the costs of the plan and provide for the benefits thereunder, the employer will establish a trust to be managed by a trustee selected by the employer, subject to any other arrangements that may be made by the employer at its discretion later. If any provisions of such trust are contrary to or inconsistent with the provisions of this plan, the provisions of this plan will control.

C. The pension plan hereby established has been approved by the City Council, and is intended to qualify under Section 401 of the Internal Revenue Code of 1954, as amended from time to time.

D. The terms and conditions of this pension plan are as set forth in this chapter. (Ord. 279, S 1(part), 1977)

2.20.020 Purpose. A. The purpose of this plan is to provide retirement and incidental benefits for regular, full-time employees of the employer who complete a period of faithful service and become eligible hereunder. The benefits provided by

this plan will be paid from a trust established by the employer and will be in addition to the benefits employees are entitled to receive under any other programs of the employer and from the Federal Social Security Act.

B. The plan is established and shall be maintained for the exclusive benefit of the eligible employees of the employer and their beneficiaries. No part of the plan assets can ever revert to the employer, except as provided in this chapter, or be used for or diverted to purposes other than the exclusive benefit of the employees of the employer and their beneficiaries. (Ord. 279, S 1, Art. 1, 1977)

2.20.030 Definitions. Where the following words and phrases appear in this plan, they shall have the respective meanings set forth below, unless their context clearly indicates to the contrary:

A. "Accrued benefit" means the benefit determined under the plan expressed in the form of a monthly benefit commencing at normal retirement date.

B. "Actuarial (or actuarially) equivalent" means equality in value of the aggregate amounts expected to be received under different forms of payment based on interest rate and mortality assumptions as defined below unless otherwise specifically provided in the plan:

1. Interest rate assumption for alternative periodic benefits. The interest rate used for purposes of computing alternative periodic forms of benefits shall be 7.5%.

2. Interest rate assumption for single-sum payments. The interest rate used for purposes of computing single-sum payments shall be the immediate annuity rate (subject to adjustment as required for deferred annuities) used by the Pension Benefit Guaranty Corporation as of the January 1 coincident with or preceding the date as of which the amount of the alternative form of benefit is being determined hereunder.

3. Mortality assumption. The mortality assumption for calculations based upon the mortality of an Employee or Beneficiary shall be a unisex rate that is 50% male, 50% female, taken from the 1971 Group Annuity Table, Projected by Scale D to 1975. Said mortality assumption shall be used until changed by plan amendment. (Ord. 735, S 1, 1987)

C. "Anniversary date" means the first day in January each year during which the plan shall be in force.

D. "Average monthly compensation" means the result obtained by dividing the total compensation paid to an employee during a considered period by sixty months. The considered period shall be the five consecutive calendar years within the last ten calendar years of employment which yield the highest average compensation.

E. "Committee" means the retirement committee of the city employees' pension plan, the person appointed to administer the plan.

F. "Compensation" means the total cash remuneration paid to an employee by and of the employer for personal services which are rendered during the period considered as service, as reported

on the employee's federal income tax withholding statement or statements (Form W-2 or its subsequent equivalent), including overtime pay but excluding amounts allocated and benefits paid under this plan or any other pension plan of the employer.

G. "Disability" means a physical or mental condition which, in the judgement of the committee, totally and presumably permanently prevents the employee from engaging in any substantial gainful employment. A determination of disability shall be based upon competent medical evidence satisfactory to the committee. The committee shall apply the rules with respect to disability uniformly and consistently to all employees in similar circumstances.

H. "Effective date" is January 1, 1977.

I. "Employee" means any full-time employee as defined in Chapter 2.14 of the Broomfield Municipal Code, except any employee covered under Broomfield's Policemen's Pension Fund, the State of Colorado Fire and Police Pension Plan, or under any other firemen's or policemen's pension plans. (Ord. 735, S 2, 1987)

J. "Employer" means the city of Broomfield, a municipality organized and existing under the laws of the state.

K. "Normal retirement date" means the sixty-fifth birthday of an employee and his completion of seven or more years of service.

L. "Participant" means an employee (as defined in subsection (I) above) who meets the requirements for participation in this plan, as set forth in Section 2.20.050.

M. "Pension" means a series of monthly amounts which are payable to a person who is entitled to receive benefits under the plan.

N. "Plan" means the city employees' pension plan, the plan as set forth in this chapter, as amended from time to time.

O. "Retirement" means termination of employment after an employee has fulfilled all requirements for an immediate or deferred payment of a pension. Retirement shall be considered as commencing on the day immediately following an employee's last day of employment, or authorized leave of absence, if later.

P. "Service" means an employee's last period of continuous employment with the employer before his retirement or earlier termination of employment. Any absence which is authorized by the employer in accordance with its uniform leave policy of illness, disability, military service, vacation, holiday, civic duty, public relations, business education or training, loaned employment, family reasons, riot or disaster, shall not be deemed as interrupting continuity of employment; provided, that the employee returns within the period of authorized absence due to illness, military service or disability, and, in addition, up to twelve months of service credit will be given for each period of other specified authorized absence. An unauthorized absence shall be considered as termination of employment fifteen days after the commencement of such absence. Any reference in this plan to the number of years of service of an employee shall be deemed to include fractional portions of a year.

Q. "Trust" means the city employees' pension trust, as amended from time to time, the trust established to hold and invest contributions made under the plan for the exclusive benefit of the participants included in the plan, and from which the benefits will be distributed.

R. "Trust fund" means the funds and properties held pursuant to the provisions of the trust for the uses and benefit of the participants and their beneficiaries. (Ord. 279, S 1, Art. 2, S 2.1, 1977)

2.20.040 Construction of terms. The masculine gender, where appearing in the plan, shall be deemed to include the feminine gender, unless the context clearly indicates the contrary. The words "hereof," "herein," "hereunder," and other similar compounds of the word "here" shall mean and refer to the entire plan, not to any particular provision or section. (Ord. 279, S 1, Art. 2, S 2.2, 1977).

2.20.050 Eligibility--Participation. Each employee, as defined in Section 2.20.030, shall automatically become a participant on the date of hire. A participant may execute an irrevocable election not to continue participation in the plan on forms prescribed by the committee. Should a participant elect to withdraw from the plan, then all benefits shall be forfeited except those that may have been accrued under the vesting provisions of the plan. (Ord. 672, S 2, 1986)

2.20.060 Contributions--By employer. The employer, acting under the advice of the qualified enrolled actuary for the plan, intends to make contributions to the plan in such amounts and at such times as are required to maintain the plan for its employees on a sound actuarial basis. Upon a complete or partial termination of this plan by the employer, the rights of each affected employee of the employer to benefits accrued hereunder to the date of such discontinuance, to the extent then funded, shall be nonforfeitable. All contributions made by the employer to the plan shall be used to pay benefits under the plan or to pay expenses of the plan and shall be irrevocable, except for any residual amounts after satisfying all liabilities of the plan. Forfeitures arising because of severance of employment before the employee becomes eligible for a pension or for any other reason, shall be applied to reduce the costs of the plan, not to increase the benefits otherwise payable to the employees. (Ord. 279, S 1, Art. 4, S 4.1, 1977)

2.20.070 Contributions--By employees. Employees are not required or permitted to make contributions under this plan. (Ord. 279, S 1, Art. 4, S4.2, 1977)

2.20.080 Normal retirement. An employee shall be eligible for a normal pension if his employment with the employer is terminated on or after his sixty-fifth birthday and after he has completed seven or more years of service, which date shall be deemed his "normal retirement date." Payment of a normal pension

shall commence as of the first day of the month coinciding with or next following the employee's date of retirement. The last payment shall be made as of the first day of the month in which the death of the retired employee occurs, subject to Section 2.20.200. (Ord. 279, S 1, Art. 5, S 5.1, 1977)

2.20.090 Early retirement. An employee shall be eligible for an early pension if his employment with the employer is terminated on or after his fifty-fifth birthday but before his sixty-fifth birthday, and after he has completed seven or more years of service. Payment of an early pension shall commence as of the first day of the month following the employee's sixty-fifth birthday if he is then living. If the employee requests the commence of his early pension as of the first day of the month coinciding with or next following his retirement, or as of the first day of any subsequent month which precedes his sixty-fifty birthday, his pension shall commence as of the beginning of the month so requested, but the amount thereof shall be reduced as provided in Section 2.20.140. The last payment shall be made as of the first day of the month in which the death of the retired employee occurs, subject to Section 2.20.200. (Ord. 279, S 1, Art. 5, S 5.2, 1977)

2.20.100 Deferred vested pension. An employee shall be eligible for a deferred vested pension if his employment with the employer is terminated, for reasons other than death or retirement, on or after the completion of seven or more years of service. Payment of a deferred vested pension shall commence as of the employee's normal retirement date if he is then living. If the employee requests the commencement of his deferred vested pension as of the first day of any month subsequent to this fifty-fifth birthday but preceding his sixty-fifth birthday, his pension shall commence as of the beginning of the month so requested, but the amount thereof shall be reduced as provided in Section 2.20.140. The last payment shall be made as of the first day of the month in which the death of the retired employee occurs, subject to Section 2.20.200. (Ord. 279, S 1, Art. 5, S 5.3, 1977)

2.20.110 Disability retirement. A. An employee shall be eligible for a disability pension if his employment with the employer is terminated by reason of total and permanent disability, provided he has completed three or more years of service. Payment of disability pension shall commence on the employee's normal retirement date if he is then living. The last payment shall be made as of the first day of the month in which the death of the retired employee occurs, subject to Section 2.20.200.

B. Disability shall be considered to have ended if, prior to his normal retirement date, the employee:

1. Engages in any substantial gainful activity, except for such employment as is found by the committee to be for the primary purpose of rehabilitation or not incompatible with a finding of total and permanent disability; or

2. Has sufficiently recovered, in the opinion of the committee based on a medical examination by a doctor or clinic appointed by the committee, to be able to engage in regular employment with an employer and refuses an offer of employment by such employer; or

3. Refuses to undergo any medical examination requested by the committee; provided, that a medical examination shall not be required more frequently than twice in any calendar year.

C. If disability ceases before a retired employee attains his normal retirement date and the employee is reemployed by the employer, the pension payable upon his subsequent retirement shall be determined in accordance with the provisions of Section 2.20.400. If disability ceases before a retired employee attains his normal retirement date and the employee is not reemployed by the employer, his payable pension, if any, will be determined on the basis of his service and compensation prior to the date of his disability retirement. (Ord. 279, S 1, Art. 5, S 5.4, 1977)

2.20.120 Retirement benefits--General conditions. An employee shall not be entitled to receive a pension under more than one of the foregoing sections (Sections 2.20.080 through 2.20.110). (Ord. 279, S 1, Art. 5, S 5.5, 1977)

2.20.130 Normal pension. An employee who meets the requirements for a normal pension shall receive a monthly amount equal to one and one quarter percent of the employee's average monthly compensation multiplied by his years of service. (Ord. 672, S 3, 1986)

2.20.140 Early pension. A. An employee who meets the requirements for an early pension shall receive a monthly amount which shall be determined in accordance with the provisions of Section 2.20.130, based on the employee's average monthly compensation and service to date of early retirement.

B. However, if payment of an early pension commences before age sixty-five, the monthly amount shall be reduced by 1/180 for each of the first sixty months and by 1/360 for each of the next sixty months in the period between the date as of which the pension begins and the first day of the month next following the employee's sixty-fifth birthday. (Ord. 672, S 4, 1986; Ord. 279, S 1, Art. 6, S 6.2, 1977)

2.20.150 Deferred vested pension. An employee who meets the requirements for a deferred vested pension shall receive a monthly amount which shall be determined in accordance with the provisions of Section 2.20.130, based on the employee's average monthly compensation, and service to date of termination.

2.20.160 Disability pension. An employee who meets the requirements for a disability pension shall receive a monthly amount which shall be determined in accordance with average monthly compensation determined as of his disability retirement date. However, notwithstanding any provision to the contrary,

and for the sole purpose of computing the amount payable as a disability pension, an employee's service shall include the period between the commencement of his retirement because of disability and the first day of the month following the retired employee's sixty-fifth birthday, as well as, the employee's service prior to the date of disability retirement. (Ord. 672, S 6, 1986)

2.20.170 Maximum annual benefit. The annual benefit in the form of a single life annuity (with no ancillary benefits) provided by employer contributions only for a participant with 10 or more years of service at age 65 shall not exceed the lesser of \$90,000 (as adjusted for cost of living increases as of each January 1 for any limitation year ending during such calendar year) or 100% of the participant's average compensation for his high five consecutive calendar years. Regardless of his average compensation, an annual benefit of \$10,000 or less payable to such participant under this and all other defined benefit plans of the employer shall not be deemed to be a violation of this section if such participant has not participated at any time in a defined contribution plan maintained by the employer. If an employee retires with fewer than 10 years of service with the employer, the \$90,000 limitation on annual benefits provided by employer contributions shall be reduced by multiplying the maximum annual benefit above by a fraction, the numerator of which is the number of years of service the participant has had with the employer and the denominator of which is 10. If benefits of an employee are payable before age 62, such benefit shall be adjusted to the actuarial equivalent of a benefit commencing at age 62 for purposes of applying this limitation. Such actuarial equivalent shall not be less than \$75,000 if the participant's accrued benefit becomes payable at or after age 55, or the actuarial equivalent of \$75,000 for age 55 if the participant's accrued benefit is payable prior to age 55. If benefits are payable to a participant after age 65, the maximum annual benefit shall be increased on an actuarial basis in accordance with Code Section 415(b). The actuarial equivalent of a benefit after a participant attains age 65 shall be based on the lesser of 5% or the percentage specified in Section 2.20.030.B. The employer shall make no contribution on behalf of any participant which would cause such participant's annual benefit to exceed such limitations as provided in the Code and accompanying regulations. For purposes of this section the limitation year shall be the plan year. (Ord. 735, S 4, 1987)

Section 2.20.175 Limitation on combined benefits and contributions of all defined benefit and defined contribution plans of the employer. In any year if the employer makes contributions to a defined contribution plan on behalf of an employee who also is a participant in this plan, then the sum of the defined benefit plan fraction and the defined contribution plan fraction (both as prescribed by law and as defined below) for such employee for such year shall not exceed 1.0. In any year if the sum of the defined benefit plan fraction and the

defined contribution plan fraction on behalf of an employee does exceed 1.0, then the employer's contribution on behalf of such participant to the defined contribution plan of the employer shall be reduced to the extent necessary to prevent the sum of the defined contribution plan fraction and the defined benefit plan fraction from exceeding 1.0. For purposes of this section the limitation year shall be the plan year.

A. Defined benefit plan fraction: The defined benefit plan fraction is a fraction the numerator of which is the projected annual benefit of the participant under the plan (determined as of the close of the year) and the denominator of which is the lesser of the following amounts:

1. the product of 1.25 times the maximum benefit dollar limitation in effect for the limitation year; or
2. the product of 1.4 times 100% of the participant's average compensation for his high three consecutive calendar years.

B. Defined contribution plan fraction: The defined contribution plan fraction is a fraction the numerator of which is the sum of the annual additions to the participant's Account under all defined contribution plans of the employer as of the close of the limitation year and the denominator of which is sum of the lesser of the following amounts determined for such year and for each prior year of service with the employer:

1. the product of 1.25 times the dollar limitation in effect under Code Section 415(c) (1) (A) for the limitation year (without regard to Code Section 415(c) (6); or
2. the product of 1.4 times an amount equal to 25% of the participant's compensation for the limitation year.

C. Compensation. For purposes of this Section and Section 2.20.170, compensation means a participant's wages, salaries, fees for professional services and other amounts received for personal services actually rendered for the employer (including but not limited to, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips and bonuses). Compensation for annual additions purposes shall not include [1] employer contributions to a deferred compensation plan that are not includible in the employee's gross income for the year in which contributed, employer contributions to a simplified employee pension plan described under Code Section 408(k) to the extent deductible by the employee, and distributions from a deferred compensation plan other than amounts received from an unfunded nonqualified plan, [2] amounts realized from the exercise of a nonqualified stock option or when restricted stock (or property) held by the employee either becomes freely transferable or is no longer subject to substantial risk of forfeiture, [3] amounts realized from the sale, exchange or other disposition of stock acquired under a qualified stock option, or [4] other amounts which receive special tax benefits, or employer contributions for the purchase of an annuity contract described in Code Section 403(b) whether or not the amounts actually are excludible from the gross income of the employee. (Ord. 735, S 5, 1987)

2.20.180 In-service death benefit. A. Eligibility Requirements. The surviving spouse of an active participant not receiving pension benefits shall be eligible for an in-service death benefit in the form of a spouse's pension if the employee on the date of his death had both attained age fifty-five and completed seven years of service, and was married at the date of his death.

B. Amount of Spouse's Pension. The spouse of such deceased participant shall receive a monthly amount of spouse's pension equal to fifty percent of the early pension determined in accordance with Section 2.20.140 if death occurs prior to the employee's normal retirement date, or fifty percent of the normal pension determined in accordance with Section 2.20.140 if death occurs on or after his normal retirement date. Such early or normal pension shall be determined based upon compensation and service to the date of the employee's death. Payment of such spouse's pension shall commence on the first day of the month following the employee's date of death, and shall continue monthly for the remainder of the spouse's life.

C. If a married employee continuing in active employment after his normal retirement date elects not to take the above spouse's pension benefit, he may elect to have the actuarial equivalent lump-sum value of his accrued benefit on the date of his death paid to his beneficiary under the optional forms of payment provided in Sections 2.20.200 through 2.20.220. Such election shall be made on or before the normal retirement date, or later, with evidence of good health acceptable to the committee. (Ord. 279, S 1, Art. 7, S7.1, 1977)

2.20.190 Designation of beneficiary. A. Each active or retired employee may designate a primary beneficiary or beneficiaries and a contingent beneficiary or beneficiaries to receive any benefit, other than a benefit payable only to a spouse, that may become payable under this plan by reason of his death. Such designation shall be made upon the forms furnished by the committee, and may at any time be changed or revoked without notice to the beneficiary or beneficiaries, and shall not be effective until filed with the committee.

B. If any employee shall fail to designate a beneficiary or beneficiaries, or if all those designated by him predecease him, then the committee is empowered to designate a beneficiary or beneficiaries on his behalf, but only from among the following with priority in the order named by number which shall include persons legally adopted:

1. His spouse;
2. His children and children of deceased children, per stirpes (by right of representation);
3. His parents;
4. The brothers and sisters and nephews and nieces who are children of deceased brothers and sister, per stirpes (by right of representation; and
5. His estate.

Neither the employer nor the trustee (in its capacity as trustee) shall be named as a beneficiary.

C. For the purpose of this plan, the production of a certified copy of the death certificate of the employee or other person shall be sufficient evidence of death, and the committee shall be fully protected in relying thereon. In the absence of such proof, the committee may rely upon such other evidence of death as it deems necessary or advisable. (Ord. 279, S 1, Art. 7, S7.2, 1977)

2.20.200 Benefit payment--Required joint and survivor option. A. Unless an employee makes an election to the contrary prior to the option effective date, the benefit payable upon the commencement of normal, early, disability or deferred vested retirement will be made according to the following option, provided the employee has been continuously married during the twelve-month period ending on the option effective date: The retired employee shall receive a reduced pension based on actuarial tables adopted by the committee, payable for life, and payments in the amount of fifty percent of such reduced pension shall, after the retired employee's death, be continued to the employee's spouse during the spouse's lifetime.

B. An employee who does not desire to receive the joint and survivor option described in subsection A above may elect to receive full benefits under the plan by filing such election with the committee prior to his option effective date (the date on which the above option becomes effective). The option effective date for normal or early retirements shall be the employee's retirement date. The option effective date for disability or deferred vested retirements shall be the retired employee's sixty-fifth birthday, or the date the pension commences, if earlier.

C. An employee may revoke such election without the approval of the committee if such revocation is filed in writing with the committee not later than his option effective date. (Ord. 279, S 1, Art. 8, S 8.1, 1977)

2.20.210 Benefit payment--Optional forms. At the request of an employee or beneficiary, any vested accrued benefit which becomes distributable for any reason may be distributed at such time, in such amount, and in such manner as the committee may determine after consultation with the participant (or the beneficiary designated under Section 2.20.190, as the case may be). In the discretion of the committee, distribution to any participant or to the beneficiary of such participant or to any spouse of a deceased participant who is eligible to receive benefits but is ineligible or has elected not to take the qualified joint and survivor annuity may be made as an annuity with ten years certain and life thereafter, a 100% joint and survivor annuity, or in any other form approved by the committee, including a lump sum distribution. Distribution must commence not later than 60 days after the end of the plan year in which a participant attains age 65 or actually retires, whichever is later. Notwithstanding any other provisions of this plan, the following distribution rules shall apply:

A. Before death. The entire interest of each employee [1] shall be distributed to him not later than the required beginning date or [2] shall be distributed commencing not later than the required beginning date over [A] the life of the participant (or the lives of the participant and his designated beneficiary), or [B] a period not extending beyond the life expectancy of the participant (or the life expectancy of the participant and his designated beneficiary).

B. After death. If a participant dies and distribution of his interest has begun in accordance with subparagraph A[2], the remaining portion of his benefit will be distributed at least as rapidly as under the method of distribution being used under subparagraph A[2] as of the date of the participant's death. If a participant dies before distribution of the participant's interest has commenced, the entire interest of the participant will be distributed within five years after the death of the participant. The preceding sentence shall not apply if any portion of the participant's interest is payable to or for the benefit of a designated beneficiary if such portion will be distributed over the life of the designated beneficiary, and if such distributions will begin not later than one year after the date of the participant's death or such later date as the Secretary of the Treasury may prescribe by regulations. If the designated beneficiary is the surviving spouse of the participant, the date on which the distributions are required to begin shall not be earlier than the date on which the participant would have attained age 70-1/2, and if the surviving spouse dies before the distributions to such spouse begin, distributions shall be made as if the surviving spouse were the participant.

C. Life expectancy. For purposes of this section, the life expectancy of an employee and the employee's spouse (other than in the case of a life annuity) may be redetermined but not more frequently than annually as determined by the committee.

D. Required beginning date. Required beginning date means April 1 of [1] the calendar year after the year in which the participant attains age 70-1/2, or [2] the calendar year in which the participant terminates employment.

E. Designated beneficiary. Designated beneficiary means any individual designated as a beneficiary by the participant.

F. Treatment of payments to children. Under regulations prescribed by the Secretary of Treasury, any amount paid to a child shall be treated as if it had been paid to the surviving spouse if such amount will become payable to the surviving spouse upon such child reaching majority (or such other designated event permitted under regulations). (Ord. 735, S 6, 1987)

2.20.215 Spouse, trust for benefit of spouse, or estate as beneficiary. If distribution prior to a participant's death has not commenced or has commenced as installment payments from the trust and if the participant designates his spouse, a trust for the benefit of his spouse, or his estate as his beneficiary, the provisions of this Section shall apply (subject to the limitations in Sections 2.20.200 and 2.20.210):

A. Spouse as beneficiary. If a participant designates his spouse as his beneficiary, upon the death of the participant the spouse shall elect [A] to receive the entire account of the participant in a lump sum distribution, or [B] to receive payment of the account in installments as provided in subparagraph E. In the absence of an election by the spouse, the participant's account shall be distributed to the spouse in a lump sum within a period of time that satisfies the requirements of this article. Notwithstanding any other provisions of this plan, the spouse at any time may direct the trustee to distribute all or any part of the account to the spouse, or may request that the trustee segregate the account from the remainder of the trust and invest it in the manner that the spouse specifies. The trustee, in its sole discretion shall determine on a nondiscriminatory basis whether to permit such segregation.

B. QTIP trust as beneficiary. If a participant designates as his beneficiary a qualified terminable interest property (QTIP) trust for the benefit of his spouse, upon the death of the participant the trustee of the QTIP trust shall elect for the QTIP trust [A] to receive the entire account of the participant in a lump sum distribution, or [B] to receive payment of the account in installments as provided in subparagraph E. In the absence of an election by the QTIP trustee, the participant's account shall be distributed to the QTIP trust in a lump sum within a period of time that satisfies the requirements of this article. Notwithstanding any other provisions of this plan, the spouse at any time may direct the trustee to distribute all or any part of the account to the QTIP trust, or may request that the trustee segregate the account from the remainder of the trust and invest it in the manner that the QTIP trustee specifies. The trustee, in its sole discretion, shall determine on a nondiscriminatory basis whether to permit such segregation.

C. General power of appointment trust as beneficiary. If the participant designates as his beneficiary a trust over which his spouse has a general power of appointment, upon the death of the participant the spouse shall elect [A] for such trust to receive the entire account of the participant in a lump sum distribution, or [B] for such trust to receive payment of the account in installments as provided in subparagraph E. In the absence of an election by the spouse, the participant's account shall be distributed to such trust in a lump sum within a period of time that satisfies that requirement of this article. Notwithstanding any other provisions of this plan, the spouse at any time may direct the trustee to distribute all or any part of the account to the general power of appointment trust, or may request that the trustee segregate the account from the remainder of the trust and invest it in the manner that the spouse specifies. The trustee, in its sole discretion, shall determine on a nondiscriminatory basis whether to permit such segregation.

D. Estate as beneficiary. If the participant designates his estate as is beneficiary with a specific bequest of his income in respect of decedent to his spouse, upon the death of the participant the personal representative of the participant (or the successor of the personal representative) shall elect [A]

to receive the entire account of the participant in a lump sum distribution, or [B] to receive payment of the account tot he spouse in installments as provided in subparagraph E. In the absence of an election by the personal representative (or his successor), the participant's account shall be distributed to the personal representative (or his successor) at any time may direct the trustee to distribute all or any part of the account, or may request that the trustee segregate the account from the remainder of the turst and invest it in the manner that the personal representative (or his successor) specifies. The trustee, in its sole discretion, shall determine on a nondiscriminatory basis whether to permit such segregation.

E. Installment distributions. If installment payments of the participant's account are elected under this article, the person making the election shall specify the amount of the payments and when they shall be made, provided that payment must be made no less frequently than annually. The total installment payments each year shall equal the greater of [A] all income from the account, or [B] the minimum permissible annual payment under the preceding section. If a spouse elects installment payments, such spouse shall determine who shall receive the amounts, if any, payable under such installment election after such spouse's death. (Ord. 735, S 7, 1987)

2.20.220 Other benefits cancelled by option. Any pension death benefit, or other benefit that would otherwise have become payable under this plan, shall be cancelled and superseded by any other form of payment made relative to that benefit under Section 2.20.210, as of the date such other form of payment becomes operative. (Ord. 279, S 1, Art. 8, S 8.3, 1977)

2.20.230 Retirement committee--Appointment--Composition. The plan shall be administered by a retirement committee consisting of three persons, the city manager, the director of support services, and a member of the current city council appointed by and to serve at the pleasure of the city council. All usual and reasonable expenses not paid by the employer shall be paid by the plan out of the principal or income of the plan's assets. The members of the committee shall not receive compensation with respect to their services for the committee. (Ord. 672, S 1, 1986)

2.20.240 Employer powers and duties. The employer shall have the following duties and responsibilities with regard to the plan:

- A. To insure the existence of a retirement committee;
- B. To appoint a trustee or other investment manager;
- C. To employ an enrolled actuary who shall be responsible for the preparation of the actuarial statement;
- D. To appoint or employ for the plan any agents it deems advisable, including, but not limited to, legal counsel;
- E. To receive and review the valuation of the plan made by the enrolled actuary;

F. To obtain cash flow projections and other required data from the enrolled actuary, in order to establish general investment objectives and supply such data so that an appropriate investment policy consistent with these objectives can be maintained. (Ord. 279, S1, Art. 9, S9.2, 1977; Ord 767, S2, 1988)

2.20.250 Retirement committee--Powers and duties.

A. The committee shall have such powers as may be necessary to discharge its duties hereunder, including, but not by way of limitation, the following powers and duties:

1. To construe and interpret the plan, decide all questions of eligibility and determine the amount, manner and time of payment of any benefits hereunder;

2. To prescribe procedures to be followed by distributees in obtaining benefits;

3. To make a determination as to the right of any person to a benefit and to afford any person dissatisfied with such determination the right to a hearing thereon;

4. To receive from the employer and from employees such information as shall be necessary for the proper administration of the plan including, but not limited to, acceptable proofs of age;

5. To delegate to one or more of the members of the committee the right to act in its behalf in all matters connected with the administration of the plan.

B. The committee shall have no power to add to, subtract from or modify any of the terms of the plan, nor to change or add to any benefits provided by the plan, nor to waive or fail to apply any requirements of eligibility for a pension under the plan. (Ord. 279, S1, Art.9, S9.3, 1977)

C. In addition to investments authorized by any statute or ordinance, the committee is authorized to invest pension funds in the following:

1. Depositories enumerated in section 24-75-603, C.R.S., and secured as provided in articles 10.5 and 47 of title 11, C.R.S.

2. Certificates of deposit or similar instruments at any state or national bank or savings and loan association provided that the entire amount of such a deposit is insured by the federal deposit insurance corporation or the federal savings and loan insurance company. All such deposits in out-of-state banks or savings and loans must have a rate of return which is at least seventy-five basis points greater than the best in-state quote received. For example, if the best in-state quote is a 5% rate return, the out of state quote must be at least a 5-3/4% return.

3. Bonds or other interest-bearing obligations of the United States;

4. Bonds or other interest-bearing obligations, the payment of which is unconditionally guaranteed by the United States;

5. Bonds which are a direct obligation of the State of Colorado or of any county or school district therein;

6. State of Colorado, state highway fund revenue anticipation warrants;

7. Bonds which are direct general obligations of any incorporated city in the State of Colorado which has existed continuously for a period of ten years prior to the making of such investment;

8. Corporate notes, bonds, or debentures, convertible or otherwise;

9. In railroad equipment trust certificates;

10. In real property and in loans secured by first mortgages or deeds of trust on real property;

11. Insurance annuity contracts;

12. In participation guarantee agreements with life insurance companies;

13. Other types of investment agreements; or

14. Common or preferred corporate stocks, provided, however, that the aggregate amount of moneys invested in corporate stocks or corporate bonds, notes or debentures which are convertible into corporate stock, or in investment trust shares, shall not exceed fifty percent of the book value of the assets of the pension fund. In no event shall any investment be made in the common or preferred stock, or both, of any single corporation in an amount in excess of five percent of the then book value of the assets of the retirement fund nor shall more than five percent of the outstanding stock or bonds of any single corporation be acquired for the pension fund. (Ord. 767, S3, 1988)

2.20.260 Retirement committee--Rules and decision authority.

A. The committee may adopt such rules and actuarial tables as it deems necessary or desirable. All rules and decisions of the committee shall be uniformly and consistently applied to all employees in similar circumstances. The committee is required to provide a notice in writing to any person whose claim for benefits under this plan has been denied, setting forth the specific reasons for such denial. The committee shall adopt rules or procedures to carry out the intent of this section and to provide a basis for a full and fair review by the committee of the decision denying the claim, and provide such person with an opportunity to supply any evidence he has to sustain the claim.

B. When making a determination or calculation, the committee shall be entitled to rely upon information furnished by the employer or the legal counsel(s) thereof, or the enrolled actuary for the plan. (Ord. 279, S1, Art. 9, S 9.4, 1977)

2.20.270 Retirement committee--Procedures. The committee shall adopt such bylaws as it deems desirable. The committee shall elect one of its members as chairman and shall elect a secretary who may, but need not, be a member of the committee. The secretary of the committee shall keep a record of all meetings and forward all necessary communications to the enrolled actuary. (Ord. 279, S 1, Art. 9, S 9.5, 1977)

2.20.280 Retirement committee--Authorization of benefit payments. The committee shall issue directions concerning all benefits which are to be paid from the plan pursuant to the provisions of the plan. The committee shall keep on file, in such manner as it may deem convenient or proper, all reports as required. (Ord. 279, S 1, Art. 9, S 9.6, 1977)

2.20.285 Notice of rollover and tax treatment: When the committee makes a qualifying rollover distribution after December 31, 1984, the committee shall provide a written explanation to the recipient [1] that the distribution will not be taxed currently to the extent transferred to another qualified plan within 60 days after the date on which the recipient received the distribution and [2] of the ten-year income averaging and capital gains provisions, if applicable. In the case of a series of distributions that may constitute a lump-sum distribution, the notice shall explain that the 60-day period does not begin to run until the last distribution is made. (Ord. 735, S 8, 1987)

2.20.290 Payment of expenses. All expenses incident to the administration, termination or protection of the plan, including but not limited to actuarial, legal and accounting, shall be paid by the employer, or if not paid by the employer, shall be paid by the plan from the plan's assets and, until paid, shall constitute a first and prior claim and lien against the plan. (Ord. 279, S 1, Art. 9, S 9.7, 1977)

2.20.300 Unclaimed benefits. During the time when a benefit hereunder is payable to any beneficiary or distributee, the committee shall mail by registered or certified mail to such beneficiary or distributee, at his last known address, a written demand for his current address, or for satisfactory evidence of his continued life, or both. If such information is not furnished to the committee within three months from the mailing of such demand, then the committee may, in its sole discretion, determine that such beneficiary or distributee is deceased and may declare such benefit, or any unpaid portion thereof, terminated as if the death of the distributee, with no surviving beneficiary, had occurred on the date of the last payment made thereon or the date such beneficiary or distributee first became entitled to receive benefit payments, whichever is later. Any

such declaration by the committee shall later be revoked upon a receipt of the requested information by the committee. (Ord. 279, S 1, Art. 9, S 9.8, 1977)

2.20.310 Governmental restrictions. Sections 2.20.310 through 2.20.390 set forth the limitations required by the Internal Revenue Service on the employer contributions which may be used for the benefit of certain employees. Sections 2.20.310 through 2.20.390 shall apply to an employee only if his anticipated annual pension exceeds one thousand five hundred dollars and the employee was among the twenty-five highest paid individuals of the employer at the time of initial establishment of the plan. If the plan is amended to substantially increase benefits, the date of the amendment will replace the date of initial establishment of the plan. The limitations set forth in Sections 2.20.310 through 2.20.390 shall become applicable if:

A. The plan is terminated within ten years after its initial establishment; or

B. The pension of an employee becomes payable within ten years after the initial establishment of the plan; or

C. The pension of an employee becomes payable after the plan has been in effect for ten years and the full current costs for the first ten years have not been funded subsequent to the plan's initial establishment. (Ord. 279, S 1, Art. 10, S 10.1 (part), 1977)

2.20.320 Effectiveness of restrictions. If Section 2.20.310 B is applicable, the restrictions will remain in effect until the plan has been in effect for ten years from the initial establishment, and, if at that time the full current costs have been funded, the restrictions will no longer apply. (Ord. 279, S 1, Art. 10, S 10.1 (part), 1977)

2.20.330 Continuance of limitations. If Section 2.20.310 B is applicable and the full current costs have not been funded after the plan has been in effect for ten years from the initial establishment, or if Section 2.20.310 C is applicable, the limitations shall continue to apply until the full current costs have been funded for the first time. (Ord. 279, S 1, Art. 10, S 10.1(part), 1977)

2.20.340 Excess benefits. If the employer's contributions are sufficient to meet the full current costs of the plan at the end of ten years from the date of the plan's initial establishment, or later if the full current costs are then met for the first time after such ten-year period, the excess of benefits payable under the plan but previously limited by Sections 2.20.310 through 2.20.390, over the amounts actually paid shall be paid in a lump sum to the retired or terminated employee, if living, or if deceased, to his named beneficiary or estate. (Ord. 279, S 1, Art. 10, S 10.1(part), 1977)

2.20.350 Employer contribution limitations. If an employee is subject to the provisions of Sections 2.20.310 through

2.20.390, the employer's contributions which may be used for the present value of his benefit shall not exceed the greater of the following:

- A. Twenty thousand dollars; or
- B. An amount computed by multiplying twenty percent of the first fifty thousand dollars of the annual compensation of the employee by the number of years between the date of the initial establishment of the plan by the employer; and

1. The date of termination of the plan as to such employer;

2. In the case of an employee described in Section 2.20.310 B, the date his benefit becomes payable, if before the date of such termination of the plan,

3. In the case of an employee described in Section 2.20.310 C, the date of the failure by the employer to meet the full current costs of the plan.

However, if the full current costs of the plan have not been met by the employer on the date described in 1 or 2 of this subdivision, whichever is applicable, then the date of the failure to meet such current costs shall be substituted for the date referred to in 1 or 2 of this subdivision. For purposes of determining the contributions which may be used for the benefit of an employee when 2 of this subdivision applies, the number of years taken into account may be recomputed for each year if the full current costs of the plan are met for such year by the employer. (Ord. 279, S 1, Art. 10, S 10.1 (part), 1977)

2.20.360 Benefit payments to retired employees subject to restrictions. The limitations described in Section 2.20.350 may be exceeded for the purpose of making current benefit payments to retired employees who would otherwise be subject to such restrictions; provided, that:

A. The contributions which may be used for any such retired employee in accordance with the restrictions heretofore indicated are applied either to provide a level amount of pension under the basic form of benefit; and

B. The pension thus provided is supplemented by monthly payments to the extent necessary to provide the full pension in the basic form called for by the plan; and

C. Such supplemental payments are made only if the full current costs of the plan have been met or if the aggregate of such supplemental payments for all such retired employees does not exceed the aggregate contributions already made under the plan in the year then current. (Ord. 279, S 1, Art. 10, S 10.1(part), 1977)

2.20.370 Benefits--Death benefits not included. The term "benefits" as used in Sections 2.20.310 through 2.20.390, shall not include the costs of any death benefits with respect to an employee before retirement, nor the amount of any death benefits actually payable after the death of an employee, whether such death occurs before or after retirement. (Ord. 279, S 1, Art. 10, S 10.1(part), 1977)

2.20.380 Amendment to plan. In conformity with Section 1.401-4(c)(2) of the Federal Regulations, if the plan is hereafter amended to increase substantially the extent of possible discrimination as to contributions and as to benefits actually payable upon subsequent termination of the plan or subsequent discontinuance of contributions thereunder, then the provisions of Sections 2.20.310 through 2.20.390 shall be applied to the plan as so amended, as if it were then a new plan established on the date of such amendment, except that, in place of the limit described in Section 1.401-4(c)(2)(iii) of the Federal Regulations, the employer's contributions which may be used for the benefit of an employee who is subject to the provisions of Sections 2.20.310 through 2.20.390 shall not exceed the greater of the following:

A. The employer contributions, or funds attributable thereto, which would have been applied to provide the benefits for the employee if the previous plan had been continued without change;

B. Twenty thousand dollars;

C. The sum of:

1. The employer contributions, or funds attributable thereto, which would have been applied to provide benefits for the employee under the previous plan if it had been terminated the day before the effective date of change; and

2. An amount computed by multiplying twenty percent of the first fifty thousand dollars of the annual compensation of the employee by the number of years between the date of the amendment of the plan by the employer, and

a. The date of termination of the plan by the employer,

b. In the case of an employee described in Section 2.20.310 C, the date of the failure by the employer to meet the full current costs of the plan: (Ord. 279, S 1, Art., 10, S 10.1(part), 1977)

2.20.390 Restriction of employee's benefits--Agreement to deposit security. If an employee's benefits are restricted in accordance with Sections 2.20.310 through 2.20.390, distribution may be made to the employee if the employee agrees to deposit with the plan adequate security in accordance with Revenue Ruling 61-10 or any other applicable regulation or ruling. (Ord. 279, S1, Art. 10, S 10.1(part), 1977)

2.20.400 Reemployment of retired employees. If a retired employee is reemployed by the employer, no pension payments shall be made during the period of such reemployment. Upon the subsequent termination of employment by such an employee, the employee shall be entitled to receive a pension based on his service and compensation prior to the date of his previous retirement, as well as his service and compensation during the period of his reemployment and in the case of a disabled employee, his service while disabled. In the case of reemployment of a retired employee who received any pension payments prior to his reemployment, the pension payable upon his

subsequent retirement shall be reduced by the actuarial equivalent of any pension payments he received prior to his normal retirement date during his previous period of retirement. (Ord. 279, S 1, Art. 10, S 10.2, 1977)

2.20.410 Nonguarantee of employment. Nothing contained in this plan shall be construed as a contract of employment between the employer and any employee, or as a right of any employee to be continued in the employment of the employer, or as a limitation of the right of the employer to discharge any of its employees, with or without cause. (Ord. 279, S 1, Art. 11, S 11.1, 1977)

2.20.420 Employee rights to plan assets. No employee shall have any right to, or interest in, any assets of the plan upon termination of his employment or otherwise, except as provided from time to time under this plan, and then only to the extent of the benefits payable to such employee out of the assets of the plan. Neither the employer nor any member of the committee shall be liable to any employee or beneficiary for benefits from this plan except for those payable from the plan in accordance with the terms of the plan. (Ord. 279, S 1, Art. 11, S 11.2, 1977)

2.20.430 Assignment of benefits.

A. General rules: All amounts payable by the trustee shall be paid only to the person entitled to them, and all such payments shall be paid directly to such person and not to any other person or corporation. Such payments shall not be subject to the claim of any creditor of a participant, nor shall such payments be taken in execution by attachment or garnishment or by any other legal or equitable proceedings. No person shall have any right to alienate, anticipate, commute, pledge, encumber, or assign any payments or benefits which he may expect to receive, contingently or otherwise, under this plan, except the right to designate a beneficiary or beneficiaries; provided, that this Section shall not affect, restrict, or abridge any right of setoff or lien which the trust may have by law.

B. Qualified domestic relations orders: Effective as of January 1, 1985, paragraph A shall not apply with respect to payments in accordance with the requirements of a qualified domestic relations order. A qualified domestic relations order creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits otherwise payable to a participant under the plan. A domestic relations order means any judgment, decree, or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a participant, and is made pursuant to a state domestic relations law (including a community property law). To qualify, the domestic relations order must:

1. clearly state the name and last known mailing address of the participant and the name and mailing address of each alternate payee covered by the order;

2. clearly state the amount or percentage of the participant's benefits to be paid by the plan to each alternate payee, or the manner in which the amount or percentage is to be determined;

3. clearly state the number of payments or period to which the order applies;

4. identify each plan to which the order applies;

5. not require the plan to provide any type or form of benefits, or any option, not otherwise provided under the plan;

6. not require the plan to provide increased benefits (determined on the basis of actuarial value); and

7. not require the payment of benefits to an alternate payee that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

In the case of any distribution before a participant has separated from service, a qualified domestic relations order shall not fail to meet the requirements of paragraph B(5) solely because such order requires that payment of benefits be made to an alternate payee [A] on or after the date the participant attains the earliest retirement age, [B] as if the participant had retired on the date on which such payment is to begin under such order, and [C] in any form in which benefits may be paid under the plan to the participant (other than in the form of a qualified joint and survivor annuity with respect to the alternate payee and his subsequent spouse). Payment of benefits before termination of employment solely by reason of payments to an alternate payee under a qualified domestic relations order shall not be deemed to be a violation of Code Section 401(a) or (k).

C. Definitions.

1. "Alternate payee" means any spouse, former spouse, child, or other dependent of a participant who is recognized by a qualified domestic relations order as having a right to receive all, or a portion of, the benefit payable under a plan with respect to such participant.

2. "Earliest retirement age" means the earliest date on which a participant could elect to receive retirement benefits under the plan. (Ord. 735, S 9, 1987)

2.20.440 Employer--Right to amend plan. The employer reserves the right to make from time to time any amendment or amendments to this plan which do not permit reversion of any part of the plan assets to the employer, except as provided in Section 2.20.490, and which do not cause any part of the plan assets to be used for, or diverted to, any purpose other than the exclusive benefit of employees included in the plan. Upon delivery of an executed copy of an amendment properly authorized and adopted by the employer, the plan shall thereupon be amended in accordance therewith. (Ord. 279, S 1, Art. 12, S 12.1, 1977)

2.20.450 Employer--Right to terminate plan. The employer may at any time, effective as specified, terminate the plan, and may liquidate the share of the plan assets allocable to employees

and their beneficiaries. If the employer ceases to exist, the plan shall be terminated unless a successor organization adopts and continues the plan. (Ord. 279, S 1, Art. 13, S 13.1, 1977)

2.20.460 Employer--Consolidation or merger. Upon the employer's liquidation, bankruptcy, insolvency, consolidation or merger to or with another organization, in which the employer is not the surviving organization, or upon an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver or other legal custodian is appointed for the purpose of operation or liquidation of the employer, the plan will terminate, and all obligations of the employer thereunder which have not theretofore been funded shall terminate automatically, and the plan assets shall be held or distributed as provided in this chapter unless the successor to the employer assumes the duties and responsibilities of the employer by adopting this plan, or by the establishment of a separate plan to which the plan assets of this plan held on behalf of the employees shall be transferred with the consent and agreement of the employer. The employer may merge or consolidate this plan with any other plan and may transfer the assets or liabilities of the plan to any other plan if each participant in the plan (if the plan then terminated) would receive a benefit immediately after the merger, consolidation, or transfer which is equal to or greater than the benefit he would have been entitled to receive immediately before the merger, consolidation, or transfer (if the plan then had terminated). (Ord. 279, S 1, Art. 13, S 13.2, 1977) (Ord. 735, S 10, 1987)

2.20.470 Plan assets--Liquidation procedures.

A. Upon termination or partial termination of the plan, all participants affected, as of the date such termination or partial termination occurred, shall be fully vested in their respective accrued benefits. The interests of the employees and beneficiaries (as determined by the enrolled actuary) affected shall be liquidated after provision is made for the expenses of liquidation, by the payment, or provision for payment, of benefits accrued to the date of termination or partial termination, in the following order of precedence;

1. With respect to each employee who retired on or after his normal retirement date, continuation of payment of his normal pension in course of payment on the date of termination of the plan;

2. With respect to each contingent pensioner who is receiving a pension on the date of termination of the plan, payment of a survivor's pension, based on the deceased employee's service and compensation before his retirement;

3. With respect to each employee who has reached his normal retirement date before the date of termination of the plan, payment of a normal pension, based on his service and compensation before the date of termination of the plan;

4. With respect to each retired employee whose retirement occurred before his normal retirement date,

continuation of payment of his pension in course of payment on the date of termination of the plan;

5. With respect to each employee who is eligible for an early or vested pension at the date of termination of the plan, payment of pension determined as the actuarial equivalent of his accrued benefit;

6. With respect to each employee who is not entitled to a pension under the subsection A 1, 2, 3, 4 and 5, payment of a pension determined as the actuarial equivalent of his accrued benefit. (Ord. 735, S 11, 1987)

B. If the plan assets applicable to any one of the above groups are insufficient to provide full benefits for all persons in such group, the benefits otherwise payable to such persons shall be reduced proportionately, and no benefits shall be paid to any person in a succeeding group.

C. If the plan is terminated, the expenses of the committee, enrolled actuary of the plan, legal counsel, accountant, and any agent appointed by the employer to carry out the termination, shall be first and prior claim and lien on the plan assets. (Ord. 279, S 1, Art. 13, S 13.3, 1977)

2.20.480 Plan assets--Manner of distribution.

A. Any distribution after termination of the plan, or permanent discontinuance of employer contributions, shall be made as soon as administratively feasible, at such times in such amounts that no discrimination results, in cash, in securities, or other assets in kind, at fair market value, in continued direct-payment pensions, or in nontransferable life insurance or annuity contracts, or in installments, as the committee in its discretion shall determine.

B. The benefits as apportioned upon plan termination may be provided:

1. By the creation of a trust for the payment of all such benefits;

2. Through the purchase of nontransferable annuity contracts with one or more insurance companies, with the amount of the benefit determined by a premium equal to the actuarial equivalent of each employee's accrued benefit;

3. By distribution in a single sum of the actuarial equivalent of each employee's accrued benefit; or

4. By a combination of 1, 2 and 3, or any of them.

C. In making such distribution, any and all determinations, divisions, appraisals, apportionments and allotments so made shall be final and conclusive and not subject to question by any person. (Ord. 279, S 1, Art. 13, S 13.4, 1977)

2.20.490 Plan assets--Residual amounts. In no event shall the employer receive any amounts from the plan assets, except that, upon termination of the plan and notwithstanding any other provision of the plan, the employer shall receive such amount, if any, as may be due for indebtedness from distributees to the extent of such debtor distributees; shares, and such amount, if any, as may be attributable to its contributions and as may remain after the satisfaction of all liabilities of the plan to

the employees and beneficiaries, and arising out of any variations between actual requirements and expected actuarial requirements. It shall be impossible for any part of the plan assets to be used for or diverted to purposes other than the exclusive and sole benefit of the employees or their beneficiaries. (Ord. 279, S 1, Art. 13, S 13.5, 1977)

2.20.500 Plan contingent upon approval. This plan is designed to qualify under Section 401(a) of the Internal Revenue Code. Anything contained herein to the contrary notwithstanding, if the initial determination letter is issued by the District Director of Internal Revenue to the effect that the plan set forth in this chapter or as amended before receipt of such letter does not meet with the requirements of Section 401(a) of the Internal Revenue Code, the employer shall be entitled at its option to withdraw all contributions theretofore made, in which event the plan shall then terminate by rescission, and all rights of employees thereunder shall cease and come to an end with the same effect as if the plan had never been adopted. (Ord. 279, S 1 Art. 13, S 13.6, 1977)

Chapter 2.22

DEFERRED COMPENSATION PENSION PLAN

Sections:

- 2.22.010 Establishment.
- 2.22.020 Purpose.
- 2.22.030 Definitions.
- 2.22.040 Plan Eligibility.
- 2.22.050 Participation in the Plan.
- 2.22.060 Contributions to the Plan.
- 2.22.070 Limitations on Deferrals.
- 2.22.080 Investment and Account Values.
- 2.22.090 Benefits.
- 2.22.100 Vesting of Interests.
- 2.22.110 Administration of the Plan.
- 2.22.120 Non-Assignability.
- 2.22.130 Relationship to Other Plans.
- 2.22.140 Amendment or Termination of the Plan.
- 2.22.150 Applicable Law.

2.22.010 Establishment. The City of Broomfield hereby establishes the Employees' Deferred Compensation Pension Plan as set forth in this Chapter. (Ord. 673 S1, 1986)

2.22.020 Purpose. The primary purpose of this plan is to provide retirement income and other deferred benefits to the employees of the City of Broomfield in accordance with the provisions of Section 457 of the Internal Revenue Code. (Ord. 673 S1, 1986)

2.22.030 Definitions. For the purposes of this chapter, the following terms have the indicated meanings:

A. Account, Employee: The bookkeeping account maintained for each participant reflecting the cumulative amount of the employee's contribution to the participant's deferred compensation, including any income, gains, losses, expenses, or increase or decreases in market value attributable to the employer's investment of the participant's deferred compensation, and further reflecting any distributions to the participant or the participant's beneficiary and any fees or expenses charged against such participant's account.

B. Account, Employer: The bookkeeping account maintained for each participant reflecting the cumulative amount of the employer's contribution to the participant's deferred compensation, including any income, gains, losses, expenses, or increases or decreases in market value attributable to the employer's investment of the participant's deferred compensation, and further reflecting any distributions to

the participant or the participant's beneficiary and any fees or expenses charged against such participant's account.

C. Account, Participant's Deferred Compensation: The bookkeeping account maintained for each participant reflecting the total cumulative amount of the employee's account and the employer's account.

D. Administrator: The person or persons named to carry out certain nondiscretionary administrative functions under the plan, as hereinafter described. The employer may remove any person as administrator upon 60 days advance notice in writing to such person, in which case the employer shall name another person or persons to act as administrator. The administrator may resign upon 60 days advance notice in writing to the employer, in which case the employer shall name another person or persons to act as administrator.

E. Beneficiary: The person or persons designated by the participant who shall receive any benefits payable hereunder in the event of the participant's death.

F. Deferred Compensation: The amount of normal compensation otherwise payable to the participant which the participant and the employer mutually agree to defer hereunder, any amount credited to a participant's deferred compensation account by reason of a transfer under Subsection C of Section 2.22.080; or any other amount which the employer agrees to credit to a participant's deferred compensation account including any amount contributed by the employer under this plan.

G. Employee: An employee is any permanent full-time employee of the employer.

H. Employer: The City of Broomfield which shall act through the City Manager.

I. Includable Compensation: The amount of an employee's compensation from the employer for a taxable year that is attributable to services performed for the employer and that is includable in the employee's gross income for the taxable year for federal income tax purposes; such term does not include any amount excludable from gross income under this plan or any other plan described in section 457(b) of the Internal Revenue Code, any amount excludable from gross income under section 403(b) of the Internal Revenue Code, or any other amount excludable from gross income for federal income tax purposes. Includable compensation shall be determined without regard to any community property laws.

J. Joinder Agreement: An agreement entered into between an employee and the employer, including any amendments or modifications thereof. Such agreement shall fix the amount of deferred compensation, specify a preference among the investment alternatives designated by the employer, designate the employee's beneficiary or beneficiaries, and incorporate the terms, conditions, and provisions of the plan by reference.

K. Normal Compensation: The amount of compensation which would be payable to a participant by the employer for a taxable year if no Joinder Agreement were in effect to defer compensation under this plan.

L. Normal Retirement Age: Age 70, unless the participant has elected an alternate normal retirement age by written instrument delivered to the administrator prior to separation from service. A participant's normal retirement age determines (a) the latest time when benefits may commence under this plan (unless the participant continues employment after normal retirement age), and (b) the period during which a participant may utilize the catch-up limitation of Subsection B of Section 2.22.070 hereunder. Once a participant has to any extent utilized the catch-up limitation of Subsection B of Section 2.22.070, his normal retirement age may not be changed.

A participant's alternate normal retirement age may not be earlier than the earliest date that the participant will become eligible to retire and receive unreduced retirement benefits under the employer's basic retirement plan covering the participant and may not be later than the date the participant attains age 70. If a participant continues employment after attaining age 70, not having previously elected an alternate normal retirement age, the participant's alternate normal retirement age shall not be later than the mandatory retirement age, if any, established by the employer, or the age at which the participant actually separates from service if the employer has no mandatory retirement age. If the participant will not become eligible to receive benefits under a basic retirement plan maintained by the employer, the participant's alternate normal retirement age may not be earlier than attainment of age 55 and may not be later than attainment of age 70.

M. Participant: Any employee who has joined the plan pursuant to the requirements of Section 2.22.050.

N. Plan Year: The calendar year.

O. Retirement: The first date upon which both of the following shall have occurred with respect to a participant: Separation from service and attainment of normal retirement age.

P. Separation From Service: Severance of the participant's employment with the employer. A participant shall be deemed to have severed his employment on the last day actively at work for the employer on a regular work day. (Ord. 673 S1, 1986)

2.22.040 Plan Eligibility. All full-time employees of the City of Broomfield are eligible to participate in the plan on their initial date of employment or the effective date of the plan (May 1, 1986), whichever is later. The

Joinder Agreement shall become effective as of the beginning of the pay period commencing after it is received by the employer. (Ord. 673 Sl, 1986)

2.22.050 Participation in the Plan.

A. Initial Participation: An employee may become a participant by entering into a Joinder Agreement prior to the beginning of the pay period in which the Joinder Agreement is to become effective to defer compensation not yet earned.

B. Amendment of Joinder Agreement: A participant may amend an executed Joinder Agreement to change the amount of compensation not yet earned which is to be deferred (including the reduction of such future deferrals to zero) or to change his investment preference (subject to such restrictions as may result from the nature or terms of any investment made by the employer). Such amendment shall become effective as of the beginning of the pay period commencing after the date the amendment is executed. A participant may at any time amend his Joinder Agreement to change the designated beneficiary and such amendment shall become effective immediately upon receipt by the employer. (Ord. 673 Sl, 1986)

2.22.060 Contributions to the Plan.

A. Employer Contributions: The employer shall contribute 50% of the employee contribution up to a maximum of 2% of the basic monthly salary (excluding bonuses, overtime pay and special allowances or compensation) of each eligible employee to the participant's deferred compensation account. For purposes of this paragraph only, eligible employees shall not include any employee covered under Broomfield's Police-men's Pension Fund, the State of Colorado Fire and Police Pension Plan, or under any other firemen's or policemen's pension plans. In addition, the employer may, but is not obligated to, make any additional contributions to any participant's deferred compensation account. The determination of the employees covered under such plans shall be made by the employer from time to time. The employer may, at any time, change the contribution percentage and/or dollar amount of contributions that it makes on behalf of the employee. The employee must complete a Joinder Agreement to be eligible to receive the employer's contribution and distribution of the employer's contributions will be based on the vesting schedule contained in this chapter.

B. Employee Contributions: The employee may elect to defer any portion of his income subject to the limitations on deferral specified below. If the employee wishes not to defer any portion of his income, that fact must be noted on the Joinder Agreement. (Ord. 673 Sl, 1986)

2.22.070 Limitations on Deferrals.

A. Normal Limitation: Except as provided in the "Catch-up Limitation" section, the maximum amount of deferred compensation for any participant for any taxable year shall not exceed the lesser of \$7,500.00 or 33 1/3 percent of the participant's includable compensation for the taxable year. This limitation will ordinarily be equivalent to the lesser of \$7,500.00 or 25% of the participant's normal compensation.

B. Catch-up Limitation: For each of the last three (3) taxable years of a participant ending before his attainment of normal retirement age, the maximum amount of deferred compensation shall be the lesser of: (1) \$15,000 or (2) the sum of (i) the normal limitation for the taxable year, and (ii) that portion of the normal limitation for each of the prior taxable years of the participant commencing after 1978 during which the plan was in existence and the participant was eligible to participate in the plan (or in any other plan established under section 457 of the Internal Revenue Code by an employer within the same state as the employer) less the amount of deferred compensation for each such prior taxable year (including amounts deferred under such other plan). For purposes of this Subsection B, a participant's includable compensation for the current taxable year shall be deemed to include any deferred compensation for the taxable year in excess of the amount permitted under the normal limitation, and the participant's includable compensation for any prior taxable year shall be deemed to exclude any amount that could have been deferred under the normal limitation for such prior taxable year.

C. Section 403(b) Annuities: For purposes of Subsections A and B, amounts contributed by the employer on behalf of a participant for the purchase of an annuity contract described in section 403(b) of the Internal Revenue Code shall be treated as if such amount constituted deferred compensation under this plan for the taxable year in which the contribution was made and shall thereby reduce the maximum amount that may be deferred for such taxable year. (Ord. 673 Sl, 1986)

2.22.080 Investment and Account Values.

A. Investment of Deferred Compensation Accounts: All investments of participant's deferred compensation accounts made by the employer, including all property and rights purchased with such amounts and all income attributable thereto, shall be the sole property of the employer and shall not be held in trust for participants or as collateral security for the fulfillment of the employer's obligations under the plan. Such property shall be subject to the claims of general creditors of the employer, and no participant or beneficiary shall have any vested interest or secured or

preferred position with respect to such property or have any claim against the employer except as a general creditor.

B. Crediting of Accounts: The participant's deferred compensation account shall reflect the amount and value of the investments made by the employer through the investment of the participant's deferred compensation, less any administrative fees, account maintenance fees, and other fees and charges for administration or investment. It is anticipated that the employer's investments with respect to a participant will conform to the investment preference specified in the participant's Joinder Agreement, but nothing herein shall be construed to require the employer to make any particular investment of a participant's deferred compensation. Each participant shall receive periodic reports, not less frequently than annually, showing the then-current value of his account.

C. Acceptance of Transfers: Pursuant to an appropriate written agreement, the employer may accept and credit to a participant's deferred compensation account amounts transferred from another employer within the same state representing amounts held by such other employer under an eligible state deferred compensation plan described in Section 457 of the Internal Revenue Code. Any such transferred amount shall not be treated as a deferral subject to the limitations on deferrals; provided however, that the actual amount of any deferral under the plan from which the transfer is made shall be taken into account in computing the catch-up limitation.

D. Investment Options: Each participant shall designate on his Joinder Agreement the investment option or options to be used for amounts deferred by him. The options shall be selected from those options made available for this purpose from time to time. The employer may make available as investment options investments with a fixed rate of interest, investments in mutual fund shares, deposits with a savings and loan association or bank, equity or debt securities, annuity contracts, stock funds, bond funds, or any other options. The employer may from time to time change the available investment options. In the event that the investment option experiences a loss, the participant's benefits payable hereunder shall likewise reflect a loss, rather than income, for the period. If a participant does not designate the investment option the employer shall designate a low-risk option chosen by the employer as the option for such participant.

E. Employer Liability: In no event shall the employer's liability to pay benefits to a participant exceed the value of the amounts credited to the participant's deferred compensation account; the employer shall not be liable for losses arising from depreciation or shrinkage in the value of any investments acquired under this plan. (Ord. 673 Sl, 1986)

2.22.090 Benefits.

A. Retirement Benefits and Election on Separation from Service: Except as otherwise provided in this Section 2.22.090, the distribution of a participant's deferred compensation account shall commence during the second calendar month after the close of the plan year of the participant's retirement, and the distribution of such retirement benefits shall be made in accordance with one of the payment options described in Subsection B. Notwithstanding the foregoing, the participant may irrevocably elect within 60 days following separation from service to have the distribution of benefits commence on a date other than that described in the preceding sentence which is at least 60 days after the date such election is delivered in writing to the employer and forwarded to the administrator but not later than 60 days after the close of the plan year of the participant's retirement. Distribution of the participant's deferred compensation account is subject to the vesting schedule contained in Section 2.22.100.

B. Payment Options: As provided in Subsections A, E, and F, a participant may elect to have the value of the vested portion of his account distributed in accordance with one of the following payment options, provided that such option is consistent with the limitations set forth in Subsection C of this Section 2.22.090:

1. Equal monthly, quarterly, semi-annual or annual payments in an amount chosen by the participant, continuing until his account is exhausted;
2. One lump sum payment;
3. Approximately equal monthly, quarterly, semi-annual or annual payments, calculated to continue for a period certain chosen by the participant;
4. Payments equal to payments made by the issuer of a retirement annuity policy acquired by the employer;
5. Any other payment option elected by the participant and agreed to by the employer.

A participant's election of a payment option must be made at least 30 days before the payment of benefits is to commence. If a participant fails to make a timely election of a payment option, benefits shall be paid monthly under option 3 above for a period of five years.

C. Limitation on Options: No payment option may be selected by the participant under Subsection B unless the present value of the payments to the participant, determined as of the date benefits commence, exceeds 50 percent of the value of the vested portion of the participant's deferred compensation account as of the date benefits commence. Present value determinations under this section shall be made by the administrator in accordance with the expected return multiples set forth in section 1.72-9 of the Federal Income Tax Regulations (or any successor provision to such regulations).

D. Post-retirement Death Benefits: Should the participant die after he has begun to receive benefits under a payment option, the remaining payments, if any, under the payment option shall be payable to the participant's beneficiary commencing within 60 days after the administrator receives proof of the participant's death, unless the beneficiary elects payment under a different payment option at least 30 days prior to the date that the first payment becomes payable to the beneficiary. In no event shall the employer or administrator be liable to the beneficiary for the amount of any payment made in the name of the participant before the administrator receives proof of death of the participant. Notwithstanding the foregoing, payments to a beneficiary shall not extend over a period longer than (i) the beneficiary's life expectancy if the beneficiary is the participant's spouse or (ii) fifteen (15) years if the beneficiary is not the participant's spouse. If no beneficiary is designated in the Joinder Agreement, or if the designated beneficiary does not survive the participant for a period of fifteen (15) days, then the commuted value of any remaining payments under the payment option shall be paid in a lump sum to the estate of the participant. If the designated beneficiary survives the participant for a period of fifteen (15) days, but does not continue to live for the remaining period of payments under the payment option (as modified, if necessary, in conformity with the third sentence of this section), then the commuted value of any remaining payments under the payment option shall be paid in a lump sum to the estate of the beneficiary.

E. Pre-retirement Death Benefits: Should the participant die before he has begun to receive the benefits provided by Subsections A or F, a death benefit equal to the value of the participant's account shall be payable to the beneficiary commencing no later than 60 days after the close of the plan year in which the participant would have attained normal retirement age. Such death benefit shall be paid in a lump sum unless the beneficiary elects a different payment option within 90 days of the participant's death. A beneficiary who may elect a payment option pursuant to the provisions of the preceding sentence shall be treated as if he were a participant for purposes of determining the payment options available under Subsection B; provided, however, that the payment option chosen by the beneficiary must provide for payments to the beneficiary over a period no longer than the life expectancy of the beneficiary if the beneficiary is the participant's spouse and must provide for payments over a period not in excess of fifteen (15) years if the beneficiary is not the participant's spouse.

F. Disability: In the event a participant becomes disabled before the commencement of retirement benefits under

Subsection A, the participant may elect to commence benefits under one of the payment options described in Subsection B on the last day of the month following a determination of disability by the employer. The participant's request for such determination must be made within a reasonable time after the impairment which constitutes the disability occurs. A participant shall be considered disabled for purposes of this plan if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or be of long-continued and indefinite duration. The disability of any participant shall be determined in accordance with uniform principles consistently applied and upon the basis of such medical evidence as the employer deems necessary and desirable.

G. Unforeseeable Emergencies: In the event an unforeseeable emergency occurs, a participant may apply to the employer to receive that part of the value of his account that is reasonably needed to satisfy the emergency need. If such an application is approved by the employer, the participant shall be paid only such amount as the employer deems necessary to meet the emergency need, but payment shall not be made to the extent that the financial hardship may be relieved through cessation of deferral under the plan, insurance or other reimbursement, or liquidation of other assets to the extent such liquidation would not itself cause severe financial hardship. An unforeseeable emergency shall be deemed to involve only circumstances of severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or of a dependent (as defined in section 152(a) of the Internal Revenue Code) of the participant, loss of the participant's property due to casualty, or other similar and extraordinary unforeseeable circumstances arising as a result of events beyond the control of the participant. The need to send a participant's child to college or to purchase a new home shall not be considered unforeseeable emergencies. The determination as to whether such an unforeseeable emergency exists shall be based on the merits of each individual case. (Ord. 673 Sl, 1986)

2.22.100 Vesting of Interests.

A. Employee Contributions: Those contributions made by the employee as determined by the Joinder Agreement will be vested at 100% at all times and the employee will be entitled to receive the current value of the employee account pursuant to the provisions of this chapter.

B. Employer Contributions: Those contributions made by the employer on behalf of the employee will be vested to the extent of the following percentages based upon the number of

consecutive years of service with the employer by such participant as described below:

<u>Consecutive Years of Service</u>	<u>Percentage of Vesting</u>
Under 3 years	0%
3 years or more	30%
4 years or more	40%
5 years or more	50%
6 years or more	60%
7 years or more	70%
8 years or more	80%
9 years or more	90%
10 years or more	100%

The percentage of vesting determines how much of the employer account the participant will be entitled to receive after separation from service.

If an employee dies, becomes disabled or attains normal retirement age while still employed by the employer, his entire interest in the plan will become vested, without regard to the length of service with the employer. An employee will be credited with a month of service for each full calendar month of employment beginning with the first day actually worked for the employer on a regular work day. Any employee on an approved leave of absence shall receive credit for such time as if the employee was actively at work for the employer.

C. Forfeitures: If an employee leaves the employ of the employer for any reason other than death, disability, or attainment of normal retirement age, the non-vested portion of his interest, if any, will be forfeited on the day on which the employee separates from service. The forfeitures shall be credited to the City's general fund. An employee can never earn back a forfeited interest, even if he returns to work for the employer. (Ord. 673 Sl, 1986)

2.22.110 Administration of the Plan.

A. Duties of Employer: The employer shall have the authority to make all discretionary decisions affecting the rights or benefits of participants which may be required in the administration of the plan. The employer shall have the authority to arrange for the administration and investment of the plan.

B. Duties of the Administrator: The administrator, as agent for the employer, shall perform nondiscretionary administrative functions in connection with the plan, including the maintenance of participant's deferred compensation accounts, the provision of periodic reports of the status of each account and the disbursement of benefits on behalf of the employer in accordance with the provisions of this plan.

2.22.120 Non-Assignability. No participant or beneficiary shall have the right to commute, sell, assign, pledge, transfer or otherwise convey or encumber the right to receive any payments hereunder, which payments and rights are expressly declared to be non-assignable and non-transferable. (Ord. 673 S1, 1986)

2.22.130 Relationship to Other Plans. This plan serves in addition to any other retirement, pension, or benefit plan or system presently in existence or hereinafter established for the benefit of the employer's employees, and participation hereunder shall not affect benefits receivable under any such plan or system. Nothing contained in this plan shall be deemed to constitute an employment contract or agreement between any participant and the employer or to give any participant the right to be retained in the employ of the employer. Nor shall anything herein be construed to modify the terms of any employment contract or agreement between a participant and the employer. (Ord. 673 S1, 1986)

2.22.140 Amendment or Termination of the Plan. The employer reserves the right to amend or terminate the plan or terminate employee or employer contributions to the plan at any time. However, the employer may never, under any circumstances, change the plan to deprive participants of their vested interests. (Ord. 673 S1, 1986)

2.22.150 Applicable Law. This plan shall be construed under the laws of the state of Colorado and is established with the intent that it meet the requirements of an "eligible state deferred compensation plan" under Section 457 of the Internal Revenue Code of 1954, as amended. The provisions of the plan shall be interpreted wherever possible in conformity with the requirements of that section. (Ord. 673 S1, 1986)

Chapter 2.24

POLICEMEN'S PENSION FUND*

Sections:

- 2.24.010 Establishment.
- 2.24.020 Board of trustees--Powers and duties generally.
- 2.24.030 Board of trustees--Membership--Election--Term of office.
- 2.24.040 Board of trustees--Organization.
- 2.24.050 Board of trustees--Rule and regulation promulgation.
- 2.24.060 Director of finance--Duties generally
- 2.24.070 Sources of contributions.
- 2.24.080 City treasurer--Duties generally.
- 2.24.090 Board of trustees--Investment authority.
- 2.24.100 Board of trustees--Insurance or trust pension plan establishment.
- 2.24.110 Eligibility--Requirements generally.
- 2.24.120 Retirement--Temporary--When--Time limit.
- 2.24.130 Retirement--Temporary--Reexamination--Hearing when.
- 2.24.140 Retirement--Due to disability--Amount of pension.
- 2.24.150 Death--Survivor's benefits.
- 2.24.160 Retirement--When--Amount of pension.
- 2.24.170 Insufficient funds--Payment procedure.
- 2.24.180 Municipal general fund--Payment responsibility.
- 2.24.190 Attachment prohibited--Use limitation.
- 2.24.200 Individual contributions--To vest in individual.
- 2.24.210 Refund of contributions--Written request required.
- 2.24.220 Conflict of provisions.

2.24.010 Establishment. There is created the policemen's pension fund in compliance with the laws and statutes of the state of Colorado, including but not limited to Sections 31-30-301 through 31-30-324 and 31-30-701 through 31-30-702 Colorado Revised Statutes 1973 (1975 Supp.), as heretofore or hereafter amended. (Ord. 152 S1, 1972).

* For statutory provisions on the policemen's pension fund, see CRS 1973 31-30-301--31-30-324 (1975 Supp.).

2.24.020--2.24.070
(Rev. 2-79, 2-80, 3-81, 1-83)

2.24.020 Board of trustees--Powers and duties generally. The general supervision, management and control of the policemen's pension fund is and shall be vested in a board of trustees to be known as "the Board of Trustees of the Policemen's Pension Fund." Said trustees are to serve without pay. (Ord. 152 S2(part), 1972).

2.24.030 Board of trustees--Membership--Election--Term of office. The board of trustees shall consist of the mayor, the city treasurer, the city clerk and a sworn member of the police department, who shall be elected annually by majority vote of the officers of the police department. The member of the police department who is elected by that department shall serve a term on the board of one year, or until his successor is elected and qualified. (Ord. 152 S2(a), 1972).

2.24.040 Board of trustees--organization. The trustees shall elect from their number a president and secretary. The city treasurer shall be ex officio treasurer of the board and administer the funds of the policemen's pension fund, as provided for in applicable state statutes and pursuant to the direction of the board, which shall be made in accordance with state statutes. All members of the board shall serve without salary. (Ord. 152 S2(b), 1972).

2.24.050 Board of trustees--Rule and regulation promulgation. The board of trustees shall make all necessary rules and regulations for managing and discharging its duties not inconsistent with the provisions of the statutes of the state, and shall hear and decide all applications for relief or pensions under the provisions of this chapter, and its action on such applications shall be final and conclusive and not subject to revision or reversal except by the board. A record shall be kept of all meetings and the proceedings of the board. (Ord. 152 S2(c), 1972).

2.24.060 Director of finance--Duties generally. The director of finance is directed and empowered to perform all of the duties delegated to the city treasurer, as provided in this chapter. (Ord. 152 S2(d), 1972).

2.24.070 Sources and amounts of contributions. A. The city shall each month pay from its general fund to the policemen's pension fund established by this chapter an amount equal to 13.829 percent of the monthly salaries paid to members of the police department who were hired prior to April 8, 1978, and who are enrolled in the fund established by this chapter. (Ord. 505 S2, 1982).

B. Each member of the police department who was hired prior to April 8, 1978, and who is enrolled in the fund established by this chapter shall pay 9.141 percent of his salary to the policemen's pension fund established by this chapter, to be deducted from his pay check. (Ord. 505 S3, 1982)

C. In addition to the moneys provided for in sub-sections A and B, the pension fund shall consist of all moneys that may be given to the board or fund by any person for the use and purpose for which such fund is created. The board of trustees may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or interest therein, as trustees, for the uses and purposes for which the fund is created. (Ord. 464, S4, 1981).

2.24.080 City treasurer--Duties generally. The city treasurer is hereby made the custodian of the pension fund and the moneys belonging thereto. His liabilities, obligations and duties related thereto shall be performed pursuant to Section 31-30-311 Colorado Revised Statutes 1973 (1975 Supp.), as amended. (Ord. 152 S4, 1972).

2.24.090 Board of trustees--Investment authority. The board of trustees shall have authority to draw upon the pension fund, from the city treasurer, and may invest same, or any part thereof, in the name of the board of trustees of the policemen's pension fund of the city, pursuant to Sections 31-30-312, 31-30-701 and 24-75-605 Colorado Revised Statutes 1973 (1975 Supp.). All securities and evidences of said investments shall be deposited with the city treasurer and may invest same, or any part thereof, in the name of the board of trustees of the policemen's pension fund of the city, pursuant to Sections 31-30-312, 31-30-701 and 24-75-605 Colorado Revised Statutes 1973 (1975 Supp.) All securities and evidences of said investments shall be deposited with the city treasurer, and shall be subject to the order of the board. (Ord. 152 S5(a), 1972).

2.24.100 Board of trustees--Insurance or trust pension plan establishment. It shall be lawful for the board of trustees, with the consent in writing of a majority of the members of the police department, to:

A. Insure the members of the police department by the purchase of policies of individual, group, blanket life, endowment, disability, or annuity insurance, in and from companies authorized to do business in Colorado, and to expend any portion of such pension fund for the purpose of paying the premiums on any such insurance policies; or

2.24.110--2.24.130
(Rev. 2-79, 2-80, 3-81, 1-83)

B. Establish a noninsured trust pension plan, with a bank or trust company authorized to exercise trust powers in this state as trustee, invested by the trustee pursuant to the provisions of Sections 15-1-301 through 15-1-306 Colorado Revised Statutes 1973, but the trustee shall at all times hold fixed income obligations having a book value or cost of not less than sixty percent of the total contributions made to the trust less the amounts paid out. (Ord. 152 S5(b), 1972).

2.24.110 Eligibility--Requirements generally. No employee of the police department, nor his dependents, shall be entitled to any of the benefits or any rights under this chapter, whose police duties do not require at least eighty percent of his working time. (Ord. 152 S6(part), 1972).

2.24.120 Retirement--Temporary--When--Time limit. If any member of the police department, while in the performance of his duty, or by reason of service in said department, shall become physically or mentally disabled, and such disability shall be deemed to be of a temporary nature, the board of trustees shall retire such disabled person, and shall authorize the payment to such person, monthly, from the pension fund, of an amount equal to the monthly compensation paid any such member as salary at the date of such disability, not to exceed a period of one year. For the purpose of determining the physical or mental disability of any such member, the board of trustees may personally examine the member, or may appoint one or more physicians or surgeons to make an examination of the member and report their findings to the board, which report may be taken into consideration in determining whether said member is physically or mentally disabled. (Ord. 152 S6(a), 1972).

2.24.130 Retirement--Temporary--Reexamination--Hearing when. After any member of the police department shall have been retired temporarily by reason of any disability, the board of trustees shall have the right at any time to cause such retired member to be brought before it and again examined by competent physicians or surgeons. The board shall have the right to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member shall be continued on the pension roll, not to exceed a period of one year, or reinstated in the service of the police department, except in case of dismissal or resignation. Such retired member shall be given notice of and has the right to be present at a hearing of any evidence. He may be represented by counsel, and shall be permitted to propound any question pertinent or relevant to such matter, and shall also have the right to introduce evidence on his own behalf. All witnesses so produced shall

be examined under oath, and any member of the board of trustees is hereby authorized to administer such oath. The decision of the board shall be final. (Ord. 152 §6(b), 1972).

2.24.140 Retirement--Due to disability--Amount of pension. If any member or officer of the police department shall become mentally or physically disabled so as to render necessary his retirement from service in such department, the board of trustees shall retire such member from service, and he shall receive from the pension fund an amount equal to one-half of the monthly salary received by him at the time he shall become so disabled. (Ord. 152 §6(c), 1972).

2.24.150 Death--Survivor's benefits. When any member of the police department or retired member shall die and leave a widow, dependent mother, child or children under the age of sixteen years surviving, the board of trustees shall authorize the payment monthly from the pension fund of an amount equal to one-fourth of the monthly salary received by said member of the department at the time he died unto such widow or mother, and an amount equal to one-eighth of the monthly salary received by said member of the department at the time he died to each minor child, until such child shall reach the age of sixteen years. No pension shall be paid to the mother of the deceased member who leaves a widow, and if the widow of any deceased member shall remarry, her pension shall cease. (Ord. 152 §6(d), 1972).

2.24.160 Retirement--When--Amount of pension. Any member of the police department who shall have reached the age of fifty-five years, and who shall have served for a period of twenty years in such department or any departments in the state, or who, in the alternative, shall have completed twenty-five years in such department or any departments in the state, regardless of his age, shall be entitled to a monthly pension equal to one-half the amount of the average salary he shall have received as a member of said department or departments for one year before the time of granting his application. Such payments shall be made regardless of income or earnings which the retired member receives from any source. (Ord. 152 §6(e), 1972).

2.24.170 Insufficient funds--Payment procedure. If at any time there should not be sufficient money or other property in the pension fund to pay to each beneficiary the full amount per month to which such beneficiary may be entitled, then and in that event, an equal percentage of such monthly payment shall be made to each, until the fund is so replenished as to warrant payment in full to each of the beneficiaries. (Ord. 152 §6(f), 1972).

2.24.180 Municipal general fund--Payment responsibility. In any event, the municipal general fund shall be responsible for the payment of any pension earned by any retired policeman as provided in this chapter in accordance with Section 31-30-324 Colorado Revised Statutes 1973 (1975 Supp.). (Ord. 152 §6(g), 1972).

2.24.190 Attachment prohibited--Use limitation. No part of the police pension fund, either before or after any order for the distribution thereof to the members or beneficiaries of such fund, or to the widows or guardians of any such child or children of any such deceased, disabled or retired members of said department, shall be held, seized, taken, subjected to, detained, or levied on, by virtue of any attachment, execution, judgment, writ, interlocutory or other order, decree or process or proceeding of any nature whatever, issued out of or by any court in this or any other state, for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand judgment, fine, amercement of such member, or his widow or children, or the beneficiaries of any deceased member. The fund shall be sacredly kept, secured and distributed for the purpose of pensioning and protecting the persons named in this chapter, and for no other purpose whatsoever; provided, that the board of trustees may annually expend such sum as it may deem proper from such fund for the necessary expenses connected therewith. (Ord. 152 §7(part), 1972).

2.24.200 Individual contributions--To vest in individual. It is hereby declared that the individual contributions to the pension fund by the police officers, as provided in Section 2.24.070 of this chapter, vest immediately in said individual officers upon their initial contribution to said fund. (Ord. 152 §7(a), 1972).

2.24.210 Refund of contributions--Written request required. If any police officer resigns or is discharged, the board of trustees on written request by such officer shall refund to such officer the amount of his contributions to the fund, with interest as determined by the board. Such written request shall constitute a waiver by such officer of his right to receive any of the benefits provided by this chapter and shall constitute a waiver on behalf of such police officer's dependent widow, dependent mother, child, children or any other dependent under this chapter of their right to receive any of the benefits provided by this chapter. (Ord. 152 §7(b), 1972).

2.24.220 Conflict of provisions. The provisions of the ordinance codified in this chapter are not intended to and shall not be construed in any manner to contravene or conflict with any statutes of the state, but rather are to be read in accordance with such statutes. As used in this chapter, the term "police department" means the department of public safety of the city. (Ord. 152, S 8, 1972)

Chapter 2.25

MONEY PURCHASE PLAN FOR "NEW HIRE" POLICE OFFICERS

Sections:

- 2.25.010 Establishment
- 2.25.020 Purpose
- 2.25.030 Definitions
- 2.25.040 Plan participation
- 2.25.050 Contributions
- 2.25.060 Trust and investment of accounts
- 2.25.070 Vesting
- 2.25.080 Claims
- 2.25.090 Commencement of benefits
- 2.25.100 Death benefits
- 2.25.110 Distribution of benefits
- 2.25.120 Plan amendment and termination
- 2.25.130 Administration of the plan
- 2.25.140 Miscellaneous provisions
- 2.25.150 Applicable law

2.25.010 Establishment. The City of Broomfield hereby establishes the money purchase plan and trust as set forth in this chapter.

2.25.020 Purpose. The purpose of this plan and trust is to provide funds for retirement of the employees covered by this plan, and to provide funds for their beneficiaries in the event of death. The benefits provided in this plan shall be paid from the trust. The plan and the trust forming a part hereof are adopted and shall be maintained for the exclusive benefit of employees and their beneficiaries. Except as provided in this chapter, no part of the trust shall revert to the employer or be used for or diverted to purposes other than the exclusive benefit of employees and their beneficiaries.

2.25.030 Definitions. For the purpose of this chapter, the following terms have the indicated meanings:

A. Accounting Date: The last working day of each calendar month, or of each calendar quarter, or of such other regular period as the employer shall determine.

B. Beneficiary: The person or persons designated by the employee who shall receive any benefits payable hereunder in the event of the employee's death. The designation of such

beneficiary shall be in writing to the employer, who shall notify the trustee.

C. Code: The Internal Revenue Code of 1986, as amended from time to time.

D. Compensation: Wages and other compensation paid or made available to an employee for personal services rendered in the course of employment with the employer, that the employer is required to report for federal income tax purposes on Internal Revenue Service Form W-2, or any substitute or successor form.

E. Disability: An "occupational disability or "total disability", as determined by the fire and police pension association, in accordance with the definitions in section 31-30-1002, C.R.S.

F. Earnings: The base salary or wages, including employee contributions that are picked up by the employer under subsection C of section 2.25.050, but not including overtime, on-call, holiday or other extra pay or bonuses, paid or made available by the employer to an employee for personal services rendered in the course of employment with the employer. Earnings shall be determined before applying any salary reduction agreed to by the employee pursuant to a plan described in Sections 457 or 403(b) of the Code.

G. Employee: An individual, hired on or after April 8, 1978, who is a full-time employee of the City normally serving at least one thousand six hundred hours in any calendar year and whose duties are directly involved with the provision of police protection, as certified by the employer. The term does not include clerical, dispatch, community service or other personnel whose services are auxiliary to police protection, nor does the term include an individual providing services on a contractual or voluntary basis.

H. Employee contribution account: The bookkeeping account maintained for each employee reflecting the cumulative amount of the employee's mandatory contributions, including contributions picked up under subsection C of section 2.25.050, and including any gains, losses, expenses, or increases or decreases in market value attributable to investment of the account, and further reflecting any distribution to the employee or the employee's beneficiary and any fees or expenses charged against such account.

I. Employer: The City of Broomfield which shall act through the city manager or his designee.

J. Employer contribution account: The bookkeeping account maintained for each employee reflecting the cumulative amount of the employer's contributions, other than contributions picked up under subsection C of section 2.25.050, and including any gains, losses, expenses, or increases or decreases in market value attributable to investment of the account, and further reflecting any distribution to the employee or the employee's beneficiary and any fees or expenses charged against such account.

K. Limitation year: The limitation year is the 12-consecutive month period for which compensation is calculated for purpose of determining the contribution limitations under subsection H of section 2.25.050 of this chapter. The limitation year shall be the plan year.

L. Nonforfeitable interest: The interest of the employee or his/her beneficiary (whichever is applicable) in that percentage of his/her employer contribution account balance which has vested pursuant to section 2.25.070. An employee shall, at all times, have a nonforfeitable interest in his/her entire employee contribution, portable benefits, and voluntary contribution accounts.

M. Normal retirement age: Age 55

N. Plan: The plan adopted in this chapter.

O. Plan year: The calendar year.

P. Portable benefits account: The bookkeeping account maintained for an employee reflecting the current amount of a "qualifying rollover distribution" from another plan, pursuant to subsection G of section 2.25.050, including any gains, losses, expenses, or increases or decreases in market value attributable to investment of the account, and further reflecting any distribution to the employee or the employee's beneficiary and any fees or expenses charged against such account.

Q. Suspense account: An account maintained as a part of the trust which contains any excess annual additions or forfeitures until used as specified in this chapter.

R. Trust: The trust created under section 2.25.060 which shall consist of all the assets of the plan derived from employer and employee contributions under the plan, plus any income and gains thereon, less any losses, expenses and distributions to employees and beneficiaries.

S. Trustee: The trustee selected by the employer.

T. Voluntary contribution account: The bookkeeping account maintained for an employee reflecting the cumulative amount of the employee's voluntary contributions, including any gains, losses, expenses, or increases or decreases in market value attributable to investment of the account, and further reflecting any distribution to the employee or the employee's beneficiary and any fees or expenses charged against such account.

2.25.040 Plan participation. Employees shall participate in the plan beginning on their initial date of employment or the effective date of the plan (January 1, 1988), whichever is later. There are no waiting periods or minimum age requirements for participation.

2.25.050 Contributions.

A. Employer contributions. For each plan year, the employer shall contribute to the trust on behalf of each employee, 10 percent of his/her earnings for the plan year. The employer's full contribution for any plan year shall be due and paid not later than thirty (30) days after the close of the plan year.

B. Forfeitures. All amounts forfeited by reason of separation, pursuant to subsection F of section 2.25.070, shall be used as contributions to the plan and shall offset and reduce employer contributions.

C. Mandatory employee contributions. Each employee shall contribute 10 percent of his/her earnings for the plan year as a condition of employment and participation in the plan. Such contributions shall be accounted for separately in the employee

contribution account. Such account shall be at all times nonforfeitable by the employee. The employer may pick up such contributions in lieu of mandatory employee contributions. If the employer does not elect to pick up the 10 percent contribution, the employees shall make such contribution in the manner provided in subsection E below. Employees may not choose to receive the pick up contributions directly instead of having such contributions paid by the employer to the trust. Pick up contributions shall be treated as employer contributions.

D. Voluntary employee contributions. An employee may make voluntary contributions under the plan for any plan year in any amount up to 5 percent of his/her earnings for such plan year. Such contributions shall be accounted for separately in the voluntary contribution account. Such account shall be at all times nonforfeitable by the employee.

E. Payment of employee contributions. Employee contributions, whether mandatory or voluntary, shall be made by payroll deduction.

F. Changes in voluntary contributions. An employee may elect to change his/her voluntary contribution rate, provided that only one such change shall be allowed during any plan year. An employee may discontinue voluntary contributions at any time. Once an employee has discontinued such contributions, he/she may not resume voluntary contributions for six calendar months.

G. Portability of benefits.

1. An employee may roll over all or part of his/her interest in a plan qualified under sections 401(a) or 403(a) of the Code to this plan, provided such rollover is a qualifying rollover distribution under the requirements of the Code and is approved by employer.

2. The amount rolled over shall be deposited in the trust and shall be credited to a portable benefits account. Such account shall be 100 percent vested in the employee.

H. Limitation on annual addition. The annual addition to an employee's accounts for a limitation year shall not exceed his/her maximum annual addition, which shall be the lesser of:

1. Twenty-five percent of such employee's compensation during the limitation year; or

2. The amount permitted under the Code Section 415(c)-(1)(A), as adjusted from time to time under Code Section 415(d)-(1) and Treas. Reg. 1.415-6(d).

I. Annual addition.

1. The annual addition to an employee's accounts for a limitation year shall be the sum of:

a. Employer contributions and forfeitures applied pursuant to subsection B above, amounts reapplied pursuant to subsection J below, and

b. Employee contributions.

2. A "qualifying rollover distribution" described in subsection G above shall not be considered as part of the annual addition of an employee.

J. Elimination of excess annual additions. Any annual addition in excess of the limitations of subsection H above shall be eliminated in the following order:

1. First, voluntary contributions and next, if necessary, any mandatory contributions, including any earnings and gains, minus any losses attributable thereto, to the extent necessary to prevent an excess annual addition, shall be returned to the employee.

2. If necessary, then, next, employer contributions and forfeitures credited to the employee's account for the limitation year, including any income and gains, minus any losses attributable thereto, to the extent necessary to prevent an excess annual addition, shall be reallocated to the suspense account and shall be reapplied to reduce dollar-for-dollar employer contributions otherwise required to be made the next limitation year and succeeding limitation years, if necessary.

K. Participant in other defined contribution plans. Notwithstanding any other provision in this plan, if any annual additions are allocated under any other defined contribution plans maintained by the employer with respect to an employee, and the annual additions to the employee's accounts under all of the defined contribution plans, treated as a single plan, would, but for this subsection, exceed his/her maximum annual addition for a limitation year, then his/her annual additions shall be reduced first in accordance with such other plans (if they provide for such reduction in this situation), and then to the extent necessary in accordance with subsection J above.

L. Participant in defined benefit plan. If an employee has at any time been an employee in any defined benefit plan maintained by the employer, then for any limitation year, the sum of the defined benefit plan fraction and the defined contribution plan fraction shall not exceed 1.0. If this limitation would be exceeded, then the employee's projected annual benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy the 1.0 limitation described in this subsection. If such plan does not provide for such reduction or if the 1.0 limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in subsection J above.

M. Definitions for subsection K and subsection L of this section. For purposes of subsection K and subsection L above, the following terms have the indicated meanings:

1. "Defined contribution plan" and "defined benefit plan" shall have the meanings set forth in Section 415(k) of the Code and the regulations thereunder.

2. "Defined benefit plan fraction" for any limitation year shall mean a fraction:

a. The numerator of which is the projected annual benefit of the employee, as defined in Treas. Reg. 1.415-7(b)(c), and any successor regulations, under all defined benefit plans ever maintained by the employer, determined as of the close of the limitation year, and adjusted under Section 415(b)(2) of the Code, if applicable; and

b. The denominator of which is the lesser of:

i. the product of 1.25 multiplied by the dollar limitation in effect for such limitation year under Section 415(b)(1)(A) of the Code; or

ii. the product of 1.4 multiplied by the amount that may be taken into account under Section 415(b)(1)(B) of the Code with respect to the employee under such limitation year.

3. "Defined contribution plan fraction" shall mean a fraction:

a. The numerator of which is the sum of the annual additions to the employee's accounts as of the close of the limitation year and all prior limitation years under all defined contribution plans ever maintained by the employer; and

b. The denominator of which is the sum of the lesser of the following amounts determined for such limitation year and for each prior limitation year included in the employee's service with the employer:

i. The product of 1.25 multiplied by the dollar limitation in effect for such limitation year under Section 415(c)(1)(A) of the Code; or

ii. The product of 1.4 multiplied by the amount which may be taken into account under Section 415(c)(1)(B) of the Code with respect to the employee under such plans for the limitation year.

N. Refunded contributions from the FPPA: Moneys refunded upon withdrawal from the fire and police pension association pursuant to section 31-30-1003, C.R.S., shall be used as contributions to the plan established in this chapter, as follows:

1. Each mandatory employee contribution account shall be credited with an amount equal to the total amount of contributions paid by the employee to the fire and police pension association, through December 31, 1987, and earnings thereon.

2. Each employer contribution account shall be credited with an amount equal to the total amount of contributions paid by the City to the fire and police pension association on behalf of such employee, through December 31, 1987, and earnings thereon.

3. If the employer receives any refund of contributions paid by it to the fire and police pension association on behalf of former employees electing to have accumulated contributions refunded pursuant to section 31-30-1011, C.R.S., such refunded contributions, together with earnings thereon, shall offset and reduce the employer contributions required in subsection A above, until the refunded moneys are exhausted.

4. For the purposes of paragraphs 1 and 2 of this subsection, earnings shall be distributed to each account based on the ratio that the contribution amounts credited to each account (pursuant to paragraphs 1 and 2 above) bear to the total contribution amounts refunded by the fire and police pension association.

2.25.060 Trust and investment of accounts.

A. Trust. A trust is hereby created to hold all of the assets of the plan for the exclusive benefit of employees and beneficiaries, except that expenses and taxes may be paid from the trust as provided in subsection C below. The employer or such other person or firm as may be designated by the city manager shall be the trustee.

B. Investment powers. The trustee, acting as agent for the employer, shall have the authority to invest trust assets in accordance with this plan.

C. Taxes and expenses. All taxes of any and all kinds whatsoever that may be levied or assessed under existing or future laws upon, or in respect to the trust, or the income thereof, and all commissions on acquisitions or dispositions of securities and similar expenses of investment and reinvestment of the trust, shall be paid from the trust. Such reasonable charges of the trustee, as may be agreed upon from time to time by the employer and the trustee, and reimbursement for reasonable expenses incurred by the trustee or employer in performance of their duties hereunder (including but not limited to fees for legal, accounting, actuarial, investment and custodial services) shall also be paid from the trust. Taxes, charges and expenses shall be allocated to the various accounts on such equitable basis as the employer, in its sole discretion, shall determine.

D. Payment of benefits. The payment of benefits from the trust in accordance with the terms of the plan may be made by the trustee, or by any custodian or other person so authorized by the employer to make such disbursement. The trustee, custodian or other person shall not be liable with respect to any distribution of trust assets made at the direction of the employer.

E. Investment of funds. The employee may direct his/her accounts to be invested in one or more investment options. The employer may make available as investment options investments allowed by sections 31-30-701 or 31-30-1012, C.R.S. Each account is individually subject to any statutory limitations on investments in particular kinds of assets. The employer may from time to time change the available investment options. If a fund experiences a loss, the employee's accounts shall likewise reflect a loss, rather than income, for the period. If an employee does not designate an investment option, the employer shall choose an option for such employee. It is anticipated that the employer's investments with respect to an employee shall conform to the investment preference specified by the employee, but nothing herein shall be construed to require the employer to make any particular investment of the employee's accounts.

F. Valuation of accounts. As of each accounting date, the trust assets held in each investment fund offered shall be valued, by the trustee, at fair market value and the investment income and gains or losses for each fund shall be determined. Such investment income and gains or losses shall be allocated proportionately among all account balances on a fund-by-fund basis. The allocation shall be in the proportion that each such account's portion of a given fund bears to the total fund, as of the immediately preceding accounting date.

G. Employer liability. In no event shall the employer's liability to pay benefits exceed the value of the employee's accounts; the employer shall not be liable for losses, depreciation, or shrinkage in the value of any investment under this plan.

2.25.070 Vesting.

A. Vesting schedule. An employee shall have a nonforfeitable interest in the percentage of his/her employer contribution account determined pursuant to the following schedule:

<u>Consecutive Years of Service</u>	<u>Percentage of Vesting</u>
Under 3 years	0%
3 years or more	20%
4 years or more	40%
5 years or more	60%
6 years or more	80%
7 years or more	100%

B. Service after separation. If an employee resumes employment after separation from service, any subsequent period of service shall be disregarded in determining the nonforfeitable interest in his/her employer contribution account accrued prior to separation.

C. Prior service of re-employed individual. If an employee resumes employment after separation from service, the period of service prior to his/her separation shall be included in determining the nonforfeitable interest in his/her employer contribution account accrued after his/her re-employment.

D. Upon normal retirement age. Notwithstanding subsection A above, an employee shall have a nonforfeitable interest in his/her entire employer contribution account, which has not been previously forfeited pursuant to subsection F below, if he/she is employed by employer on or after his/her normal retirement age.

E. Upon death or disability. Notwithstanding subsection A above, an employee shall have a nonforfeitable interest in his/her entire employer contribution account which has not been forfeited previously pursuant to subsection F below, if he/she is employed by employer when he/she becomes disabled or dies.

F. Forfeitures. Except as provided in subsection D and subsection E above, an employee who separates from service prior to obtaining full vesting shall forfeit that percentage of his/her employer contribution account balance which has not vested as of the date of such separation. Such forfeitures shall be used in the manner described in subsection B of section 2.25.050.

G. Pick up contributions. Notwithstanding subsection A above, an employee shall have a nonforfeitable interest in any pick up contributions under subsection C of section 2.25.050 at all times.

2.25.080 Claims.

A. Claim of benefits. An employee or beneficiary shall notify the employer in writing of a claim of benefits under the plan. The employer shall notify the trustee. The trustee shall take such steps as may be necessary to facilitate the payment of benefits to the employee or beneficiary.

B. Decision and reconsideration. If any claim for benefits is denied by the employer, the employer shall notify the claimant

in writing of such denial, setting forth the specific reasons and citing specific provisions of the plan upon which the denial is based. Said notification shall advise the claimant of the reconsideration procedure. The claimant may request reconsideration by the city manager or his designee. A request for reconsideration must be made within 60 days after receipt of the notification of denial. The city manager or his designee shall notify the claimant of the time and place for a hearing on the reconsideration. The city manager or his designee shall decide any claim by determining the facts and applying the provisions of this plan to such facts. The decision of the city manager or his designee shall be final, subject only to judicial review.

2.25.090 Commencement of benefits.

A. Normal commencement of benefits. The distribution of an employee's accounts shall commence sixty (60) days after the close of the plan year during which one of the following events occurs, whichever is later:

1. The employee obtains age 55, or
2. The employee separates from service.

The employee may elect, at any time prior to the commencement of distribution described in this section, to have distributions commence as provided in subsection B below.

B. Elective commencement of benefits. Notwithstanding subsection A above, an employee who retires, become disabled or separates from service for any other reason may elect by written notice to the employer, who shall notify the trustee, to have the distribution of benefits commence on a date later than that described in subsection A above. An employee's election shall be revocable and may be amended by the employee.

C. Rollover to another plan. Notwithstanding subsection B above, any employee who separates from service and subsequently becomes employed with another entity shall be entitled to receive a distribution of the nonforfeitable interest in all of his/her accounts for purposes of making a rollover contribution, to the maximum extent permitted under the Code, to the new employer's plan, provided that the new employer certifies to the trustee that its plan provides for the acceptance of a "qualifying rollover distribution."

D. Latest commencement of benefits. Notwithstanding subsection B above, the distribution of an employee's accounts must commence not later than April 1 after the end of the year in which the employee attains age 70-1/2.

E. De minimis accounts. Notwithstanding the foregoing in this section, an employee who separates from service and who has a combined nonforfeitable interest of less than \$5,000 in all of his/her accounts, shall be paid his/her lump sum value within 60 days after the separation from service.

F. Withdrawal of voluntary contributions. An employee may upon written request withdraw a part of or the full amount of his/her voluntary contribution account. Such withdrawals may be made at any time, provided that no more than two such withdrawals may be made during any plan year.

2.25.100 Death benefits.

A. Post-retirement death benefits. If an employee dies and distribution of his/her account balances has begun, the remaining portion of his/her account balances will be distributed at least as rapidly as under the method of distribution being used as of the date of the employee's death.

B. Pre-retirement death benefits. If an employee dies before distribution of his/her account balances has begun, the entire interest of the employee will be distributed within five years after the death of the employee. The preceding sentence shall not apply if any portion of the employee's account balances is payable to or for the benefit of a designated beneficiary, if such portion will be distributed over the life of the designated beneficiary, and if such distributions will begin not later than one year after the date of the employee's death or such later date as the Secretary of the Treasury may prescribe by regulations.

C. Surviving spouse. If the designated beneficiary is the surviving spouse of the employee, the date on which the distributions are required to begin shall not be earlier than the date on which the employee would have attained age 70-1/2, and if the surviving spouse dies before the distributions to such spouse begin, distributions shall be made as if the surviving spouse were the employee.

2.25.110 Distribution of benefits.

A. Normal mode of distribution. An employee who is entitled to a distribution pursuant to subsection A and subsection B of section 2.25.090 or who is required to receive a distribution pursuant to subsection D of section 2.25.090, shall receive approximately equal payments over the life expectancy of the employee, or if the employee is married at the time the distribution commences, then over the joint life expectancy of the employee and his/her spouse. Notwithstanding the foregoing, the employee may elect an alternate mode of distribution as provided in subsection B below.

B. Elective mode of distribution. An employee may revocably elect to have his/her accounts distributed in any one of the following modes:

1. Equal Payments. Equal monthly, quarterly, semi-annual, or annual payments in an amount chosen by the employee continuing until the accounts are exhausted.

2. Lump Sum. A lump sum payment.

3. Period Certain. Approximately equal monthly, quarterly, semi-annual, or annual payments, calculated to continue for a period certain chosen by the employee.

4. Retirement Annuity. A part of or the entire account balances applied to purchase a single premium annuity contract which shall be distributed to the employee. A joint and survivor annuity shall be one of the annuity options provided under any such contract.

5. Other. Any other sequence of payments requested by the employee and agreed to by the trustee and the employer.

C. Election of mode. An employee's election of a payment option must be made at least 30 days before the payment of benefits is to commence.

D. Limitation on employee. Upon attainment of age 70-1/2, the payment option chosen by the employee must provide for payments over a period not longer than the life or life expectancy of the employee or, if the employee is married, then over the joint lives or joint life expectancy of the employee and his/her spouse.

2.25.120 Plan amendment and termination.

A. Amendment and termination. The plan may be amended by city council with the approval of at least sixty five percent of active employees. No amendment may be adopted which would adversely affect the benefits of retired employees. Termination of the plan shall be effectuated in the same method as amendment, provided, however, that the plan shall not be terminated unless an alternative plan is offered contemporaneously, which fulfills the requirements of state law for such plans.

B. Termination. Upon plan termination, all account balances shall be valued at their fair market value and the employee's right to his/her employer contribution account shall be 100% vested and nonforfeitable. Such amount and any other amounts held in the employee's other accounts shall be maintained for the employee until paid pursuant to the the terms of the plan. Any amounts held in the suspense account, after any allocations required for the plan year prior to the effective date of plan termination, shall be paid to the employer's general fund.

2.25.130 Administration of the plan.

A. Pension committee.

1. There shall be a pension committee consisting of five members:

a. The city manager or his designee,
b. The director of support services or his designee, and

c. Three employee members, who shall be elected by majority vote by the active employees for three-year terms to commence on January 1, provided that, in order that the terms be staggered, the initial term of the employee member who receives the fewest votes shall be one year, and the initial term of the employee member who receives the second fewest votes shall be two years.

2. One person shall be elected chairman of the committee each year by majority vote of the committee members.

3. The pension committee shall have the following powers and duties:

a. To review the responsiveness and performance of the trustee and make recommendations to the employer;

b. To review such reports and statements as may be prepared in connection with the plan;

c. To make recommendations to the employer regarding:

i. selection of a trustee,

- ii. employment of actuaries, accountants, and other professionals in connection with the plan,
- iii. investment options to be offered, and
- iv. amendment to or termination of the plan.

B. Powers and duties of the employer. The employer shall have the authority to make all discretionary decisions affecting the rights or benefits of employees which may be required in the administration of the plan, to arrange for the administration and investment of the plan, to determine the investment options to be offered to employees and to take such other action as may be necessary or convenient to administer the terms of this chapter.

C. Powers and duties of the trustee. The trustee, as agent for the employer, shall perform administrative functions in connection with the plan, including maintenance of accounts, the provision of periodic reports of the state of each account and the disbursement of benefits on behalf of the employer in accordance with the provisions of this plan.

D. Protection of the employer. The employer shall not be liable for the acts or omissions of the trustee.

E. Protection of the trustee. The trustee may rely upon any certificate, notice or direction signed by the city manager or his designee.

F. Resignation or removal of trustee. The trustee may resign at any time effective upon sixty (60) days prior written notice to the employer. The trustee may be removed by the employer at any time upon written notice to the trustee. Upon the resignation or removal of the trustee, the employer may, if it so elects, appoint a successor trustee having such powers and duties as may be agreed upon by the employer and any such trustee; otherwise, the employer shall assume the powers and duties of the former trustee and any trust assets held by the trustee shall be returned to the employer.

2.25.140 Miscellaneous provisions.

A. Nonguarantee of employment. Nothing contained in this plan shall be construed as a contract of employment between the employer and any employee, or as a right of an employee to be continued in the employment of the employer, as a limitation of right of the employer to discharge any of its employees, with or without cause.

B. Rights to trust assets. No employee or beneficiary shall have any right to, or interest in, any assets of the trust upon termination of his/her employment or otherwise, except as provided from time to time under this plan, and then only to the extent of the benefits payable under the plan to such employee or beneficiary out of the assets of the trust. All payments of benefits as provided for in this plan shall be made solely out of the assets of the trust and none of the fiduciaries shall be liable therefor in any manner.

C. Nonalienation of benefits. Benefits payable under this plan shall not be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, garnishment, execution, or levy of any kind, either voluntary or involuntary, prior to actually being received by the person entitled to the benefit under the terms of the plan; and any

attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, charge or otherwise dispose of any right to benefits payable hereunder, shall be void. The trust shall not in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements or torts of any person entitled to benefits hereunder. Notwithstanding the above, amounts may be paid from an employee's accounts pursuant to a court order requiring deductions from a employee's benefit payments hereunder, but only if such deductions are for alimony, child support, or property settlement and only if the employee's benefit payments have commenced under the terms of the plan.

D. Nonforfeitability of benefits. Subject only to the specific provisions of this plan, nothing shall be deemed to divest an employee of his/her right to the nonforfeitable interest to which he/she becomes entitled in accordance with the provisions of the plan.

E. Incompetency of payee. In the event any benefit is payable to a minor or incompetent, to a person otherwise under legal disability, or to a person who, in the sole judgment of the employer, is by reason of advanced age, illness, or other physical or mental incapacity incapable of handling the disposition of his/her property, the employer may apply the whole or any part of such benefit directly to the care, comfort, maintenance, support, education, or use of such person or pay or distribute the whole or any part of such benefit to:

1. The parent of such person;
2. The guardian, committee, or other legal representative, wherever appointed, of such person;
3. The person with whom such person resides;
4. Any person having the care and control of such person; or
5. Such person personally.

The receipt of the person to whom any such payment or distribution is so made shall be full and complete discharge therefor.

F. Inability to locate payee. Anything to the contrary herein notwithstanding, if the employer is unable, after reasonable effort, to locate any employee or beneficiary to whom an amount is payable hereunder, such amount shall be forfeited and held in the trust for application against the next succeeding employer contribution or contributions required to be made hereunder. Notwithstanding the foregoing, however, such amount shall be reinstated, by means of an additional employer contribution, if and when a claim for the forfeited amount is subsequently made by the employee or beneficiary or if the employer receives proof of death of such person, satisfactory to the employer. Any benefits lost by reason of escheat under applicable state law shall be considered forfeited and shall not be reinstated.

G. Mergers, consolidations, and transfer of assets. The plan shall not be merged into or consolidated with any other plan, other than a plan which amends and restates this plan, nor shall any of its assets or liabilities be transferred into any such other plan, unless each employee would (if the plan then terminated) receive a benefit immediately after the merger, consolidation, or transfer that is equal to or greater than the

benefit he/she would have been entitled to receive immediately before the merger, consolidation, or transfer (if the plan had then terminated).

H. Employer records. Records of the employer as to an employee's period of service, termination of service and the reason therefor, leaves of absence, reemployment, earnings and compensation will be presumed to be correct.

2.25.150 Applicable law. The plan shall be construed under the laws of the state of Colorado and is established with the intent that it meets the requirements as a money purchase plan under Section 401(a) of the Code. The provisions of this plan shall be interpreted whenever possible in conformity with the requirements of the Code.

Chapter 2.26

CITY OF BROOMFIELD EMPLOYEES' MEDICAL CARE EXPENSE PLAN

Sections:

- 2.26.010 Establishment of trust fund
- 2.26.020 Sources and amounts of contributions to the fund
- 2.26.030 Creation of board of trustees
- 2.26.040 Number and selection of trustees
- 2.26.050 Powers and duties of the trustees
- 2.26.060 Limitations on powers of trustees
- 2.26.070 Liability of trustees
- 2.26.080 Trustees--bonding
- 2.26.090 Trustees-fiduciary insurance
- 2.26.100 Accounts and records
- 2.26.110 Rights to fund
- 2.26.120 Right to amend
- 2.26.130 Termination
- 2.26.140 Alternative health plan

2.26.010 Establishment of trust fund. There is created and established the City of Broomfield employees' Medical Care Expense Fund, hereinafter referred to as the fund, for the purpose of funding the City of Broomfield Employees' Medical Care Expense Plan, hereinafter referred to as the Plan, as adopted by ordinance. Copies of the Plan Document are available from the City Clerk and the Personnel Division. The trust fund is created and established as of January 1, 1982. (Ord. 465, S 4, 1981)

2.26.020 Sources and amounts of contributions to the fund.

A. The City will contribute to the fund in accordance with the current City budget. (Ord. 682, S 1, 1986)

B. As an initial contribution, the City will also contribute \$48,580 as a claims reserve.

C. In addition, the fund shall consist of any monies or property that may be given or donated thereto by any person for the purposes for which the fund is created. (Ord. 465, § 4, 1981)

2.26.030 Creation of the board of trustees. There is hereby created a board of trustees, to have the powers and duties hereinafter set forth. No member of the board of trustees shall be compensated for his services as a trustee, but shall be reimbursed for all reasonable and necessary expenses which may be incurred in the performance of his duties to the extent there are monies available for that purpose. (Ord. 465, § 4, 1981)

2.26.040 Number and selection of trustees. The board of trustees shall consist of three (3) members as follows:

- A. One member of the current city council is to be appointed by and serve at the pleasure of the city council. City council may also appoint one member of the current city council as an alternate member. If the regular city council member is absent from any meeting of the board, the alternate member may serve in such member's place with all the powers and duties of the absent member.
- B. The director of support services of the city.
- C. One employee representative to be appointed by and serve at the pleasure of the current employees' review committee; or in the event no employee representative is so chosen, an employee representative to be selected in such manner as city council may by resolution direct. (Ord. 682, § 2, 1986; Ord. No. 875, § 1, 1-23-90)

2.26.050 Powers and duties of the trustees. The board of trustees shall have such powers and duties as may be necessary to accomplish the purposes of the plan and for which the fund is created, specifically including the following powers and duties:

- A. To construe and interpret the plan and decide all questions arising thereunder.
- B. To employ a plan administrator by contract to administer the plan and pay claims thereunder subject to appeal to the board of trustees of any decision by the plan administrator, provided that monthly review by the board of trustees of all claims paid by the administrator shall be required. If the board of trustees does not so employ a plan administrator, it may exercise the powers of the plan administrator directly.
- C. To pay from the fund all expenses of the administration of the plan, including expenses for legal, administrative, actuarial, and accounting services.
- D. To prescribe procedures not inconsistent with the plan for filing and payment of claims.
- E. To provide for and decide appeals and hearings to and before the board of trustees of any decision of the administrator or of the board of trustees.
- F. To require from the city and eligible individuals such information as may be necessary for the proper administration of the plan.

G. To delegate to one or more of the members of the board of trustees the right to act on its behalf in all matters connected with the administration of the Plan.

H. To adopt rules, regulations or by-laws as deemed necessary for the proper administration of the Plan and for their meetings.

I. To appoint a chairman and a secretary from among its members.

J. To meet quarterly or more often if deemed necessary by the chairman to conduct its business. (Ord. 540 S1, 1984)

K. To procure and pay the premium therefor out of the Fund, such insurance, bonds or similar protection as it deems advisable.

L. To invest for the benefit of the Plan any surplus assets of the Fund, in any prudent manner provided by law for the investment of municipal funds.

M. To take any action authorized hereunder without holding a meeting if such action is set forth in a written resolution adopted over the signature of all trustees. (Ord. 465, S4, 1981).

2.26.060 Limitations on powers of trustees. The board of trustees shall have no power to add to, subtract from, or modify any of the terms of the Plan, or to change or add to the benefits provided by the Plan. (Ord. 465, S4, 1981).

2.26.070 Liability of trustees. Acceptance by the trustees of their duties hereunder is subject to the following terms and conditions:

A. The duties and obligations of the trustees shall be determined solely by the express provision of the Plan and of this chapter and the trustees shall not be liable except for the performance of such duties and obligations as are specifically set out therein. The trustees shall not be bound in any way by any agreement or contract among other parties.

B. The trustees, individually, shall not be responsible in any manner whatsoever for any failure or inability of the city or any insurer to honor any of the provisions of the Plan.

C. The city will reimburse and indemnify the trustees for, and hold them harmless against, any loss, liability or expense incurred in good faith including, but not limited to, legal fees, willful misconduct or gross negligence on the part of the trustees excepted, arising out of or in connection with their acceptance of, or the performance of their duties and obligations hereunder, as well as the costs and expenses of defending against any claim or liability arising out of or relating to the Plan or this chapter to the extent permitted by law.

D. The trustees shall be fully protected in acting on and relying upon any written advice, certificate, notice, direction, instruction, request or other paper or document which the trustees in good faith believe to be genuine and to have been signed or presented by the proper party or parties, and may assume any person purporting to give such advice, certificate, notice, direction, instruction, request or other paper or document has been duly authorized to do so.

E. The trustees shall not be liable for any error of judgment, or for any act done or step taken or omitted by them in good faith, for any mistake in fact or law, or for anything which they may do or refrain from doing in connection herewith, except their own gross negligence or willful misconduct.

F. The trustees may seek the advice of legal counsel in the event of any dispute or question as to the construction of any of the provisions of the Plan or this chapter or their duties hereunder, and they shall incur no liability and shall be fully protected in respect of any action taken, omitted or suffered by them in good faith in accordance with the opinion of such counsel. (Ord. 465, S4, 1981).

2.26.080 Trustees-bonding. The trustees shall purchase and pay for out of the Fund a bond, either in individual, schedule, or blanket form, applicable to all of the trustees and their successors. Such a bond shall provide protection to the Trust against loss by reason of any fraud or dishonesty on the part of any of the trustees or any other persons administering the Plan. The amount of said bond shall not be less than 100 percent of the amount of the Fund. (Ord. 465, S4, 1981).

2.26.090 Trustees--fiduciary insurance. Fiduciary insurance may be purchased by the trustees to protect the Plan, the Fund and the trustees from loss or liability resulting from any loss of Fund assets. (Ord. 465, S4, 1981).

2.26.100 Accounts and records.

A. The board of trustees and any plan administrator employed by them shall keep true and accurate books and records of all transactions involving the Plan or the Fund.

B. The board of trustees shall prepare an annual report showing transactions during the preceding year and such other data as the trustees may determine. Copies of this report shall be presented to the city council, the city manager, and shall be available for public inspection at the office of the city clerk and at the personnel division. (Ord. 465, S4, 1981).

2.26.110 Rights to fund. No employee shall have any right to, or interest in, any assets of the Fund, except as provided in the Plan. Neither the city nor the trustees shall be liable to any employee or eligible individual except for benefits in accordance with the Plan. (Ord. 465, S4, 1981).

2.26.120 Right to amend. The city reserves the right to make any amendment to this chapter or to the plan which does not permit reversion of any assets of the fund to the city, except as provided in section 2.26.130, and which does not cause such assets to be used for, or diverted to any purpose other than payment of medical and related expenses of employees. (Ord. No. 465, § 4, 1981)

2.26.130 Termination. The city may, at any time, terminate the plan or repeal this chapter, and benefits thereafter shall be payable only to the extent set forth in the plan. After payment of outstanding claims and liabilities, the assets of the fund shall be allocated toward provision of medical and related benefits for employees in accordance with such plan or policy as may be adopted; or in the event no such plan or policy is adopted, such assets shall revert to the city's general fund. (Ord. No. 465, § 4, 1981)

2.26.140 Alternative health plan. If any permanent full-time employee is enrolled in a plan offered by or through the city other than the city employees' medical care expense plan, the city will contribute towards premiums for such alternative plan a maximum equal to the funding level established for the city employees' medical care expense plan. Excess funds required to pay the alternative plan premium will be made through payroll deduction authorized by the affected employee. (Ord. No. 465, § 4, 1981; Ord. No. 848, § 1, 7-11-89)

Chapter 2.28

MUNICIPAL COURT*

Sections:

- 2.28.010 Definitions.
- 2.28.020 Established; statutory authority.
- 2.28.030 Judge—Appointment; term; qualifications; compensation.
- 2.28.040 Same—Oath required.
- 2.28.050 Same—Powers and duties generally.
- 2.28.060 Same—Additional; when appointed.
- 2.28.070 Same—Removal.
- 2.28.080 Same—Bond required.
- 2.28.090 Jurisdiction, powers and procedures.
- 2.28.100 Sessions; requirements generally.
- 2.28.110 Administrative duties of judge.

*Charter reference—Municipal court, § 10.2.

Cross reference—Fees for research and copying of criminal justice records, Ch. 2.56.

State law reference—Municipal courts, CRS 1973, 13-10-101—13-10-125.

- 2.28.120 Costs.
- 2.28.130 Appeals.
- 2.28.140 Court administrator; establishment; appointment; duties.
- 2.28.150 Division of municipal court administration.

2.28.010 Definitions. As used in this chapter, the following terms shall have the following meanings:

- A. *Municipal court* means a qualified municipal court of record authorized to hear and try all cases involving alleged violations of the Broomfield ordinances;
- B. *Municipal judge* means a judicial officer empowered to hear and try all cases under the jurisdiction of the municipal court;
- C. *Presiding judge.* Whenever authority is given to, or duties imposed upon the presiding judge by the ordinance codified in this chapter or any amendments thereto, such duties and powers shall be those of the municipal judge whenever no additional judges have been appointed. (Ord. No. 245, § 1, 1975)

2.28.020 Established; statutory authority. A municipal court in and for the city is hereby created and established pursuant to and governed by the provisions of sections 13-10-103 through 13-10-125 Colorado Revised Statutes 1973, as amended. The municipal court shall be a qualified municipal court of record, and a verbatim record of the proceedings and evidence of trials therein shall be kept by such electronic devices as may be approved by the municipal judge. (Ord. No. 245, § 2, 1975)

2.28.030 Judge—Appointment; term; qualifications; compensation.

A. *Appointment; term.* The municipal court shall be presided over by a municipal judge, appointed by the city council at the first regular meeting thereof for a term of two (2) years, and until a successor is duly appointed and qualified.

B. *Qualifications.* The municipal judge shall be an attorney at law regularly licensed to practice law in this state, and, if practical, a resident and qualified elector of the city.

C. *Compensation.* The municipal judge shall receive an annual salary set by the city council and payable as are other salaries of municipal employees. He shall not receive any fees or other compensation for his services as municipal judge. (Ord. No. 245, § 3, 1975)

2.28.040 Same—Oath required. Before entering upon the duties of his office, the municipal judge shall take and subscribe before the mayor, or a judge of a court of record, and file with the city council an oath or affirmation that he will support the Constitution of the United States and of the State of Colorado, and the Charter and ordinances of the city, and will faithfully perform the duties of his office. (Ord. No. 245, § 4, 1975)

2.28.050 Same—Powers and duties generally.

A. The presiding municipal judge shall be the head of the municipal court system and shall supervise and direct its operation.

B. The presiding municipal judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the municipal court. Such rules and regulations shall be reduced to writing and shall be consistent with rules promulgated by the Colorado Supreme Court and applicable to all municipal courts. (Ord. No. 245, § 5, 1975)

2.28.060 Same—Additional; appointment when. The city council may appoint additional municipal judges from time to time as may be needed to transact the business of the court or to preside in the absence, sickness or inability of the presiding judge. (Ord. No. 245, § 6, 1975)

2.28.050 Same--Powers and duties generally.

A. The presiding municipal judge shall be the head of the municipal court system and shall supervise and direct its operation.

B. The presiding municipal judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the municipal court. Such rules and regulations shall be reduced to writing and shall be consistent with rules promulgated by the Colorado Supreme Court and applicable to all municipal courts. (Ord. No. 245, § 5, 1975)

2.28.060 Same--Additional; appointment when. The city council may appoint additional municipal judges from time to time as may be needed to transact the business of the court or to preside in the absence, sickness or inability of the presiding judge. (Ord. No. 245, § 6, 1975)

2.28.070 Same--Removal. Any municipal judge may be removed by the city council for cause, pursuant to section 10.2 of the Charter. (Ord. No. 245, § 7, 1975)

2.28.080 Same--Bond required. The municipal judge shall give the city bond in the sum of two thousand dollars (\$2,000.00), which bond shall be approved by the city council conditioned for the faithful performance of the duties of the office of the municipal judge, and for the faithful accounting for and payment of all moneys coming into his hands by virtue of such office. (Ord. No. 245, § 8, 1975)

2.28.090 Jurisdiction, powers and procedures.

A. The municipal court shall have original jurisdiction of all cases arising under the ordinances of the city, with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by ordinance or court rule.

B. The procedures of the court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court, and such local rules as shall be prescribed by the presiding municipal judge. (Ord. No. 245, § 9, 1975)

2.28.100 Sessions; requirements generally.

A. There shall be regular sessions of the court for the trial of cases. The municipal judge may hold a special session of court at any time.

B. All sessions shall be open to the public. Where the nature of the case is such that it would be in the best interest of justice to exclude persons not directly connected with the proceeding, the municipal judge may order that the courtroom be cleared.

C. There shall be no sessions of the court nor judicial business transacted on those legal holidays observed by the city. Regular sessions may be held and judicial business transacted on other legal holidays observed by the State of Colorado. (Ord. No. 245, § 10, 1975; Ord. No. 893, § 1, 3-14-91)

2.28.110 Administrative duties of judge.

A. *Preparation of writs.* The municipal judge shall be responsible for preparing all writs and other papers pertaining to the business of the court.

B. *Oaths and affirmations.* The municipal judge shall have power to administer oaths and affirmations in all municipal matters in the municipal court. (Ord. No. 245, § 11, 1975)

2.28.120 Costs.

A. The costs which shall be assessed in the municipal court are as follows:

Court costs, upon entry of a plea of guilty or no contest or conviction at trial	\$15.00
Courtesy bond fee, for each bond posted on warrants from another jurisdiction.....	15.00
Deferred judgment and sentence fee, upon the granting of a motion for deferred judgment and sentence.....	35.00
Failure to appear costs, for failure to appear for a court appearance, prior to issuance of a warrant.....	10.00
Short check charge, for any check returned for insufficient funds or account closed.....	25.00
Show cause fee, for scheduling a hearing for failure to comply with an order of court.....	20.00
Warrant costs, upon issuance of an arrest warrant.....	35.00
Witness fee, for any subpoenaed witness.....	3.00

B. Juror and jury fees shall be as provided in the Colorado Municipal Court Rules of Procedure, Rule 223 and the Colorado Rules of Jury Selection and Service, Rule 16(a).

C. If a private citizen who swears out a complaint against another (requiring him/her to appear in court to answer charges) fails to appear for the trial of the action, or to prosecute, the action may be dismissed and all costs incurred by the city may be assessed against the complainant. (Ord. No. 879, § 1, 7-24-90; Ord. No. 926, § 1, 3-10-92; Ord. No. 930, § 1, 4-14-92)

Editor's note--Section 1 of Ord. No. 879, adopted July 24, 1990, repealed former § 2.28.120 in its entirety and reenacted the section to read as set out herein and subsequently amended. Prior to repeal, § 2.28.120 pertained to similar provisions and derived from Ord. No. 245, § 12, adopted in 1975)

2.28.130 Appeals. Appeals may be taken by any defendant from any judgment of the municipal court within ten (10) days after entry of the judgment. Appeals shall be taken as provided by the laws of the State of Colorado. (Ord. No. 245, § 13, 1975)

2.28.140 Court administrator; establishment; appointment; duties.

A. There is established the position of court administrator.

B. The court administrator shall be appointed by the city manager, with the advice of the municipal judge.

C. The court administrator shall serve as the clerk of the municipal court and shall have such duties as are prescribed by law, court rule, the municipal judge, or the city manager. (Ord. No. 598, § 1, 1984)

2.28.150 Division of municipal court administration. There is hereby established a division of municipal court administration within the office of the city manager. Said division is comprised of all employees of the municipal court, except any municipal judge. (Ord. No. 598, § 2, 1984; Ord. No. 834, § 1, 4-25-89)

Chapter 2.32

BUILDING OFFICIAL

Sections:

- 2.32.010 Office created; appointment.
- 2.32.020 Powers and duties generally.

2.32.010 Office created; appointment. There is created and established an office of building official as an administrative office of the city. The building official shall be appointed by the city manager or his designated representative. (Ord. No. 281, Art. 2, § 1, 1977)

2.32.020 Powers and duties generally. The building official shall enforce the provisions of Title 15 of this Code, including any codes adopted therein by reference, excepting, however, the Uniform Fire Code. The building official and his designated representatives shall have all of the powers of a peace officer for the purposes of enforcing such provisions. (Ord. No. 440, § 1, 1981)

Chapter 2.36

BUILDING AND CONSTRUCTION REVIEW BOARD

Sections:

- 2.36.010 Created; appointment.
- 2.36.020 Membership—Organization generally.
- 2.36.030 Same—Residence requirement.
- 2.36.040 Powers and duties generally.
- 2.36.050 Organization; regulations generally; meetings; notice.
- 2.36.060 Meetings; requirements generally.
- 2.36.070 Board members; removal from office.

[The next page is 51]

2.36.010 Created--Appointment. There is created a building and construction review board composed of five members appointed by the city council. (Ord. 281 Art. 3 S1, 1977).

2.36.020 Membership--Organization generally. A. The members shall serve terms of three years, except that the terms of the members now in office shall be extended six months so that all terms expire at the end of a year. Thereafter, all members shall serve terms of three years or until a successor is designated. (Ord. 515 S1, 1983).

B. The city council shall also appoint for indefinite term an alternate member. In the case of the absence from any meeting of any regular member of the board, the alternate member shall serve in his (her) place with all the powers, duties, functions and responsibilities of the absent regular members. A replacement for the vacant unexpired term shall be designated by the city council with preference given to the alternate member.

C. Applicants to the board shall be selected with the experience and/or qualifications necessary to indicate familiarity and understanding of building and construction techniques.

D. Members shall receive no compensation for service on this board. (Ord. 281 Art. 3 S2(part), 1977).

2.36.030 Membership--Residence requirement. All members of the building and construction review board shall be bona fide residents of the city, and if any member ceases to reside in the city his or her membership shall immediately terminate. The members of the board shall hold no other municipal office or municipal appointment. (Ord. 281 Art. 3 S2(part), 1977).

2.36.040 Powers and duties generally. The building and construction review board shall have all of the powers, duties, and responsibilities, and shall perform all functions of the following:

A. The Board of Appeals, as set forth in the Uniform Building Code, as adopted in Title 15 of this code.

B. The Board of Appeals, as set forth in the Uniform Code for the Abatement of Dangerous Buildings, as adopted in Title 15 of this code.

C. The Housing Advisory and Appeals Board, as set forth in the Uniform Housing Code, as adopted in Title 15 of this code.

D. The Board of Appeals, as set forth in the Uniform Mechanical Code, as adopted in Title 15 of this code.

2.36.050--2.36.060
(Rev. 2-80, 2-81, 2-83)

E. The Board of Appeals, as set forth in the Uniform Plumbing Code, as adopted in Title 15 of this code.

F. The Board of Appeals, as set forth in the Uniform Fire Code, as adopted in Title 15 of this code.

G. The Contractor Licensing Board, as set forth in chapter 15.32 of this code.

H. Any appellate board or body established by the provisions of any other provision of Title 15 of this code, including any codes adopted therein by reference. (Ord. 439 S1, 1981).

2.36.050 Organization--Regulations generally--Meetings--Notice. A. The building and construction review board shall elect a chairman and vice chairman and adopt such rules, regulations and by-laws as may be needed. Terms of officers shall be for one year, with right of succession. The building official shall serve as ex officio member of the board, and shall act as secretary of the board. The board shall hold an organizational meeting annually during January, at which time officers will be elected and any amendments to duly adopted rules, regulations or by-laws may be made. The board shall keep a record of its resolutions, transactions, findings and determinations, which record shall be maintained by the building official and be a public record. (Ord. 515 S2, 1983).

B. Where no provisions are otherwise specifically made in this chapter, all meetings of the board shall be conducted in conformance with Robert's Rules of Order. Other than the annual organizational meeting, meetings shall be called by the chairman, or in his absence by the vice chairman. Meetings shall be called at least seventy-two hours in advance, with written notice given seventy-two hours in advance to persons party to the meeting. Notice of the meeting shall be posted at the Municipal Office Building, the Mamie Doud Eisenhower Public Library, and the Broomfield Community Center. (Ord. 281 Art. 3 S4(part), 1977).

2.36.060 Meetings--Requirements generally. Meetings of the board shall conform to the following requirements:

A. A quorum shall consist of any four members of the committee.

B. Any resolution, transaction, findings, determination or action taken by the board must be approved by a simple majority of the board's membership.

C. The order of business at meetings shall be determined by the chairman, or in his absence the vice chairman.

D. All meetings of the board shall be open to the public.

E. Members with a conflict of interest should petition to abstain from voting. The chairman may request a vote on the abstention.

F. All members of the committee shall be expected to attend all committee meetings. (Ord. 281 Art. 3 S4(A), (B), (C), (D), (E), (F), 1977).

2.36.070 Board members--Removal from office. Appointments to the board may be removed by the City Council for neglect of duty, not adhering to the purposes and functions of the board, missing two consecutive meetings of the board for reasons other than health or sickness, and for misfeasance, malfeasance, non-feasance and related matters as defined by city ordinances and state law. (Ord. 281 Art. 3, S 4(G), 1977).

Chapter 2.40

PLANNING AND ZONING COMMISSION*

Sections:

- 2.40.010 Created.
- 2.40.020 Members--Term of office.
- 2.40.030 Members--Qualifications.
- 2.40.040 Organization--Term of office.
- 2.40.050 Staff--Finances.
- 2.40.060 Powers and duties generally.
- 2.40.070 Purpose--Master plan preparation.
- 2.40.080 Purpose--Zoning comprehensive plan.

2.40.010 Created. Pursuant to the authority conferred by Title 31, Article 23 Colorado Revised Statutes 1973 (1975 Supp.) there is created a Planning Commission and a Zoning Commission for the City. The members of the Planning Commission shall also serve, and are appointed, as the Zoning Commission. (Ord. 4 Art. 1, S 1, 1961).

2.40.020 Members--Term of office.

A. The Planning and Zoning Commission shall consist of seven members, who shall not be members of the City Council, but who shall be appointed by City Council. Council may also appoint an alternate member to serve an indefinite term. If any regular member is absent from any meeting of the commission, the alternate member may serve in such member's place with all the powers and duties of the absent member. The term of each regular member shall be four years or until his successor takes office, provided that any appointment made to fill an unexpired term shall be for the balance of such term. (Ord. 748, S 1, 1988)

B. The mayor and one city councilman shall serve as ex officio members of the commission, with all rights and privileges thereof except that of voting. The city councilman to serve as an ex officio member of the commission shall be appointed by the council for a two-year term. The mayor's term on the commission shall coincide with his official tenure. (Ord 213, S 2, 1974)

* For statutory provisions on planning commissions, see CRS 1973 31-23-221--32-23-226 (1975 Supp.); for provisions on zoning boards of adjustment, see CRS 1973 31-23-307 (1975 Supp.).

2.40.030 Members--Qualifications. All members of the Planning and Zoning Commission shall be bona fide residents of the city, and if any member ceases to reside in the city, his membership shall immediately terminate. All members of the commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that one such appointed member may be a member of the zoning board of adjustment. (Ord. 4, Art. 1, S 3, 1961)

2.40.040 Organization--Term of office. 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 year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month, and such meetings may be held consecutively on the same date. The 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. (Ord. 4, Art. 1, S 4, 1961)

2.40.050 Staff--Finances. The commission, jointly or severally, may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the city. The commission may also, with the consent of the council, contract with city 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 for the purpose by the council, which shall provide the funds, equipment and accommodations necessary for the commission's work. (Ord. 4, Art 1, S 5, 1961).

2.40.060 Powers and duties generally. The commission shall have all of the powers and perform each and all of the duties specified by Title 31 Article 23 Colorado Revised Statutes 1973 (1975 Supp.), together with any other duties or authority which may hereafter be conferred upon them by the laws of the state. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in the applicable legislative enactment or enactments. (Ord. 4, Art. 1, S 6, 1961).

2.40.070 Purpose--Master plan preparation. In the preparation of a master plan, the Planning and Zoning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, 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. 4, Art. 1, S 7, 1961).

2.40.080 Purpose--Zoning comprehensive plan. The Planning and Zoning Commission shall prepare its regulations in accordance with a comprehensive plan designed to:

- A. Lessen congestion in the streets;
- B. Secure safety from fire, panic and other dangers;
- C. Promote health and general welfare;
- D. Provide adequate light and air and to prevent the overcrowding of land;
- E. Avoid undue concentration of population;
- F. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements.

Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. (Ord. 4, Art. 1, S 8, 1961)

Chapter 2.44

ZONING BOARD OF ADJUSTMENT

Sections:

- 2.44.010 Created--Statutory authority.
- 2.44.020 Members--Term of office.
- 2.44.030 Members--Qualifications.
- 2.44.040 Powers and duties generally.
- 2.44.050 Organization--Rules--Recordkeeping.

2.44.010 Created--Statutory authority. Pursuant to the authority conferred by Section 31-23-307 Colorado Revised Statutes 1973 (1975 Supp.), there is created a zoning board of adjustment for the city. (Ord. 4 Art. 2 §1, 1961).

2.44.020 Members--Term of office. The zoning board of adjustment shall consist of five members appointed by the city council. Each member shall serve for a term of three years or until his successor takes office. (Ord. 4 Art. 2 §2, 1961).

2.44.030 Members--Qualifications. All members of the zoning board of adjustment shall serve as such without compensation, and shall be bona fide residents of the city. If any member ceases to reside in the city, his membership shall immediately terminate. (Ord. 4 Art. 2 §3, 1961).

2.44.040 Powers and duties generally. The zoning board of adjustment shall have all of the powers and perform each and all of the duties specified by Section 31-23-307 Colorado Revised Statutes 1973 (1975 Supp.), together with all other duties or authority which may hereafter be conferred upon them by the laws of the state. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in the applicable legislative enactment or enactments. (Ord. 4 Art. 2 §4, 1961).

2.44.050 Organization--Rules--Recordkeeping. The zoning board of adjustment shall elect a chairman from among its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year, with eligibility for reelection. The board shall hold such meetings as may be required to fulfill its purposes, and it shall adopt rules for the transaction of business. The board shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 4 Art. 2 §5, 1961).

Chapter 2.44

RESERVED*

***Editor's note**—Section 1 of Ord. No. 855, adopted Oct. 10, 1989, specifically repealed former Ch. 2.44, zoning board of adjustment, which contained §§ 2.44.010—2.44.050, deriving from Ord. No. 4, Art. 2, §§ 1—5, adopted in 1961.

Cross reference—Zoning board of adjustment, Ch. 17.46.

Chapter 2.48

CIVIL DEFENSE COUNCIL*

Sections:

- 2.48.010 Purpose.
- 2.48.020 Definitions.
- 2.48.030 Established--Membership.
- 2.48.040 Powers and duties.
- 2.48.050 Director--Disaster powers.
- 2.48.060 City nonliability designated.
- 2.48.070 Penalty for violation.

2.48.010 Purpose. The purpose of the ordinance codified in this chapter is to insure that preparations of the city are generally adequate to provide for the common defense, to protect the public peace, health and safety, and to preserve the lives and property of the inhabitants of the city in the event of disaster resulting from enemy attack, sabotage or other hostile action, earthquakes or other naturally caused calamities. (Ord. 28 Art. 1 §1, 1962).

2.48.020 Definitions. As used in this chapter:

A. "Civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disaster.

B. "Disasters" means actual or threatened enemy attack, sabotage or other hostile actions, earthquakes or other naturally caused calamities. (Ord. 28 Art. 1 §2, 1962).

2.48.030 Established--Membership. There is established the Broomfield civil defense council, which shall consist of the following:

A. The mayor, and one councilman, who shall be advisors;

B. 1. A civil defense director, who shall be chairman, and shall be appointed by a mayor with the consent of the city council,

2. The civil defense director shall serve at the pleasure of the mayor and the city council,

3. The civil defense director shall appoint deputies and other staff members, both regular salaried city employees and volunteers, as needed;

C. Such representatives of civic, business, labor, veterans', professional or other organizations having an

* For statutory provisions on disaster emergency services, see CRS 1973 28-2-102--28-2-221.

official group or organization with civil defense responsibilities may be appointed by the mayor, with the advice and consent of the city council. (Ord. 28 Art. 1 §3, 1962).

2.48.040 Powers and duties. The civil defense council shall be charged with the duty of coordinating all civilian defense activities within the city and shall, in conformity with the rules and regulations provided for in this chapter, do the following:

A. Coordinate the activities of municipal and private agencies cooperating in the defense program;

B. Sponsor and carry out recruitment, installation and training of civilian auxiliary and volunteer service units, in order to secure unity, balance and coordination in a program for civilian defense;

C. Negotiate on behalf of the city with other municipalities and other governmental entities in the state, and to work out such mutual aid agreements for reciprocal civil defense assistance as may be deemed necessary. The scope of any such mutual aid agreement may encompass all facets of the plans for civil defense and mutual aid or any part or parts of such plans, and the mutual aid agreements shall be signed by the mayor and may pledge the assistance and cooperation of the city to meet all contingencies of civil defense emergencies in return for like pledges from other governmental entities;

D. Perform such other functions as may be required in connection with the local civil defense organization as set forth in Section 28-2-108 Colorado Revised Statutes 1973;

E. Carry out functions as required in connection with federal, state and county defense programs. (Ord. 28 Art. 1 §4, 1962).

2.48.050 Director--Disaster powers. In the event of a disaster, as defined in this chapter, the civil defense director, with the mayor, is empowered:

A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;

B. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the city for the fair value thereof, and, if required immediately, to commandeer the same for public use;

C. To require emergency service of any city officer or employee, and to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties; such persons shall be entitled to all privileges,

benefits and immunities as provided by state law for registered civil defense worker volunteers;

D. To requisition necessary personnel or material of any city department or agency. (Ord. 28 Art. 2 Sl, 1962).

2.48.060 City nonliability designated. Neither the city nor any of its agencies, nor, except in cases of wilful misconduct, the agents, employees or representatives of any of them engaged in any civil defense activities, while complying with or attempting to comply with the provisions of this chapter, or with any rules or regulations, promulgated pursuant to the provisions of this chapter, shall be liable for the death of or injury to persons or damage to property as a result of such activities. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the Workmen's Compensation law, or under any pension law, nor the right of any such person to receive any benefit or compensation under any act of Congress or the General Assembly of the state. (Ord. 28 Art. 3 Sl, 1962).

2.48.070 Penalty for violation. It shall be a misdemeanor, punishable as provided in Chapter 1.12 of this code, for any person to wilfully hinder or obstruct any provisions of this chapter from being performed, or to violate any rule or regulation promulgated by the civil defense director in time of disaster. (Ord. 28 Art. 4 Sl, 1962).

Chapter 2.52

PUBLIC LIBRARY*

Sections:

- 2.52.010 Library department established.
- 2.52.020 Library board created.
- 2.52.030 Organization, powers and duties of the library board.
- 2.52.040 Merger of library fund and general fund.
- 2.52.050 Annual report.
- 2.52.060 Meetings.
- 2.52.070 Penalty for violation.
- 2.52.080 Fines for overdue, damaged, or lost materials.
- 2.52.090 Fees for the use of audio-visual equipment.
- 2.52.100 Failure to pay fees or fines.

* For statutory provisions on public libraries, see CRS 1973 24-90-101--24-90-123.

2.52.010--2.52.030

(Rev. 2-78)

(Rev. 2-82)

2.52.010 Library department established. A library department is hereby established in the general fund of the city and under the provisions of section 8.8 of the city charter. Said library department shall be responsible for providing a full range of public library services to the citizens of the city of Broomfield and, under inter-library cooperative agreements, to the public at large. Said services shall be provided free or under reasonable charges approved by the city council. (Ord. 330, Sl, 1978).

2.52.020 Library board created. There shall be and is created a library board consisting of five members who shall be appointed by and advisory to the city council. The first appointments of such board shall be for the terms of one, two, three, four and five years respectively and thereafter shall be appointed annually to serve for five years. Vacancies on the board shall be filled as soon as possible in the manner in which members are regularly chosen. A member shall not receive a salary nor other compensation for services as a board member, but necessary traveling and subsistence expenses actually incurred may be paid from the general fund. A member may be removed by city council under the provisions of section 11.2 of the city charter; a majority of the library board may recommend such action. (Ord. 330, Sl, 1978).

2.52.030 Organization, powers and duties of the library board. The powers of the library board shall be advisory only and the board shall have the following duties:

A. To adopt rules and regulations for the conduct of meetings of the library board and for the orderly operation of the city library.

B. To prepare and submit to council a master plan for the development and maintenance of a modern library within the city and from time to time revise and amend the plan.

C. To review the annual library budget request prepared by the library director prior to its submittal to the city manager and city council and make written recommendations regarding approval or modification of the same.

D. To administer such gifts of money or property or endowments as may be granted to and accepted for library purposes and to take steps as the library board may deem feasible to encourage grants or gifts in support of the city library.

E. Recommend rules, regulations, terms and conditions under which residents and non-residents of the city of Broomfield may use the books and other materials of the public library for enactment by city council.

F. To review the qualifications of the final candidate(s) for library director selected by the city manager, interview the candidate(s) when practical, and report on an advisory basis to the city manager the board's preference.

2.52.010 Library department established. A library department is hereby established in the general fund of the City and under the provisions of Section 8.8 of the City Charter. Said library department shall be responsible for providing a full range of public library services to the citizens of the City of Broomfield and, under inter-library cooperative agreements, to the public at large. Said services shall be provided free or under reasonable charges approved by the City Council. (Ord. 330, S 1, 1978)

2.52.020 Library Board created. There shall be and is created a Library Board consisting of five members who shall be appointed by and advisory to the City Council. Council may also appoint one or more alternate members to serve indefinite terms. If any regular member is absent from any meeting of the board, any alternate member designated by the remaining board members may serve in such member's place with all the powers and duties of the absent member. Members must be residents of the City. The terms of office of members of the Library Board shall be as established by resolution of the City Council. Vacancies on the board shall be filled as soon as possible in the manner in which members are regularly chosen. A member shall not receive a salary nor other compensation for services as a board member, but necessary traveling and subsistence expenses actually incurred may be paid from the general fund. A member may be removed by City Council under the provisions of Section 11.2 of the City Charter; a majority of the Library Board may recommend such action. (Ord. 330, S 1, 1978; Ord. 665, S 1, 1985; Ord. 762, S 1, 1988; Ord. 770, S 1, 1988)

2.52.030 Organization, powers and duties of the Library Board. The powers of the Library Board shall be advisory only and the board shall have the following duties:

A. To adopt rules and regulations for the conduct of meetings of the Library Board and for the orderly operation of the City library.

B. To prepare and submit to Council a Master Plan for the development and maintenance of a modern library within the City and from time to time revise and amend the plan.

C. To review the annual library budget request prepared by the Library Director prior to its submittal to the City Manager and City Council and make written recommendations regarding approval or modification of the same.

D. To administer such gifts of money or property or endowments as may be granted to and accepted for library purposes and to take steps as the Library Board may deem feasible to encourage grants or gifts in support of the City library.

E. Recommend rules, regulations, terms and conditions under which residents and non-residents of the City of Broomfield may use the books and other materials of the public library for enactment by City Council.

F. To review the qualifications of the final candidate(s) for Library Director selected by the City Manager, interview the

ADMINISTRATION

2.52.040–2.52.080
(Rev. 2-78, 2-82, 2-85,
12-87, 8-88, 2-91)

candidate(s) when practical, and report on an advisory basis to the city manager the board's preference.

- G. Do all other acts necessary to assist in the orderly and efficient management of the library as directed by council. (Ord. No. 330, § 1, 1978)

2.52.040 Merger of library fund and general fund. Effective the 1979 budget year, beginning January 1, 1979, the library fund shall be merged with the general fund. The library shall thereafter be funded as a separate department under the general fund. All assets and property of the library fund and library board shall be transferred to the city general fund, with the exception of gifts and endowments as provided for in section 2.52.030, and all obligations and liabilities shall be assumed by the city general fund. (Ord. No. 330, § 1, 1978; Ord. No. 746, § 1, 1987)

2.52.050 Annual report. At the close of each year, the library director and the library board shall make a report to the city council showing the number of books, periodicals or other materials on hand, the number added during the year, the number retired, the number loaned and borrowed and other such statistics and information and such suggestions as they deem of public interest. A copy of this report shall be filed with the state librarian. (Ord. No. 330, § 1, 1978)

2.52.060 Meetings. The library board shall convene on the fourth Thursday in January or at such other time in January of each year as shall be agreed upon to organize and elect a chairman, vice chairman, secretary and treasurer. The board shall meet each month plus special meetings as the chairman of the board requests. A record of the minutes of each meeting shall be kept and given to the city clerk for public inspection and distribution to the city council. (Ord. No. 330, § 1, 1978)

2.52.070 Penalty for violation. It shall be a misdemeanor for any person to willfully retain any book, newspaper, magazine, pamphlet, manuscript or other property belonging to the public library for thirty (30) days after notice in writing to return the same, said notice given after the expiration of the time that by the rules of the public library such article or other property may be kept and, upon conviction thereof, such person shall be punished by a penalty as provided in Chapter 1.12 of this Code. (Ord. No. 330, § 1, 1978)

2.52.080 Fines for overdue, damaged or lost materials. The library department shall collect and library users shall pay fines for overdue, damaged and lost materials in accordance with the following schedule:

- A. A fine of five cents (\$0.05) per day shall be charged for each overdue book, recording, film, pamphlet and compact disk.
- B. A fine of twenty-five cents (\$0.25) per day shall be charged for each overdue periodical.
- C. A fine of two dollars (\$2.00) per day shall be charged for each overdue video cassette.
- D. Overdue fines are subject to the following limits:
 - 1. For an overdue book, film, recording, video cassette, or compact disk the overdue fine shall not exceed the current books in print or catalog price of the item.

2.52.090-2.52.100
(Rev. 2-82, 2-85, 12-87,
1-89, 2-91)

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2. For an overdue pamphlet or periodical, the overdue fine shall not exceed five dollars (\$5.00).
- E. Damaged items. A person returning an item which has been damaged while in such person's possession shall be fined in the amount equal to the estimated cost of repair, provided that the fine shall not exceed the current books in print or catalog price or default fine for the item, plus five dollars (\$5.00) processing fee.
- F. Lost items. A person who loses an item, or who does not return an item within thirty (30) days of written notice to do so shall be fined in the amount of the current books in print or catalog price of the item, plus five dollars (\$5.00) processing fee.
- G. Out-of-print items. If an item which is lost or irreparably damaged is not listed in current books in print or current catalog, a default fine shall be assessed in the amount of ten dollars (\$10.00) for a mass trade paperback or periodical, forty dollars (\$40.00) for a video cassette, and twenty dollars (\$20.00) for all other items, plus a five dollar (\$5.00) for processing fee per item.
- H. Identification cards. A fine of two dollars (\$2.00) shall be charged for each lost or damaged identification card. (Ord. No. 897, § 1, 2-26-91)

2.52.090 Fees for the use of audiovisual equipment. Each item of audiovisual equipment shall be subject to a rental fee of five dollars (\$5.00) per item for each twenty-four-hour period, except for projection screens which shall be subject to a rental fee of one dollar (\$1.00) each for each twenty-four-hour period. Fines for lost or damaged items of audiovisual equipment are as set forth in section 2.52.080. (Ord. No. 645, § 2, 1985)

2.52.100 Failure to pay fees or fines.

- A. If the total fees or fines due from any one person is over one dollar (\$1.00), that person shall not be entitled to use the library until such fees or fines are paid in full.
- B. It is unlawful for any person to fail to pay the fees or fines adopted pursuant to this chapter. Such failure shall be subject to the penalties prescribed in Chapter 1.12 of the Broomfield Municipal Code. (Ord. No. 485, § 3, 1982)

Chapter 2.56

**FEEES FOR RESEARCH AND COPYING OF
CRIMINAL JUSTICE RECORDS***

Sections:

- 2.56.010 Fees for research and copying.
- 2.56.020 Waiver.

2.56.010 Fees for research and copying.

A. The fees for researching files of the municipal court or the department of public safety shall be ten dollars (\$10.00) per hour. Research fees shall be paid by the person or company requesting services in the following cases:

1. Individual police records history request.
2. Records created more than four (4) years prior to the year of the request.
3. Multiple name or location searches.

B. The fees for copies of documents shall be as follows:

1. Records not listed in subsection A above—One dollar (\$1.00) for the first two (2) pages or portion thereof. This includes search and copy charges.
2. For documents listed in subsection A above and for additional pages of documents listed in subsection B.1 above—Twenty-five cents (\$0.25) per page.

C. The fee for preparation of a certified record clearance form shall include the search time fee as stated above plus two dollars (\$2.00). (Ord. No. 577, § 1, 1984)

2.56.020 Waiver. Either the director of public safety (or his designee) or the municipal judge (or his designee) may waive fees for persons executing an affidavit of indigency and for any tax supported public agency. (Ord. No. 577, § 1, 1984)

*Cross reference—Municipal court, Ch. 2.28.

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TITLE 3

REVENUE AND FINANCE

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Chapter 3.04

SALES TAX*

Sections:

- 3.04.010 Purpose.
- 3.04.020 Imposition of tax.
- 3.04.030 Sales; where consummated.
- 3.04.040 Exclusion of state sales and use tax.
- 3.04.045 Sales tax; nonapplicability.
- 3.04.050 Exemption for property subject to specific ownership taxes.
- 3.04.055 Sales tax; credit for sales or use taxes previously paid to another municipality.
- 3.04.060 Collection, administration and enforcement.
- 3.04.070 Definitions.
- 3.04.080 Licenses.
- 3.04.090 Disposition of funds collected.

3.04.010 Purpose. The purpose of this tax is to raise revenue. The tax imposed herein is a tax on the privilege of selling personal property at retail, or the furnishing of services, upon every purchase or sale at retail in the city of Broomfield. (Ord. No. 358, § 2, 1980)

3.04.020 Imposition of tax.

A. On and after January 1, 1990, there is hereby levied and imposed a tax on the sale of tangible personal property at retail or the furnishing of services, as provided herein.

B. The tangible personal property and services taxable pursuant to this chapter shall be the same as the tangible personal property and services taxable pursuant to section 39-26-104,

*Charter reference--Taxation, § 13.1 et seq.

Cross reference--Business taxes, licenses, regulations, Title 5.

State law reference--Municipal sales tax, C.R.S. 1973, § 29-2-101 et seq.

3.04.030--3.04.050
(Rev. 1-80, 1-82, 2-84, 3-84, 3-85,
1-89, 10-89, 8-91, 12-91, 7-92)

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C.R.S., and subject to the same exemptions as those specified in section 39-26-114, C.R.S., except the exemption allowed by section 39-26-114(11), C.R.S., for purchases of machinery or machine tools, the exemption of sales and purchases of those items in section 39-26-114(1)(a)(XXI), C.R.S., and the exemption for sales of food specified in section 39-26-114(1)(a)(XX), C.R.S.

C. The rate of tax hereby levied and imposed is three and one-half percent (3½%) of the amount of the sale, to be computed in accordance with schedules or systems approved by the executive director of the Colorado department of revenue. (Ord. No. 549, § 4, 1984; Ord. No. 857 § 4, 10-24-89)

3.04.030 Sales; where consummated. For the purpose of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the city of Broomfield, or to a common carrier for delivery to a destination outside the limits of the city of Broomfield. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by article 26 of title 39, C.R.S., regardless of the place to which delivery is made. If a retailer has no permanent place of business in the city of Broomfield, or has more than one (1) place of business, the place at which the retail sales are consummated for the purpose of this chapter shall be determined by the provisions of article 26 of title 39, C.R.S., and by rules and regulations promulgated by the department of revenue. (Ord. No. 358, § 2, 1980)

3.04.040 Exclusion of state sales and use tax. The taxable amount pursuant to this chapter shall not include the amount of any sales or use tax imposed by article 26 of title 39, C.R.S. (Ord. No. 358, § 2, 1980)

3.04.045 Sales tax; nonapplicability. For transactions consummated on or after January 1, 1986, the city's sales tax shall not apply to the sale of construction and building materials as the term is used in section 29-2-109, C.R.S., if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the department of revenue evidencing that a local use tax has been paid or is required to be paid. (Ord. No. 668, § 1, 1985)

3.04.050 Exemption for property subject to specific ownership taxes. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by this chapter when such sales meet both of the following conditions:

A. The purchaser is a nonresident of Broomfield or has his principal place of business outside of Broomfield; and

B. Such personal property is registered or required to be registered outside the limits of the city of Broomfield under the laws of the state of Colorado. (Ord. No. 358, § 2, 1980)

3.04.055 Sales tax; credit for sales or use taxes previously paid to another municipality. The city's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another municipality equal to or in excess of three and one-half (3.5) percent. A credit shall be granted against the city's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous municipality. The amount of credit shall not exceed three and one-half (3.5) percent. (Ord. No. 668, § 2, 1985; Ord. No. 857, § 5, 10-24-89)

3.04.060 Collection, administration and enforcement. The collection, administration and enforcement of the tax imposed by this chapter shall be performed by the executive director of the department of revenue in the same manner as the collection, administration and enforcement of the state sales tax. The provisions of title 39, article 26, C.R.S., and all rules and regulations promulgated by the director of revenue shall govern the collection, administration and enforcement of the sales tax imposed by this chapter. (Ord. No. 358, § 2, 1980)

3.04.070 Definitions. For the purpose of this chapter, the definition of words contained herein shall be as defined in title 39, article 26, C.R.S., unless the context otherwise requires, and said definitions are incorporated herein by this reference. (Ord. No. 358, § 2, 1980)

3.04.080 Licenses.

A. It shall be unlawful for any person to engage in the business of selling tangible personal property at retail without first having obtained a license therefor. Such license shall be granted and issued by the city clerk and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked.

B. Such licenses shall be granted and renewed only upon application stating the name and address of the person desiring such a license, the name of such business and the location and such other facts as the city clerk may require.

C. It shall be the duty of each licensee on or before January 1 of each year during which this ordinance remains in effect to obtain a renewal thereof if the licensee remains in the retail business or liable to account for the tax herein provided, but nothing herein contained can be construed to empower the city clerk to refuse such renewal except revocation for cause of licensee's prior license.

D. In case business is transacted at one (1) or more separate premises by one (1) person, a separate license for each place of business shall be required.

E. Any person engaged in the business of selling tangible personal property at retail in the city, without having secured a license therefor, except as specifically provided herein, shall be guilty of a violation of this chapter.

F. Each license shall be numbered and shall show the name, residence, place and character of business of the licensee and shall be posted in a conspicuous place on the place of business for which it is issued. No license shall be transferable.

G. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this chapter. (Ord. No. 358, § 2, 1980)

3.04.090 Disposition of funds collected. Not less than one-third ($\frac{1}{3}$) of all funds received pursuant to this chapter shall be deposited into the city's sales and use tax capital improvement fund. The balance of the funds received pursuant to this chapter shall be deposited into such fund or funds of the city as the council shall determine in the annual budget or in resolution or ordinance adopted by the council from time to time. (Ord. No. 563, § 1, 1984; Ord. No. 857, § 6, 10-24-89)

Chapter 3.08

USE TAX*

Sections:

- 3.08.010 Purpose.
- 3.08.020 Legislative intent.
- 3.08.030 Imposition of tax; rate; bracket.
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- 3.08.170 Violations; evasion of tax; penalty.
- 3.08.180 Disposition of funds collected.

*State law reference--Use tax, C.R.S. 1973, 29-2-101 et seq.

3.08.010 Purpose. The purpose of this act is to raise revenue. The tax imposed herein is a use tax on the use or consumption in the city of any construction and building materials, and the use, storage, or consumption in the city of vehicles. (Ord. No. 667, § 1, 1985)

3.08.020 Legislative intent. It is hereby declared to be the legislative intent of the city council that, for the purposes of this chapter, every person who uses or consumes in Broomfield any building and construction materials, as herein defined, and every person who uses, stores, or consumes any vehicle, as herein defined, is exercising a taxable privilege. (Ord. No. 667, § 2, 1985)

3.08.030 Imposition of tax; rate; bracket.

A. *Imposition:* On and after January 1, 1990, there is hereby levied and imposed, and there shall be collected by the city and paid by the taxpayer, a tax on the following:

1. On the purchase price paid or charged on the sale or purchase of vehicles, when purchased or sold at retail, and used, stored, or consumed in the city; and
2. On the purchase price paid or charged on the sale or purchase of building and construction materials, when purchased or sold at retail, and used, or consumed in the city.

B. *Rate:* The amount of the tax hereby levied is three and one-half (3½) percent of the purchase price of building and construction materials and vehicles.

C. *Bracket schedule:* In order to avoid fractions of pennies, the tax on vehicles shall be computed in accordance with schedules or systems approved by the executive director of the Colorado Department of Revenue and the tax on building and construction materials shall be computed in accordance with the following brackets:

1. On purchase prices from one cent (\$0.01) to and including fourteen cents (\$0.14) no tax;
2. On purchase prices from fifteen cents (\$0.15) to and including forty-two cents (\$0.42) a tax of one cent (\$0.01);
3. On purchase prices from forty-three cents (\$0.43) to and including seventy-one cents (\$0.71), a tax of two cents (\$0.02);
4. On purchase prices from seventy-two cents (\$0.72) to and including one dollar (\$1.00), a tax of three cents (\$0.03);
5. On purchase prices from one dollar and one cent (\$1.01) to and including one dollar and twenty-eight cents (\$1.28), a tax of four cents (\$0.04);
6. On purchase prices from one dollar and twenty-nine cents (\$1.29) to and including one dollar and fifty-seven cents (\$1.57), a tax of five cents (\$0.05);
7. On purchase prices from one dollar and fifty-eight cents (\$1.58) to and including one dollar and eighty-five cents (\$1.85), a tax of six cents (\$0.06);

8. On purchase prices from one dollar and eighty-six cents (\$1.86) to and including two dollars (\$2.00), a tax of seven cents (\$0.07);
9. On purchase prices over two dollars (\$2.00), the tax shall be seven cents (\$0.07) for each two dollars (\$2.00), plus the tax shown on the foregoing schedule for any fractional part of two dollars (\$2.00). (Ord. No. 550, § 4, 1984; Ord. No. 667, § 3, 1985; Ord. No. 858, § 4, 10-24-89)

3.08.035 Nonapplicability of use tax to use or consumption occurring more than three years after most recent sale. For transactions consummated on or after January 1, 1986, the city's use tax shall not be imposed with respect to the use or consumption of tangible personal property within the city which occurs more than three (3) years after the most recent sale of the property if, within the three (3) years following such sale, the property has been significantly used within the state for the principal purpose for which it was purchased. (Ord. No. 667, § 4, 1985)

3.08.040 Definitions. When not otherwise clearly indicated by the context, the following terms, words, and phrases as used in this chapter, shall have the following meanings:

- A. *Use tax.* The Broomfield use tax is the tax provided herein and levied on the privilege of using or otherwise consuming building and construction materials and using, storing, or otherwise consuming vehicles in the City of Broomfield which are purchased or sold at retail and not subjected to the Broomfield sales tax, without regard to whether the property is purchased either from sources within or without the city.
- B. *Building and construction materials* means and includes any materials, goods, or commodities which are used or consumed in connection with the building, construction, reconstruction, alteration, expansion, modification, or improvement of any dwelling, building, structure, or public or private improvement. It specifically includes any item, materials, goods, or commodities which become a part of the dwelling, building, structure, or improvement, or which are affixed to or provided with the dwelling, building, structure, or improvement, or the lot or parcel of ground on which the dwelling, building, structure, or improvement is located.
- C. *City* means the City of Broomfield or its territorial limits, as the case may be.
- D. *City council* means the elected legislative body of the City of Broomfield.
- E. *City manager* means the city manager of the City of Broomfield.
- F. *Director of finance or director* means the director of finance of the City of Broomfield.
- G. *Person* means and includes any individual, firm, partnership, joint venture, corporation, society, club, association, joint stock company, estate or trust, receiver, trustee, assignee, lessee, or any person acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit, including the United States of America, the State of Colorado and any political subdivision thereof; and the plural as well as the singular number.

- H. *Taxpayer* means any person from whom a tax is due, or against whom a deficiency is being asserted.
- I. *Retail sale or purchased at retail* means any sale or purchase of tangible personal property, except a wholesale sale or purchase for taxable resale. ❏
- J. *Purchase or sale* means the acquisition for a price by any person of tangible personal property. The terms "sale" or "purchase" or "sale and purchase" mean and include installment and credit sales, the exchange of property, as well as the sale thereof for money, and every such transaction, conditional or otherwise, for a consideration constituting a sale.
- K. *Use* means the exercise, for any length of time, by any person within the city of any right, power, or dominion over tangible personal property when purchased at retail from sources either within or without the city from any person.
- L. *Storage* means any keeping or retention of, or exercise of dominion or control over, or possession for any length of time, of tangible personal property when purchased at retail from sources either within or without the city.
- M. *Consumption* means the act or process of consuming; it includes waste, destruction, or use. Consumption is the normal use of property for the purpose for which it was intended.
- N. *Purchase price or sale price* means the aggregate value in money of anything or things paid or delivered or promised to be paid or delivered by a purchaser to a retailer or any person in the consummation of a retail sale as defined herein, without any deduction therefrom on account of the cost of the property sold, cost of materials used, labor or service cost, or any other expense whatsoever, and provided that when articles of tangible personal property are sold after manufacture or after having been made to order, the gross value of all materials, labor, service, and profit thereon, shall be included in the said purchase price. However, the "purchase price" or "sale price" shall not include any direct tax imposed by the federal government or by the State of Colorado or by this chapter.
- O. *Vehicles* means and includes the following two categories of vehicles:
1. *Automotive vehicle* means any vehicle, including every device in, upon, or by which any person is or may be transported, or drawn upon a public highway; or any device used or designed for aviation or for flight in the air and upon which a specific ownership tax is imposed by the State of Colorado; including but not limited to, motor vehicles, trailers, mobile homes, semitrailers, and aircraft; but excepting movable structures, devices moved by human power, or devices used exclusively upon stationary rails or tracks.
 2. *Movable structure* means any wheeled vehicle exceeding either eight (8) feet in width or thirty-two (32) feet in length excluding towing gear and bumpers, without motive power, which is designed and commonly used for occupancy by

persons for residential purposes, in either temporary or permanent locations, and which may be drawn over the public highways by a motor vehicle.

- P. *Resident* means, for the purposes of the taxation provisions herein, a person who resides or maintains his domicile within the City of Broomfield, or who maintains one (1) or more places of business within the city. A person may have dual residency, or other places of residency or domicile, or place of business outside the city prior to, during, or after the occurrence of the taxable transaction and be a "resident" according to the terms of this definition. (Ord. No. 374, § 2, 1980; Ord. No. 667, §§ 5, 6, 1985)

3.08.050 Exemptions; applicability. The following list of exemptions cannot be increased by implication or similarity. In all cases, the burden of proof is upon the taxpayer to establish an exemption. The following are exempt from the use tax imposed by this chapter:

- A. The storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by the city;
- B. The storage, use, or consumption of any tangible personal property purchased for resale in the city, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business.
- C. The storage, use, or consumption of tangible personal property brought into the city by a nonresident thereof for his own storage, use, or consumption while temporarily within the city; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a nonresident to be used in the conduct of a business in this state;
- D. The storage, use, or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivision in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions;
- E. The storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use of any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;
- F. The use, storage, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another municipality legally imposed on the purchaser or user equal to or in excess of three and one-half (3.5) percent. A credit shall be granted against the city's use tax with respect to the person's use, storage or consumption in the city of tangible personal property, the amount of the credit to equal the tax paid by them by reason of the imposition of a sales or use tax of the previous municipality on the purchase or use of the property. The amount of credit shall not exceed three and one-half (3.5) percent.

- G. The storage, use or consumption of tangible personal property and household effects acquired outside of the city and brought into it by a nonresident acquiring residency;
- H. The storage or use of an automotive vehicle if the owner is or was, at the time of purchase, a nonresident of the city and he purchased the vehicle outside of the city for use outside the city and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said automotive vehicle outside of the city;
- I. The storage, use, or consumption of any construction and building materials and vehicles if a written contract for the purchase thereof was entered into prior to January 17, 1980.
- J. The storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to January 17, 1980.
- K. The use, storage, or consumption of a movable structure as defined in section 3.08.040, after such movable structure has been once subject to the payment of the city sales or use tax; and
- L. Any transaction which the city is prohibited from taxing under the Constitution and laws of the United States of America, or under the Constitution of the State of Colorado. (Ord. No. 667, § 7, 1985; Ord. No. 858, § 5, 10-24-89)

3.08.060 Contractors; owners or lessees of realty; method of payment. Every contractor, subcontractor, or other person who shall build, construct, reconstruct, alter, expand, modify, or improve any building, dwelling, or other structure or improvement to real property including all work performed on federal, state, county, city, exempt institution, and private construction job sites in this city and who shall purchase lumber, fixtures, or any other building materials and supplies therefor, must file a return monthly, remitting therewith the tax due and showing all information as prescribed on the Broomfield building and construction materials use tax return. (Ord. No. 374, § 2, 1980)

3.08.070 Purchase of vehicles; method of payment.

A. No registration shall be made of any automotive vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the department of revenue or its authorized agents, until any tax due upon the use, storage, or consumption thereof pursuant to this chapter has been made.

B. The automotive vehicle use tax imposed by this chapter shall be collected by the authorized agent of the department of revenue in the county in which the purchaser resides.

C. The proceeds of the automotive vehicle use tax shall be paid to the city periodically, in accordance with an agreement entered into between the city and the authorized county agent of the department of revenue.

D. The city director of finance and the mayor are empowered to enter into and execute on behalf of the city any agreements necessary for the administration and enforcement of this chapter in accordance with the provisions of section 29-2-106(3)(b), C.R.S. 1973, as amended.

E. Any resident of the city who shall purchase any vehicle as defined in section 3.08.040, whether new or used from sources within or without the city, for use, storage, or consumption within the city, and who does not pay the Broomfield sales or use tax to a vendor or other agent required or authorized to collect the same, shall immediately, and prior to registering and obtaining the title therefor, make a return showing such transaction to the director and thereupon pay the tax applicable thereto, and failure to do so shall constitute a violation of this chapter. (Ord. No. 374, § 2, 1980)

3.08.080 Tax returns. Each person required by the terms of this chapter to make a return shall do so on forms prescribed by the director, not later than the twentieth day of each month, for the preceding month. The tax due shall be remitted with the return. Each return shall include the following information, together with such other information as the director may require for the enforcement of this chapter:

A. *For building and construction materials:*

1. The location and street address of all dwellings, buildings, structures, or improvements located in Broomfield in connection with which materials have been used or consumed during the period for which the return is filed;
2. The sources, types, and total cost of materials used or consumed in connection with the dwellings, buildings, structures, or improvements listed, during the period for which the return is filed;
3. The amount of Broomfield sales tax previously paid on material used or consumed during the period for which the return is filed. Receipts must be provided showing such payment of sales tax;
4. The amount of sales or use tax lawfully imposed and previously paid in another city or town on materials used or consumed during the period for which the return is filed. Receipts must be provided showing such payment of sales or use tax;
5. The amount of any exemptions claimed. Evidence satisfactory to the director in support of such exemptions must be provided. Such evidence will be considered satisfactory if it demonstrates the applicable criteria set forth in section 3.08.050;
6. The total taxable amount;
7. The total tax due.

B. *For vehicles:*

1. The make, model, and year of manufacture of the vehicle;

2. The date of purchase;
 3. The name and address of the person from whom purchased;
 4. The purchase price paid for the vehicle. A bill of sale must be provided;
 5. The amount of any exemptions claimed. Evidence satisfactory to the director in support of such exemptions must be provided. Such evidence will be considered satisfactory if it demonstrates the applicability of the exemption under the criteria set forth in Section 3.08.050;
 6. The total taxable amount;
 7. The total tax due.
- (Ord. 374, S2, 1980)

3.08.090 Duties and powers of director.

A. The administration of the provisions of this Chapter is hereby vested in and shall be exercised by the director of finance, who shall prescribe forms and formulate and promulgate, with the approval of the city manager, appropriate rules and regulations to effectuate the purpose of this Chapter, for the ascertainment, assessment, and collection of the tax imposed and for the proper administration and enforcement thereof. Regulations adopted, amended, or rescinded by the director shall be effective in the manner and at the time prescribed by the director, subject to the provisions of this Chapter.

B. The director shall appoint such persons to make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. The director shall determine his own organization and methods of procedure in accordance with provisions of this Chapter. For the purpose of ascertaining the correctness of any return or for the purpose of making an estimate of the tax due from any taxpayer, the director shall have the power to examine or cause to be examined by any employee, agent, or representative designated by him for that purpose, any books, papers, records, or memoranda bearing upon the matters required to be included in the return. Subject to the provisions of this Chapter, the director of finance is authorized to appoint and prescribe the duties and powers of such officers, accountants, experts, and other persons as may be necessary in the performance of his duty. The director of finance may delegate to any such person so appointed, such power and authority as he deems reasonable and proper for the effective administration of this Chapter and shall bond, in a sufficient amount, any person handling money under this Chapter. (Ord. 374, S2, 1980)

3.08.100 Taxpayer must maintain books and records.

A. It shall be the duty of every person, firm, or corporation liable to the City of Broomfield for any tax imposed in this Chapter, to keep and preserve for a period of three (3) years such books, accounts, and records as may be necessary to determine the amount of such tax liability.

B. All such books, accounts, and records shall be open for examination at any time by the director of finance or his duly authorized agents. In the case of a person, firm, or corporation which does not keep the necessary books, accounts, and records within the city, it shall be sufficient if such person, firm, or corporation produces within this city such books, accounts, and records, or such information as shall be reasonably required by the director of finance, for examination by the director of finance or an agent duly authorized by him. (Ord. 374, S2, 1980)

3.08.110 Tax reports and returns--preservation--confidentiality.

A. All reports and returns of taxes received by the director of finance covered by this Chapter shall be preserved for three (3) years and thereafter until the director of finance orders them to be destroyed.

B. Except in accordance with judicial order or as otherwise provided by law, the director of finance, his agents, clerks, and employees shall not divulge, or make known in any way any information disclosed in any document, report, or return filed in connection with this Chapter.

C. Nothing in this section contained shall be construed to prohibit the delivery to a person or his duly authorized representative of a copy of any return or report filed in connection with his tax, and such copies may be certified by the director, or his deputy or agent, and when so certified shall be evidence equally with and in like manner as the originals and may be received by the courts of this state as evidence of the contents.

D. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection of returns by the city attorney or other legal representatives of the city.

E. Notwithstanding the provisions of this section, the director of finance in his discretion may furnish to the taxing officials of any other state and its political subdivisions, to the state of Colorado and its political subdivisions, and to the United States any information contained in tax returns and related schedules and documents filed pursuant to this code, or in the report of an audit or investigation made with respect thereto provided that said jurisdiction enters into an agreement with the director to grant similar privileges to the city and provided further that such information is to be used only for tax purposes. (Ord. 374, S2, 1980)

3.08.120 Employees--restrictions.

A. It shall be unlawful for any member of the city finance department, any deputy, agent, clerk, or other

officer or employee engaged in any administration which is governed by this code, to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm, or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the City of Broomfield, by the State of Colorado, by any other state, or by the United States Government, or to accept any employment for the purpose of advising, preparing materials or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax, or part thereof that has been assessed by any city of the state of Colorado, any other state, or its political subdivisions or by the United States Government.

B. Any person who violates any provision of this section shall be guilty of a violation of this code, and upon conviction shall be punished as prescribed herein; and if the offender is an officer or employee of the city, he shall be dismissed from office. (Ord. 374, S2, 1980)

3.08.125 Use tax--collection--limitation of actions. For transactions consummated on or after January 1, 1986:

A. Use tax, interest thereon, and penalties with respect thereto shall be assessed, and any action to collect the same shall be commenced within the time limitations set forth in sections 39-21-107 and 39-26-210, C.R.S.

B. Before the expiration of such period of limitation, the taxpayer and the director of finance may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing;

C. In the case of failure to file a return, the use tax may be assessed and collected at any time. (Ord. 667 S9, 1985)

3.08.130 Addition to tax--penalties and interest.

A. Imposition of penalties and interest--notice. If any person or taxpayer fails, neglects or refuses to make a return and pay the tax as required by this Chapter, or if any taxpayer fails to remit the proper amount of tax or underpays the tax because of negligence or fraud, penalties and interest shall be added and imposed in accordance with the following provisions. In the event the person or taxpayer fails to pay the penalties and interest as required by this Chapter, then the director, on such information as is available, shall make an estimate of the tax and additions thereto and shall give to the delinquent person or taxpayer written notice of final determination--assessment and demand for payment, which notice shall be personally served or by certified or registered mail, which assessment of deficiency amount will be due and payable ten (10) days after such notice. Such notice shall comply with the requirements set forth in section 29-2-106.1(2)(a), C.R.S.

3.08.140
(Rev. 1-80, 3-85)

B. Interest on underpayment, nonpayment, or extensions of time for payment of tax. If any amount of use tax is not paid on or before the last date prescribed for payment, interest shall be imposed on from such last date to the date paid at the same rate and in the same manner as set forth in section 39-21-109, C.R.S.

C. Deficiency due to negligence. If any part of the deficiency in payment of the use tax is due to negligence or intentional disregard of the ordinances or of authorized rules and regulations of the city with knowledge, but without intent to defraud, or if any part of the deficiency is due to fraud with intent to evade the tax, penalties and interest shall be imposed at the rate and in the same manner as set forth in section 39-26-115, C.R.S.

D. Neglect or refusal to make return or to pay. If a person neglects or refuses to make a return in payment of the use tax or to pay any use tax as required, the director of finance shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto penalties and interest at the rate set forth in section 39-26-118(2)(a), C.R.S.

E. Penalty interest on unpaid use tax. Any use tax due and unpaid shall be a debt to the City, and shall draw interest at the rate imposed under Subsection F of this Section in addition to the interest provided by Subsection B of this Section, from the time when due until paid.

F. Rate of interest. When interest is required or permitted to be charged under any provision of this Section, the annual rate shall be that established by the state commission of banking pursuant to section 39-21-110.5, C.R.S.

G. Waiver for cause. The director of finance is hereby authorized to waive, for good cause shown, any penalty or interest imposed in excess of the rate established in Section 3.08.130, Subsection F.

H. Other remedies. Nothing in this Section shall preclude the city from utilizing any other applicable penalties or remedies for the collection and enforcement of use taxes. (Ord. 667 S10, 1985)

3.08.140 Refunds.

A. The right of any person to a refund under this Chapter shall not be assignable and such application for refund must be made by the same person who paid the tax thereon.

B. The burden of proving that uses on which tax refunds are claimed are exempt from taxation shall be on the one making such claim under such reasonable requirements of proof as the director of finance may prescribe.

C. A refund shall be made, or a credit allowed, for the tax paid by any person who has an exemption as in this chapter provided. Such refund shall be made by the director of finance after compliance with the following precedent: Applications

for refund must be made within sixty (60) days after payment of the tax with respect to which an exemption is claimed; or for transactions consummated on or after January 1, 1986 within the time periods set forth in subsection G of this section. Applications for refund must be supported by the affidavit of the purchaser; and be made upon such forms as shall be prescribed and furnished by the director of finance, which forms shall contain such information as said director shall prescribe. (Ord. 667 S11, 1985)

D. Upon receipt of such application the director shall examine same with all due speed and shall give notice to the applicant in writing of his decision thereon. Aggrieved applicants, within ten (10) days after such decision is mailed to them, may petition the director for a hearing on the claim in the manner provided in Section 3.08.150 and may appeal to the city manager and district courts in the manner provided therein.

E. If the director discovers from the examination of a return within the time periods provided for the filing of refunds, or upon claim duly filed by the taxpayer, or upon final judgment of a court, that the tax, penalty, or interest paid by any taxpayer is in excess of the amount due or has been illegally or erroneously collected, then the director shall rule in favor of the taxpayer for refund of such illegally collected tax, penalty, or interest, regardless of whether or not such sum was paid under protest. The director shall issue his warrant for the payment to the taxpayer, out of the reserve of the city general fund provided therefor; provided, that the director shall keep in his files a duplicate of said voucher and also a statement which shall set forth the reason why such refund shall have been ordered. Interest shall be paid on refunded use tax collections at the rate of eight percent (8%) per annum from the time the tax became or would have become due and payable.

F. Whenever it is established that any taxpayer has, for any period open under the statutes, overpaid a tax imposed by this code, and that there is an unpaid balance of tax, penalties, or interest accrued according to the records of the director, owing by such taxpayer for any other period, so much of the overpayment of tax as does not exceed the amount of such unpaid balance, shall be credited thereto and any excess of the overpayment shall be refunded. (Ord. 374, S2, 1980)

G. For transactions consummated on or after January 1, 1986:

1. An application for use tax paid under dispute by a purchaser or user who claims an exemption pursuant to section 3.08.050 shall be made within sixty days after the storage, use, or consumption of the goods or services whereon an exemption is claimed.

2. An application for refund of tax moneys paid in error or by mistake shall be made within three years after the date of storage, use, or consumption of the goods for which the refund is claimed. (Ord. 667 S12, 1985)

3.08.150 Hearings.
A. Director of finance

1. Any taxpayer may request a hearing on any tax assessed by reason of notice of final determination-assessment and demand for payment or by reason of a denial of his claim for refund by written application to the director of finance within ten (10) days of the mailing of a notice of deficiency-assessment or denial of refund. The request for hearing shall set forth the taxpayer's reasons for and the amount of the requested changes in the deficiency-assessment or denial of refund.

2. The director of finance shall notify the taxpayer in writing of the time and place for such hearing at least thirty (30) days prior thereto. In all cases the hearing shall be held in Broomfield, Colorado, at the office of the director.

3. After a hearing under this section the taxpayer shall not be entitled to a second hearing before the director on the matters set forth in his previous request for hearing.

4. The hearing shall be held before the director of finance. The director is hereby authorized to administer oaths and take testimony. At the hearing, the taxpayer may assert any facts, make any arguments, and file any briefs and affidavits he believes pertinent to his cause.

5. After expiration of ten (10) days from the mailing of the notice of deficiency-assessment or final determination-assessment and demand for payment, or denial of refund, if the tax has not been paid or if no hearing has been requested, then the notice of deficiency-assessment and demand for payment or denial of refund, previously mailed, shall constitute a final assessment of the amount of the tax specified together with interest, additions to tax, and penalties or shall constitute a final denial of refund, as the case may be.

6. Based on the evidence presented at a hearing, or other information or argument filed in support of the taxpayer's contentions at a hearing, the director may modify or abate in full the tax, penalty, or interest questioned at the hearing, or may approve a refund.

7. Upon rejection, in whole or in part of the claim for refund, or upon a finding by the director that, on hearing the evidence, an assessment in whole or in part has been made against the taxpayer validly, the director shall send a hearing determination notice to the taxpayer setting forth the amount of claim for refund denied or the amount of taxes found due, stating therein the grounds for allowance or rejection in whole or in part.

B. Appeal to city manager

1. Any taxpayer may appeal from a decision of the director of finance made under subsection A. above, by written application to the city manager within ten (10) days of the mailing of a hearing determination notice. The request for a hearing on appeal shall set forth the taxpayer's reasons for and the amount of the requested changes in the hearing determination notice.

2. The city manager shall notify the taxpayer in writing of the time and place for the hearing on appeal at least thirty (30) days prior thereto. In all cases, the hearing on appeal shall be held in Broomfield, Colorado, at the office of the city manager.

3. After a hearing under this section, the taxpayer shall not be entitled to a second hearing on appeal before the city manager on the matters set forth in his previous request for appeal.

4. The hearing on appeal shall be held before the city manager. The city manager is hereby authorized to administer oaths and take testimony. At the hearing, the taxpayer may assert any facts, make any arguments, and file any briefs and affidavits he believes pertinent to his cause.

5. After the expiration of ten (10) days from the mailing by the director of the hearing determination notice, if the tax has not been paid or if no hearing on appeal has been requested, then the hearing determination notice mailed by the director shall constitute a final assessment of the amount of tax specified together with interest, additions to tax and penalties, or shall constitute a final denial of refund, as the case may be, and the tax, together with interest thereon, and penalties, if any, shall be paid within thirty (30) days after mailing of the hearing determination notice to the taxpayer.

6. Based on the evidence presented at a hearing on appeal, or other information or argument filed in support of the taxpayer's contentions at a hearing on appeal, the city manager may modify or abate in full the tax, penalty, or interest questioned at the hearing on appeal, or may approve a refund.

7. Upon rejection, in whole or in part, of the claim for refund, or upon a finding by the city manager that, on hearing the evidence, an assessment in whole or in part has been made against the taxpayer validly, the city manager shall send a hearing determination notice to the taxpayer setting forth the amount of claim for refund denied or the amount of taxes found due, stating therein the grounds for allowance or rejection in whole or in part.

8. Unless an appeal be taken from the city manager's decision to a district court of this state, the tax, together with interest thereon and penalties, if any, shall be paid within thirty (30) days after mailing of the city manager's hearing determination notice to the taxpayer. (Ord. 374, S2, 1980)

C. For transactions consummated on or after January 1, 1986, in lieu of the procedure provided for in sections 3.08.140 and 3.08.150, the taxpayer may elect a state hearing on the director's final decision on a deficiency notice or claim for refund pursuant to the procedure set forth in section 29-2-106.1, C.R.S. (Ord. 667 S13, 1985)

3.08.155 Final decision of city--appeals--posting of bonds. For transactions consummated on or after January 1, 1986, the taxpayer shall, within fifteen (15) days after filing a notice of appeal, file a surety bond or deposit the disputed amount with the director of finance pursuant to the provisions of section 39-21-105(4), C.R.S. (Ord. 667 S14, 1985)

3.08.160 Enforcement.

A. If any tax, penalty, or interest imposed by this Chapter and shown due by returns filed by the taxpayer or as shown by assessments duly made as provided herein, are not paid within ten (10) days after the same are due, the director of finance shall issue a notice, setting forth the name of the taxpayer, the amount of the tax, penalties, and interest, the date of the accrual thereof, and that the City of Broomfield claims a first and prior lien therefor on the real and tangible personal property of the taxpayer except as to pre-existing claims or liens of a bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights shall have attached prior to the filing of the notice as herein provided on property of the taxpayer, other than on the goods, stock in trade, and business fixtures of such taxpayer. Said notice shall be on forms prescribed by the director of finance whose duties are the collection of such tax, and may be filed in the office of the clerk and recorder of any county in the state in which the taxpayer owns real or tangible personal property, and the filing of such notice shall create such lien on such property in that county and constitute notice thereof. Any lien for taxes as shown on the records of the county clerk and recorder as herein provided, upon payment of all taxes, penalties, and interest covered hereby, shall be released by the director of finance in the same manner as mortgages and judgments are released. A copy of the notice shall be sent to the taxpayer pursuant to and in accordance with section 29-2-106.1(2)(a), C.R.S. (Ord. 667 S15, 1985)

1. The director of finance may also treat any tax, penalties, or interest due and unpaid as a debt due the city from the taxpayer. In case of failure to pay the tax, or any portion thereof, or any penalty or interest thereon when due, the director of finance may receive at law the amount of such taxes, penalties, and interest in the county or district court having jurisdiction. The return of the taxpayer or the assessment made by the director of finance as herein provided, shall be prima facie proof of the amount due.

2. Such actions may be actions in attachment, and writs of attachment may be issued to the sheriff, and in any such proceedings, no bond shall be required of the director of finance, nor shall any sheriff require of the director of finance an indemnifying bond for executing the writ of attachment, or writ of execution upon any judgment entered in such proceedings; and the director of finance may prosecute appeals or writs of error, in such cases without the necessity of providing bond therefor. It shall be the duty of the city attorney, when requested by the director of finance, to commence action for the recovery of taxes due under this chapter, and this remedy shall be in addition to all other existing remedy or remedies provided in this chapter.

3. In any case where there has been a refusal or neglect to pay any tax due the City of Broomfield and a statement or notice shall have been filed which, under law, creates a lien upon any real property for such tax, the director of finance may cause a civil action to be filed in the district court of the county in which is situated any real property which is subject to said lien to enforce the lien of the City of Broomfield. The court shall decree a sale of such real property and distribute the proceeds of such sale, according to the findings of such court in respect to the interest of the parties and of the City of Broomfield. The proceedings in such action and the manner of sale, the period for and manner of redemption from such sale, and the execution of deeds of conveyance shall be in accordance with the law and practice relating to foreclosures of mortgages upon real property. In any such action, the court may appoint a receiver of the real property involved in such action if equity so requires.

3.08.170

(Rev. 1-82, 2-84, 3-85)

B. The director of finance or his duly authorized agent may, at the discretion of the director, summons to court any person who may be in violation of this Chapter. (Ord. 374, S2, 1980)

3.08.170 Violations--evasion of tax--penalty.

A. It shall be a violation of this Chapter for any person subject to the tax levied by this Chapter to refuse to make any return provided to be made, or to make any false or fraudulent return, or any false statements in any return, or to fail or refuse to make payment to the director of finance of any taxes due the city, or in any manner to evade the payment of the tax, or any part thereof, imposed by this chapter, or for any person to fail or refuse to pay such tax or evade the payment thereof, or to aid or abet another in any attempt to evade the payment of the tax imposed by this Chapter. Any corporation, partnership, association, or person making a false return or a return containing a false statement shall have violated this Chapter and shall be subject to prosecution and the imposition of penalties as provided by law. Any person in violation of any section shall be subject to these same penalties.

B. Any person, corporation, partnership, or association who shall violate any of the provisions of

this chapter shall be guilty of a violation hereof and shall be punished by a fine not to exceed three hundred dollars (\$300.00) or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.

C. Each and every twenty-four (24) hours continuation of any violation shall constitute a distinct and separate offense. (Ord. No. 374, § 2, 1980)

3.08.180 Disposition of funds collected. Not less than one-third of all funds received pursuant to this chapter shall be deposited into the city's sales and use tax capital improvement fund. The balance of the funds received pursuant to this chapter shall be deposited into such fund or funds of the city as the council shall determine in the annual budget or in a resolution or an ordinance adopted by the council from time to time. (Ord. No. 563, § 3, 1984; Ord. No. 858, § 6, 10-24-89)

Chapter 3.10

SALES AND USE TAX CAPITAL IMPROVEMENT FUND

Sections:

- 3.10.010 Created.
- 3.10.020 Restricted.
- 3.10.030 Capital improvements defined.

3.10.010 Created. A sales and use tax capital improvement fund is hereby created. The fund shall consist of a portion of the revenues of the city's sales tax (as provided by section 3.04.090 of this Code), a portion of the revenues of the city's use tax (as provided by section 3.08.180 of this Code), and such other appropriations thereto as the city council may make. (Ord. No. 563, § 1, 1984)

3.10.020 Restricted. Expenditures from the fund shall be restricted to capital improvements, and study, planning, consulting, engineering, legal, financing, and other costs related to capital improvements. (Ord. No. 563, § 1, 1984)

3.10.030 Capital improvements defined. For the purpose of this chapter, capital improvements shall include:

- A. Any acquisition of land, water, water rights, or interests therein; and
- B. Any acquisition, construction, reconstruction, renovation, remodeling, alteration or replacement of a municipal facility, including without limitation, streets, sidewalks, storm sewers and drainage facilities, sanitary sewers and treatment works, water mains and storage and treatment works, buildings, and parks; and
- C. Any purchase, lease or other acquisition of machinery, equipment, furnishings, or other items of personal property. (Ord. No. 563, § 1, 1984)

Chapter 3.12

DISPOSITION OF SURPLUS PROPERTY

Sections:

- 3.12.010 Sales agent.
- 3.12.020 Procedures.
- 3.12.030 Repair and reconditioning.
- 3.12.040 Manner of disposition.
- 3.12.050 Sales procedure.
- 3.12.060 City employees.
- 3.12.070 Proceeds of sale.

3.12.010 Sales agent. The city manager shall designate an employee to act as the sales agent for all surplus personal property belonging to the city. It shall be the duty of such sales agent to keep a record of all surplus property sold or otherwise disposed of. The sales agent shall cause all surplus property to be safely stored until sold or otherwise disposed of. The sales agent shall cause to be sold or otherwise disposed of personal property in accordance with the terms of this chapter and policies, standards, and procedures adopted pursuant to the authority contained herein. The sales agent shall dispose of surplus personal property in a manner reasonably calculated to be in the best financial interests of the city. (Ord. No. 475, § 1, 1982)

3.12.020 Procedures. The city manager shall establish policies, standards, and procedures consistent with this chapter to determine what personal property is surplus and to govern the disposal of surplus property. (Ord. No. 475, § 1, 1982)

3.12.030 Repair and reconditioning. The sales agent shall have the authority to expend funds to repair or recondition surplus property when there is a reasonable expectation that such expenditures will enhance the value above the amount of funds so expended. (Ord. No. 475, § 1, 1982)

3.12.040 Manner of disposition. In accordance with the provisions of this chapter and policies, standards, and procedures adopted pursuant to the authority contained herein, property may be transferred to other city departments, sold, transferred or exchanged. Property having little or no value, or the sale or exchange of which is impractical, or for which no value exists, may be destroyed or donated to charity. (Ord. No. 475, § 1, 1982)

3.12.050 Sales procedure. Property to be sold will be sold at public sale, either by written and sealed bid or at public auction, as may be determined by the sales agent to be in the best interests of the city. The sales agent shall give such notice as he deems desirable, but at a minimum, a notice of the sale, describing the items to be sold, shall be published in at least one (1) newspaper of general circulation in the city, at least twice, not less than seven (7)

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3.12.060—3.16.020
(Rev. 2-84, 3-84, 3-85, 4-89, 10-89)

days before the sale. The sales agent shall have the authority to pay for the conduct of the sale out of the proceeds of such sale. Surplus property shall be sold at least once every year. (Ord. No. 475, § 1, 1982)

3.12.060 City employees. No official or employee of the city or any member of their immediate family or anyone on their behalf shall purchase or otherwise receive surplus or excess property of the city except by public sale upon written sealed bids or by sale at public auction. (Ord. No. 475, § 1, 1982)

3.12.070 Proceeds of sale. All proceeds received from the sale of surplus property shall be deposited, to the extent feasible, in the same fund of the city from which the surplus property was originally purchased. If no such fund can be identified, proceeds shall be deposited to the general fund of the city. (Ord. No. 475, § 1, 1982; Ord. No. 808, § 1, 2-14-89)

Chapter 3.16

EMERGENCY TELEPHONE CHARGE

Sections:

- 3.16.010 Authorization to impose fees.
- 3.16.020 Authorization to collect fees.

3.16.010 Authorization to impose fees. There is hereby imposed, pursuant to C.R.S. 29-11-101, et seq., upon all telephone exchange access facilities within the City of Broomfield an emergency telephone charge in the amount of seventeen cents (\$0.17) per subscriber line per month for purposes of defraying the cost of the E-911 emergency telephone service. (Ord. No. 583, § 1, 1984)

3.16.020 Authorization to collect fees. Telephone service suppliers providing telephone service in the City of Broomfield are hereby authorized to collect the emergency telephone charge imposed by this chapter in accordance with C.R.S. 29-11-101, et seq. (Ord. No. 583, § 1, 1984)

Chapter 3.18

INVESTMENT POLICY

Sections:

- 3.18.010 Policy
- 3.18.020 Scope
- 3.18.030 Authority
- 3.18.040 Prudence
- 3.18.050 Internal controls
- 3.18.060 Reporting
- 3.18.070 Depositaries
- 3.18.080 Authorized investments
- 3.18.090 Authorized investments--City of Broomfield Employee's Pension Plan
- 3.18.100 Authorized investments--Deferred Compensation Pension Plan
- 3.18.110 Authorized investments--Policemen's Pension Plan for "Old Hire" Police Officers
- 3.18.120 Authorized investments--Money Purchase Plan for "New Hire" Police Officers.
- 3.18.130 Selection of financial institutions
- 3.18.140 Pooling of fund balances
- 3.18.150 Safekeeping and custody

3.18.010 Policy. The city council hereby declares that the investment of municipal funds is a purely local and municipal matter. (Ord. 767, S1, 1988)

3.18.020 Scope. This chapter applies to all transactions involving funds of City of Broomfield and any authority, board, agency, or commission thereof. All financial assets of accounts and funds, including pension and other fiduciary funds and any other account or fund which may be created from time to time, shall be administered in accordance with the provisions of this chapter. (Ord. 767, S1, 1988)

3.18.030 Authority. Except when specifically delegated to a board or committee by ordinance, management responsibility for this chapter is hereby delegated to the city manager, who may designate a city employee to act on his behalf. No person may engage in an investment transaction except as provided under the terms of this chapter and any procedures established by the city manager. (Ord. 767, S1, 1988)

3.18.040 Prudence. In exercising discretionary authority with respect to the acquisition or disposition of any investments, the city manager, his designee, or the board or committee responsible for the investment of funds shall exercise the judgment and care, under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the

probable income as well as the probable safety of capital. (Ord. 767, S1, 1988)

3.18.050 Internal controls. The city manager shall establish a system of internal controls designed to prevent undue losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees, officers and agents of the city. (Ord. 767, S1, 1988)

3.18.060 Reporting.

A. The city manager shall prepare a regular investment report that describes the investment portfolio in terms of investment instruments, maturities, risk characteristics and other portfolio considerations. The report shall provide details of the percentage investment return of the portfolio and compare the portfolio's performance to other benchmarks of performance. The report may indicate any areas of investment concern and planned or suggested revision of investment strategies.

B. The city manager shall prepare an annual report on the investment program and investment activity. The annual investment report shall include 12-month comparisons of investment returns and may suggest improvements that might be made in the investment program. The annual report may include other items of significance that might enhance the understanding of the investment program. (Ord. 767, S1, 1988)

3.18.070 Depositories. The city manager or his designee shall select a financial institution or institutions within the city to serve as depositories and provide basic banking services for the city's funds. In selecting the institutions to serve as the city's central depositories, the following factors will be considered:

- A. Credit worthiness;
- B. Services available;
- C. Cost for each service;
- D. Type of accounts available;
- E. Interest rates paid on each type of account;
- F. Financial history and strength of institution; and
- G. Experience in providing depository services to similar accounts. (Ord. 767, S1, 1988)

3.18.080 Authorized investments. In addition to investments authorized by any statute or other ordinance, funds in the possession of the city and any authority, board, commission, committee or agency thereof, may be invested in:

A. Depositories enumerated in section 24-75-603, C.R.S., and secured as provided in articles 10.5 and 47 of title 11, C.R.S.

B. Certificates of deposit or similar instruments at any state or national bank or savings and loan association provided that the entire amount of such a deposit is insured by the federal deposit insurance corporation or the federal savings and loan insurance company. All such deposits in out-of-state banks or savings and loans must have a rate of return which is at least

seventy-five basis points greater than the best in-state quote received. For example, if the best in-state quote is a 5% rate return, the out of state quote must be at least a 5-3/4% return.

C. Bonds or other interest-bearing obligations of the United States;

D. Bonds or other interest-bearing obligations, the payment of which is unconditionally guaranteed by the United States;

E. Bonds which are a direct obligation of the State of Colorado or of any county or school district therein;

F. State of Colorado, state highway fund revenue anticipation warrants;

G. Bonds which are direct general obligations of any incorporated city in the State of Colorado which has existed continuously for a period of ten years prior to the making of such investment;

H. National Housing Act bonds and notes;

I. Higher Education Act Loans;

J. Repurchase agreements of any marketable security otherwise authorized by law where the market value of such security is at all times at least equal to the moneys involved, and there is assignment of such security pursuant to a current depository regulations;

K. Investment pools authorized by Part 7 of Article 75 of Title 24, C.R.S. (Ord. 767, S1, 1988)

3.18.090 Authorized investments -- City of Broomfield Employee's Pension Plan. Funds of the City of Broomfield Employee's Pension Plan may be invested as specified in Chapter 2.20 of this Code. (Ord. 767, S1, 1988)

3.18.100 Authorized investments -- Deferred Compensation Pension Plan. Funds of the Deferred Compensation Pension Plan may be invested as specified in Chapter 2.22 of this Code. (Ord. 767, S1, 1988)

3.18.110 Authorized investments -- Policemen's Pension Plan for "Old Hire" Police Officers. Funds of the Policemen's Pension Plan for "Old Hire" Police Officers may be invested as specified in Chapter 2.24 of this Code. (Ord. 767, S1, 1988)

3.18.120 Authorized investments -- Money Purchase Plan for "New Hire" Police Officers. Funds of the Money Purchase Plan for "New Hire" Police Officers may be invested as specified in Chapter 2.25 of this Code. (Ord. 767, S1, 1988)

3.18.130 Selection of financial institutions.

A. Before the city invests funds, a competitive informal quotation process shall be conducted by the city manager or his designee. Quotations will be received by telephone or mail and a summary analysis will be prepared documenting the results.

B. For brokers and dealers of government securities, the city manager shall select only primary government securities dealers that report to the New York Federal Reserve. (Ord. 767, S1, 1988)

3.18.140 Pooling of fund balances. Cash balances from different funds of the city and its authorities, boards, agencies, and commissions may be pooled for investment purposes. Each fund shall share in the interest income earned by such investments in the proportion that their respective balances bear to the total fund's balance. The method of calculating cash balances shall reflect an equitable averaging of the balances as determined by the city manager. (Ord. 767, S1, 1988)

3.18.150 Safekeeping and custody. To protect against potential fraud and embezzlement, the assets of the City shall be secured through third-party custody and safekeeping procedures. Bearer instruments shall be held only through third-party institutions. (Ord. 767, S1, 1988)

Chapter 3.20

PROCUREMENT OF SUPPLIES, SERVICES, AND CONSTRUCTION

Sections:

I. GENERAL PROVISIONS

- 3.20.010 Purpose.
- 3.20.020 Application.
- 3.20.030 Definitions.

II. SOURCE SELECTION

- 3.20.040 Competitive sealed bidding.
- 3.20.050 Contracting for professional services.
- 3.20.060 Small purchases.
- 3.20.070 Sole source procurement.
- 3.20.080 Prequalification of Bidders.
- 3.20.090 Emergency procurements.
- 3.20.100 Other exceptions.
- 3.20.110 Cancellation of invitations for bids or requests.
- 3.20.120 Responsibility of bidders and offerors.
- 3.20.130 Bid and performance bonds on supply or service.
- 3.20.140 Financial obligations of the city.
- 3.20.150 Right to inspect plant.
- 3.20.160 Right to audit records.

III. SPECIFICATIONS

- 3.20.170 Brand name or equal specification.
- 3.20.180 Brand name specification.

IV. SUSPENSION

- 3.20.190 Authority to suspend.
- 3.20.200 Decision to suspend.

V. APPEALS AND REMEDIES

- 3.20.210 Bid protests.

VI. ETHICS IN PUBLIC CONTRACTING

- 3.20.220 Kickbacks.
- 3.20.230 Prohibition against contingent fees.
- 3.20.240 Contemporaneous employment prohibited.
- 3.20.250 Waivers for contemporaneous employment prohibition and other conflicts of interest.
- 3.20.260 Use of confidential information.
- 3.20.270 Recovery of value transferred or received in breach of ethical standards.

I. GENERAL PROVISIONS

3.20.010 Purpose. The purpose of this chapter is to provide for the fair and equitable treatment of all persons involved in purchasing by the city, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

3.20.020 Application. This chapter applies to the procurement of supplies, services, and construction, entered into by the city after the effective date of the ordinance codified in this chapter. When the procurement involves the expenditure of federal funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations. Nothing in this chapter shall prevent the city from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

3.20.030 Definitions. The following definitions apply to this chapter:

A. "Brand name or equal specification" means a specification limited to one or more items by manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other salient characteristics needed to meet city requirements, and which provides for the submission of equivalent products.

B. "Brand name specification" means a specification limited to one or more items by manufacturer's names or catalogue numbers.

C. "City Manager" means the city manager or his designee.

D. "Confidential information" means any information which is available to an employee only because of the employee's status as an employee of the city and is not a matter of public knowledge or available to the public on request.

E. "Construction" means the process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine operation of existing structures, buildings or real property.

F. "Contractor" means any person having a contract with the city.

G. "Department head" means the chief administrative official of each department of the city or his designee.

H. "Employee" means an individual drawing a salary or wages from the city, whether elected or not; any noncompensated individual performing personal services for the city or any department, agency, commission, council, or board thereof.

I. "Gratuity" means a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

J. "Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

K. "Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or

construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contract, and all phases of contract administration. The term does not include buying, purchasing, renting, or otherwise obtaining any interest in real estate or of any water rights.

L. "Qualified products list" means an approved list of supplies, services, or construction items described by model or catalogue numbers, which, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

M. "Responsible bidder" means a person who has the capability in all respects to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

N. "Responsive bidder" means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

O. "Services" means the furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements.

P. "Specification" means any description of the physical or functional characteristics or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspection, testing, or preparing a supply, service, or construction item for delivery.

Q. "Supplies" means all property, including but not limited to equipment, materials, printing, and insurance.

II. SOURCE SELECTION

3.20.040 Competitive sealed bidding.

A. Conditions for use. All procurement shall be awarded by competitive sealed bidding except as otherwise provided in Sections 3.20.050, 3.20.060, 3.20.070, 3.20.080, and 3.20.090 of this chapter.

B. Invitation for bids. An invitation for bids shall be issued and shall include specifications, and all contractual terms and conditions applicable to the procurement.

C. Public notice. Adequate public notice of the invitation for bids shall be given a reasonable time, not less than fifteen calendar days prior to the date set forth therein for the opening of the bids. Such notice shall include publication in one newspaper of general circulation in the city. The public notice shall state the place, date, and time of bid opening.

D. Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the city manager deems appropriate, together with the name of each bidder shall be recorded. For good

cause, as determined by the city manager, bid opening may be extended for a reasonable time not to exceed thirty calendar days.

E. Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in this chapter and in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Except for responsibility and responsiveness, those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used in addition to responsibility and responsiveness. No criteria may be used in bid evaluation that are not set forth in the invitation for bids except for responsibility and responsiveness.

F. Award. The award shall be made by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. If the low responsive and responsible bid for a construction project exceeds available funds as certified by the city manager and such bid does not exceed such funds by more than ten percent, the city manager is authorized, when time or economic considerations preclude resolicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.

G. Multi-step sealed bidding. When it is considered impractical to initially prepare a specification to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

3.20.050 Contracting for professional services.

A. Authorization. Professional services, such as architectural, engineering, legal, or other consulting services may be negotiated.

B. Amounts. Such services shall be approved by a department head if the cost is \$10,000 or less, by the city manager if the cost is greater than \$10,000 but less than or equal to \$20,000, and by the city council if the cost is greater than \$20,000. In the case of legal counsel, the city council shall establish compensation in the annual budget, and must specifically approve any expenditures in excess of such amount.

3.20.060 Small purchases.

A. Any procurement not exceeding \$20,000 may be made in accordance with the procedures set forth below. Procurements shall not be artificially divided so as to constitute a small purchase under this section.

1. Petty cash. Small procurements up to and including \$50 may be paid out of a petty cash fund.

2. Field orders. Procurements up to and including \$250 may be accomplished by field orders. Receipts for items purchased with field orders must list each item purchased.

3. Up to \$1,000. Procurements up to and including \$1,000 may be approved by any department head, provided that he or she is satisfied that adequate and reasonable efforts have been made to obtain the most cost-effective result.

4. Up to \$10,000. Procurements greater than \$1,000 and up to and including \$10,000 may be approved by any department head, provided that a reasonable number of vendors (ordinarily at least three) shall be solicited for quotations. Quotations may be oral or written, and the award shall be made to the vendor providing the lowest acceptable quotation. The names of the vendors and the date and amount of each quotation shall be recorded, and such record shall be maintained for one year from the date of purchase.

5. Up to \$20,000. Procurements greater than \$10,000 and up to and including \$20,000 must be approved by the city manager. At a minimum, written quotations must be solicited from vendors on the city's bid list for such items and by one notice published in a newspaper of general circulation. The published notice must appear at least five days before written quotations are tabulated and compared. A record of the written quotations shall be maintained for one year from the date of purchase. No written quotations shall be made public until they are tabulated and compared.

B. Notwithstanding subsection A above, if any purchase requires the execution of a formal written contract, the contract must be approved by city council.

3.20.070 Sole source procurement. Procurements may be made without competition when the city manager determines, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The city manager shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained for one year from the date of purchase.

3.20.080 Prequalification of bidders. Competitive sealed bidding may be limited to prequalified bidders if the city manager determines, after conducting a good faith review of potential bidders, that it is in the best interests of the city to allow a limited number of persons to bid on a particular procurement, because special qualifications are needed, or because time or staff is not available to analyze a potentially large number of bids.

3.20.090 Emergency procurements. Notwithstanding any provisions of this chapter, the city manager may make or authorize others to make emergency procurements of supplies, service, or construction items when there exists a threat to public health,

welfare, or safety; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances. As soon as practicable, a record of each emergency procurement shall be made.

3.20.100 Other exceptions. Additional exceptions to the requirements for competitive sealed bids may be made by resolution of the city council upon a finding that the requirements for competitive sealed bids are unnecessary to achieve a cost-effective result.

3.20.110 Cancellation of invitations for bids or requests for quotations. An invitation or bids, a request for quotations, or other solicitation may be cancelled, and bids or quotations may be rejected in whole or in part, when the city manager determines it is in the best interest of the city. Notice of cancellation shall be sent to all businesses solicited.

3.20.120 Responsibility of bidders and offerors. If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility, setting forth the basis of the finding, shall be prepared by the city manager. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to such bidder or offeror.

3.20.130 Bid and performance bonds. In addition to statutory requirements, bid and performance bonds or other security may be required for such contracts as the city manager deems advisable to protect the city's interests. Any such bonding requirement shall be set forth in the solicitation or invitation to bid. Bid or performance bonds shall not be used as a substitute for a determination of a bidder or offeror's responsibility.

3.20.140 Financial obligations of the City.

A. A contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the city, if funds are available for the current budget year at the time of contracting. The city's obligations for succeeding budget years shall be subject to the availability and appropriation of funds therefor.

B. When funds are not appropriated or otherwise made available, a contract may be cancelled.

3.20.150 Right to inspect plant. The city may, at reasonable times, inspect the part of the plant, place of business, or worksite of a contractor or subcontractor at any tier which is pertinent to the performance of any contract awarded or to be awarded by the city.

3.20.160 Right to audit records. The city shall be entitled to audit the books and records of a contractor or a subcontractor at any tier, under any contract other than a firm fixed-price contract, to the extent that such books, documents, papers and records are pertinent to the performance of such contract or subcontract. Books and records shall be maintained by the contractor for a period of three years from the date of final payment under the prime contract and by the subcontractor for a period of three years from the date of final payment under the subcontract.

II. SPECIFICATIONS

3.20.170 Brand name or equal specification.

A. Use. Brand name or equal specifications may be used when the city manager determines that:

1. No other design or performance specification or qualified products list is available;
2. Time does not permit the preparation of another form of purchase description;
3. The nature of the product or the nature of the city's requirements makes use of a brand name or equal specification suitable; or
4. Use of a brand name or equal specification is in the city's best interest.

B. Designation of several brand names. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as "or equal" references and shall further state that substantially equivalent products to those designated will be considered for award.

C. Nonrestrictive use of brand name or equal specifications. Where a brand name or equal specification is used, such use is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

3.20.180 Brand name specifications.

A. Use. Since use of a brand name specification is restrictive of product competition, it may be used only when the city manager determines that only the identified brand name item or items will satisfy the city's needs.

B. Competition. The city manager shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirements, the procurement shall be made under Section 3.20.070.

3.20.190 Authority to suspend. After reasonable notice and opportunity to be heard, the city manager is authorized to suspend a person for cause from consideration for award of contracts. The suspension shall be for a period of not more than three years. The causes for suspension include:

A. Conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

B. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility;

C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

D. Violation of contract provisions, as set forth below, of a character which is regarded by the city manager to be so serious as to justify suspension:

1. Failure to perform in accordance with a contract with the city, or

2. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts with any party;

E. Any other cause the city manager determines to be so serious and compelling as to affect responsibility, including suspension or debarment by another party for any cause listed in this section; and

F. For violation of the ethical standards set forth in section 3.20.220 through and including section 3.20.270 of this chapter.

G. For the purpose of this section, the conduct of an individual, a partner of a partnership, a joint venturer in a joint venture, an officer or director of a corporation, the entity itself, or any person acting on behalf of the entity, is attributable to the entity.

3.20.200 Decision to suspend.

A. The city manager shall issue a written decision to suspend. The decision shall state the reasons for the action taken.

B. A decision under this section shall be final and conclusive, unless the suspended person takes an appeal to the city council within 30 days of the date of the decision, or if a particular bid award would be affected, prior to award of the bid in question.

V. APPEALS AND REMEDIES

3.20.210 Bid protests.

A. Right to protest. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract or bid must protest in writing to the city manager as a prerequisite to seeking judicial relief. A protest shall be submitted within ten calendar days after such aggrieved person knows or should have known of the facts giving rise thereto. A protest with respect to an invitation for bids shall be submitted in writing prior to the

opening of bids unless the aggrieved person did not know and should not have known of the facts giving rise to such protests prior to bid opening. This protest procedure shall not apply to a suspension from consideration as set forth below.

B. *Stay of procurements during protests.* In the event of a timely protest under subsection A of this section, the city shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or until the city council makes a determination that the award of a contract without delay is necessary to protect substantial interests of the city.

C. *Administrative remedies.* The city manager shall review the protest, conduct any investigation he deems necessary, and issue a written decision within twenty (20) days. The city manager's decision shall be final if the procurement is for twenty thousand dollars (\$20,000.00) or less. The city manager's decision may be appealed to city council if the procurement is for more than twenty thousand dollars (\$20,000.00). Any such appeal must be made in writing, within seven (7) calendar days of the city manager's written decision. The city council shall review the appeal, conduct any investigation it deems necessary, and issue a written decision within sixty (60) days. The city council decision shall be final. (Ord. No. 780, § 1, 10-13-88)

ARTICLE VI. ETHICS IN PUBLIC CONTRACTING

3.20.220 Kickbacks. It shall be unlawful for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any person associated therewith, as an inducement for the award of a subcontract or order. (Ord. No. 780, § 1, 10-13-88)

3.20.230 Prohibition against contingent fees. It shall be unlawful for a person to be retained, or to retain a person, to solicit or secure a city contract or other procurement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. (Ord. No. 780, § 1, 10-13-88)

3.20.240 Contemporaneous employment prohibited. It shall be unlawful for any city employee who is participating directly or indirectly in the procurement process to become or to be, while such a city employee, the employee of any person contracting with the city. (Ord. No. 780, § 1, 10-13-88)

3.20.250 Waiver for contemporaneous employment prohibition. The city manager may grant a waiver from the contemporaneous employment provision in section 3.20.240 upon making a written determination that:

- A. The contemporaneous employment of the city employee has been publicly disclosed;
- B. The city employee will be able to perform procurement functions without actual or apparent bias or favoritism; and
- C. The award will be in the best interest of the city.

3.20.260 Use of confidential information. It shall be unlawful for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person. (Ord. No. 780, § 1, 10-13-88)

3.20.270 Recovery of value transferred or received in breach of ethical standards.

A. *General provisions.* The value of anything transferred or received in breach of the provisions of sections 3.20.220 through 3.20.260 by a city employee or a nonemployee may be recovered from both city employee and nonemployee.

B. *Recovery of kickbacks by city.* Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the city and will be recoverable hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one (1) offending party shall not preclude recovery from other offending parties. (Ord. No. 780, § 1, 1988)

Chapter 3.22

RETURNED CHECK CHARGE

Sections:

3.22.010 Charge for returned check.

3.22.010 Charge for returned check.

A. The city manager or his designee shall assess a twenty-five dollar (\$25.00) charge against any person who issues a check or draft to the city in payment of taxes, licenses and permits, fines, court costs, water and sewer services, recreational fees or any other fees or charges collectible by the city and such check or draft is returned for insufficient funds or lack of an account or otherwise dishonored by the bank, savings and loan institution or credit union on which it is drawn.

B. The city manager shall assess the charge prescribed by this section in addition to any other penalties or interest prescribed by any provision of this code or by state law. If the dishonored check was for payment of water and sewer charges, the penalty shall be charged against the account for which the check or draft was written, which charge shall be collected in the same manner as water and sewer service charges.

C. No check or draft which has been dishonored shall constitute payment.

D. For purposes of this section, the term "insufficient funds" means not having a sufficient balance in account with a bank or other drawee for the payment of a check when the check is presented by the city for payment within thirty (30) days after its issue. (Ord. No. 898, § 2, 3-14-91)

Chapter 3.25

DISPOSITION OF UNCLAIMED INTANGIBLE PROPERTY

Sections:

- 3.25.010 Purpose.
- 3.25.020 Definitions.
- 3.25.030 Procedure for disposition of intangible property.

3.25.010 Purpose. The purpose of this chapter is to provide for the administration and disposition of unclaimed intangible property that is in the possession of or under the control of the city. (Ord. No. 932, § 1, 6-9-92)

3.25.020 Definitions. Unless otherwise required by context or use, the words and terms used in this chapter are defined as follows:

- A. *Director* means the director of finance or designee thereof.
- B. *Intangible property* is that property described in section 38-13-102(7), C.R.S., as amended.
- C. *Owner* means a person or entity, including a corporation, partnership, association, governmental entity other than this city, or a duly authorized legal representative or successor in interest of same, that owns unclaimed property held by the municipality.
- D. *Unclaimed property* means any intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the city and which has not been claimed by its owner for a period of more than five (5) years after it became payable or distributable. (Ord. No. 932, § 1, 6-9-92)

3.25.030 Procedure for disposition of intangible property.

A. Prior to disposition of any unclaimed intangible property having an estimated value of fifty dollars (\$50.00) or more, the director will send a written notice by first class mail properly addressed to the last known address, if any, of any owner of unclaimed intangible property. The last known address of the owner is the last address of the owner as shown by the records of the city. The notice will include a description of the intangible property, the amount or estimated value of the intangible property and, when available, the purpose for which the property was deposited or otherwise held. The notice will state where the owner may make inquiry of or claim the property. The notice will also state that if the owner fails to provide the director with a written claim for the return of the property within sixty (60) days of the date of the notice, the intangible property becomes the sole property of the city and any claim of the owner to such intangible property is forfeited.

B. Prior to disposition of any unclaimed intangible property having an estimated value of less than fifty dollars (\$50.00) or having no last known address of the owner, the director will publish a notice in a newspaper of general circulation in the city. The notice will include a

description of the intangible property, the owner of the intangible property, the amount or estimated value of the intangible property and, when available, the purpose for which the intangible property was deposited or otherwise held. The notice will state where the owner may make inquiry of or claim the intangible property. The notice will also state that if the owner fails to provide the director with a written claim for the return of the intangible property within sixty (60) days of the date of the publication of the notice, the intangible property becomes the sole property of the city and any claim of the owner to such intangible property is forfeited.

C. If the director receives no written claim within the sixty (60) day claim period, the intangible property becomes the sole property of the city and any claim of the owner to such intangible property is forfeited.

D. If the director receives a written claim within the sixty (60) day claim period, the director will evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the intangible property.

E. If there is more than one (1) claimant for the same intangible property, the director may, in the director's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

F. If the director denies all claims filed, the intangible property becomes the sole property of the city and any claim of the owner of such property is forfeited.

G. Any legal action filed challenging a decision of the director will be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty (30) days of such decision, or any action on the claim is forever barred. If a legal action is timely filed, the intangible property will be disbursed by the director pursuant to the order of the court having jurisdiction over the claim.

H. The director is authorized to establish and administer procedures for the administration and disposition of unclaimed intangible property consistent with this chapter, including compliance requirements for other city officers and employees in the identification and disposition of such intangible property. (Ord. No. 932, § 1, 6-9-92)

TITLE 4

ELECTIONS AND VOTING*

Chapters:

- 4.04 Ward Boundaries
- 4.06 Elections

Chapter 4.04

WARD BOUNDARIES†

Sections:

- 4.04.010 Findings.
- 4.04.020 Purpose.
- 4.04.030 Official map adopted by reference.
- 4.04.040 Description of boundaries.

4.04.010 Findings. The city council finds that since the boundaries of the city's five (5) wards were last changed, there has been a rapid growth in population in the various wards. (Ord. No. 823, § 1, 4-11-89)

4.04.020 Purpose. The purpose of this chapter is to change the boundaries of the various wards in compliance with section 4.2 of the City Charter. (Ord. No. 823, § 1, 4-11-89)

4.04.030 Official map adopted by reference. The location and boundaries of the five (5) wards established by this chapter are shown upon the "Municipal Election Map of the City of Broomfield" which is attached to Ordinance No. 823 and incorporated into this chapter by reference. The map, together with everything shown thereon and all amendments thereto, shall be made a part of this chapter as if fully set forth and described herein. Each change in the official map shall be subject to the amendment procedures required for ordinances. A copy of the official map is on file with the city clerk and available for public inspection. (Ord. No. 823, § 1, 4-11-89)

4.04.040 Description of boundaries. For the purposes of this chapter, references to streets, highways, avenues, alleys, roads, boulevards, creeks, or other landmarks shall be presumed to be the centerline of the landmarks unless otherwise specifically stated. The legal description of the five (5) wards, in accordance with the official map filed with the office of the city clerk shall be as follows:

***Charter reference**—Elections, § 3.1 et seq.

†**Editor's note**—Section 1 of Ord. No. 823, adopted April 11, 1989, repealed former Ch. 4.04 and enacted a new Ch. 4.04 in lieu thereof to read as herein set out. The repealed chapter contained §§ 4.04.010—4.04.040, which pertained to ward boundaries and derived from Ord. No. 626, § 1, adopted in 1985 and effective April 25, 1985.

Charter reference—Wards, § 4.2.

- A. *Ward 1.* Beginning at the intersection of Main Street and Highway 287;
Thence westerly to the intersection of Hemlock Way and Highway 287;
Thence northerly following Hemlock Way to West 1st Avenue on the left;
Thence westerly following West 1st Avenue to Jade Street;
Thence northerly following Jade Street to West 4th Avenue;
Thence easterly following West 4th Avenue to South Midway Park;
Thence northerly across South Midway Park to the City Park Drainage Basin Channel;
Thence southeasterly along said channel to Main Street;
Thence northerly following Main Street to East 10th Avenue;
Thence southerly following Birch Street to East Midway Boulevard;
Thence easterly following the East Midway Boulevard to Sheridan Boulevard;
Thence southerly along Sheridan Boulevard to Highway 287;
Thence westerly along Highway 287 to the Point of Beginning; and
That portion of land in Section 31, T1S, R68W which is within the corporate limits of the City of Broomfield.
- B. *Ward 2.* Beginning at the intersection of Hemlock Way and Highway 287;
Thence southeasterly following along Highway 287 to the intersection with West 120th Avenue;
Thence westerly along West 120th Avenue to the southwest corner of Section 35, T1S, R69W;
Thence northerly along the west line of Section 35, T1S, R69W, to the City Park Drainage Basin Channel;
Thence southeasterly along said channel to West 4th Avenue extended;
Thence westerly along West 4th Avenue to Jade Street;
Thence southerly along Jade Street to West 1st Avenue;
Thence easterly along West 1st Avenue to Hemlock Way;
Thence southerly along Hemlock Way to the Point of Beginning; and
That portion of land in Section 1, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 2, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 3, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 4, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 5, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 6, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 7, T2S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 8, T2S, R69W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 27, T1S, R69W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 28, T1S, R69W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 29, T1S, R69W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 32, T1S, R69W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 33, T1S, R69W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 34, T1S, R69W which is within the corporate limits of the City of Broomfield.

- C. *Ward 3.* Beginning at the northeast corner of Section 35, T1S, R69W;
Thence southerly along the east line of Section 35, also being Main Street to a point of intersection with the City Park Drainage Basin Channel in Emerald Park within Broomfield Heights Subdivision, Filing No. 1, Amended;
Thence northwesterly along said channel to a point which intersects West 4th Avenue;
Thence continuing westerly along said channel in South Midway Park within Broomfield Heights, Filing No. 1, Amended, to a point of intersection with West Midway Boulevard;
Thence continuing northwesterly along said channel in North Midway Park within Broomfield Heights, Filing No. 2, Amended, to a point of intersection with U.S. 287;
Thence northerly along said section line and and U.S. 287 to a point of intersection with West 10th Avenue also being the northwest corner of Section 35;
Thence easterly along the north line of Section 35 to a point of intersection with Main Street also being the Point of Beginning; and
That portion of land in Section 26, T1S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 23, T1S, R69W which is within the corporate limits of the City of Broomfield.
- D. *Ward 4.* Beginning at the intersection of Lowell Boulevard and Westlake Drive;
Thence northeasterly along Westlake Drive to a point of intersection with the east boundary of Westlake Subdivision, Filing No. 1;
Thence north to the north boundary of the Westlake Subdivision, Filing No. 1;
Thence westerly along said north boundary to a point of intersection with Lowell Boulevard;
Thence southerly along Lowell Boulevard to a point of intersection with Westlake Drive and the Point of Beginning; and
Beginning at the intersection of Sheridan Boulevard and East 9th Avenue;
Thence southerly along Sheridan Boulevard to a point of intersection with East Midway Boulevard;

Thence westerly along East Midway Boulevard to a point of intersection with Birch Street;
Thence northerly along Birch Street to the point of intersection with East 10th Avenue;
Thence southwesterly along East 10th Avenue to a point of intersection with Ash Street;
Thence westerly along East 10th Avenue to a point of intersection with Main Street;
Thence northerly along Main Street to a point of intersection with West 136th Avenue;
Thence easterly along West 136th Avenue to a point of intersection with Sheridan Boulevard;
Thence southerly along Sheridan Boulevard to a point of intersection with East 9th Avenue, being the Point of Beginning; and
That portion of land in the southwest one-quarter of Section 19, T1S, R68W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 24, T1S, R69W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 30, T1S, R68W which is within the corporate limits of the City of Broomfield.

- E. *Ward 5.* Beginning at the intersection of West 128th Avenue and Lowell Boulevard;
Thence easterly along West 128th Avenue to Zuni Street;
Thence northerly along Zuni Street to West 136th Avenue;
Thence westerly along West 136th Avenue to Lowell Boulevard;
Thence southerly along Lowell Boulevard to a point of intersection with the north boundary line of Westlake Subdivision, Filing No. 1;
Thence easterly along said boundary line to a point of intersection with the east boundary line of Westlake Subdivision, Filing No. 1;
Thence southerly along said boundary line to a point of intersection with Westlake Drive;
Thence southwesterly along Westlake Drive to a point of intersection with Lowell Boulevard;
Thence southerly along Lowell Boulevard to a point of intersection with West 128th Avenue, being the Point of Beginning; and
That portion of land in Section 32, T1S, R68W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 20, T1S, R68W which is within the corporate limits of the City of Broomfield; and
That portion of land in the east one-half and the northwest one-quarter of Section 19, T1S, R68W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 3, T1S, R68W which is within the corporate limits of the City of Broomfield; and
That portion of land in Section 4, T1S, R68W which is within the corporate limits of the City of Broomfield; and

That portion of land in Section 5, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 6, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 34, T1N, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 33, T1N, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 32, T1N, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 31, T1N, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 7, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 8, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 9, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 10, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 15, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 16, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 17, T1S, R68W which is within the corporate limits of the City of Broomfield; and
 That portion of land in Section 18, T1S, R68W which is within the corporate limits of the City of Broomfield. (Ord. No. 823, § 1, 4-11-89)

Chapter 4.06

ELECTIONS

Sections:

4.06.010 Write-in-candidate affidavit.

4.06.010 Write-in-candidate affidavit. No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the city clerk by the person whose name is written in no later than 5:00 p.m. five (5) 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. (Ord. No. 886, § 1, 11-27-90)

TITLE 5

BUSINESS TAXES, LICENSES AND REGULATIONS*

Chapters:

- 5.03 Partial Assignment of Electricity Franchise
- 5.04 Gas and Electricity Franchise
- 5.05 Business Occupation Tax on Telephone Companies
- 5.12 Community Antenna Television System
- 5.14 Cable Television System
- 5.16 Merchant Patrol Business
- 5.20 Peddlers, Solicitors and Itinerant Merchants
- 5.24 Residential Route Deliveries Tax
- 5.28 Alcoholic Liquor
- 5.32 Fermented Malt Beverages

Chapter 5.03

PARTIAL ASSIGNMENT OF ELECTRICITY FRANCHISE

Sections:

- 5.03.010 Partial assignment of franchise.
- 5.03.020 Terms of franchise.
- 5.03.030 Amendments to franchise.

5.03.010 Partial assignment of franchise. A partial assignment to United Power, Inc., hereinafter referred to as "United," of the electric franchise granted to Public Service Company of Colorado, hereinafter referred to as "PSCO," by Ordinance No. 727 and codified in Chapter 5.04 of the Broomfield Municipal Code, is approved under the terms and conditions set forth in this chapter. (Ord. No. 881, § 2, 7-10-90)

5.03.020 Terms of franchise. United shall be bound by all the terms and conditions set forth in Chapter 5.04, except as amended pursuant to section 5.03.030 below. (Ord. No. 881, § 2, 7-10-90)

5.03.030 Amendments to the franchise. For the purpose of this chapter and to govern the obligations of United and the city, the franchise as granted to United shall be amended as shown below:

- A. *Company* means United Power, Inc.
- B. *Service area* means that portion of the Company's Public Utilities Commission-certificated territory (as of the date of the adoption of the ordinance enacting this chapter), which is annexed to the city from and after February 2, 1987. A legal

***State law reference**—Authorizing municipalities to regulate and license businesses, CRS 1973 31-15-1501 (1975 Supp).

description of the company's certificated territory shall be on file in the city clerk's office with the original copy of Ordinance No. 881.

- C. The franchise shall cover only electricity and not gas, and is only for the company's service area.
- D. The company's obligation to extend service to residents of newly annexed areas only includes annexed areas within the company's service area. Within the rest of the city, and throughout the city with regard to gas, PSCO shall retain that right and obligation.
- E. The company shall not be subject to the overhead conversion provisions set forth in subsections A through D of section 5.04.220 of this Code. The company shall, upon written demand of the city, place any existing overhead distribution lines underground, within such reasonable time as is set forth in the demand from the city.
- F. The initial company representative to whom notices shall be sent shall be its general manager.
- G. In addition to the initial transfer fee which the company has paid, the company shall, in January of each year, pay ninety-three cents (\$0.93) per acre for each acre which has been annexed to the city in the preceding year which increases United's service area. Until United's service area reaches seventeen thousand four hundred forty-four (17,444) acres, this provision shall not apply.
- H. No voter approval shall be required for this assignment. If a claim is made that voter approval should have been required, the Company shall, at its expense, defend, indemnify and hold harmless the city against all such claims, actions and suits. Such indemnification shall include payment of all awards and reasonable costs, including attorneys' fees.
- I. The company and PSCO shall file with the city clerk written acceptances of this partial assignment of franchise and of the provisions of this chapter at least ten (10) days prior to the public hearing preceding the second reading of the ordinance enacting this chapter. The company and PSCO shall file with the city clerk written ratifications within ten (10) days after the effective date of the ordinance codified in this chapter. The acceptances and the ratifications shall be in form and content approved by the city attorney. If the company or PSCO fails to timely file its written acceptance or ratification, this franchise shall be null and void. (Ord. No. 881, § 2, 7-10-90)

Chapter 5.04

GAS AND ELECTRICITY FRANCHISE

Sections:

Article I. Definitions

5.04.010 Definitions.

Article II. Grant of Franchise

5.04.020 Grant of franchise.

5.04.030 Street lighting.

5.04.040 Term of franchise.

Article III. Franchise Fee

5.04.050 Franchise fee and payment schedule.

5.04.060 Change of franchise fee or consideration.

5.04.070 Franchise fee payment in lieu of other fees.

5.04.080 Contract obligation.

Article IV. Supply, Construction and Design

5.04.090 Supply of gas and electricity.

5.04.100 Obligations regarding company facilities.

5.04.110 Relocation of company facilities.

5.04.120 Service to new areas.

5.04.130 City not required to advance funds.

5.04.140 Technological improvements.

5.04.150 Use of company facilities by others.

5.04.160 Underground conduit.

Article V. Compliance

5.04.170 City regulation.

5.04.180 Compliance with city requirements.

5.04.190 City review of construction and design.

5.04.200 Inspection, audit and quality control.

Article VI. Underground Construction and Conversion

5.04.210 Underground electrical distribution facilities.

5.04.220 Overhead conversion at expense of company.

5.04.230 Termination.

5.04.240 Cooperation with other utilities.

Article VII. Planning, Coordination and Reports

5.04.250 General.

5.04.260 Overhead conversion.

5.04.270 Emergencies.

5.04.280 Reports on company operations.

5.04.290 Copies of tariffs, all PUC filings.

Article VIII. Indemnification of City

- 5.04.300 City held harmless.
- 5.04.310 Notice to company.

Article IX. Transfer of Franchise

- 5.04.320 Consent of city required.
- 5.04.330 Transfer fee.

Article X. Purchase, Condemnation and Termination

- 5.04.340 City's right to purchase or condemn.
- 5.04.350 Negotiations and condemnation.
- 5.04.360 Continued cooperation by company.
- 5.04.370 Right of first purchase.
- 5.04.380 Limitations on company removal.
- 5.04.390 Forfeiture.

Article XI. Miscellaneous

- 5.04.400 Company to purchase electricity and gas.
- 5.04.410 Annexation to the city.
- 5.04.420 Amendments.
- 5.04.430 Successors and assigns.
- 5.04.440 Representatives.
- 5.04.450 Severability.
- 5.04.460 No waiver.
- 5.04.470 Payment of expenses.
- 5.04.480 Breach of contract.

Article XII. Approval

- 5.04.490 Voter approval.
- 5.04.500 Company approval.

ARTICLE I. DEFINITIONS

5.04.010 Definitions. In this chapter, unless the context otherwise requires, the following words and phrases have the meanings indicated:

A. *Company* means Public Service Company of Colorado.

B. *Electric distribution facilities* means that portion of the company's electric system which delivers electric energy from the substation breaker to the point-of-delivery of the consumer, including all devices connected to that system.

C. *Facilities* means facilities reasonably necessary or actually used to provide gas and electricity into, within and through the city and includes plants, works, systems, substations, transmissions and distribution structures, lines, equipment, pipes, mains, conduit, transformers, underground lines, gas compressors, meters, wires, cables and poles.

D. *Gas* means such gaseous fuels as natural gas, artificial gas, synthetic gas, liquefied natural gas, liquefied petroleum gas, manufactured gas or any mixture thereof.

E. *Public place* means and includes any street, alley, viaduct, bridge, road, lane, highway, dedicated easement or public right-of-way.

F. *Residents* means and includes all persons, business, industries, governments or governmental agencies, and other entities located, in whole or in part, within the city.

G. *Revenues* means means money which the company receives from the sale of gas and electricity and for the use of its facilities in the city, less adjustments for refunds, uncollectible accounts, corrections, and other regulatory adjustments.

H. *Work* means and includes all work done by the company in the city, including excavation, installation, construction, repair, maintenance, renovation, removal, and replacement of facilities. (Ord. No. 727, § 1, 1987)

ARTICLE II. GRANT OF FRANCHISE

5.04.020 Grant of franchise.

A. The city hereby grants the company, subject to the terms of this chapter, a nonexclusive right and duty to furnish, sell and distribute gas and electricity to the city and to all residents of the city, and to install, maintain, and operate facilities reasonably necessary for service to the city and areas outside the city, and a nonexclusive right to make reasonable use of public places as may be necessary to carry out the terms of this franchise.

B. As a result of the approval of a partial assignment of Broomfield franchise set forth in Ordinance No. 881 and Chapter 5.03 of this Code, the company shall not have any rights or obligations as franchisee, under the franchise codified in this chapter, for provision of electric service within United Power, Inc.'s service area, as said service area is defined in subsection B of section 5.03.030 of this Code. (Ord. No. 727, § 1, 1987; Ord. No. 881, § 3, 7-10-90)

5.04.030 Street lighting. This franchise includes the nonexclusive right and duty to provide street lighting service. Wherever reference is made to the sale or supply of electricity or to the provision of electric service in this chapter, these references shall be deemed to include the provision of street lighting service. Wherever reference is made to company facilities, equipment, system or plant in this chapter, this reference shall be deemed to include company street lighting facilities, equipment, system and plant. (Ord. No. 727, § 1, 1987)

5.04.040 Term of franchise. The franchise, effective February 4, 1962, granted by Ordinance No. 2, is extended to July 1, 1987. From and after that date, this franchise shall take effect. The term of this franchise shall be for twenty (20) years, beginning with said effective date of this franchise and expiring on June 30, 2007. (Ord. 727, § 1, 1987)

ARTICLE III. FRANCHISE FEE

5.04.050 Franchise fee and payment schedule.

A. Within thirty (30) days following the close of each month, the company shall pay the city three (3) percent of its revenues from the sale of gas and electricity for that month. In addition, within ninety (90) days following the close of each year, the company will pay the city three (3) percent of its revenues from the use of its facilities for that year. These fees do not apply to and shall not be collected on bills paid by the city.

B. If an error by the company results in an overpayment of the franchise fee in excess of five thousand dollars (\$5,000.00) or less, credit shall be taken against the next payment. Nothing herein shall be construed to waive any applicable statute of limitations. (Ord. No. 727, § 1, 1987)

5.04.060 Change of franchise fee or consideration.

A. Once each year the city council may, by ordinance, change the consideration under this franchise to that paid by the company under any municipal franchise in Colorado, after thirty (30) days notice to the company.

B. The company shall report to the city, within sixty (60) days, the execution or change of any franchise under which a municipality receives greater consideration than is provided herein. For purposes of this section, consideration means the franchise fee established in section 5.04.050, the undergrounding program established in section 5.04.220, and any other provision of significant financial benefit to the city. (Ord. No. 727, § 1, 1987)

5.04.070 Franchise fee payment in lieu of other fees. The franchise fee is the only monetary payment to the city for the rights granted in this franchise. The company is not exempt from any property tax, from any sales or use tax, from any other tax not related to the franchise, from head taxes, from other fees or taxes assessed generally upon business, or from fees and charges that are uniform and generally applicable to contractors performing similar work. (Ord. No. 727, § 1, 1987)

5.04.080 Contract obligation. If the franchise fee specified in this chapter is declared illegal, unconstitutional or void for any reason by any court or proper authority, the Company is contractually bound to pay the city the amount which would have been paid as a franchise fee at the same time and in the same manner as provided for the franchise fee. (Ord. No. 727, § 1, 1987)

ARTICLE IV. SUPPLY, CONSTRUCTION AND DESIGN

5.04.090 Supply of gas and electricity. The company shall make available an adequate supply of gas and electricity to provide service in the city when needed by customers and potential customers. The company shall supply gas and electricity at the lowest reasonable cost. If the supply of electricity or gas is limited or interrupted, the company shall immediately take all necessary actions to restore such supply as soon as possible. (Ord. No. 727, § 1, 1987)

5.04.100 Obligations regarding company facilities.

A. *Work.* All work by the company shall be done:

1. In a good workmanlike manner;
2. In a timely and expeditious manner;
3. In a manner which minimizes inconvenience to the public and individuals; and
4. In a cost-effective manner, which may include the use of qualified private contractors.

B. *Restoration.* All public and private property and lawfully installed improvements which are disturbed by company activities shall be restored as soon as possible by the company, at its expense, to substantially their former condition. For the purposes of this section, private improvements which overlay, enclose or limit access to company facilities, and which are located in dedicated easements, shall not be deemed lawfully installed.

C. *Location of facilities.* Company facilities shall not interfere with water facilities, sewer facilities or other public use of public places. Company facilities shall be installed so as to minimize interference with other property and improvements.

D. *Repair of damage.* The company shall promptly repair all damage caused by company activities or facilities. If such damage poses a threat to health, safety or welfare of the public or individuals, the city may cause repairs to be made at the company's expense unless the company makes such repairs promptly upon the city's request.

E. *Inspection.* All work is subject to inspection by the city manager or his designee. The company shall promptly perform reasonable remedial action required by the city pursuant to said inspection.

F. *Quality.* The company's facilities will be of sufficient quality, durability, and redundancy to provide adequate and efficient gas and electric service to the city and its residents. The company shall keep its facilities in good working order. (Ord. No. 727, § 1, 1987)

5.04.110 Relocation of company facilities.

A. Any relocation of the company's facilities in any public place required, caused or occasioned by any city project shall be at the cost of the company. Relocation shall be completed within a reasonable time from the date when the city makes its request, such time to be established by the company as soon as possible after the city's request. The company shall be granted an extension of time of completion equivalent to any delay caused by conditions not under its control, provided that the company proceeds with due diligence at all times.

B. Relocated underground facilities shall be underground. Relocated aboveground facilities shall be aboveground unless the city either agrees to pay the additional cost of moving them underground or requests that such additional cost be paid out of available funds under section 5.04.220.

C. Nothing contained in this section shall impose any obligation upon the city to pay for relocation of any company facilities. (Ord. No. 727, § 1, 1987)

5.04.120 Service to new areas. If the boundaries of the city are expanded during the term of this franchise, the company shall extend service to residents of the newly annexed area as soon as possible, subject to the payment provisions of the company's extension policy. Such service shall be in accordance with all terms of this chapter. The company shall not be obligated to extend electric service to residents of newly annexed areas if the newly annexed areas are within United Power, Inc.'s service area as said service area is defined in subsection B of section 5.03.030 of this Code. (Ord. No. 727, § 1, 1987; Ord. No. 881, § 4, 7-10-90)

5.04.130—5.04.140
(Rev. 1-78, 3-80, 2-85, 9-87, 7-90, 8-90)

BROOMFIELD CODE

5.04.130 City not required to advance funds. Upon receipt of the city's authorization for billing and construction, the company shall extend its facilities to provide gas and electric service for municipal uses within or outside the city. The city shall not be required to advance funds prior to construction. (Ord. No. 727, § 1, 1987)

5.04.140 Technological improvements. The company shall use its best efforts to introduce and install, as soon as practicable, technological advances in its equipment and service within the city. Upon request by the city, the company shall promptly review and report advances which it is aware have

occurred in the gas and electric utility industry and report whether it believes it appropriate to incorporate such advances into the Company's operations. The Company shall report in advance to the City any plans to include technological advances relating to communications systems such as fiber optics which may utilize electric facilities already in place for the transmission of communication signals, which facilities may be installed by the Company for its use, the use of the City, or for use of others as the Company may license. Upon request of the City, the Company will provide a detailed report of the use of such communication system subject to protecting confidential information. The City may use said facilities for its own use without cost, except such additional expense which may be incurred by the Company as a result of the City's use. In no event shall the City's use impair the Company's ability to use its own facilities. Nothing contained herein shall be construed to authorize the Company to engage in telecommunications activities, nor shall this franchise agreement be construed as a franchise for said telecommunication activities within the City. (Ord. 727, S1, 1987)

Section 5.04.150 Use of Company facilities by others. The City shall be permitted to make all reasonable use for City purposes of any gas and electrical distribution or transmission system facilities of the Company, without cost, for the purpose of stringing wires, provided such use does not unreasonably interfere with the use of such systems for distribution of gas and electrical energy or create an unreasonable hazard and provided further there is space available in the Company underground facilities or said underground facilities are no longer used by the Company. The Company shall not be responsible for any modifications to the system or for payment of any costs necessitated by such use. The City shall not transport gas nor transmit electric energy that will interfere with the sale of the same to the City or its residents. Holders of City franchises (except for gas and electric service) may use poles and suitable overhead structures for the purpose of stringing wires, at a reasonable charge, for franchise purposes. Such uses shall not unreasonably interfere with the use of such systems for the distribution of gas and electrical energy nor create an unreasonable hazard. Further, the Company hereby assumes no liability in connection with the use of Company facilities by others. (Ord. 727, S1, 1987)

Section 5.04.160 Underground conduit. If the Company installs new underground conduit or opens a trench or replaces conduit or cable, the Company shall provide adequate advance notice to permit additional installation of similar conduit for the City. If the City wants additional similar conduit installed, it will so notify the Company and provide similar conduit at its expense to the Company which will install it without further expense to the City. (Ord. 727, S1, 1987)

ARTICLE V
COMPLIANCE

Section 5.04.170 City regulation. The City expressly reserves, and the Company expressly recognizes, the City's right to adopt, from time to time, in addition to the provisions herein contained, such charter provisions, ordinances, rules and regulations as it may deem necessary for the protection of the health, safety and welfare of its residents and their properties. (Ord. 727, S1, 1987)

Section 5.04.180 Compliance with City requirements. The Company will comply with all City charter provisions, ordinances, rules, and regulations and shall obtain all required permits. The Company shall submit, in advance, reports of annual and long-term planning for capital improvement projects with descriptions of planned curb and street cuts and other work. All work shall be coordinated with the City's public improvement projects. (Ord. 727, S1, 1987)

Section 5.04.190 City review of construction and design. Before construction or installation of any significant aboveground gas facilities, any street lighting fixtures, any electrical transmission lines, any generating plant, any building, any substation, or any similar structure within the City, the Company shall furnish the City with plans for such facilities. In addition, the Company shall assess and report on the impact of its proposed construction on the City environment. Such plans and reports may be reviewed by the City to ensure, inter alia, (1) that all applicable laws are complied with, (2) that aesthetic and good planning principles have been given due consideration, and (3) that adverse impact has been minimized. The Company shall incorporate all reasonable changes requested by the City. (Ord. 727, S1, 1987)

Section 5.04.200 Inspection, audit and quality control. The City shall have the right to inspect at all reasonable times any portion of the Company's system used to serve the City and its residents. The City shall also have the right to inspect and audit Company records relevant to this franchise at all reasonable times. The Company agrees to cooperate fully with the City in any inspection or audit and to correct any discrepancies affecting the City's interest in a prompt and efficient manner. (Ord. 727, S1, 1987)

ARTICLE VI
UNDERGROUND CONSTRUCTION AND CONVERSION

Section 5.04.210 Underground electrical distribution facilities. The Company shall place newly constructed electrical distribution facilities underground in accordance with and to the extent required by the City's subdivision regulations and standards and specifications. Nothing in this section shall

require the Company to install facilities for which the charges provided in its tariffs have not been paid. (Ord. 727, S1, 1987)

Section 5.04.220 Overhead conversion at expense of Company.

A. As and when requested by the City, the Company will spend one percent (1%) of the preceding year's electric revenues to move electric distribution facilities located in public places in the City underground, provided that the undergrounding shall extend for a minimum distance of one block or 750 feet, whichever is less, or as may be mutually agreed by the parties.

B. Any unexpended portion of the one percent (1%) of electric revenue may be carried over to succeeding years and, in addition, upon request by the City, the Company shall anticipate amounts to be available for up to 3 years in advance. Any amounts advanced shall be credited against amounts to be expended in succeeding years until such advances are eliminated. No relocation expenses which the Company is required to expend pursuant to section 5.04.110 shall be charged to this allocation.

C. Funds to be expended pursuant to this section shall not be used in any project or situation for which and to the extent that the City has received federal or state funds for the purpose of undergrounding utilities. Funds to be expended pursuant to this section may be used for "matching" purposes with state or federal monies.

D. If the Public Utilities Commission authorizes a system-wide program or programs of undergrounding electric distribution facilities, the Company will allocate to the program of undergrounding in the City such amount as is authorized by the Public Utilities Commission, but in no case less than one percent (1%) of annual electric revenues.

E. In addition to the provisions of this section, the City may require additional facilities to be moved underground at the City's expense. (Ord. 727, S1, 1987)

Section 5.04.230 Termination. The City Council and the Company may agree at any time that the conversion program set forth in section 5.04.220 be discontinued. Any such agreement shall be in writing. (Ord. 727, S1, 1987)

Section 5.04.240 Cooperation with other utilities. When the Company, other utilities, or other companies are placing lines underground, the Company shall attempt to have all lines placed underground as part of the same project. (Ord. 727, S1, 1987)

ARTICLE VII
PLANNING, COORDINATION AND REPORTS

Section 5.04.250 General. The Company shall keep the City informed as to existing and planned system capacity, construction and other activities. The City shall keep the Company informed as to existing and planned development, construction and other activities. Regular planning and coordination meetings will be held. (Ord. 727, S1, 1987)

Section 5.04.260 Overhead conversion. The City and the Company shall consult and plan together regarding projects to be financed under Section 5.04.220. The Company shall provide non-binding "ball park" cost estimates for planning purposes at no cost to the City. The final decision as to which projects are selected rests with the City, subject to the provisions of Section 5.04.220. The specific scheduling of projects rests with the Company, which shall make every reasonable effort to complete such projects within the time requested by the City. (Ord. 727, S1, 1987)

Section 5.04.270 Emergencies. If there is an emergency affecting Company operations or service, the Company shall maintain ongoing communication with the City as to the nature of the problem and its anticipated duration and resolution. The Company shall develop and keep up to date and on file with the City a mutually agreeable plan to facilitate such communication. At all times the Company shall have on file with the City a special 24 hour telephone number, not available to the general public, which the City government can use to obtain information in the event of an emergency and shall use other available methods as needed to facilitate communications with the City. In addition, the Company shall make information available to residents as to any problem and its anticipated duration and resolution. (Ord. 727, S1, 1987)

Section 5.04.280 Reports on Company operations. The Company shall submit reasonable reports requested by the City with respect to Company operations. Initially the City requests, and the Company shall provide, the following reports:

- A. an annual report of the return earned by the Company on its operations and the base used for calculation of such return,
- B. an annual list of all real property and leasehold interests in real property owned by the Company in the City,
- C. an annual report listing the City's accounts by type of account (e.g., gas service by location, electric service by location, street lighting, traffic signals) and evaluating billing and rate classification alternatives,
- D. an annual report of the electric and gas revenues received from residents of the City, showing each adjustment to gross revenue,
- E. periodically, upon the request of the City, a presentation on electric and gas facilities used to serve the City, and
- F. an annual report showing the performance standards or goals which the Company uses to monitor the quality of service provided as compared to actual performance. (Ord. 727, S1, 1987)

Section 5.04.290 Copies of Tariffs, all PUC Filings. The Company shall keep on file in a local Company office all tariffs, rules, regulations and policies approved by the Colorado Public Utilities Commission ("PUC") relating to service by the Company to the City and its residents. Upon request by the City, the Company

shall provide the City with copies of such documents and of filings which it makes with the PUC. (Ord. 727, S1, 1987)

ARTICLE VIII
INDEMNIFICATION OF THE CITY

Section 5.04.300 City held harmless. The Company shall hold harmless and indemnify the City from and against all liability, damage and claims, and shall reimburse reasonable expenses related thereto, arising out of the operations of the Company and the securing of this franchise. No expenses reimbursed by the Company under this section shall be surcharged to customers. In the event of litigation between the parties regarding this franchise, if the City prevails, the Company shall pay all costs related thereto, including reasonable attorneys' fees. The Company shall not be obligated to hold harmless or indemnify the City for claims or demands to the extent arising out of or in connection with any negligent act or failure to act of the City or any of its officers or employees. (Ord. 727, S1, 1987)

Section 5.04.310 Notice to Company. The City will provide prompt notice to the Company of any claim or action against the City arising out of this franchise or Company operations. The Company may, at its own expense, appear and defend or assist in the defense of such claim or action. (Ord. 727, S1, 1987)

ARTICLE XIV
TRANSFER OF FRANCHISE

Section 5.04.320 Consent of City required. The Company shall not sell, transfer or assign any rights under this franchise to another entity without the City Council's written approval, which shall not be unreasonably withheld. (Ord. 727, S1, 1987)

Section 5.04.330 Transfer fee. In the event of a sale, transfer or assignment of rights under this franchise, excepting only corporate reorganization of the Company not involving a third party, the transferee shall promptly pay to Broomfield a pro rata share of one million dollars, which shall be calculated by multiplying one million dollars times a fraction of which the then population of Broomfield is the numerator and the then population of Denver is the denominator. Such transfer fee shall not be surcharged to customers. The charging or collecting of a transfer fee is conclusively deemed reasonable. (Ord. 727, S1, 1987)

ARTICLE X
PURCHASE, CONDEMNATION AND TERMINATION

Section 5.04.340 City's right to purchase or condemn. The right of the City to construct, purchase or condemn utility facilities and the rights of the Company in connection therewith, as provided by the Colorado Constitution, statutes, and the City Charter are expressly recognized. For the purpose of purchase or condemnation, the franchise shall be considered as two separate

and individual franchises, one relating to the electrical system, and the other to the gas system. (Ord. 727, S1, 1987)

Section 5.04.350 Negotiations and condemnation. No value shall be given to the rights granted under this franchise. If the City desires to purchase either or both systems, the parties shall negotiate in good faith to determine a mutually acceptable purchase price. If the City and the Company cannot agree within 90 days, the City may commence condemnation proceedings. (Ord. 727, S1, 1987)

Section 5.04.360 Continued cooperation by Company. If the City purchases or condemns, the Company shall continue service, in whole or in part, at the City's request for the duration of this franchise pursuant to terms and conditions negotiated for such continued operation. The Company shall take no action which could inhibit the City's ability to effectively or efficiently use the acquired system(s). At the City's request, the Company shall supply gas and electric power for use by the City in the City system(s). (Ord. 727, S1, 1987)

Section 5.04.370 Right of first purchase. In the event the Company at any time during the term of this franchise proposes to sell or dispose of any of its real property located within the City, it shall grant to the City the right of first purchase of same. The Company shall obtain a qualified appraisal on any such property and the City shall have sixty days in which to exercise the right of first purchase by giving written notice to the Company. Should the City not provide the required written notice, the Company may proceed to negotiate with others for the sale of such property provided that the Company may not sell such property for an amount less than 95 percent of the appraised value without first providing the City an opportunity to purchase such property at such lesser price, in which event the City must notify the Company in writing within 30 days if it wishes to purchase such property. It is understood that nothing in this paragraph shall preclude the Company from transferring real property to a subsidiary or affiliate without first according the City the rights referred to above, provided that if the transferee proposes to sell or dispose of such property within one year, it shall not do so without first affording the City the rights referred to above. (Ord. 727, S1, 1987)

Section 5.04.380 Limitations on Company removal. If this franchise is not renewed, or is forfeited, or the Company terminates any service provided for herein for any reason, and the City has not provided for service, the Company shall not remove the gas or electric system pending resolution of their disposition. The Company will not withhold any temporary services necessary to protect the public and in such event shall be entitled only to monetary compensation in no greater amount than it would have been entitled to were such services provided during the term of this franchise. Only upon receipt of written notice

from the City shall the Company remove the system(s). (Ord. 727, S1, 1987)

Section 5.04.390 Forfeiture. Both the Company and the City recognize there may be circumstances whereby compliance with this franchise is impossible or is delayed. In those instances, the Company shall use its best efforts to comply in a timely manner and to the extent possible. If the Company fails to perform any of its obligations under this franchise, the City Council may determine after hearing whether such failure is of a substantial nature. Upon receiving notice of such determination, the Company shall have a reasonable time, not to exceed six (6) months, in which to remedy the violations, unless the parties otherwise agree in writing. If after such time corrective actions have not been successfully taken, the City Council may declare the franchise forfeited. This shall not limit or restrict any other rights or remedies available to the City at law or in equity. (Ord. 727, S1, 1987)

ARTICLE XI
MISCELLANEOUS

Section 5.04.400 Company to purchase electricity and gas. The City reserves the right to produce electricity and to obtain or produce gas. The Company will negotiate long-term contracts to purchase City generated power. (Ord. 727, S1, 1987)

Section 5.04.410 Annexation to the City. When any property owned by the Company becomes eligible for voluntary annexation to the City and is not simultaneously eligible for voluntary annexation to another municipal corporation, the Company will take whatever action is necessary to annex that property, upon request by the City. No condition of such annexation shall impair the Company's ownership of its property or its use of its land and associated water rights for utility purposes. Except as herein provided, the Company shall comply with all terms and conditions imposed upon the annexation by the City which are no more stringent than those generally imposed upon property owners seeking annexation of their land to the City. (Ord. 727, S1, 1987)

Section 5.0.420 Amendments.

A. If the City Council or the Company proposes amendment(s) hereto, both parties will negotiate within a reasonable time in good faith in an effort to agree on mutually satisfactory amendment(s). As used in this section, "amendment" does not include a change authorized in Section 5.04.060.

B. Any election required to implement an amendment shall be at the expense of the party proposing the amendment(s). (Ord. 727, S1, 1987)

Section 5.04.430 Successor and assigns. The provisions of this chapter shall inure to the benefit of and be binding upon

successors and assigns of the City and of the Company. (Ord. 727, S1, 1987)

Section 5.04.440 Representatives. Each party shall have a representative to whom notices shall be sent regarding this franchise. Initially, the City's representative shall be the city manager and the Company's representative shall be the district manager. Notices, including notice of any change of representative, shall be in writing and forwarded by certified mail or hand delivery to the designated representative. (Ord. 727, S1, 1987)

Section 5.04.450 Severability. If any provisions of this Chapter are determined to be illegal or unenforceable, all other provisions shall remain effective. In such case, the parties shall proceed with due diligence to attempt to draft provisions that will achieve the original intent. (Ord. 727, S1, 1987)

Section 5.04.460 No waiver. Neither the City nor the Company shall be excused from complying with any provisions of this franchise by any failure of the other to insist upon or to seek compliance with such provisions. (Ord. 727, S1, 1987)

Section 5.04.470 Payment of expenses. At the City's option, the Company shall pay in advance or reimburse the City for expenses incurred in publication of notices and ordinances and for photocopying of documents arising from the negotiations or election expenses of the franchise. (Ord. 727, S1, 1987)

Section 5.04.480 Breach of contract. If the Company fails to fulfill any substantial obligation under this Chapter, the City will have a breach of contract claim against the Company, in addition to any other remedy provided by law. (Ord. 727, S1, 1987)

ARTICLE XII APPROVAL

Section 5.04.490 Voter approval. This franchise shall not become effective unless approved by a majority vote of the registered electors of the City voting thereon at a special municipal election to be held on Tuesday, the 16th day of June, 1987. (Ord. 727, S1, 1987)

Section 5.04.500 Company approval. The Company shall file with the city clerk its written acceptance of this franchise and of the provisions of this chapter at least ten days prior to the special municipal election. The Company shall file with the city clerk its written ratification within ten days after the special municipal election. The acceptance and ratification shall be in form and content approved by the city attorney. If the Company fails to timely file its written acceptance or ratification, this franchise shall be null and void. (Ord. 727, S1, 1987)

Chapter 5.05

BUSINESS OCCUPATION TAX ON TELEPHONE COMPANIES

Sections:

- 5.05.010 Levy of tax.
- 5.05.020 Effective date.
- 5.05.030 Filing statement and payment of tax.
- 5.05.040 Failure to pay.
- 5.05.050 Penalty clause.
- 5.05.060 Inspection of records.
- 5.05.070 Exclusions.
- 5.05.080 Non-waiver.
- 5.05.090 Validity of existing ordinances.

5.05.010 Levy of tax. There is hereby levied on and against telephone companies operating within the City of Broomfield a tax on the business and occupation of maintaining a telephone exchange and lines connected therewith in the City of Broomfield, and of supplying local exchange telephone service to the inhabitants of the City of Broomfield. The amount of tax levied hereby shall be at the rate of Two Dollars (\$2.00) per telephone account in the City of Broomfield, per quarter, arising from the supplying, furnishing, distributing and selling of local exchange telephone service within the corporate limits of the City of Broomfield, as now or hereafter established. (Ord. 498, S 1, 1982)

5.05.020 Effective date. The tax levied by this ordinance shall commence on January 1, 1979, and shall be due and payable quarterly to the City Clerk. (Ord. 323, S 2, 1978)

5.05.030 Filing statement and payment of tax. Within thirty (30) days after the end of each calendar quarter after the effective date of the tax herein levied, said telephone companies subject to this ordinance shall file with the City Clerk, in such form as the clerk may require, a statement showing the total number of telephone accounts in the City of Broomfield during the preceding calendar quarter. Such statement shall be accompanied by payment to the clerk of the tax due for the period covered by the statement. (Ord. 323, S 3, 1978)

5.05.040 Failure to pay. If any telephone company subject to the provisions of this ordinance shall fail to pay the taxes as herein provided, the full amount thereof shall be due and collected from such Company, and the same, together with an addition of ten percent (10%) of the amount of taxes due, shall be and hereby is declared to be a debt due and owing from such Company to the City of Broomfield. The City Attorney of the City of Broomfield, upon the direction of the City Council, shall commence and prosecute to final judgment and determination in any court of competent jurisdiction, an action at law to collect the said debt in the name of the people of the State of Colorado, City of Broomfield. (Ord. 323, S 4, 1978)

5.05.050 Penalty clause. If any officer, agent or manager of a telephone company which is subject to the provisions of this ordinance shall fail, neglect or refuse to make or file any quarterly statement in the manner therein prescribed, said officer, agent, manager or person shall, on conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided, that each day after said quarterly statement shall become delinquent during which the said officer, agent, manager or person shall so fail, neglect, or refuse to make and file such statement shall be considered a separate and distinct offense. (Ord. 323, S 5, 1978)

5.05.060 Inspection of records. The City of Broomfield, its officers, agent or representatives shall have the right at all reasonable hours and times to examine the books and records of the telephone companies which are subject to the provisions of this ordinance and to make copies of the entries or contents thereof. (Ord. 323, S 6, 1978)

5.05.070 Exclusions. The provisions of this ordinance shall not apply to any telephone system owned and operated by the City of Broomfield. (Ord. 323, S 7, 1978)

5.05.080 Non-waiver. This ordinance shall not be construed as granting a franchise or franchise rights to any telephone company, and it is understood the City of Broomfield does not hereby waive its right to amend this ordinance or to negotiate with any telephone company regarding any franchise or franchise payments subject to the City's authority. (Ord. 323, S 8, 1978)

5.05.090 Validity of existing ordinances. All ordinances of the City of Broomfield which may be in conflict with the provisions of the ordinance are hereby declared to the null and void. (Ord. 323, S 9, 1978)

NOTE: Chapter 5.08 was deleted - next page is page 89

Chapter 5.12

COMMUNITY ANTENNA TELEVISION SYSTEM

Sections:

- 5.12.010 Permit--Required.
- 5.12.020 Community antenna television system defined.
- 5.12.030 Permit--Application--Contents.
- 5.12.040 Permit--Granting--Conditions.
- 5.12.050 Construction requirements generally.
- 5.12.060 Operation without permit deemed nuisance--
Penalty for violations.

5.12.010 Permit--Required. No person, firm, corporation or organization shall install, operate and maintain a community television system, within all or any portion of the city without first obtaining a permit therefor from the city council. (Ord. 121 S1(part), 1971).

5.12.020 Community antenna television system defined. "Community antenna television system," as used in this chapter, means any facility which receives directly over the air, and amplifies or otherwise modifies, the signals transmitting programs broadcast by one or more television stations, and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such term shall not include any facility which services only the residents of one or more apartment dwellings or office buildings, under common ownership, control, or management. (Ord. 121 S1(part), 1971).

5.12.030 Permit--Application--Contents. Application to install, operate and maintain a community antenna television system shall be made by the person, firm, corporation or organization, or their duly designated agent, to the city council. Such application shall contain the following information:

- A. The name and address of the applicant, and, should the applicant be a corporation, the names and addresses of all officers and directors of such corporation;
- B. An outline of the general construction and operating plans of the applicant;
- C. A schedule of rates and charges for all services;
- D. A proposed schedule for the construction of the system and the commencement of service. (Ord. 121 S2, 1971).

5.12.040 Permit--Granting--Conditions. The city council, upon finding that application is consistent with the public interest, safety and welfare, may grant by ordinance a revocable permit for such application, in whole or in part, subject to such agreements, conditions, charges, assessment and taxes as the city council may impose upon the applicant; provided, that the right to revoke the permit without cause at any time, whether or not the right is expressly reserved in the permit, shall be retained by the city council. (Ord. 121 S3, 1971).

5.12.050 Construction requirements generally. All construction of lines, cables or other apparatus in the streets, alleys or public places of the city, pursuant to the grant of a permit, shall be under the supervision and in accordance with the specifications and regulations provided for such work by the city engineer. (Ord. 121 S4, 1971).

5.12.060 Operation without permit deemed nuisance--Penalty for violation. The installation, operation or maintenance of a community antenna television system without a permit therefor, as provided in this chapter, is declared to be a nuisance and a trespass upon the public property. Additionally, any person, firm, corporation, or organization who

is convicted of a violation of any provisions of this chapter, shall, for each offense, be punished as provided in Chapter 1.12 of this code. (Ord. 121 §5, 1971).

Chapter 5.14

CABLE TELEVISION SYSTEM

Sections:

- 5.14.010 Franchise--Required.
- 5.14.020 Cable television system defined.
- 5.14.030 Franchise--Application--Contents.
- 5.14.040 Franchise--Granting--Conditions.
- 5.14.050 Construction requirements.
- 5.14.060 Technical standards.
- 5.14.070 Proof of performance.
- 5.14.080 Franchise--use of streets, etc.
- 5.14.090 Franchise--Nonexclusive--Nontransferable--Revocable.
- 5.14.100 Services and rates.
- 5.14.110 Free distribution services.
- 5.14.120 Local television studio.
- 5.14.130 Emergency use of facilities.
- 5.14.140 Prohibitions.
- 5.14.150 Business occupation tax.
- 5.14.160 Time for commencement and completion and area to be served.
- 5.14.170 Foreclosures.
- 5.14.180 Receivership.
- 5.14.190 Other law.
- 5.14.200 Responsibility.
- 5.14.210 Insurance.
- 5.14.220 Penalties.

5.14.010 Franchise--Required. After the effective date of this ordinance, no person, firm, corporation, or organization shall install, operate, or maintain a cable television system within all or any portion of the city, without first obtaining a franchise therefor from the city which shall only be granted by City Council after approval by a majority of the electors voting thereon. All franchises or permits heretofore granted for such installation, operation, or maintenance of a cable television system shall remain in full force and effect, in accordance with their terms, until the expiration of other termination thereof. Upon such expiration or other termination, all matters pertaining to renewal or reapplication shall be governed by this Chapter. Any franchisee shall be required to execute an agreement which shall bind the franchisee to the terms hereof, and contain such other provisions as may be agreed upon between the city and the franchisee. (Ord. 408, §1, 1980).

5.14.020 Cable television system defined. "Cable television system," as used in this chapter, means any nonbroadcast facility consisting of a set of transmission paths and associated signal generation,

reception, and control equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations, but such term shall not include any such facility that serves or will serve only subscribers in one or more multiple-unit dwellings under common ownership, control or management. (Ord. 408, §1, 1980).

5.14.030 Franchise--Application--contents. All new applications to install, operate or maintain a cable television system shall be made to the City Council. Such application shall be accompanied by a nonrefundable \$1,000.00 application fee, shall be on a form prescribed by the City Manager, and shall contain the following information:

A. The name and address of the applicant, and, should the applicant be a corporation, the state of incorporation, the date of initial incorporation, the names and addresses of all officers and directors of such corporation, and a copy of the most recent annual report.

B. Specific design, engineering, and construction criteria, including a description of the area to be served, details of any connection to or with other cable television systems, the number and type of channels or programming to be offered, an estimated schedule for construction of the system and commencement of service, and an estimate of the construction cost of the system.

C. Specific funding plans, including details of any funding commitment that may exist.

D. Specific procedures for customer service, community participation, and resolution of complaints. At a minimum, the following will be required.

1. Any franchisee will maintain a full-time and fully staffed office in Broomfield, including a local manager, office personnel, and technicians, who will assist in customer service, community input, and resolution of complaints. Any franchisee must render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible, and only when preceded by notice as required by this chapter, and shall occur during periods of minimum use of the system. After normal business hours, a 24-hour answering service must be available so that subscribers can report problems at any time of the day or night.

2. When installations are made, trained installers will carefully check all connections inside and outside the customer's home. The installer will also check every channel of each television set to insure that the new customer is receiving the best picture possible.

3. Specific procedures relating to the resolution of complaints must be provided.

4. Technical difficulties with cable service will be corrected by a franchisee as soon as technically feasible following a customer's request for service.

E. Disclosure of all individuals or entities who have or will have a direct financial interest in the franchise and the nature and extent of said interest.

F. Such other information as the City Council may deem necessary to enable it to determine whether a permit should issue. (Ord. 408, Sl, 1980).

5.14.040 Franchise--Granting--Conditions. The City Council shall grant a franchise by resolution upon the application if it finds:

A. That the proposed system is consistent with the public interest, safety and welfare; and

B. That the applicant has demonstrated financial and technical capability to complete the proposed system in a timely manner; and

C. That the plans are technically adequate; and

D. That the application and proposed system comply fully with the terms of this ordinance.

E. That the question of granting the franchise has been submitted to the electorate, and approved by a majority of the electors voting thereon.

F. That the franchisee has executed an agreement incorporating the provisions of this chapter, the terms of the franchisee's application, and such other provisions as may be mutually agreed upon between the city and the proposed franchisee. (Ord. 408, Sl, 1980).

5.14.050 Construction requirements. All construction or installation of lines, cables, poles, or other apparatus in the streets, alleys, rights of way, easements, or other public places of the city in connection with a cable television system shall be under the supervision of, and in accordance with specifications and regulations provided by, or approved by, the City Engineer. (Ord. 408, Sl, 1980).

5.14.060 Technical standards. A. The standards prescribed herein are minimum technical standards for a cable television system within a 35 channel capacity. Any franchisee shall be in compliance with such standards twenty-four hours per day, 365 days per year during the entire life of the permit; provided, however, that upon application by a franchisee and for good cause shown, different standards may be recommended by the City Engineer, subject to approval of City Council by ordinance.

B. All standards are for a recommended balance temperature of 60° Fahrenheit ("F"). If not otherwise specified, these standards will apply over an ambient temperature range of -20° F. to +110° F. An operating tolerance of ± 2

decibels ("dB") will be allowed over this temperature range. The +2dB operating tolerance does not apply with respect to subsections E.4 and E.5 of the technical standards.

C. Any technical standards not specifically addressed herein will be of sufficient quality to comply with any federal or state requirements that may exist and, in any case, the signals shall be carried on the cable television system without material degradation in quality (within the limitations imposed by the technical state of the art).

D. All tests must be made with full ultimate channel capacity, i.e., if a 35 channel system is proposed, the tests must be made with 35 channels of test signals.

E. The technical standards are established as follows:

1. Carrier-to-noise ratio shall be at least 46dB. Carrier-to-noise ratio is defined as the ratio of the power of a sinusoidal wave whose peak is equal to the peak of a visual carrier, to the noise power in a specified band of interest.

2. Carrier-to-composite third order distortion ratio (unmodulated carriers/continuous wave) shall be at least 52dB. Composite third order distortion is defined as the amplitude distortion of desired signals caused by third order curvature of non-linear transfer characteristics in system equipment. It is the ratio, expressed in decibels, of the peak level of the radio frequency (RF) signal to the peak of the average level of the cluster of distortion components centered around the carrier.

3. Carrier-to-second order beat ratio shall be at least 60dB. Carrier-to-second order beat ratio is defined as the ratio expressed in decibels, of the peak level of the RF signal to the peak level of the interference. It is further defined as the amplitude distortion of the desired signals caused by the second order curvature of the non-linear transfer characteristics in system equipment.

4. Modulation distortion at power frequency shall be two percent or less. Modulation distortion at power frequencies is defined as the amplitude distortion of the desired signals caused by the modulation of these signals with components of the power source. It is the percentage of the level of the peak-to-peak interference compared to the peak level of the RF signal.

5. Visual, aural carrier level at subscriber terminals:

Visual carrier level is defined as the root/mean/square (rms) voltage of the visual carrier at the peak of the modulation envelope, measured across a terminating impedance which matches the internal impedance of the cable system.

Visual carrier level is expressed in decibels referred to 1 mV rms across 75 ohms and is measured at the coaxial cable outlet intended for connection to the subscriber television receiver.

Subscriber aural carrier level is to be measured at the same point, under the same conditions as the associated visual carrier. It is also expressed in decibels referred to 1 mV rms across 75 ohms.

Twenty-four hour variation of a particular visual carrier is the decibel difference between the maximum level excursion and minimum level excursion of the carrier over any 24 hour period.

- a. Variation over a 24 hour period in the visual carrier level shall not exceed 6dB.
- b. Variation in the visual carrier level with respect to adjacent channels shall not exceed 2dB.
- c. Variation in the visual carrier level with respect to any channel shall not exceed 9dB.
- d. Minimum visual carrier level shall not be less than 0dBmV at 75 ohms.
- e. The rms voltage of the aural signal shall be maintained between 13 and 17 dB below the associated visual signal level.

6. Subscriber terminal isolation shall not be less than 25dB, but in any event shall be sufficient to prevent reflection caused by open-circuited or short circuited subscribers terminals from producing visible picture impairments in any other subscriber terminal.

7. The transient response of the cable television system shall conform with 4% K-rating, with 2T sine-squared pulse test signal. Maximum relative amplitude of echoes, ghosts, or reflections in compliance with the 4% K-rating are as follows:

<u>Echo Delay</u> <u>(nanoseconds)</u>	<u>Relative Amplitude</u> <u>dB</u>	<u>%</u>
250	-16	16
500	-22	8
1,000	-28	4
10,000	-34	2

F. Measurement procedures for the foregoing standards shall be approved by the City Engineer. (Ord. 408, S1, 1980).

5.14.070 Proof of Performance. A. Proof of performance shall be required by the city to insure compliance with the foregoing standards at least twice during the initial construction period: Once when the system is approximately 50% complete and again upon completion of the initial service area. Results of all tests required by this section shall be provided to the city as soon as is feasible.

B. Annual tests thereafter should be conducted by the franchisee to insure continuing good performance, and are mandatory every fifth year.

C. In the event the test referred to in subsection H. hereof reveals conditions which, in the judgment, reasonably exercised, of the City Engineer or his designee indicate non-compliance with the technical standards required herein, or in the event of metered non-compliance with the technical standards required herein, the City Council may require that proof of performance tests be performed by a franchisee, or at City Council's option, by a qualified independent consultant acceptable to the City Council.

D. The cost of all proof of performance tests shall be borne by the franchisee.

E. Tests for the standards set forth in Sections 5.14.060.E.1 through 5.14.060.E.4 shall be made at not fewer than 4 test points, plus an additional test point for each additional 30 miles of plant (or fraction thereof) placed in operation after completion of the first 30 miles. At least one test point shall be located after the last active device on the longest cascade of the system. All test points are subject to the approval of the City Engineer or his designee. At his discretion, the City Engineer or his designee may require additional test points to ensure that the entire cable television system complies with the standards.

F. Tests for the standard set forth in Section 5.14.060.E.5 shall be made at not fewer than 10 locations. The tests shall be made either at actual subscriber terminals, or at the option of the City Engineer or his designee at the end of a simulated drop at least 100 feet in length, connected to a vacant tap port. The locations tested shall be selected so as to be representative of conditions throughout the system, and shall be changed from test to test. Locations tested and any simulated drop design are subject to the approval of the City Engineer or his designee. At his discretion, the City Engineer, or his designee, may require additional test locations to ensure that the entire cable television system complies with this standard.

G. Compliance with the standard set forth in Section 5.14.060.E.6 shall be demonstrated by bench tests to measure the isolation between tap ports on at least one example of each type subscriber tap or splitter used in the system. Annual measurements will not be required, although the City Engineer or his designee may, at his discretion, require such additional tests as he deems necessary to ensure compliance of the entire cable television system with his standard.

H. At each of the points selected in accordance with Subsection F hereof, picture quality shall be viewed on each channel for subjective evaluation of compliance with Subsection 5.14.060.C by the City Engineer or his designee. Any television receiver in good condition may be used for this test, if mutually agreeable to the franchisee and the City Engineer. In the event of a dispute, however, a high

quality demodulator and video monitor shall be used instead of a commercial home receiver. If the viewing environment is subject to dispute, the following criteria shall be observed:

1. External illumination on the monitor screen shall not exceed 11 lux (1 foot candle).
2. Screen highlights brightness shall be at least 25 foot lamberts.
3. Contrast ratio between reference white and black shall be at least fifty to one.
4. Viewing distance shall not be less than four times the screen height.

I. The test for the standard set forth in Section 5.14.060.E.7 shall be made during initial construction at the test points selected in accordance with subsection F hereof, at the times specified in subsection A hereof. The annual test for the standard set forth in Section 5.14.060.E.7 required by subsection B hereof need not be made unless the viewing test described in subsection H hereof reveals ghosts or echoes which, in the opinion of the City Engineer, could indicate non-compliance with the standard set forth in Section 5.14.060.E.7. The test for the standard set forth in Section 5.14.060.E.7 shall include all active equipment at the head-end, but may, with the approval of the City Engineer, exclude antennas and tower-mounted equipment.

J. If the City Engineer lacks the necessary expertise to determine compliance with any technical standards, he may employ such qualified personnel as he deems necessary to assist him in the performance of his rights and duties under this chapter. (Ord. 408, Sl, 1980).

5.14.080 Franchise--use of streets, etc. Any franchise granted by the city shall include such right, as the city has the power to grant, to use the streets, alleys, rights of way, easements, and other public places within the city for erection, installation, repair, removal, and replacement of poles, lines, cables, and other equipment necessary to the operation and maintenance of a cable television system, provided that:

A. The franchisee shall be fully responsible for all work done and the consequences thereof; and

B. The franchisee must receive the specific written approval of the City Engineer for all construction, erection, or installation of equipment on, in, under, through, or over any street, alley, right of way, easement, or other public place within the city, and if required by the terms of chapter 12.12 of this code, pay the fee for and obtain a permit thereunder; and

C. The franchisee shall cause all equipment to be constructed, erected, installed, and maintained so that it does not obstruct or interfere with any other lawful use of the street, alley, right of way, easement, public place or adjoining realty, including private or public landscaping and improvements, and shall promptly repair or replace any private or public landscaping or improvements which may be damaged

or removed by the construction, erection, installation, or maintenance of equipment. All equipment locations in streets, alleys, rights of way, easements, or other public places shall be subject to the prior written approval of the City Engineer, but such approval shall in no way relieve the franchisee from responsibility for the location of equipment; and

D. No fences, whether publicly or privately owned, shall be removed or taken down without the express written authorization of the owner thereof.

E. A franchisee shall keep the City Engineer and Planning Department fully advised as to timetables, schedules, and locations for the installation of equipment as such timetables and schedules are developed or revised by the franchisee; and

F. The franchisee shall deposit with the city a letter of credit from a financial institution in the amount of \$50,000.00, or equivalent security acceptable to the City Attorney, prior to the commencement of any work done on the cable television system. The form and content of such letter of credit shall be approved by the City Attorney. The letter of credit shall be used to insure faithful compliance by the franchisee with all provisions of this chapter, and the payment by the franchisee of all just claims, liens, and taxes of the city which arise by reason of the construction, installation, operation, and maintenance of the cable television system. The letter of credit shall be maintained at \$50,000.00 during the entire term of the franchise and may be drawn on by the city for the purposes enumerated herein, or for the purpose of collecting any penalties due hereunder. (Ord. 408, Sl, 1980).

5.14.090 Franchise--non-exclusive--non-transferable--revocable. A. Any franchise granted by the city shall be non-exclusive and the city may at any time grant additional franchises.

B. Any franchise shall be granted only to the applicant therefor, and shall not be transferable, unless the City Council adopts a resolution specifically authorizing a transfer. The bulk transfer of 10% or more of the stock of a corporate franchisee shall be considered a transfer within the meaning of this section. All franchises or permits heretofore granted for such installation, operation, or maintenance of a cable television system shall remain in full force and effect, in accordance with their terms, until the expiration or other termination thereof. Upon such expiration or other termination, all matters pertaining to renewal or reapplication shall be governed by this chapter. Any franchisee shall be required to execute an agreement which shall bind the franchisee to the terms hereof, and contain such other provisions as may be agreed upon between the city and the franchisee. In the event a corporate franchisee fails to maintain its good standing in the state where

incorporated, such will be considered a material violation of the terms of this chapter.

C. Any franchisee shall enter into a franchise agreement with the city, which shall incorporate and make binding the information received in the application, and which shall bind the franchisee to the terms of this ordinance.

D. There are hereby expressly reserved the rights to repeal or amend this ordinance and to revoke any franchise granted hereunder, provided however, that no franchise may be revoked prior to a hearing before the City Council. A franchise may be revoked if the City Council finds any material non-compliance with the terms of this ordinance or the franchise agreement.

E. If any franchise is revoked, the franchisee shall remove all of its equipment, buried cable excluded, within six months, and shall within the same six months repair and restore all streets, alleys, rights of way, easements, and other public places, and adjoining realty, to good condition at the franchisee's expense, and in a manner approved by the City Engineer; provided, however, that the requirements of this subsection may be waived as to all or any part of the system by the City Council, on recommendation of the City Engineer.

F. If any franchise is revoked, the franchisee shall not again be eligible to apply for a franchise directly or indirectly, for a period of two years.

G. Not less than every five years, the City Council may hold a public hearing as to each franchisee, and in conjunction therewith, shall review the franchisee's performance and compliance with the terms of this chapter.

H. Any franchise granted hereunder shall be valid for fifteen years, and may be renewed for additional periods not to exceed fifteen years if the City Council finds:

- a. That the continued operation of the system is consistent with the public interest, safety, and welfare; and
- b. That the applicant has demonstrated financial and technical capability to operate and maintain the system in a satisfactory manner; and
- c. That the system is technically adequate; and
- d. That the system and franchisee are in compliance with the terms of this ordinance, and the franchise agreement. If the City Council determines that a new franchise agreement is necessary, the renewal of the franchise shall be subject to agreement between the franchisee and the city on a new franchise agreement. (Ord. 408, Sl, 1980).

5.14.100 Services and rates. A. The distribution services of any cable television system shall be available

to every dwelling and commercial establishment within the boundaries of the city. The initial rates to be charged subscribers shall be at the discretion of the franchisee. However, the city expressly reserves the right to reasonably regulate any charges or fees made by the franchisee should such regulations appear necessary or desirable. The franchisee shall provide the city with written notice at least sixty days before any increase in fees or charges goes into effect.

Prior to commencement of service, a rate schedule will be filed with the City Clerk and the City Manager. At all times a current rate schedule will have been filed by any franchisee with both the City Clerk and the City Manager.

B. There will, at all times, be more than one tier of service offered. The first tier of service will consist of all local off-air TV signals plus an assortment of signals received via satellite. This is intended to assure that a reasonably priced basic service, providing expanded viewing capability and access to the locally originated channels, will be easily available on as wide a scale as possible. Other tiers of service will include such things as various premium movie channels.

C. As the cable system is constructed, it will be activated on an area-by-area basis. For a period of 30 days following the activation of cable to a given area, a franchisee will offer a free single set TV installation. This waiver of installation charge will be made to each home passed by the cable.

D. There shall be no charge for the voluntary discontinuation of service by a customer.

E. In the event that a total or partial interruption of service occurs unexpectedly, or in the event of substandard operation for more than 24 hours in any part of the system, franchisee shall promptly notify the City Engineer of the nature, extent, cause, and duration or expected duration of such interruption or substandard operation, and of the steps taken, or planned to be undertaken to restore service. In the event that for any reason a franchisee finds it necessary, on a planned basis, to interrupt, in whole or in part, cable television service or operate in whole or in part on a substandard basis for more than 24 hours, the franchisee shall, at least 72 hours in advance of such action, notify the City Engineer of the nature, extent, reason for, and duration or expected duration of such interruption or sub-standard service, and shall further take every reasonable step possible to notify all affected subscribers, at least 72 hours in advance of such action of the nature, extent, reason for, and duration or expected duration of such interruption or sub-standard service.

5.14.110 Free distribution services. Subject to Section 5.14.160.A, any franchisee shall install, operate, and maintain, free of charge, lines and facilities for reception of all of its cable television services excluding premium pay service on request of the city, through an outlet at each of the following:

- A. At each public and private non-profit elementary and secondary school within the city;
- B. At each public library within the city;
- C. At each police and fire station within the city;
- D. At the City Office Building;
- E. At the Broomfield Community Center;
- F. Any of the foregoing may request the installation of one or more additional outlets which shall be installed by the franchisee for an amount equal to the time and material costs of installation. No franchisee shall charge monthly service charges or converter rental charges to the foregoing, up to a maximum of four outlets, except that a franchisee may charge for other services at such locations. A franchisee shall install service at any new or changed location in the city of such facilities for an amount equal to the time and material costs of installation. (Ord. 408, S1, 1980).

5.14.120 Local television studio. Within one year of the granting of a franchise for a cable television system, any franchisee shall install and thereafter maintain facilities, including television cameras and a studio, within the city, for the transmission through its distribution system of locally originated programs, and shall reserve at least one channel for the transmission of such programs. Either in connection with said facilities or separately, any franchisee shall provide the city, at no charge, one additional channel for public information programming, with the ability to accept transmission from city hall. A franchisee shall ensure that sufficient qualified personnel are available in connection with the services reasonably required by this section to fulfill the recommended uses thereof. (Ord. 408, S1, 1980).

5.14.130 Emergency use of facilities. In case of any emergency or disaster, any franchisee shall, upon request of the city, make available its facilities for emergency use by the city during the emergency or disaster period. (Ord. 408, S1, 1980).

5.14.140 Prohibitions. Nothing in this chapter shall be construed to limit the height of any private television antenna now or hereafter erected appurtenant to residential television reception equipment. Any franchisee shall conduct its operations and maintain its installations in such a way as to prevent any interference with normal television reception. No franchisee or its employees or agents shall sell, lease, or service television sets or antennas, but a franchisee may repair its own equipment. (Ord. 408, S1, 1980).

5.14.150 Business occupation tax. A. There is hereby levied on and against cable television system operators operating within the city, a tax on the business and occupation of maintaining a cable television system within the City of Broomfield, and of supplying cable television service to the inhabitants of or property within, the city. The amount of tax levied hereby shall be one dollar and twenty cents (\$1.20) per cable television customer account in the city, per quarter, arising from the supplying, furnishing, distributing, and selling of cable television service within the City of Broomfield. This tax shall be in addition to any other taxes, fees, assessments, or charges required to be paid by ordinance or statute.

B. The tax levied by this section shall be due and payable quarterly to the City Clerk, as follows: Within thirty (30) days after the end of each calendar quarter, each cable television system operator subject to this tax shall file with the City Clerk, in such form as the Clerk may require, a statement showing the total number of cable television accounts in the City of Broomfield as of the end of the preceding calendar year. Such statement shall be accompanied by payment to the Clerk of the tax due for the period covered by the statement.

C. The City of Broomfield, its officers, agents, or representatives, shall have the right at all reasonable hours and times to examine the books and records of cable television system operators which are subject to this tax and to make copies thereof. (Ord. 408, Sl, 1980).

5.14.160 Time for commencement and completion and area to be served. A. Within 18 months after a franchise is granted pursuant to this ordinance, a franchisee shall substantially complete its cable television system, except for new customers, except for new extensions, and shall offer proper and adequate service uniformly to all residents of the city living in areas with a density of 50 dwelling units per street mile, providing any utility poles necessary for providing service to those areas having been cleared, or permission has been granted to the franchisee to clear said poles at least six months prior thereto.

B. Within 6 months after a franchise is granted pursuant to this ordinance, a franchisee shall initiate and maintain a rate of physical construction sufficient to assure the completion of the system in accordance with this section.

C. Immediately upon the granting of a franchise, a franchisee shall undertake efforts to obtain the clearance of utility poles necessary for service, and shall diligently pursue such efforts. In the event a franchisee encounters any difficulties in obtaining such clearance, or permission for such clearance, it shall at all times keep the City Engineer fully advised as to the status and nature of any and all problems. (Ord. 408, Sl, 1980).

5.14.170 Foreclosures. Upon the foreclosure or other judicial sale of all or a substantial part of a permit holder's cable television system, or upon the termination of any lease covering all or a substantial part of a cable television system, unless by the franchisee's exercise of an option to purchase, the permit holder shall notify the city of such fact in writing. Such notification shall be deemed notification of a transfer, and unless City Council authorizes such transfer in accordance with Section 5.14.090(B), the franchise shall be revoked, provided, however, that the city may provide waivers by Council action as necessary to permit or accommodate long term financing by a franchisee. (Ord. 408, S1, 1980).

5.14.180 Receivership. The City Council shall have the right to revoke a franchise 120 days after the appointment of a receiver, or trustee, for its cable television system, to take over and conduct the business of a franchisee, whether in receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, or unless:

A. Within 120 days after his election or appointment, such receiver or trustee shall have fully complied with all the provisions of this ordinance and remedied all defaults hereunder; and

B. Such receiver or trustee, within said 120 days, shall have executed an agreement, duly approved by the court having jurisdiction in the premises, whereby such receiver or trustee assumes and agrees to be bound by each and every provision of this ordinance. (Ord. 408, S1, 1980).

5.14.190 Other law. In the installation, operation, and maintenance of a cable television system, any franchisee shall comply with all applicable federal and state statutes and municipal ordinances now or hereafter adopted. (Ord. 408, S1, 1980).

5.14.200 Responsibility. Any franchisee shall receive signals and transmit the same at its sole risk and responsibility, and shall be fully responsible for the installation, operation, or maintenance of a cable television system within the city. A franchisee shall maintain good signal quality. (Ord. 408, S1, 1980).

5.14.210 Insurance. Any franchisee shall carry insurance to protect itself and the city from and against all claims, demands, actions, judgments, costs, expenses, and liabilities which may arise or result, directly or indirectly, from or by reason of any loss, injury, or damage arising out of or in connection with its installations, operations, or maintenance of a cable television system. The amounts of

insurance shall be less than \$400,000.00 per occurrence. This insurance shall be maintained in full force and effect at all times, and on the request of the City Manager, copies of insurance policies shall be submitted to the city. A franchisee shall deliver certificates of such insurance to the City Manager prior to the commencement of construction. (Ord. 408, §1, 1980).

5.14.220 Penalties. For violation of any of the provisions of this ordinance, penalties shall be assessed as provided in Chapter 1.12 of the Broomfield Municipal Code. (Ord. 408, §1, 1980).

Chapter 5.16

MERCHANT PATROL BUSINESSES

Sections:

- 5.16.010 Title.
- 5.16.020 Definitions.
- 5.16.030 License--Required when.
- 5.16.040 License--Not required when.
- 5.16.050 License--Prerequisites.
- 5.16.060 License--INeligibility-Criminal.
- 5.16.070 License--Ineligibility--Medical.
- 5.16.080 License--Company--Application--Contents.
- 5.16.090 License--Company--Issuance--Term.
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- 5.16.280 Change in personnel, place of business, abode or vehicles.
- 5.16.290 Unlawful acts.
- 5.16.300 Temporary permits.
- 5.16.310 Penalty for violation.

5.16.010 Title. This chapter shall be known and cited as the "Broomfield Merchant Patrol Licensing Ordinance." (Ord. 218 S1, 1974).

5.16.020 Definitions. As used in this chapter: A. "Business or industrial guard" means an individual who accepts employment from a single employer for the purpose of watching, guarding or otherwise protecting the persons and/or property of the employer only, or to preserve the peace in the conduct of that employer's business, except any individual so employed by any common carrier engaged in interstate commerce, but shall exclude maintenance men and installers, janitors, repairmen, or persons engaged in similar occupations;

B. "Chief of police" means the chief of police of the city;

C. "Company" means and includes any person, firm, association or corporation engaged in the business or occupation of merchant patrol, as defined by this chapter, except a patrolman;

D. "Merchant patrol" means the business or occupation of providing protection to persons and/or property of others, or the furnishing of any guard, patrol or protection service to others for a valuable consideration, except a business or industrial guard;

E. "Peace officer" means a sheriff, undersheriff, deputy sheriff, police officer, state patrol officer, coroner, marshal, any officer, guard, or supervisory employee of an institution within the Colorado Department of Institutions, a district attorney or the attorney general, a probation or parole officer, an officer or member of the National Guard while acting under call of the Governor in cases of emergency or civil disorder, an agent of the Colorado Bureau of Investigation, a wildlife conservation officer, or a security guard employed by the state of Colorado;

F. "Person" means and includes an individual partnership, association or corporation, and any combination of them;

G. "Private detective" means a person licensed as a private detective by the state of Colorado. (Ord. 218 S2, 1974).

5.16.030 License--Required when. A. It shall be unlawful for any person to carry on, engage in or conduct a merchant patrol business in the city, without first having obtained a license, as provided in this chapter.

B. It shall be unlawful for any person to act as a merchant patrolman or supervisor of merchant patrolmen in the city, without first having obtained a license as provided in this chapter.

C. It shall be unlawful for any person holding a company license under the provisions of this chapter to employ any other person as a merchant patrolman, unless the person to be employed has first obtained a license as provided in this chapter.

D. It shall be unlawful for any person to act as a

business or industrial guard in the city, without first having obtained a license as provided in this chapter. (Ord. 218 §3(a), (b), (c), (d), 1974).

5.16.040 License--Not required when. The provisions of this chapter shall not apply to or regulate activities of:

A. Any peace officer while acting or employed in his official capacity; or

B. Any private detective not engaged in providing guard or patrol services; or

C. Any person engaged in the direction, escort or protection of a funeral procession. (Ord. 218 §3(e), 1974).

5.16.050 License--Prerequisites. No person shall be licensed under the provisions of this chapter unless:

A. The applicant is a citizen of the United States, of the age of twenty-one years or more; or

B. If a corporation, the applicant is organized or authorized to do business in the state. (Ord. 218 §3(f), 1974).

5.16.060 License--Ineligibility--Criminal. No person shall be eligible to obtain or hold any license provided by this chapter, if the applicant, or any member, partner, officer, director, or the holder of more than ten percent of the stock of a corporate applicant, has been convicted of:

A. Any crime of murder, rape, aggravated assault, kidnapping, burglary, assault with a deadly weapon, or armed robbery within ten years immediately preceding the date of application; or

B. Any felony sex offense, felony drug offense, any crime involving the use of a weapon, or any crime involving infliction of violence upon the person of another, within the five years immediately preceding the date of application. (Ord. 218 §3(g), 1974).

5.16.070 License--Ineligibility--Medical. No person shall be licensed under the provisions of this chapter, unless he has submitted sufficient medical evidence that his mental and physical condition are such as to warrant confidence that his performance as a licensee will not jeopardize the health, safety or welfare of any person. (Ord. 218 §3(h), 1974).

5.16.080 License--Company--Application--Contents. Any person, firm, association or corporation desiring to carry on the merchant patrol business in the city, shall make application, in writing, to the chief of police for a license, which application shall set forth:

A. A description of the nature and type of business to be conducted;

B. The names and places of residence of the persons making such application; or the names and places of residence of the officers and directors of a corporation making such application, together with the names and addresses of any persons holding more than ten percent of the stock of such corporation;

C. From each person whose name is required to be furnished by subsections E and F of this section, a statement containing all information required by Sections 5.16.130 through 5.16.160 of this chapter;

D. The address of the principal office or place of business of such person, firm, association or corporation;

E. The name of the individual in charge of such business;

F. The name of the individual in charge of or responsible for the operations of such business in the city;

G. The names and addresses of not less than three persons, as references, of whom inquiry can be made as to the character, standing and reputation of the person, firm, association or corporation making such application;

H. If the applicant is a corporation, a duly certified copy of the articles or certificate of incorporation, and, if a foreign corporation, the qualification of such corporation to conduct business in the state;

I. A statement of the number of persons to be employed as merchant patrolmen;

J. A statement of the number of vehicles to be used in the conduct of the business, and description thereof;

K. The acceptance by the licensee of the condition, to be expressed in the license, that the license may be revoked by the chief of police at any time during the term for which the same was issued, without refunding the license fee provided for in this chapter, or any part thereof, upon just cause being shown and after a fair opportunity, upon reasonable notice, has been offered to such licensee to show cause why such license should not be revoked;

L. Such further and additional information as the chief of police may require for the investigation of the application and the enforcement of this chapter. (Ord. 218 §4(2), 1974).

5.16.090 License--Company--Issuance--Term. After the receipt and investigation of the application, and upon being satisfied that the person, firm, association, or corporation making application is in good repute and intends to carry on an honest and legitimate business, and that all requirements of this chapter have been met, the chief of police shall direct the city clerk to issue to the applicant a license authorizing the applicant to carry on the merchant patrol business within the city for the period of two years from and after the date of such license. (Ord. 218 §4(b), 1974).

5.16.100 License--Company--Patrolman requirements.

The applicant shall submit with the application a list of the names and addresses of the persons who will be employed by the applicant as merchant patrolmen in the city, and shall require every such person to be photographed and fingerprinted by the police department before acting as a merchant patrolman in the city. (Ord. 218 S4(c), 1974).

5.16.110 License--Company--Application Fee.

The applicant shall pay, with the application, an application fee of one hundred dollars for the company, plus thirty dollars for each person listed as provided in Section 5.16.100. Such application fee shall be nonrefundable, but shall be applied to payment of the license fees provided by this chapter if a license is granted. (Ord. 566 S1, 1984)

5.16.120 License--Company--Supervision Fee.

The applicant shall also pay the city fifteen dollars per hour for supervision by the police department in any training and/or qualification required by Section 5.16.230B of this chapter. (Ord. 566 S2, 1984)

5.16.130 License--Patrolman or guard--Application--

Contents. Any person desiring to be employed as a merchant patrolman, or as a business or industrial guard in the city, shall make application in writing to the chief of police for a license, which application shall set forth:

- A. The name of the applicant;
- B. The applicant's place of residence, including previous residences for at least three years past;
- C. The applicant's present and past employment for the five-year period preceding the date of application;
- D. A statement of any felony conviction of the applicant in the courts of any state, or the United States;
- E. A statement of any convictions of the applicant for offenses against the laws of the state, or any municipality or subdivision thereof;
- F. A statement that the applicant will not use any weapon in his employment, or, if a weapon is to be used, the description and identifying number thereof, if any;
- G. The names and addresses of not less than three persons, or references, of whom inquiry can be made as to the character, standing and reputation of the applicant;
- H. Such further and additional information as the chief of police may require for the investigation of the application and enforcement of this chapter. (Ord. 218 S5(a), 1974).

5.16.140 License--Patrolman or guard--Application--

Requirements generally. Any person desiring to engage in the

occupation of merchant patrolman in the city without being employed by a company licensed under the provisions of this chapter, shall make application for and obtain a company license, as provided by Sections 5.16.080 through 5.16.120 of this chapter, and shall also apply for and obtain the patrolman's license, as provided by Section 5.16.130 of this chapter. (Ord. 218 S5(b), 1974).

5.16.150 License--Patrolman or guard--Issuance--Term. After the receipt and investigation of the application, and upon being satisfied that the applicant is in good repute and is qualified to hold a patrolman's or guard's license and that all requirements of this chapter have been met, the chief of police shall direct the city clerk to issue to the applicant a license authorizing the applicant to act as a merchant patrolman or as a business or industrial guard within the city for the period of two years from and after the date of such license. (Ord. 218 S5(c), 1974).

5.16.160 License--Temporary--When. The chief of police may, after receipt of an application, issue a temporary permit pursuant to the provisions of Section 5.16.300. (Ord. 218 S5(d), 1974).

5.16.170 License--Investigation. A. Upon receipt of each application it shall be referred to the chief of police, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public, and shall endorse the application within thirty business days after the date of filing.

B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse on the application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application is disapproved and that no license shall be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, and return the application to the city clerk. (Ord. 218 S6, 1974).

5.16.180 License--Issuance--Bond required when. The clerk shall not issue any license without the authority and direction of the chief of police, as provided in this chapter, nor until:

A. A company licensee shall have paid the license fee of one hundred dollars, and shall have entered into bond with at

least two good and sufficient sureties, residents of the state, or a corporate surety company approved by the chief of police, payable to the people of the city, in the amount of five thousand dollars, conditioned that the principal obligor in such bond shall lawfully, honestly and faithfully, without oppression and without compounding any criminal offense, carry on the merchant patrol business within this city, and perform such services in such business as he may have been employed to do or perform. The bond shall be filed with and safely kept by the city clerk, and may be sued upon, in the name of the people of the city, by and to the use of any person injured by a breach of any of the conditions thereof;

B. The applicant for a merchant patrolman's license, or a business or industrial guard's license, shall have been fingerprinted and photographed by the police department, and such applicant or his employer shall have paid a license fee of thirty dollars. (Ord. 566 S3, 1984)

5.16.190 Authority--Liability. A company license granted under the provisions of this chapter shall be sufficient authority to the person, firm, association or corporation named therein as licensee to carry on and engage in the merchant patrol business in this city, and to that end to employ such agents, servants, patrolmen, assistants and employees as such licensee may deem necessary, subject to the licensing requirements of this chapter; but the licensee and the sureties upon the bond of the licensee shall be liable upon such bond as well as for the act of any agent, servant, patrolman, assistant or employee as for the act of the principal obligor in said bond. (Ord. 218 S8, 1974).

5.16.200 License--Renewal. A license, having once been granted under the provisions of this chapter, may be renewed by filing of an application for renewal, payment of the license fee and filing of the bond required in the case of original applications, unless such previous license shall have been revoked, or the chief of police shall otherwise direct; provided, that an application for renewal shall be made at least thirty days before the expiration of the term for which the previous license was granted. (Ord. 218 S9, 1974).

5.16.210 License--Deemed nontransferable. No license granted under the provisions of this chapter shall be transferable. This section shall not be so construed as to prevent or prohibit a change by the licensee in the manager, superintendent or other person in charge of the business, provided a certificate setting forth the change made is first filed by the licensee with the chief of police. (Ord. 218 S10, 1974).

5.16.220 Vehicles--Markings and equipment. The vehicles used in the conduct of the merchant patrol business within the city by any licensee shall not exhibit colorings, marking or equipment so similar to marked patrol vehicles of the city that they might be confused with the city's police vehicles. In addition, merchant patrol vehicles shall not be equipped with any lights or sirens in violation of the traffic code of the city or the laws of the state, nor shall any insignias be painted on the sides thereof which are similar to, or which could be confused with, that painted on the sides of the vehicles of the police department. (Ord. 218 S11, 1974).

5.16.230 Firearms--Permit required--Contents. A. No merchant patrolman or business or industrial guard shall carry, use or exhibit any firearm which has not first been registered with the police department, and a permit therefor issued by the chief of police. The permit authorized by this section does not authorize the carrying of a concealed weapon.

B. Before issuing any permit, the chief of police shall require the applicant for the permit to demonstrate the need for such permit, and proficiency in the use, maintenance and care of the firearm in such manner as the chief of police shall determine.

C. All licensees who are authorized to carry a firearm shall submit the make, model, caliber, type of weapon, and serial number of the weapon carried, to the chief of police without delay. (Ord. 218 S12, 1974).

5.16.240 Identification card--Contents--Exhibition on demand. A. In addition to the patrolman's or guard's license, the chief of police shall issue to each licensed merchant patrolman or business or industrial guard an identification card which shall include the following:

1. The type of license and expiration date thereof;
2. Name, address, physical description and picture of the licensee;
3. The signatures of the licensee, the city clerk and the chief of police; and
4. A designation as to whether or not the licensee is authorized to carry a firearm.

B. Licensees are required to exhibit their certificates of license and identification card to any police officer of the city upon demand, and refusal to do so shall constitute a violation of this chapter. (Ord. 218 S13, 1974).

5.16.250 License--Revocation. Any license or permit issued under the provisions of this chapter may be revoked for any of the following causes:

- A. Material misrepresentation or concealment in the application for a license;
- B. Violations of any state or municipal law or ordinance relating to use or possession of firearms or weapons;
- C. Impersonation of a peace officer;
- D. Conviction of any felony offense under the laws of this state or the United States, or conviction for any criminal offense or city ordinance violation, except traffic violations, committed while acting as a merchant policeman;
- E. In the case of any company licensee, any intentional direction of or participation in any act which would be grounds for the revocation of a merchant patrolman's license;
- F. Any violation of the provisions of this chapter. (Ord. 218 §14, 1974).

5.16.260 License--Suspension. Whenever grounds for revocation of a license exist, as provided in Section 5.16-.250, such license may be suspended for a specified term of not more than two years, in which event:

- A. The license shall not be revoked; and
- B. The applicant shall not act or engage in business in the licensed capacity during the period of suspension; and
- C. The suspended license shall not be renewed while the suspension continues in effect. (Ord. 218 §15, 1974).

5.16.270 Hearings. Hearings provided by this chapter shall be conducted by the chief of police, or his authorized representative, in the manner and upon the notice provided by ordinance in cases of revocation or suspension of licenses. The decisions and determinations of the chief of police shall be subject to review or appeal, as provided by ordinance. (Ord. 218 §16, 1974).

5.16.280 Change in personnel, place of business, abode or vehicles. A. Whenever a business or industrial guard or a merchant patrolman is discharged for any reason, his employer shall immediately notify the chief of police of such fact, together with the reasons for the dismissal.

B. Whenever a business or industrial guard or a merchant patrolman terminates his employment or is discharged, he shall forthwith surrender the identification card issued to him, and any and all licenses and permits issued to such business or industrial guard or merchant patrolman, to the chief of police.

C. When a business or industrial guard or merchant patrolman terminates his employment or is discharged, he shall forthwith surrender the identification card issued to him to the chief of police. In the event the person surrendering an identification card is reemployed during the

remainder of the period of the license, the identification card may be reissued to him without charge.

D. Any licensee changing place of business or abode shall immediately notify the chief of police of such fact, together with the address of the new place of business or abode. A change of the place of business or abode shall not be deemed a transfer of license, or require the payment of any additional fees.

E. Whenever a vehicle is acquired by a licensee for use in the conduct of his business, the type and description of such vehicle, together with the type and description of any vehicle replaced by it, shall be immediately reported to the chief of police. (Ord. 218 §17, 1974).

5.16.290 Unlawful acts. In addition to the other acts prohibited by this chapter, it shall be unlawful:

A. For any licensee to fail to turn over any person arrested by such licensee, pursuant to the laws of the state, immediately to the police department, or other public law enforcement agency. Nothing contained in this subsection shall be construed as authorizing any licensee to make an arrest not authorized under the laws of the state to be made by a private citizen;

B. For any licensee, under the provisions of Sections 5.16.030 through 5.16.160, to fail to promptly report such incident to the police department;

C. For any licensee, under Sections 5.16.030 through 5.16.070 to hinder or interfere with any investigation under the jurisdiction of the police department;

D. For any licensee to fail to report immediately to the police department all violations of the city ordinances, or to fail to report to the police department or other public law enforcement agency, all violations of state or federal laws which constitute crimes coming to his attention;

E. For any licensee to wear a uniform or insignia other than that authorized by this chapter, or by the chief of police, while engaged in his course of employment;

F. For any licensee under this chapter to represent himself to be an officer of the police department;

G. For any licensee to carry any firearm not registered as provided by Section 5.16.230 of this chapter, while in the performance of duties as a business or industrial guard or merchant patrolman, as defined in this chapter;

H. For failure of any licensee to surrender his identification card after discharge. (Ord. 218 §18, 1974).

5.16.300 Temporary permits. A. "Temporary permit" means a permit, issued by the chief of police, authorizing the applicant for any license provided by this chapter to engage in the activity for which such license is required by

this chapter, for a period of not more than thirty business days, or until the application for a license is endorsed by the chief of police pursuant to the provisions of Section 5.16.170.

B. No temporary permit shall be issued unless:

1. An application for a license has been filed;
2. The application fee for such license has been

paid;

3. Any bond required by the provisions of this chapter has been posted and approved; and

4. It appears that the application meets the requirements of this chapter.

C. No person shall be issued a temporary permit under the provisions of this section and this chapter, unless his mental and physical condition are such as to warrant confidence that his performance as a permittee will not jeopardize the health, safety, or welfare of any person.

D. The chief of police may regulate, either by general rules or by imposition of conditions in specific cases, the time period, location and scope of activities allowed by any temporary permit, restrictions thereon, and conditions thereof. Such rules, restrictions and conditions shall be determined by the chief of police in the interest of public safety, and shall not be limited to the requirements of this chapter.

E. A temporary permit does not authorize any person to carry or use any firearm, unless:

1. Permission to carry such firearm or weapon is stated in the temporary permit; and
2. Such firearm is registered with the police department, as provided by Section 5.16.230. (Ord. 218 §20, 1974).

5.16.310 Penalty for violation. Violations of this chapter shall be punished as provided in Chapter 1.12 of this code. (Ord. 218 §19, 1974).

Chapter 5.20

PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

Sections:

- 5.20.010 License--Required--Exceptions.
- 5.20.020 Definitions.
- 5.20.030 License--Application--Contents.
- 5.20.040 Investigation--Issuance or disapproval.
- 5.20.050 Badge--Issuance--Contents--Display required.
- 5.20.060 License--Exceptions--Registration required.
- 5.20.070 License--Deemed nontransferable.
- 5.20.080 License--Revocation.
- 5.20.090 License--Appeal.
- 5.20.100 License--Expiration.
- 5.20.110 License--Fee.
- 5.20.120 Police--Enforcement.
- 5.20.130 Violation--Recordkeeping.
- 5.20.140 Trespassing--Notice--Violation.
- 5.20.150 Civil action--City rights designated.
- 5.20.160 Penalty for violation.

5.20.010 License--Required--Exceptions. It shall be unlawful for any peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor, as defined in Section 5.20.020 of this chapter, to engage in business within the corporate limits of the city without first obtaining a license therefor as provided in this chapter; except that the provisions of this chapter shall not apply to established delivery routes, persons calling by appointment or businesses subject to the provisions of any other ordinances of the city. (Ord. 35 §1, 1963).

5.20.020 Definitions. A. "Canvasser" or "solicitor" means any individual, whether a resident of the city or not, traveling either by foot, wagon, automboile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, or anything of value, or personal property of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future, whether or not such individual has carried or exposed for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not; provided, that such definition shall include any person who, for himself or for another person, firm or corporation hires, leases, uses or occupies any building, structure, tent, railroad boxcar,

hotel room, lodginghouse, apartment, shop, or any other place within the city, for the sole purpose of exhibiting any samples and taking orders for future delivery.

B. "Peddler" as used in this chapter, means any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, or anything of value in the person's possession, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. The word "peddler" includes the words "hawker" and "huckster."

C. "Person," as used in this chapter includes the singular and plural, and means and includes any person, firm or corporation, association, club, corpartnership or society, or any other organization.

D. For the purpose of this chapter "transient merchant," "itinerant merchant" or "itinerant vendor" means any person, firm, or corporation, whether as an owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any public room in hotels, lodginghouses, apartments, shops, or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. (Ord. 35 §2, 1963).

5.20.030 License--Application--Contents. Applicants for a permit and license under this chapter must file with the city clerk a sworn application, at least ten days prior to the time desired, in writing and in duplicate, on a form to be furnished by the city clerk, which shall give the following information:

- A. Name and description of the applicant;
- B. Address, legal and local;
- C. A brief description of the nature of the business and the goods to be sold, solicited or delivered;
- D. The length of time for which the right to do business is desired.

E. If a vehicle is to be used, a description of the same, together with the license number or other means of identification;

F. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor;

G. A brief statement of the nature and character of the advertising, or otherwise, shall be attached to the application as exhibits thereto;

H. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as a representative;

I. At the time of filing the application, a fee of five dollars shall be paid to the clerk to cover the cost of investigation of facts stated therein;

J. The fingerprints and photograph of the applicant shall be taken by the police department at the time of application, and the names of at least two reliable property owners of the city, who will certify as to the applicant's good character and business respectability; or, in lieu of the names of references, other available evidence as to good character and business responsibility;

K. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of the applicant's business, or the method or plan of doing such business, as the city clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good. (Ord. 35 §3, 1963).

5.20.040 Investigation--Issuance or disapproval.

A. Upon receipt of the application required in Section 5.20-.030, the application shall be referred to the chief of police, who shall cause an investigation to be made of each and every statement contained in the application, and shall cause such further investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

B. If, as a result of such investigation, the chief of police finds that any statement on the application is false, or that the applicant's character or business responsibility is unsatisfactory, the chief of police shall endorse on the application his disapproval and his reasons for the same, and return the application to the city clerk, who shall notify the applicant that his application has been disapproved and that no permit will be issued. Conviction of a felony or any crime involving moral turpitude, may be considered sufficient grounds for disapproval of the application.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the

application his approval, execute a license addressed to the applicant for the carrying on of the business applied for, and return the license, together with the application, to the city clerk, who shall deliver to the applicant his license. The license shall contain the signature and seal of the city clerk, and shall show the name and address of the permittee, the date of issuance and the length of time the license shall be operative, as well as the registration number and other identifying description of any vehicle used in such soliciting or canvassing. The clerk shall keep a permanent record of all licenses issued. (Ord. 35 §4, 1963).

5.20.050 Badge--Issuance--Contents--Display required.

The city clerk shall issue to each licensee, at the time of the delivery of his license, a badge for each individual licensed under this chapter. The badge shall have on it the words "Licensed Seller" or "Licensed Canvasser," the period for which the license is issued, and the number of the license, in letters or figures plainly discernable. Such badges shall be worn constantly by the licensee on the front of his hat or outer garment in such a way as to be conspicuous during such times as the licensee is engaged in the business for which he is licensed. (Ord. 35 §5, 1963).

5.20.060 License--Exceptions--Registration required.

Upon proper showing to the satisfaction of the city clerk that the applicant is acting for or employed by a nonprofit person, association or organization, or that the applicant suffers from a physical handicap and sells products in connection with a rehabilitation program, such applicant shall be exempted from all fees. However, all such persons shall register with the city clerk, and may receive approval and a complimentary license. (Ord. 35 §6, 1963).

5.20.070 License--Deemed nontransferable.

Every individual who is a peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as defined in Section 5.20.020, shall be required to make an individual application and secure a license, which shall be issued in the individual's name. Any license applied for by a firm, association or corporation shall include the name of the individual who the represents such firm, association or corporation in Broomfield, and the individual's name shall appear on the application, badge and license. No license shall be transferable or used by any other person. (Ord. 35 §7, 1963).

5.20.080 License--Revocation.

A. Licenses issued under the provisions of this chapter may be revoked by the municipal judge of the city, after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license;
2. Fraud, misrepresentation or false statement made in the course of carrying on the business;
3. Any violation of this chapter;
4. Conviction of any crime involving moral turpitude;
5. Conduct of business in an unlawful manner, or in such manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing. (Ord. 35 §8, 1963).

5.20.090 License--Appeal. Any person aggrieved by the action of the chief of police or the city clerk in the denial of an application for license, as provided in Section 5.20.030 of this chapter, or in the decision with reference to the revocation of a license, as provided in Section 5.20.080 of this chapter shall have the right to appeal to the city council. Such appeal shall be taken by filing with the council, within ten days after such denial or revocation, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal, and notice of the hearing shall be given to the applicant in the same manner as is provided in Section 5.20.080 of this chapter for notice of hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive. (Ord. 35 §9, 1963).

5.20.100 License--Expiration. Licenses shall expire on the date specified in the license. (Ord. 35 §10, 1963).

5.20.110 License--Fee. A license fee in the sum of ten dollars per year shall be charged and collected prior to the issuance of a license, as required by this chapter. (Ord. 35 §11, 1963).

5.20.120 Police--Enforcement. It shall be the duty of every police officer of the city to require any person required to have a license, as provided in this chapter, and who is known by such officer not to be duly licensed, to produce his license. Every police officer of the city shall enforce the provisions of this chapter against any person found to be violating the same. (Ord. 35 §12, 1963).

5.20.130 Violation--Recordkeeping. The chief of police shall report to the city clerk all convictions for violation of this chapter, and the city clerk shall maintain a record for each license issued and record the reports of violations therein. (Ord. 35 §13, 1963).

5.20.140 Trespassing--Notice--Violation. Every resident of the city shall have the right to post a notice or notices on his property to the effect that peddlers, canvassers, solicitors and itinerant merchants shall not go in or upon said premises, or solicit or attempt to solicit orders or sales from the occupant thereof. Any peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor, as defined in Section 5.20.020 of this chapter, who violates the provisions of such notice, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars. (Ord. 35 §14, 1963).

5.20.150 Civil action--City rights designated. The city may, at its option, proceed by injunction, abatement, suit for collection or any other legal action which it may deem advisable for the enforcement of this chapter and collection of the taxes provided for herein; provided, that such election shall not in any way be deemed a waiver of or release of any person from the penalties provided for in this chapter. Conviction of a violation of this chapter shall not preclude the city from proceeding with any other legal action that it may deem advisable. (Ord. 35 §15, 1963).

5.20.160 Penalty for violation. Any person, firm or corporation who wilfully fails to comply with any of the provisions of this chapter, or any section herein, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in Chapter 1.12 of this code. (Ord. 35 §16, 1963).

Chapter 5.24

RESIDENTIAL ROUTE DELIVERIES TAX

Sections:

- 5.24.010 Person defined.
- 5.24.020 Purpose.
- 5.24.030 Levied--Businesses subject to tax--Payment and compliance required.
- 5.24.040 Levied--Amount--Exceptions.
- 5.24.050 Payment--Due date--License sticker issuance--Display.
- 5.24.060 Refund when.
- 5.24.070 Civil action--Not deemed waiver of penalty.
- 5.24.080 Penalty for violation.

5.24.010 Person defined. "Person," as used in this chapter, means domestic and foreign corporations, associations, syndicates, joint stock companies, firms, partnerships of every kind, trusts, societies, and individuals. (Ord. 12 Art. 1 §1, 1963).

5.24.020 Purpose. The object of the tax levied by this chapter is to defray the expenses of the city in maintaining the health, safety, morals, streets and general welfare of the city. (Ord. 12 Art. 1 §6, 1963).

5.24.030 Levied--Businesses subject to tax--Payment and compliance required. A residential route deliveries tax is levied and assessed upon each and every person who exercises the privilege of carrying on or engaging in a business which maintains in the city a regularly established route. Such tax shall constitute a tax on the privilege of carrying on or engaging in any route-vehicle business for each twelve-month period, commencing on the effective date of the ordinance codified in this chapter. It shall be unlawful for any person to carry on or engage in any route-vehicle business within the city without having first paid the tax therefor, as provided in this chapter, and without having fully complied with all of the terms of this chapter. (Ord. 12 Art. 1 §2, 1963).

5.24.040 Levied--Amount--Exceptions. A tax is levied and assessed upon each retail business which maintains in the city a regularly established milk route, bread route, or other similar type of business selling or delivering goods or service, or both, except regular newspaper delivery routes. The tax shall be computed and paid on the basis of delivery

vehicles used within the city. The first route vehicle operated within the city limits by any person is hereby taxed at fifty dollars per year, and each additional vehicle shall be taxed at twenty-five dollars a year. (Ord. 12 Art. 1 S3, 1963).

5.24.050 Payment--Due date--License sticker issuance--Display. All route businesses licensed under this chapter shall separately pay the tax to the city clerk on or before April 1, 1963, and on or before April 1st of each year thereafter. The city clerk shall issue a receipt for payment and shall deliver to the taxpayer a suitable license sticker to be placed in a conspicuous place on the route vehicle by the taxpayer, and shall at all times be displayed thereon. The cost of the sticker, not to exceed one dollar per sticker, shall be collected by the clerk in addition to the tax. No certificate showing payment of the business occupation tax under the provisions of this chapter shall in any manner be assignable or transferable. (Ord. 12 Art. 1 S4, 1963).

5.24.060 Refund when. There shall be no refund of any tax paid under this chapter unless the city clerk shall determine that the tax or amount thereof was paid by mistake. (Ord. 12 Art. 1 S5, 1963).

5.24.070 Civil action--Not deemed waiver of penalty. The city may, at its option, proceed by injunction, abatement, suit for collection or any other legal action which it may deem advisable for the enforcement of this chapter and collection of the taxes provided for in this chapter; provided, that such election shall not in any way be deemed a waiver of or release of any person from the penalties provided for in this chapter. Conviction of a violation of this chapter shall not preclude the city from proceeding with any other legal action that it may deem advisable. (Ord. 12 Art. 2 S1, 1963).

5.24.080 Penalty for violation. Any person, firm or corporation who willfully fails to comply with any of the provisions of this chapter, or any sections of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in Chapter 1.12 of this code. (Ord. 12 Art. 2 S2, 1963).

Chapter 5.28

ALCOHOLIC LIQUOR

Sections:

- 5.28.010 Short title.
- 5.28.020 Legislative declaration.
- 5.28.030 Definitions.
- 5.28.040 Licensing authority--Established--Powers generally.
- 5.28.050 Licensing authority--Membership--Term.
- 5.28.060 Licensing authority--Presiding officer.
- 5.28.070 Licensing authority--Quorum.
- 5.28.080 Licensing authority--Majority vote--Continuance of hearing.
- 5.28.090 Licensing authority--Absent member--Participation in decisions.
- 5.28.100 City clerk--Powers and duties generally.
- 5.28.110 Investigator--Powers and duties generally.
- 5.28.120 License--Required.
- 5.28.130 License--Classifications.
- 5.28.140 License--Fees.
- 5.28.150 Application fees.
- 5.28.160 Fees--Collection.
- 5.28.170 Application--Contents.
- 5.28.180 Application--Presentation to authority--When.
- 5.28.190 Application--Presentation to authority--Persons in attendance.
- 5.28.200 Application--Presentation to authority--Boundary setting.
- 5.28.210 Map--Contents--Submittal when.
- 5.28.220 Application--Hearing--Date setting.
- 5.28.230 Application--Hearing--Persons in attendance.
- 5.28.240 Application--Hearing--Public notice.
- 5.28.250 Investigation--Scope.
- 5.28.260 Investigation--Photographing and fingerprinting.
- 5.28.270 Investigation--Reference verification.
- 5.28.290 Investigation--Neighborhood--Resident and working populations.
- 5.28.300 Investigation--Premises.
- 5.28.310 Investigation--City cooperation required.
- 5.28.320 Investigation--Neighborhood--Survey.
- 5.28.330 Investigation--Additional information.
- 5.28.340 Investigation--Time limits.
- 5.28.350 Hearing--Procedure generally.
- 5.28.360 Hearing--Authority.

Chapter 5.28

ALCOHOLIC LIQUOR*

Sections:

- 5.28.010 Short title.
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- 5.28.040 License required.
- 5.28.050 Licensing authority—Established; powers.
- 5.28.060 Same—Rule and regulation promulgation.
- 5.28.070 City clerk; powers and duties.
- 5.28.080 Investigator; powers and duties.
- 5.28.090 Application for new license—Generally.
- 5.28.100 Same—Investigation, fingerprinting of applicant.
- 5.28.110 Hotel and restaurant license; optional premises.
- 5.28.120 Application fees.
- 5.28.130 Collection of fees generally.
- 5.28.140 License renewal.
- 5.28.150 Change of manager.
- 5.28.160 Special event permit.
- 5.28.170 Hearing—Procedure.
- 5.28.180 Same—Authority.
- 5.28.190 License suspension, alternative penalty; adoption.
- 5.28.200 License display required.

5.28.010 Short title. This chapter shall be known and cited as the “Broomfield Liquor Code.” Reference to the Broomfield liquor code and the applicable section or sections thereof shall be sufficient when citing the provisions of this chapter in any legal document, including, but not limited to, summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. No. 884, § 1, 10-9-90)

5.28.020 Legislative declaration. The city council declares that the purpose of this chapter is to provide for the regulation, control and licensing of the sale at retail of malt, vinous and spirituous liquors within the city, and that such matters are in the interest of and are those in which the city has responsibility for the public health, safety and welfare. (Ord. No. 884, § 1, 10-9-90)

***Editor’s note**—Section 1 of Ord. No. 884, adopted Oct. 9, 1990, and effective Oct. 25, 1990, repealed former Ch. 5.28 and enacted new provisions to read as set out in this chapter. The former Ch. 5.28 contained §§ 5.28.010–5.28.630, which pertained to similar subject matter and derived from Ord. No. 310, §§ 1–25, effective Feb. 22, 1988; Ord. No. 560, § 3, effective July 1, 1984; Ord. No. 562, §§ 7, 8, effective July 12, 1984; and Ord. No. 843, §§ 2, 3, adopted June 13, 1989.

Cross references—Minors and alcohol, Ch. 9.64; possession of weapon while intoxicated, § 9.72.050; furnishing weapon to intoxicated person, § 9.72.060; open container of alcoholic beverage, Ch. 9.80; alcoholic beverages in parks, § 12.28.160.

5.28.030 Definitions.

A. As used in this chapter, unless the context clearly requires otherwise, the following words and terms shall have the meanings set forth in this section:

Applicant means and includes:

- a. If an individual, that person making an application for a license under this chapter;
- b. If a partnership, all the partners of the partnership which is making application for a license under this chapter;
- c. If a corporation, the president, vice president, secretary, treasurer, the directors, manager, and each stockholder owning more than five (5) percent of the stock of the corporation making an application under this chapter.

City clerk means the city clerk of the city, or the clerk's designee.

City manager means the city manager of the city, or the manager's designee.

Investigator means the liquor license investigator, as set forth in section 5.28.080.

Manager includes that person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this chapter.

Outdoor sports and recreational facility means a golf course, provided that a fee is charged for use of the golf course.

B. Other definitions not specifically enumerated in this section shall be as defined, as applicable, in the Colorado Liquor Code and in Chapter 1.04 of this Code. (Ord. No. 884, § 1, 10-9-90)

5.28.040 License required. Within the city, it is unlawful for any person to sell or to possess for sale any malt, vinous or spirituous liquors unless licensed to do so, as provided for by both this chapter and the applicable provisions of Title 12, Articles 47 and 48, C.R.S., as amended, and unless the license required is in full force and effect, and all applicable fees and taxes have been paid in full. (Ord. No. 884, § 1, 10-9-90)

5.28.050 Local licensing authority--Established; powers.

A. There is established a local licensing authority, sometimes referred to as the "licensing authority" or as the "authority," which shall have and is vested with the authority to grant or to refuse for cause licenses for the sale at retail of malt, vinous or spirituous liquors; to conduct investigations; and to suspend or revoke such licenses for cause. The local licensing authority shall have all the powers provided in this chapter, and shall have all the powers of the local licensing authority, as set forth in Title 12, Articles 47 and 48, C.R.S., as amended, and the regulations promulgated thereunder.

B. The authority shall consist of the mayor pro-tem of the city, two (2) other members of the city council selected by the entire city council, and two (2) other residents of the city

selected by the entire council. The council may also select alternate members to serve for indefinite terms: one (1) alternate city council member; and one (1) alternate other city resident. If the regular city council member or regular other city resident member is absent from any meeting of the authority, the respective council member or other city resident alternate may serve in such member's place with all the powers and duties of the absent member.

C. The two (2) members of the city council shall serve terms of two (2) years each, which run from the council meeting after each general municipal election until the council meeting after the next general municipal election.

D. The mayor pro-tem shall serve a term of two (2) years, coinciding with his term as mayor pro-tem.

E. The two (2) other residents of the city shall serve terms of two (2) years each.

F. Members of the local licensing authority serve at the pleasure of the city council, and may be removed for just cause by a majority vote of the entire city council.

G. When any vacancy occurs on the authority for any reason the city council shall select a city council member or city resident to complete the unexpired term.

H. No person shall serve or continue to serve as a member or alternate of the authority who has or obtains any financial interest in the operation of any business required to be issued a license pursuant to this chapter, or who has a member of his or her immediate family who has or obtains such an interest.

I. The authority shall, at the first meeting of each year, elect one (1) of its members to serve as chairperson and one (1) of its members to serve as vice-chairperson.

J. A quorum shall consist of three (3) members. In the absence of a quorum, a lesser number may adjourn any meeting or hearing to a later date or time. In the absence of all members, the city clerk may adjourn any meeting for not longer than one (1) week.

K. A decision of the majority of the members of the authority present and voting shall control. (Ord. No. 884, § 1, 10-9-90)

5.28.060 Same—Rule and regulation promulgation. The licensing authority may promulgate procedural rules and regulations for carrying out the provisions of this chapter; provided, that the same are not in conflict with the Colorado Liquor Code, and the regulations promulgated thereunder, or any other provision in this chapter. (Ord. No. 884, § 1, 10-9-90)

5.28.070 City clerk; powers and duties. The city clerk shall receive all applications for licenses and, upon receipt of full payment of such fees as are required by state law and by this chapter, shall issue all licenses granted by the authority. The city clerk shall serve as the official secretary of the authority, and shall provide or cause to be provided the necessary secretarial and reporting services for the authority. The city clerk shall attend all meetings of the authority. All public notices required by this chapter and by the Colorado Liquor Code, as amended, and the regulations promulgated thereunder, shall be accomplished by the city clerk. (Ord. No. 884, § 1, 10-9-90)

5.28.080 Investigator; powers and duties. Such person or persons as the city manager designates shall be the liquor license investigator(s), who shall perform the investigative duties set forth in this chapter and such other duties as the authority may reasonably direct. (Ord. No. 884, § 1, 10-9-90)

5.28.090 Application for new license—Generally.

A. All applications for new licenses for the sale of alcoholic liquors shall be on forms provided by the state licensing authority and may be obtained from and shall be filed with the city clerk. Each application shall be accompanied by such further information as may reasonably be required by the state or local licensing authority.

B. The city clerk shall cause the completed application to be placed on the agenda of the authority at a meeting to be held not less than seven (7) nor more than forty (40) days after the clerk has received the completed application.

C. The following persons shall be in attendance at the meeting at which the application is presented to the licensing authority:

1. If the applicant is an individual, that individual; or
2. If the applicant is a partnership, any partner; or
3. If the applicant is a corporation, any officer of the corporation; or
4. Counsel for the applicant.

D. The authority shall set the boundaries of the neighborhood considered affected by the proposed location. The applicant shall have the opportunity at this time to give any evidence as to the propriety of any proposed boundary or boundaries, and to give any objections thereto.

E. The licensing authority shall also set a date for public hearing on the application, which date shall be not less than thirty (30) days from the date of the meeting at which the application is presented.

F. The following persons shall be in attendance at the public hearing on the application:

1. If the applicant is an individual, that individual;
2. If the applicant is a partnership, any partner;
3. If the applicant is a corporation, the president of the corporation or the president's authorized representative; and
4. Irrespective of the identity of the applicant, the manager of the proposed establishment.

G. The authority may require the attendance of such other person or persons as it deems necessary or desirable and may, at its discretion, waive attendance by any one (1) or more of the designated persons. (Ord. No. 884, § 1, 10-9-90)

5.28.100 Same—Investigation, fingerprinting of applicant.

A. Prior to the acceptance of applications for a new license, transfer of ownership or change of corporate structure the following individuals shall present themselves to the police department to be fingerprinted and shall pay the costs thereof:

1. If the applicant is a natural person, that person;
2. If the applicant is a partnership, all of the partners;
3. If the applicant is a corporation, both the officers and directors, together with any person owning more than five (5) percent of the stock thereof;
4. Irrespective of the identity of the applicant, the manager of the proposed establishment.

B. The police department shall make character and background investigations of the above-named individuals; and, for this purpose, such individuals shall provide all information necessary for the investigation.

1. Where a partner or a corporation officer, director, or stockholder lives at such a distance from the city that travel would impose undue expense or inconvenience, the police chief shall have the discretion to make other suitable arrangements in order to obtain the necessary fingerprints and information.
2. Where a character and background investigation has been previously made of any individuals enumerated in this section, either by the police department or another law enforcement agency or the state liquor authority within the twelve-month period previous to the date of the license application, the police chief shall have the discretion to employ such investigation, and may waive the fingerprinting required by this section.

C. The investigator shall acquire such information, either upon direction of the authority or on his own initiative, as necessary to properly carry out the provisions of Title 12, Articles 47 and 48, C.R.S., as amended, the regulations promulgated thereunder, the ordinances of the city, and the rules and regulations of the authority. (Ord. No. 884, § 1, 10-9-90)

5.28.110 Hotel and restaurant license; optional premises.

A. The local licensing authority may issue a hotel and restaurant license which includes optional premises upon which the licensee may sell and serve alcoholic beverages, provided that the optional premises are located upon an outdoor recreation facility which is located on or adjacent to the hotel and restaurant and provided that the requirements set forth in this chapter and the Colorado Liquor Code and the regulations promulgated thereunder, as amended, have been satisfied.

B. Application for optional premises shall be made to the city clerk and shall include the following information:

1. A detailed diagram or map of the outdoor sports and recreational facility indicating:
 - a. The location and boundaries of the outdoor sports and recreational facility;
 - b. The location of all proposed optional premises; and
 - c. The location of all bars located within the optional premise(s);
2. A written description of the provisions which have been made for storing alcoholic beverages in a secured area on or off the optional premises for the future use on the optional premises.
3. A written description of the provisions which have been made for the operation and control of the optional premises.
4. Such other information as may reasonably be required by the local licensing authority and state licensing authority.

C. No hotel and restaurant licensee shall have more than four (4) optional premises within an outdoor sports and recreational facility.

D. No alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities in accordance with section 12-14-135(6), C.R.S., as amended. (Ord. No. 884, § 1, 10-9-90)

5.28.120 Application fees.

A. The following application fees shall be paid to the city clerk at the time the application is submitted:

<i>Application</i>	<i>Fee</i>
New license	\$450.00
Transfer or change in location or ownership of existing license	250.00
Change in corporate structure	100.00
Modification of premises (including registration of optional premises)	50.00
Renewal of existing license	50.00
Registration and/or change of manager, hotel and restaurant licenses only	75.00
Special events permits	25.00

B. Application fees enumerated in this section shall be paid to the city to help to defray actual and necessary expenses incurred by the city in conducting the processing, investigations, surveys, publishing and posting requirements, and public hearing related to the application. (Ord. No. 884, § 1, 10-9-90)

5.28.130 Collection of fees generally. In addition to any other remedy provided by this chapter, the city shall have the right to recover all sums due and owing hereunder by any civil remedy available at law. (Ord. No. 884, § 1, 10-9-90)

5.28.140 License renewal.

A. All renewal applications for malt, vinous and spirituous liquor licenses shall be submitted to the city clerk on the prescribed forms no later than forty-five (45) days prior to the date on which the license expires, except that the authority, for good cause, may waive the time requirement set forth in this paragraph. The forms shall be accompanied by all the required fees and such additional materials as the authority deems necessary to carry out the provisions of the Colorado Liquor Code, as amended, this chapter and all applicable regulations.

B. No renewal application shall be accepted by the city clerk which is not complete in every detail. Any application mailed to or deposited with the city clerk, which, upon examination, is found to have some omission or error shall be returned to the applicant for completion or correction without any action on the part of the city clerk or the authority.

C. The following persons, unless waived by the authority, shall be in attendance at the meeting at which the completed application is considered:

1. If the applicant is an individual, that individual; or
2. If the applicant is a partnership, any partner; or
3. If the applicant is a corporation, any officer of the corporation; or
4. The manager of the establishment; or
5. Counsel for the applicant.

D. Should the authority determine a hearing is required, such hearing shall be held in accordance with the procedures provided in the Colorado Liquor Code, and the regulations promulgated thereunder. (Ord. No. 884, § 1, 10-9-90)

5.28.150 Change of manager. Within thirty (30) days after a change in the manager of the establishment, such new manager shall report to the police department, as provided in section 5.28.100, for fingerprinting and character and background investigation. (Ord. No. 884, § 1, 10-9-90)

5.28.160 Special event permit. The liquor licensing authority shall establish a procedure to issue special event permits for sale by the drink only of malt, spirituous or vinous liquors, as set forth in Title 12, Article 48, C.R.S., as amended, and the regulations promulgated thereunder. (Ord. No. 884, § 1, 10-9-90)

5.28.170 Hearing—Procedure. The licensing authority shall establish procedures for all of its public hearings in conformity with the laws of the state and the ordinances and resolutions of the city. (Ord. No. 884, § 1, 10-9-90)

5.28.180 Same—Authority. The licensing authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the licensing authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the authority in the proper conduct of its hearings. The municipal court of the city

shall enforce the subpoenas of the licensing authority and, upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records or other evidence, and shall impose penalties of punishment for contempt in case of failure to comply with such orders. (Ord. No. 884, § 1, 10-9-90)

5.28.190 License suspension, alternate penalty; adoption. The optional procedures set forth in the Colorado Liquor Code, 12-47-110(3) to (6), C.R.S., are hereby accepted and adopted. (Ord. No. 884, § 1, 10-9-90)

5.28.200 License display required. Once issued, the license shall be displayed in a prominent location in the vicinity of the bar of the establishment. (Ord. No. 884, § 1, 10-9-90)

Chapter 5.32

FERMENTED MALT BEVERAGES*

Sections:

- 5.32.010 Short title.
- 5.32.020 Legislative declaration.
- 5.32.030 Definitions.
- 5.32.040 License required.
- 5.32.050 Licensing authority—Established; powers.
- 5.32.060 Same—Rule and regulation promulgation.
- 5.32.070 City clerk; powers and duties.
- 5.32.080 Investigator; powers and duties.
- 5.32.090 Application for new license—Generally.
- 5.32.100 Same—Investigation, fingerprinting of applicant.
- 5.32.110 License; distance restrictions.
- 5.32.120 Application fees.
- 5.32.130 Collection of fees generally.
- 5.32.140 License renewal.
- 5.32.150 Change of manager.
- 5.32.160 Special event permit.
- 5.32.170 Hearing—Procedure.
- 5.32.180 Same—Authority.
- 5.32.190 License suspension, alternate penalty; adoption.
- 5.32.200 License display required.

5.32.010 Short title. This chapter shall be known and cited as the “Broomfield Beer Code.” Reference to the Broomfield beer code and the applicable section or sections thereof

***Editor’s note**—Section 1 of Ord. No. 885, adopted Oct. 9, 1990, and effective Oct. 25, 1990, repealed former Ch. 5.32 and enacted provisions in lieu thereof to read as set out in this chapter. Former Ch. 5.32 contained §§ 5.32.010–5.32.630, which pertained to similar subject matter and derived from Ord. No. 311, §§ 1–25, effective Feb. 22, 1988; Ord. No. 560, § 4, effective July 1, 1984; Ord. No. 562, §§ 9–13, effective July 12, 1984; Ord. No. 691, § 1, effective May 29, 1986; and Ord. No. 843, § 4, adopted June 3, 1989.

shall be sufficient when citing the provisions of this chapter in any legal document, including, but not limited to, summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. No. 885, § 1, 10-9-90)

5.32.020 Legislative declaration. The city council declares that the purpose of this chapter is to provide for the regulation, control and licensing of the sale at retail of three and two-tenths (3.2) percent fermented malt beverages within the city, and that such matters are in the interest of and are those in which the city has responsibility for the public health, safety and welfare. (Ord. No. 885, § 1, 10-9-90)

5.32.030 Definitions.

A. As used in this chapter, unless the context clearly requires otherwise, the following words and terms shall have the meanings set forth in this section:

Applicant means and includes:

- a. If an individual, that person making an application for a license under this chapter;
- b. If a partnership, all the partners of the partnership which is making application for a license under this chapter;
- c. If a corporation, the president, vice president, secretary, treasurer, the directors, manager, and each stockholder owning more than five (5) percent of the stock of the corporation making an application under this chapter.

City clerk means the city clerk of the city, or the clerk's designee.

City manager means the city manager of the city, or the manager's designee.

Investigator means the beer license investigator, as set forth in section 5.32.080.

Manager includes that person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this chapter.

B. Other definitions not specifically enumerated in this section shall be as defined, as applicable, in the Colorado Beer Code and in Chapter 1.04 of this Code. (Ord. No. 885, § 1, 10-9-90)

5.32.040 License required. Within the city, it is unlawful for any person to sell or to possess for sale any fermented malt beverage unless licensed to do so, as provided for by both this chapter and the applicable provisions of Title 12, Articles 46 and 48, C.R.S., as amended, and unless the license required is in full force and effect, and all applicable fees and taxes have been paid in full. (Ord. No. 885, § 1, 10-9-90)

5.32.050 Local licensing authority—Established; powers.

A. There is established a local licensing authority, sometimes referred to as the "licensing authority" or as the "authority," which shall have and is vested with the authority to grant or to refuse for cause licenses for the sale at retail of fermented malt beverages; to

conduct investigations; and to suspend or revoke such licenses for cause. The local licensing authority shall have all the powers provided in this chapter, and shall have all the powers of the local licensing authority, as set forth in Title 12, Articles 46 and 48, C.R.S., as amended, and the regulations promulgated thereunder.

B. The authority shall consist of the mayor pro-tem of the city, two (2) other members of the city council selected by the entire city council, and two (2) other residents of the city selected by the entire council. The council may also select alternate members to serve for indefinite terms: one (1) alternate city council member; and one (1) alternate other city resident. If the regular city council member or regular other city resident member is absent from any meeting of the authority, the respective council member or other city resident alternate may serve in such member's place with all the powers and duties of the absent member.

C. The two (2) members of the city council shall serve terms of two (2) years each, which run from the council meeting after each general municipal election until the council meeting after the next general municipal election.

D. The mayor pro-tem shall serve a term of two (2) years, coinciding with his term as mayor pro-tem.

E. The two (2) other residents of the city shall serve terms of two (2) years each.

F. Members of the local licensing authority serve at the pleasure of the city council, and may be removed for just cause by a majority vote of the entire city council.

G. When any vacancy occurs on the authority for any reason the city council shall select a city council member or city resident to complete the unexpired term.

H. No person shall serve or continue to serve as a member or alternate of the authority who has or obtains any financial interest in the operation of any business required to be issued a license pursuant to this chapter, or who has a member of his or her immediate family who has or obtains such an interest.

I. The authority shall, at the first meeting of each year, elect one (1) of its members to serve as chairperson and one (1) of its members to serve as vice-chairperson.

J. A quorum shall consist of three (3) members. In the absence of a quorum, a lesser number may adjourn any meeting or hearing to a later date or time. In the absence of all members, the city clerk may adjourn any meeting for not longer than one (1) week.

K. A decision of the majority of the members of the authority present and voting shall control. (Ord. No. 885, § 1, 10-9-90)

5.32.060 Same—Rule and regulation promulgation. The licensing authority may promulgate procedural rules and regulations for carrying out the provisions of this chapter; provided, that the same are not in conflict with the Colorado Beer Code, as amended, and the regulations promulgated thereunder, or any other provision in this chapter. (Ord. No. 885, § 1, 10-9-90)

5.32.070 City clerk; powers and duties. The city clerk shall receive all applications for licenses and, upon receipt of full payment of such fees as are required by state law and by this chapter, shall issue all licenses granted by the authority. The city clerk shall serve as the official secretary of the authority, and shall provide or cause to be provided the necessary secretarial and reporting services for the authority. The city clerk shall attend all meetings of the authority. All public notices required by this chapter and by the Colorado Beer Code, as amended, and the regulations promulgated thereunder, shall be accomplished by the city clerk. (Ord. No. 885, § 1, 10-9-90)

5.32.080 Investigator; powers and duties. Such person or persons as the city manager designates shall be the beer license investigator(s), who shall perform the investigative duties set forth in this chapter and such other duties as the authority may reasonably direct. (Ord. No. 885, § 1, 10-9-90)

5.32.090 Application for new license—Generally.

A. All applications for new licenses for the sale of fermented malt beverages shall be on forms provided by the state licensing authority and may be obtained from and shall be filed with the city clerk. Each application shall be accompanied by such further information as may reasonably be required by the state or local licensing authority.

B. The city clerk shall cause the completed application to be placed on the agenda of the authority at a meeting to be held not less than seven (7) nor more than forty (40) days after the clerk has received the completed application.

C. The following persons shall be in attendance at the meeting at which the application is presented to the licensing authority:

1. If the applicant is an individual, that individual; or
2. If the applicant is a partnership, any partner; or
3. If the applicant is a corporation, any officer of the corporation; or
4. Counsel for the applicant.

D. The authority shall set the boundaries of the neighborhood considered affected by the proposed location. The applicant shall have the opportunity at this time to give any evidence as to the propriety of any proposed boundary or boundaries, and to give any objections thereto.

E. The licensing authority shall also set a date for public hearing on the application, which date shall be not less than thirty (30) days from the date of the meeting at which the application is presented.

F. The following persons shall be in attendance at the public hearing on the application:

1. If the applicant is an individual, that individual; or
2. If the applicant is a partnership, any partner; or
3. If the applicant is a corporation, the president of the corporation or the president's authorized representative; and

4. Irrespective of the identity of the applicant, the manager of the proposed establishment.

G. The authority may require the attendance of such other person or persons as it deems necessary or desirable and may, at its discretion, waive attendance by any one (1) or more of the designated persons. (Ord. No. 885, § 1, 10-9-90)

5.32.100 Same—Investigation, fingerprinting of applicant.

A. Prior to the acceptance of applications for a new license, transfer of ownership or change of corporate structure the following individuals shall present themselves to the police department to be fingerprinted and shall pay the costs thereof:

1. If the applicant is a natural person, that person;
2. If the applicant is a partnership, all of the partners;
3. If the applicant is a corporation, both the officers and directors, together with any person owning more than five (5) percent of the stock thereof;
4. Irrespective of the identity of the applicant, the manager of the proposed establishment.

B. The police department shall make character and background investigations of the above-named individuals; and, for this purpose, such individuals shall provide all information necessary for the investigation.

1. Where a partner or a corporation officer, director, or stockholder lives at such a distance from the city that travel would impose undue expense or inconvenience, the police chief shall have the discretion to make other suitable arrangements in order to obtain the necessary fingerprints and information.
2. Where a character and background investigation has been previously made of any individuals enumerated in this section, either by the police department or another law enforcement agency or the state licensing authority within the twelve-month period previous to the date of the license application, the police chief shall have the discretion to employ such investigation, and may waive the fingerprinting required by this section.

C. The investigator shall acquire such information, either upon direction of the authority or on his own initiative, as necessary to properly carry out the provisions of Title 12, Articles 46 and 48, C.R.S., as amended, the regulations promulgated thereunder, the ordinances of the city, and the rules and regulations of the authority. (Ord. No. 885, § 1, 10-9-90)

5.32.110 Licenses; distance restrictions.

A. No license provided for by this chapter shall be issued if the building in which three and two-tenths (3.2) percent fermented malt beverage is to be sold is located within five hundred (500) feet of any public or parochial school; except this provision shall not affect the renewal or reissuance of a license once granted or apply to licensed premises located or to be

located on land owned by the city, or apply to a three and two-tenths (3.2) percent fermented malt beverage license in effect and actively doing business before the school was constructed.

B. The distance shall be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which three and two-tenths (3.2) percent fermented malt beverage is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly without trespassing, with right angles at crossings and with the observation of traffic regulations and lights. (Ord. No. 885, § 1, 10-9-90)

5.32.120 Application fees.

A. The following application fees shall be paid to the city clerk at the time the application is submitted:

<i>Application</i>	<i>Fee</i>
New license	\$450.00
Transfer or change in location or ownership of existing license	250.00
Change in corporate structure	100.00
Modification of premises	50.00
Renewal of existing license	50.00
Registration and/or change of manager, hotel and restaurant licenses only	75.00
Special events permits	25.00

B. Application fees enumerated in this section shall be paid to the city to help to defray actual and necessary expenses incurred by the city in conducting the processing, investigations, surveys, publishing and posting requirements, and public hearing related to the application. (Ord. No. 885, § 1, 10-9-90)

5.32.130 Collections of fees generally. In addition to any other remedy provided by this chapter, the city shall have the right to recover all sums due and owing hereunder by any civil remedy available at law. (Ord. No. 885, § 1, 10-9-90)

5.32.140 License renewal.

A. All renewal applications for three and two-tenths (3.2) percent beer licenses shall be submitted to the city clerk on the prescribed forms no later than forty-five (45) days prior to the date on which the license expires, except that the authority, for good cause, may waive the time requirement set forth in this paragraph. The forms shall be accompanied by all the required fees and such additional materials as the authority deems necessary to carry out the provisions of the Colorado Beer Code, this chapter, and all applicable regulations.

B. No renewal application shall be accepted by the city clerk which is not complete in every detail. Any application mailed to or deposited with the city clerk, which, upon examination, is found to have some omission or error shall be returned to the applicant for completion or correction without any action on the part of the city clerk or the authority.

C. The following persons, unless waived by the authority, shall be in attendance at the meeting at which the completed application is considered:

1. If the applicant is an individual, that individual; or
2. If the applicant is a partnership, any partner; or
3. If the applicant is a corporation, any officer of the corporation; or
4. The manager of the establishment; or
5. Counsel for the applicant.

D. Should the authority determine a hearing is required, such hearing shall be held in accordance with the procedures provided in the Colorado Beer Code, and the regulations promulgated thereunder. (Ord. No. 885, § 1, 10-9-90)

5.32.150 Change of manager. Within thirty (30) days after a change in the manager of the establishment, such new manager shall report to the police department, as provided in section 5.32.100, for fingerprinting and character and background investigation. (Ord. No. 885, § 1, 10-9-90)

5.32.160 Special event permit. The licensing authority shall establish a procedure to issue special event permits for sale by the drink only of three and two-tenths (3.2) percent beer, as set forth in Title 12, Article 48, C.R.S., as amended, and the regulations promulgated thereunder. (Ord. No. 885, § 1, 10-9-90)

5.32.170 Hearing—Procedure. The licensing authority shall establish procedures for all of its public hearings in conformity with the laws of the state and the ordinances and resolutions of the city. (Ord. No. 885, § 1, 10-9-90)

5.32.180 Same—Authority. The licensing authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records necessary to the determination of any hearing which the licensing authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the authority in the proper conduct of its hearings. The municipal court of the city shall enforce the subpoenas of the licensing authority and, upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records or other evidence, and shall impose penalties of punishment for contempt in case of failure to comply with such orders. (Ord. No. 885, § 1, 10-9-90)

5.32.190 License suspension; alternate penalty; adoption. The optional procedures set forth in the Colorado Beer Code, 12-46-107(5) to (8), C.R.S., are hereby accepted and adopted. (Ord. No. 885, § 1, 10-9-90)

5.32.200 License display required. Once issued, the license shall be displayed in a prominent location in the vicinity of the bar of the establishment. (Ord. No. 885, § 1, 10-9-90)

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Chapter 6.04GENERAL PROVISIONSSections:

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6.04.020	Title.
6.04.030	Recordkeeping requirements.
6.04.040	Right of entry for inspection.

6.04.010 Purpose. The city council declares that the purpose of this title is to provide for the control of rabies and for the protection and control of animals within the city, and that such matters are in the interest of and are those in which the city has responsibility for the public health, welfare and safety. (Ord. 233 Art. 1, 1975).

6.04.020 Title. This title shall be known and cited as Ordinance 233, the "Broomfield animal care and control ordinance." When citing the provisions of this title in any summons, subpoena, pleading, summons and complaint, or other document, it shall be sufficient to make reference to Ordinance 233. (Ord. 233 Art. 2, 1975).

* For statutory provisions on the control of animals, see CRS 1973 31-15-401(m) (1975 Supp.).

6.04.030 Recordkeeping requirements. The humane officer shall keep accurate and detailed records of the impoundment and disposition of all animals coming into his custody, and of all reports of animal bites reported to him. (Ord. 233 Art. 12 §1, 1975).

6.04.040 Right of entry for inspection. A. Whenever it is necessary to make an inspection to enforce any of the provisions of this title or other applicable law, or to perform any duty imposed by this title or other applicable law, or whenever the humane officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this title or other applicable law, the humane officer is authorized to enter such building or premises at any reasonable time to inspect the same and perform any duty imposed upon him by this title or other applicable law; provided, that:

1. If such building or premises is occupied, the humane officer shall first present proper credentials to the occupant and request entry explaining his reasons therefor.

2. If entry is refused, the humane officer shall give the owner and/or occupant, or if the owner and/or occupant cannot be located after reasonable effort, the humane officer shall leave at the building or premises, twenty-four hours' written notice of intention to inspect. The notice given to the owner and/or occupant, or left on the premises, shall state that the property owner has the right to refuse entry, and that in the event such entry is refused, inspection may be made upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.

3. After expiration of the twenty-four-hour period from the giving of such notice, the humane officer may appear before the municipal court of the city and, upon a showing of probable cause, shall obtain a search warrant entitling him to enter the building or upon the premises to be inspected. Upon presentation of the search warrant and proper credentials, or possession of same in the case of an unoccupied building or premises, the humane officer may enter into the building or upon the premises, using such reasonable force as may be necessary to gain entry therein.

4. For the purposes of this section, a determination of "probable cause" will be based upon reasonableness, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The humane officer, when applying for such search warrant, shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in order to obtain a search warrant. It is unlawful for any owner and/or occupant of a building or premises

to resist such reasonable force used by the humane officer acting pursuant to this subdivision.

B. Notwithstanding subsection A of this section, if the humane officer has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the humane officer shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the humane officer shall first present proper credentials to the owner and/or occupant and demand entry, explaining his reasons therefor and the purpose of the inspection.

C. No person, firm or corporation shall fail or refuse, after proper demand has been made upon him as provided in subsection B of this section, to permit the humane officer to make any inspection provided for by subsection B. Any person, firm or corporation violating this subsection shall be guilty of an unlawful act.

D. The licensee or permittee of any license or permit issued pursuant to this title, does thereby consent and agree to the entry upon the premises described in the license or permit by the humane officer for the purpose of conducting such inspections as are required by this title or other applicable law. (Ord. 233 Art. 12 §2, 1975).

Chapter 6.08

DEFINITIONS

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- 6.08.160 Stray animal.
- 6.08.170 Veterinarian.
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6.08.010 Definitions generally. As used in this title, unless the context clearly indicates otherwise, the following words and terms are defined as set forth in this chapter. (Ord. 233 Art. 3 §1(part), 1975).

6.08.020 Animal. "Animal" means any of a kingdom (Animalia) of living beings typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation; consistent therewith, any one of the lower animals distinguished from man. (Ord. 233 Art. 3 §1(a), 1975).

6.08.030 Animal owner. "Animal owner" means any person who owns, keeps, harbors, possesses or otherwise has custody or control of any animal in the city, whether such person is a resident or nonresident of the city. (Ord. 233 Art. 3 §1(d), 1975).

6.08.040 Animal owner's authorized agent. "Animal owner's authorized agent" means any person who acts for and in the place of the animal owner by authority from the animal owner. (Ord. 233 Art. 3 §1(e), 1975).

6.08.050 Cat. "Cat" means any domesticated animal of the species *Felis domestica*. (Ord. 233 Art. 3 §1(c), 1975).

6.08.060 Commercial kennel. "Commercial kennel" means any establishment or other place where one or more animals, either temporarily or permanently, are bred, born, raised, boarded, trained, kept or fed for money or any other consideration, or for sale. (Ord. 233 Art. 3 §1(f), 1975).

6.08.070 Dog. "Dog" means any domesticated animal of the species *Canis familiaris*, or other species of the family Canidae. (Ord. 233 Art. 3 §1(b), 1975).

6.08.080 Guard dog. "Guard dog" means a dog disciplined, through special training, to protect persons and/or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog. (Ord. 233 Art. 3 §1(h), 1975).

6.08.090 Harboring. The occupant of any premises on which an animal is kept, or to which an animal customarily returns daily for food and care, is presumed to be "harboring" or keeping the animal within the meaning of this title, and such person shall be subject to the applicable provisions of this title. (Ord. No. 233, Art. 3, § 1(i), 1975)

6.08.100 Humane officer. "Humane officer" means any officer(s) or employee(s) of the city designated by the city manager or by his authorized representative to enforce the provisions of this title. (Ord. No. 233, Art. 3, § 1(j), 1975)

6.08.110 Leash. "Leash" means a substantial chain, cord, rope or similar device sufficient to hold an animal in restraint, and which is not more than six (6) feet in length. (Ord. No. 233, Art. 3, § 1(k), 1975)

6.08.120 Noncommercial kennel. "Noncommercial kennel" means any private residence or any other place where more than four (4) animals over the age of six (6) months are either temporarily or permanently kept, boarded or fed. (Ord. No. 233, Art. 3, § 1(g), 1975)

6.08.130 Pet shop. "Pet shop" means any establishment that sells or traffics in animals of any species. (Ord. No. 233, Art. 3, § 2(l), 1975)

6.08.140 Rabies inoculation. "Rabies inoculation" means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health, and administered by a licensed veterinarian. (Ord. No. 233, Art. 3, § 2(m), 1975)

6.08.145 Rodent. "Rodent" means members of the order rodentia, including rats and mice in the family *muridae*, any other introduced rodents, and various native species such as field mice, moles, wood rats, ground and trees squirrels, chipmunks and prairie dogs. (Ord. No. 852, § 1, 7-25-89)

6.08.150 Running at large. "Running at large" means any animal, unless specifically excepted by this title, off the premises of the owner and not under the direct and competent control of the owner or the owner's authorized agent by means of a leash, except an animal within the automobile or other vehicle of its owner, and except a dog within areas of public parks or public grounds which have been designated by resolution of the city council as areas within which owners may walk their dogs without a leash. The boundaries of the designated public parks or public ground areas shall be conspicuously posted, and any dog within such areas shall be physically accompanied by and shall be under the reasonable control of the owner thereof at all times. For the purposes of this title, a dog within such designated areas shall not be deemed under reasonable control when the dog is unaccompanied or when the dog inflicts damage or injury to the person or property of anyone other than the owner thereof,

except in defense of the owner or the owner's authorized agent. (Ord. No. 233, Art. 3, § 2(n), 1975)

6.08.160 Stray animal. "Stray animal" means any animal, with or without a registration-rabies inoculation tag, found loose or unattached anywhere within the city. (Ord. No. 233, Art. 3, § 2(o), 1975)

6.08.170 Veterinarian. "Veterinarian" means a person licensed by the state to practice veterinary medicine. (Ord. No. 233, Art. 3, § 2(p), 1975)

6.08.180 Vicious animal. "Vicious animal" means any animal which unprovokedly attacks or bites humans or other animals on public or private property or, in a terrorizing manner or in apparent attitude of attack, approaches any person upon the streets, sidewalks or any other public property or on private property belonging to or in the possession of such person; or on private property which such person has lawfully entered. An animal shall not be deemed a vicious animal by reason of having bitten or attacked the following:

- A. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
- B. Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein such animal is confined, which is parked in or upon the owner's property, or which is parked on the street immediately adjacent to the owner's property;
- C. Any person engaged in attacking or molesting another person;
- D. Any person engaged in attempting to stop an altercation between such animal and another animal; and
- E. Any person who deliberately and wantonly provokes such animal to bite or attack such person, another person or another animal. (Ord. No. 233, Art. 3, § 2(q), 1975; Ord. No. 869, § 1, 1-23-90)

Chapter 6.12

ANIMALS RUNNING AT LARGE

Sections:

- 6.12.010 Running at large prohibited; exceptions.
- 6.12.020 Permitting incompetent control prohibited.
- 6.12.030 Cats; reasonable control required.
- 6.12.040 Injured and stray animals; impoundment and treatment; owner liable for costs.
- 6.12.050 Dead animals; disposal, owner notification.
- 6.12.060 Disturbing the peace prohibited.
- 6.12.070 Confinement during estrus required; exception.

6.12.010 Running at large prohibited; exceptions. It is unlawful for any person owning or having charge of any animal, except an ordinary domesticated house cat, to permit the animal to run at large within the city, except on the premises of the owner or on the premises of the person having charge of the animal. (Ord. No. 233, Art. 5, § 1, 1975)

6.12.020 Permitting incompetent control prohibited. It is unlawful for any person owning any animal to permit the animal to be in the care and custody of a person who is not competent to restrain and control the animal. (Ord. No. 233, Art. 5, § 2, 1975)

6.12.030 Cats; reasonable control required. Any person owning or having charge of any cat shall maintain reasonable control over such cat. For purposes of this title, a cat shall not be deemed under reasonable control when such cat inflicts damage or injury to the person or property of anyone other than the owner or keeper thereof, or when such cat is in violation of Section 6.12.060. (Ord. No. 233, Art. 5, § 3, 1975)

6.12.040 Injured and stray animals; impoundment and treatment; owner liable for costs. Any stray animal or any animal injured on public property is deemed to be running at large and shall be impounded. The humane officer shall take those injured animals in need of medical attention to a veterinarian for adequate veterinary medical treatment, pending notification of the animal's owner. The owner of such animal shall be liable for and shall pay all expenses of such treatment and impoundment. (Ord. No. 233, Art. 5, § 4, 1975)

6.12.050 Dead animals; disposal; owner notification. Any animal killed in any public street or on any public property shall be deemed running at large and shall be removed therefrom and disposed of by the humane officer. The owner of such animal, if ascertainable, shall be so notified and advised by the humane officer. (Ord. No. 233, Art. 5, § 5, 1975)

6.12.060 Disturbing the peace prohibited.

A. It is unlawful for any animal owner or for any person in charge of any animal to permit such animal to disturb the peace and quiet of any person or neighborhood by barking, fighting, howling, crying or emitting any other similar sound.

B. No person shall be charged or found guilty of violating this section unless he has received or unless such animal has been the subject of at least one (1) prior complaint within the twelve-month period immediately preceding the date of issuance of the summons and complaint charging a violation of this section.

C. No summons and complaint shall be issued nor shall there be a conviction for violation of this Section unless there are at least two (2) or more complaining witnesses from separate households who shall have signed such complaint and shall have testified at trial. An animal control officer or police officer who has personally investigated the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its

frequent barking, fighting, howling, crying or similar sound, may satisfy the requirement for the second complaining witness and may testify to his observations at trial. (Ord. No. 233, Art. 5, § 6, 1975; Ord. No. 924, § 1, 3-10-92)

6.12.070 Confinement during estrus required; exception. Any unspayed female animal in the stage of estrus (heat) shall be securely confined during such period of time within a house, building or other secure enclosure which is so constructed as to prevent other animals of the same species from gaining access to the confined animal. Any owner or any person in charge of an animal who does not adequately so confine the animal during the stage of estrus, or whose animal during estrus creates a neighborhood nuisance, shall be ordered by the humane officer to remove the animal to a boarding kennel, to a veterinary hospital or to the city animal shelter. All expenses incurred as a result of such confinement shall be paid by the animal owner. Failure to comply with the humane officer's removal order shall be a violation of this title, and the animal shall then be impounded at the owner's expense. This section shall not apply when animals are intentionally brought together within an enclosed area of the owner's premises, or an enclosed area of the owner's authorized agent's premises, for purposes of breeding. (Ord. No. 233, Art. 7, § 1, 1975)

Chapter 6.16

RABIES CONTROL*

Sections:

- 6.16.010 Rabies inoculation and registration required; applicability.
- 6.16.020 Certificate of vaccination; contents; issuance.
- 6.16.030 Registration complementary to rabies inoculation requirements; provision of forms and tags.
- 6.16.040 Registration procedure.
- 6.16.050 Dogs; complete registration designated.
- 6.16.060 Cats; complete registration designated.
- 6.16.070 Dogs and cats vaccinated outside city; registration.
- 6.16.080 Collars and tags required for dogs.
- 6.16.090 Rabies tag; display required.
- 6.16.100 Rabies tag; transferability.
- 6.16.110 Possession of false or stolen tags or certificates prohibited.

* For statutory provisions on rabies control, see Sections 25-4-601--25-4-615, CRS.

Sections: (Continued)

- 6.16.120 Replacement of lost or destroyed tags.
- 6.16.130 Recordkeeping requirements--City clerk duty.
- 6.16.140 Registration not required when.
- 6.16.150 Veterinarians authorized to execute and issue certificates and tags.
- 6.16.160 Harboring unvaccinated, unregistered animals prohibited.
- 6.16.170 Refusal to provide proof of vaccination prohibited.
- 6.16.180 Animal bites--Report required.
- 6.16.190 Confinement and quarantine required when.
- 6.16.200 Destruction of suspected animal before confinement prohibited.
- 6.16.210 Removal of confined animal prohibited.
- 6.16.220 Refusal to surrender suspected animal prohibited.
- 6.16.230 Rabid animal--Notification of police and health officer.
- 6.16.240 Emergency confinement.

6.16.010 Rabies inoculation and registration required--Applicability. A. It is unlawful for any person to own, keep, harbor or possess any dog or cat over the age of three months which has not been inoculated against rabies with a rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the state of Colorado, and which has not been registered with the city as required by this chapter. The owner of any dog or cat shall have the animal vaccinated and registered in compliance with this section annually between the period of November 1st and April 1st of each year.

B. The owner acquiring any dog or cat shall have said dog or cat inoculated against rabies and registered with the city within thirty days after acquiring the animal, or within thirty days after the animal attains the age of three months, whichever occurs last, and shall have the dog or cat so vaccinated and registered annually thereafter during the period set forth in subsection A of this section.

C. Any person moving into the city from a location outside of the city shall comply with this section within thirty days after having moved into the city.

D. If any dog or cat has inflicted a bite on any person within a ten-day period preceding the date on which such animal is to be vaccinated, the owner of the animal shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten-day observation period. Further, the veterinarian shall inquire before any rabies inoculation is given whether such animal to be vaccinated is under quarantine, or has inflicted a bite upon any person within the last ten days.

E. The requirement for rabies inoculation as set forth herein is intended primarily to apply to dogs and cats; provided, however, that whenever it is deemed advisable in the interest of the public health, welfare and safety, the city council may order that all animals, or certain specified animals within the city which are susceptible to the rabies virus, shall be vaccinated against rabies, such vaccination to be performed by a licensed veterinarian. (Ord. 233 Art. 4 §1, 1975).

6.16.020 Certificate of vaccination--Contents--Issuance.
Upon vaccination for rabies, the veterinarian administering the vaccination shall execute and furnish to the animal owner as evidence thereof a certificate of vaccination, upon a form furnished by the city. The certificate shall contain the following:

- A. The name, address and telephone number of the owner of the inoculated animal;
- B. The breed, sex, color and name of the inoculated animal;
- C. The date of inoculation;
- D. The type of vaccine used;
- E. Where applicable, the tag number of the rabies vaccination tag issued; and
- F. The signature of the veterinarian issuing the certificate. (Ord. 233 Art. 4 §2, 1975).

6.16.030 Registration complementary to rabies inoculation requirements--Provision of forms and tags. A. It is the intent of this chapter that the registration of dogs and cats be coordinated with and be complementary to the requirements for rabies inoculations set forth in this chapter.

B. It shall be the duty of the city clerk to acquire and to furnish the certificate of vaccination forms and the rabies tags as required by this chapter. The rabies vaccination tags shall be of a size, shape, color and material as may be deemed suitable by the city clerk; provided, however, that the color or size thereof shall be changed each year. Each such tag shall have the following printed thereon:

- 1. City of Broomfield;
- 2. Rabies vaccination;
- 3. Year for which the tag is issued;
- 4. Tag number; and
- 5. Telephone number of the police department.

C. The certificate of vaccination form shall constitute the city animal registration form.

D. The rabies inoculation tags shall constitute the city registration tags. (Ord. 233 Art. 4 §3, 1975).

6.16.040 Registration procedure.

A. Consistent with the intent of registration as described in subsection A of Section 6.16.030, the city clerk shall furnish an adequate supply of the city certificate of vaccination forms and of the city rabies vaccination tags to all veterinarians maintaining a practice within the city and to all veterinarians maintaining a practice outside the city who have agreed in writing to comply with the provisions of this chapter. Said veterinarians shall be referred to in this chapter as Broomfield veterinarians. (Ord. 802, S1, 1988)

B. Upon vaccination of any dog or cat for rabies as provided for in Section 6.16.020, the Broomfield veterinarian administering same shall execute and furnish to the animal owner the certificate of vaccination on the form therefor provided by the city.

C. Concurrent with the issuance of the certificate of vaccination for any dog, the Broomfield veterinarian administering same shall attach to the collar of the dog, whose owner is a resident of the city, a city rabies vaccination tag provided by the city. The tag number and serial number thereon shall correspond with and shall be identical to the numbers therefor entered on the certificate of vaccination issued for such dog.

D. Within seven days from the issuance of the certificate of vaccination for any dog or cat and of the concurrent issuance of the rabies vaccination tag for any dog, the Broomfield veterinarian issuing same shall file one duplicate copy of the certificate of vaccination with the city clerk. (Ord. 233, Art. 4, S4, 1975)

6.16.050 Dogs--Complete registration designated. The city certificate of rabies vaccination, when and as completed, signed and thereafter filed with the city by a Broomfield veterinarian, combined with the issuance of the city rabies vaccination tag by the veterinarian, shall constitute the city registration of the dog for which the certificate and tag have been so issued. (Ord. 233, Art. 4, S5, 1975)

6.16.060 Cats--Complete registration designated. The city certificate of rabies vaccination, when and as completed, signed and thereafter filed with the city by a Broomfield veterinarian, shall constitute the city registration of the cat for which the certificate has been issued. (Ord. 233, Art. 4, S6, 1975)

6.16.070 Dogs and cats vaccinated outside city--Registration.

A. If any dog or cat owned, kept or harbored within the city is inoculated against rabies by a veterinarian outside the city who has not agreed in writing to comply with the provisions of this chapter, the animal owner shall register such animal with the city in the manner set forth herein. (Ord. 802, S2, 1988)

B. Application for registration shall be made upon forms provided by the city clerk and shall be accompanied by a certificate of vaccination issued by a licensed veterinarian certifying that the dog or cat has been inoculated against rabies for the then current calendar year.

C. Upon receipt of the application and certificate of vaccination, the city clerk shall issue to the animal owner a city

certificate of registration for the dog or cat so registered, and a city rabies vaccination tag for the dog so registered. The city certificate of registration shall contain the following:

1. The name, address and telephone number of the owner of the dog or cat so registered;
2. The name of the veterinarian who administered the rabies inoculation;
3. The breed, sex, color and name of the dog or cat so registered;
4. The date of inoculation;
5. The type of vaccine used;
6. Where applicable, the tag number of the rabies vaccination tag issued; and
7. The signature of the city clerk.

D. The tag number and serial number of the rabies vaccination tag shall correspond with and shall be identical to the numbers therefor entered upon said certificate of registration. The owner shall then attach said rabies vaccination tag to the dog's collar.

E. The issuance of the city certificate of registration, as signed by the city clerk, and the issuance of the city rabies vaccination tag, where applicable, shall then constitute the city registration of the dog or cat for which the certificate and tag (for dogs) have been issued.

F. In no event shall a city certificate of registration be issued for any animal if the animal owner fails to submit the certificate of vaccination as required by this section. (Ord. 233, Art. 4, S7, 1975).

6.16.080 Collars and tags required for dogs.

A. The owner, keeper or possessor of any dog shall place upon such dog a collar, harness or similar device of durable material to which the city rabies vaccination tag provided for in this chapter shall be attached.

B. If a dog within the city is of such age that it is not required by this chapter to have a rabies vaccination tag, the owner, possessor or keeper of such dog shall obtain an identification tag for the dog setting forth the name and address of the owner, and the identification tag shall be attached to the dog's collar. (Ord. 233, Art. 4, S8, 1975)

6.16.090 Rabies tag--Display required. It is unlawful for the owner, possessor or keeper of any dog to keep the dog within the city without the city rabies vaccination tag securely affixed to the dog's collar, which tag shall be worn by the dog at all times, and such tag shall not be removed therefrom by any unauthorized person. (Ord. 233, Art. 4, S9, 1975)

6.16.100 Rabies tag--Transferability. City rabies vaccination tags are not transferable, and it is unlawful for any person to affix any rabies tag to any dog other than the dog for which the tag has been issued. (Ord. 233, Art. 4, S10, 1975)

6.16.110 Possession of false or stolen tags or certificates prohibited. It is unlawful for any person to make use of, or have

in his possession or under his control, any stolen, counterfeit or forged city rabies tag, rabies vaccination certificate, or other form provided for by this title. (Ord. 233, Art 4, S11, 1975)

6.16.120 Replacement of lost or destroyed tags. Lost or destroyed city rabies vaccination tags may be replaced upon application therefor to the city clerk and verification of the certificate of vaccination, and a payment of one dollar. (Ord. 233, Art. 4, S12, 1975)

6.16.130 Recordkeeping requirements--City clerk duty. The city clerk shall keep a complete and accurate record of all city certificates of vaccination and certificates of registration filed with or issued by the city, and shall keep a complete and accurate record of all city rabies vaccination tags issued pursuant to this chapter. (Ord. 233, Art. 4, S13, 1975)

6.16.140 Registration not required when. The requirements for registration, as set forth in this chapter, shall not apply to dogs or cats whose owners are nonresidents or temporarily within the city, nor to dogs or cats temporarily brought into the city for exhibition purposes. However, if a dog or cat, whose owner is a nonresident of the city, remains in the city for more than thirty days, then said dog or cat shall be properly registered as provided by this chapter. (Ord. 233, Art. 4, S14, 1975)

6.16.150 Veterinarians authorized to execute and issue certificates and tags. All veterinarians who are licensed as such by the State of Colorado and who maintain a practice of veterinary medicine within the city or who maintain a practice of veterinary medicine outside the city and have agreed in writing to comply with the provisions of this chapter, are designated as authorized to execute city certificates of vaccination and to issue city rabies vaccination tags, as provided by this chapter. (Ord. 233, Art. 4, S15, 1975; Ord. 802, S3, 1988)

6.16.160 Harboring unvaccinated, unregistered animals prohibited. It is unlawful for any person to harbor any animal which is required by this title to be vaccinated against rabies and to be registered with the city which has not been so vaccinated and registered. (Ord. 233, Art. 4, S16, 1975)

6.16.170 Refusal to provide proof of vaccination prohibited. It is unlawful for any person who owns or harbors any animal which is required by this title to be vaccinated against rabies to fail or refuse to exhibit his copy of the certificate of vaccination for said animal upon demand of the humane officer. (Ord. 233, Art. 4, S17, 1975)

6.16.180 Animal bite--Report required.

A. Whenever any dog, cat or other animal has bitten any person, it shall be the duty of the owner of such animal or of any person having knowledge thereof to immediately report such fact to

the humane officer or to the police department, stating, if known, where the animal may be found.

B. Whenever any dog, cat or other animal is affected by rabies, or suspected of having rabies, or has been bitten by an animal known or suspected to be affected by rabies, the owner of such animal or any person having knowledge thereof shall immediately report such fact to the humane officer or to the police department, stating, if known, where the animal may be found.

C. Consistent with subsection A of this section, every physician or medical practitioner after his first professional attendance upon a person bitten by a dog, cat or other animal shall within twelve hours report to the humane officer or to the police department the name, age and address of the person so bitten and treated.

D. It is the duty of every veterinarian who diagnoses rabies in any animal to immediately report such fact to the humane officer or to the police department. (Ord. 233, Art. 4, S18, 1975)

6.16.190 Confinement and quarantine required when. Any animal that has bitten any person, or has been exposed to rabies, or is in any manner suspected of having rabies, shall be immediately confined for a period of ten days from the date of the incident, or for a longer period of time upon the advice of the humane officer or a veterinarian. The humane officer or other officers and employees of the city charged with the enforcement of this title shall serve notice of such confinement on the owner or harborer of the animal. Such confinement may be on the premises of the owner if deemed appropriate by the humane officer, but such animal must remain within the city during the confinement period. If the animal is not confined on the owner's premises,

confinement shall be either in the city animal shelter or at a veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. (Ord. 233 Art. 4 §19(a), 1975).

6.16.200 Destruction of suspected animal before confinement prohibited. It is unlawful for the owner or harborer of any animal that has bitten a person, or has been exposed to rabies, or is in any manner suspected of having rabies, to destroy or to dispose of such animal before the animal can be properly confined by the humane officer. (Ord. 233 Art. 4 §19(b), 1975).

6.16.210 Removal of confined animal prohibited. It is unlawful for the owner or for any other person to allow any animal which is under confinement to come into contact with the public or with any other animal, or to remove any such animal from the place of confinement or quarantine without the written consent of the humane officer. (Ord. 233 Art. 4 §19(c), 1975).

6.16.220 Refusal to surrender suspected animal prohibited. The owner or harborer of any animal that has been reported to have bitten any person or is suspected of having bitten any person shall, on the demand of the humane officer or of any city officer or employee charged with the enforcement of this title, produce and surrender the animal for examination and quarantine, as prescribed in this section. If the owner or harborer of any such animal refuses to produce the animal, the owner or harborer shall be subject to immediate arrest, if there is probable cause to believe the animal has inflicted a bite upon a person and the owner or harborer is keeping the animal and wilfully refuses to produce the animal upon demand. In such event, the owner shall be taken by an officer of the police department before a judge of the municipal court, who may order the immediate production of the animal. If the owner or harborer of any such animal wilfully and knowingly secretes or refuses to produce the animal, each day of such secretion or refusal shall constitute a separate and individual violation of this section. (Ord. 233 Art. 4 §19(d), 1975).

6.16.230 Rabid animal--Notification of police and health officer. When an animal under confinement and quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the humane officer or the police department and the applicable county health officer of such fact, and shall advise them of any reports of human contact with such rabid animal. If any animal under confinement dies while under

observation, the humane officer shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the humane officer shall notify the applicable county public health officer of any reports of human contact with the animal. (Ord. 233 Art. 4 §19(e), 1975).

6.16.240 Emergency confinement. Whenever the city council has reason to believe or has been notified by the Colorado Department of Health that there is imminent danger that rabies may spread within the city, the city council may require every owner, keeper or possessor of any dog, cat or other specified animal to confine such animals for such periods as may be necessary to prevent the spread of rabies within the city. (Ord. 233 Art. 4 §20, 1975).

Chapter 6.20

VICIOUS ANIMALS

Sections:

- 6.20.010 Harboring prohibited.
- 6.20.020 Impoundment--Destruction permitted when.
- 6.20.030 Compliance with court destruction order required.
- 6.20.040 Multiple offenses--Impoundment--Hearing.
- 6.20.050 Exceptions.

6.20.010 Harboring prohibited. It is unlawful for any person to own, keep, harbor or possess any vicious animal anywhere in the city. (Ord. 233 Art. 6 §1, 1975).

6.20.020 Impoundment--Destruction permitted when. It shall be the duty of the humane officer or any police officer to seize and to impound any vicious animal. After making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner if such owner is immediately ascertainable and available, if the officer(s) determine that the vicious animal cannot be seized without exposing the officer(s) and/or other persons to danger or personal injury from such vicious animal, it shall be lawful for the officer(s) to destroy the animal without notice to the animal's owner, keeper or possessor. (Ord. 233 Art. 6 §2, 1975).

6.20.030 Compliance with court destruction order required. The judge of the municipal court may order any person found guilty of violating this chapter to destroy or dispose of a vicious animal within twenty-four hours from the date of the court order therefor, and the refusal or failure of any person to comply with such order shall subject the person to all of the penalties of this title, and the person shall be deemed guilty of a separate offense for violation of the court order. Further, upon the failure of the person to comply the court order, the humane officer shall impound and shall cause the animal to be humanely destroyed. The owner of such animal shall be liable for and shall pay all costs of the impoundment and destruction of the animal. (Ord. 233 Art. 6 §3, 1975).

6.20.040 Multiple offenses--Impoundment--Hearing. Any animal found guilty of the offense of unprovokedly biting a person more than once shall be immediately impounded by the humane officer and held for a period of five days, and shall thereafter be humanely destroyed unless the owner or possessor of the animal, within the five-day period, shows just cause to the municipal judge why the animal should not be destroyed. If the owner decides to enter such a plea, the owner must provide the municipal judge at least two days' prior notice therefor. The owner of the animal shall be responsible for and shall pay all costs of impoundment and destruction. (Ord. 233 Art. 6 §4, 1975).

6.20.050 Exceptions. This chapter shall not apply to guard dogs acting in the performance of their duties provided that said guard dogs, the employment of guard dogs, and the premises wherein guard dogs are patrolling are in full and complete compliance with all requirements therefor established by this title. (Ord. 233 Art. 6 §5, 1975).

Chapter 6.24

LIVESTOCK, HORSES AND UNUSUAL ANIMALS

Sections:

- 6.24.010 Animals prohibited within city designated-- Exceptions.
- 6.24.020 Large animals--Fencing requirements--Inspection.
- 6.24.030 Horses--Unauthorized presence on private property prohibited.
- 6.24.040 Picketing on public property, causing damage prohibited.

6.24.010 Animals prohibited within city designated--
Exceptions. A. It is unlawful for any person to keep, maintain, possess or harbor any livestock or fowl such as, but not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, swine, chickens, geese, ducks or turkeys within the residential and urbanized areas of the city; provided, however, that this section shall be coordinated with the city zoning ordinance, wherein certain animals and numbers thereof may be permitted within certain zoning districts.

B. It is unlawful for any person to own, keep, maintain, possess, harbor, sell or in any manner deal or traffic within the city in any living exotic, wild, dangerous or unusual animals, whether domesticated or tamed, including, but not necessarily limited to, the following: Bats of any species; bears of any species; felines, other than ordinary domesticated house cats; gorillas, chimpanzees, orangutans, baboons, or any other infra-human primate; any member of the Mustelidae family, including, but not limited to, fishers, ferrets, martens, minks, otters, porcupines, racoons, skunks, weasels and wolverines; poisonous reptiles; wolves, foxes, coyotes, or other species of canines other than dogs; any animal or bird which has received state or federal government designation as an endangered species; any other terrestrial predator or other animal determined to be a public nuisance pursuant to the provisions, procedures and means of abatement therefor established by the ordinances of this city.

C. This section shall not apply to any zoo, circus or rodeo licensed by the city of Broomfield. (Ord. 233 Art. 7 §4, 1975).

6.24.020 Large animals--Fencing requirements--Inspection. If any horse, cow or other large animal should escape its normal confines, the humane officer shall inspect the fencing of the enclosure from which the animal has escaped and, if in his judgment the fencing is not adequate to hold the animal within the enclosure, the humane officer shall serve upon the property owner or upon the person or persons currently in possession of such property a written order requiring repair or construction of such fencing so as to make the fencing adequate to contain the animal and requiring that the repair or construction shall be completed within fifteen days from the date of issuance of the order. It is unlawful for any person to maintain a fence or corral that is inadequate to contain the animal which it was intended to contain. (Ord. 233 Art. 7 §5, 1975).

6.24.030 Horses--Unauthorized presence on private property prohibited. It is unlawful for the owner, possessor or rider of any horse to permit the same to go upon another person's private residential property unless authorized to do so,

or to proceed off the improved portions of public streets or off the designated horse trails of the city. (Ord. No. 233, Art 7, § 6, 1975)

6.24.040 Picketing on public property, causing damage prohibited. It is unlawful for any person to picket or tether any animal in or upon the streets or other public places of the city, or upon the private property of other persons, in such a manner as to damage any property. (Ord. No. 233, Art. 7, § 7, 1975)

Chapter 6.28

SANITATION*

Sections:

- 6.28.010 Permitting defecation prohibited; removal required.
- 6.28.020 Disposal of dead animals.

6.28.010 Permitting defecation prohibited; removal required. It is unlawful for any person owning or for any person having charge of any animal to allow or to permit such animal to defecate or to void excrement on the property of another person and, in the event of such defecation or excrement, it shall be the duty of the person owning or having charge of such animal to remove and clean up such defecation or excrement. (Ord. No. 233, Art. 7, § 9, 1975)

6.28.020 Disposal of dead animals. When any animal dies within the city, it shall be the duty of the owner or keeper thereof to remove and properly dispose of such animal within twenty-four (24) hours after the death thereof. If the dead animal is not removed and disposed of, the animal shall be deemed a nuisance and the owner or keeper thereof shall be deemed to cause a nuisance to exist. (Ord. No. 233, Art. 7, § 3, 1975)

Chapter 6.32

CRUELTY TO ANIMALS

Sections:

- 6.32.010 Cruel treatment prohibited.
- 6.32.020 Poisoning prohibited; exceptions.
- 6.32.030 Animal fights for exhibition prohibited.
- 6.32.040 Molesting, killing song and insectivorous birds prohibited.

*Cross reference—Health nuisances, § 8.16.010 et seq.

6.32.010 Cruel treatment prohibited. It is unlawful for any person to commit or to cause to be committed any intentional act of cruelty, harassment, abandonment, or torture of any animal. Consistent therewith, it is unlawful for any person to unnecessarily or cruelly beat or torment any animal; to overdrive, overload, drive when overloaded, or to overwork any animal; to unnecessarily fail to provide any animal in the person's care and custody with proper food, drink and protection from the weather; to carry in or upon or to attach in a cruel and inhumane manner, any animal to any vehicle; to intentionally cause any animal to be needlessly and/or cruelly wounded, mutilated, strangled, or inhumanely killed; or in any other way to commit or cause to be committed any similar acts of cruelty to or inhumane treatment of any animal. Ownership of animals shall not be a justifiable defense for such acts, or for a violation of this section. (Ord. No. 233, Art. 7, § 2, 1975)

6.32.020 Poisoning prohibited; exceptions. It is unlawful for any person to poison in any manner whatsoever with the intent of or for the purpose of poisoning any such animals, with the exception of bats, rats, mice, other rodents, and insects. The poisoning of bats, rodents, and insects must conform with the requirements and procedures of all applicable state and federal laws. (Ord. No. 233, Art. 7, § 8, 1975; Ord. No. 852, § 2, 7-25-89)

6.32.030 Animal fights for exhibition prohibited. It is unlawful for any person to cause, instigate or encourage any animal to fight or to enter into combat in any manner, and it is unlawful for any person to maintain any place where animals are suffered to fight for exhibition, wager, or sport. (Ord. No. 233, Art. 7, § 10, 1975)

6.32.040 Molesting, killing song and insectivorous birds prohibited. It is unlawful for any person at any time within the city to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap, or in any other manner molest or injure any song or insectivorous bird, including, but not

limited to, the following: Any robin, lark, whippoorwill, finch, sparrow, thrush, wren, martin, swallow, snowbird, bobolink, redwinged blackbird, crow, raven, oriole, kingbird, mockingbird, song sparrow; or in any manner to molest or injure the nest, eggs or young of any such bird; or to have in possession the nest, eggs, young or body of any such bird. (Ord. 233 Art. 7 S11, 1975).

Chapter 6.36

KENNELS*

Sections:

- 6.36.010 License--Required--Generally.
- 6.36.020 License--Required--When.
- 6.36.030 License--Application--State license required.
- 6.36.040 License--Application--Inspection certificate required.
- 6.36.050 License--Application--Contents.
- 6.36.060 License--Renewal.
- 6.36.070 License--Fees.
- 6.36.080 License--Issuance--Conformance required.
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- 6.36.150 Non-commercial kennels--Termination of non-conforming use.
- 6.36.160 Non-commercial kennels--Conditions of continuance as non-conforming use.

6.36.010 License--Required--Generally. It is unlawful for any person, firm or corporation to maintain or to operate any commercial or any non-commercial kennel within the city without first having obtained a valid city license therefor as required by this chapter. (Ord. 233 Art. 8 S1, 1975).

6.36.020 License--Required--When. The owner or operator of any commercial kennel shall procure a city license from the city clerk on or before the first day of March of each year prior to the commencement of such kennel, and in the manner prescribed in sections 6.36.030 through 6.36.050. (Ord. 493, S4, 1982)

* For statutory provisions on state licensing kennels, see CRS 1973 12-57-101--12-57-118.

6.36.030--6.36.070

(Rev. 2-78)

(Rev. 2-82)

6.36.030 License--Application--State license required. All applicants for a commercial kennel license must, at the time of application, have a valid license to operate the kennel issued by the Colorado Department of Health. The existence of a state license, however, shall not in itself assure that a city license shall be issued. (Ord. 233 Art. 8 S2(b), 1975).

6.36.040 License--Application--Inspection certificate required. No commercial or non-commercial kennel license shall be issued until a written inspection certificate therefor has been issued by the humane officer certifying approval of such kennel. The humane officer's determination as to the issuance or denial of any kennel license shall be based upon the standards and requirements for kennels established by this chapter. Any certificate certifying approval shall certify that the kennel is in compliance with the standards and requirements established by this chapter. Any certificate of denial shall set forth the reasons for such denial. (Ord. 233 Art. 8 S2(c), 1975).

6.36.050 License--Application--Contents. All kennel applications shall be filed upon forms provided by the city clerk, and shall contain the following information:

- A. Applicant's name, address, and telephone number;
- B. Location where such kennel is to be maintained or operated;
- C. Name, address, and telephone number of the owner of the premises upon which such kennel is to be maintained or operated;
- D. Names, addresses, and telephone numbers of the responsible person or persons who can be reached during an emergency at times other than regular business hours;
- E. A complete and accurate list of the kinds and maximum number of animals to be housed at any one time;
- F. Such other information as may be requested by the city clerk; and
- G. Copies of the state license and humane officer's written certificate as required by Sections 6.04.030 and 6.04.040, which shall be attached to the application. (Ord. 233 Art. 8 S2(d), 1975).

6.36.060 License--Renewal. All commercial and non-commercial kennel licenses must be renewed each year between January 1st and March 1st. (Ord. 233 Art. 8 S3, 1973).

6.36.070 License--Fees. The annual license fee for commercial kennels shall be fifty dollars and the annual license fee for non-commercial kennels shall be twenty-five dollars. (Ord. 233 Art. 8 S4, 1975).

6.36.080 License--Issuance--Conformance required. Upon finding that a kennel license application or renewal is in order and that the license fees have been paid, the city clerk shall issue the appropriate license. The license issued shall specify the kinds and maximum number of animals permitted to be kept, handled or exhibited. It is unlawful for the licensee to keep, handle or exhibit any number of animals in excess of the maximum number specified on the license. (Ord. 233 Art. 8 S5, 1975).

6.36.090 License--Refunds and transfers--Replacement--Fee. There shall be no refunds or transfers of any kennel licenses. Lost or destroyed licenses may be replaced upon application to the city clerk, and payment of a fee of five dollars. (Ord. 233 Art. 8 S6, 1975).

6.36.100 Maintenance standards. The following standards shall be maintained in all kennels:

A. All animals shall be provided good and wholesome food and water as often as the feeding habits for such animals require;

B. Quarters for the animals shall: Provide for proper bedding, be kept in a clean and sanitary condition, be adequately ventilated, protect the animals from excessive heat and cold, shall not be overcrowded, and shall be constructed in such a manner to prevent escape therefrom;

C. Animals shall not be without attention for more than twelve consecutive hours;

D. The licensee shall use every reasonable precaution to insure that animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or by any means;

E. Animals which are enemies by nature, or which are temperamentally unsuited, shall not be quartered together or so near to each other as to cause the animals to be in fear, or to be abused, tormented or annoyed;

F. Sick or diseased animals shall be isolated from healthy animals at all times, and so segregated that the illness or disease shall not be transmitted to other animals;

G. Kennels shall be operated in such a manner as to eliminate excessive or untimely noise and excessive odors from such kennels. (Ord. 233 Art. 8 S7, 1975).

6.36.110 License--Suspension or revocation. The humane officer may revoke or suspend any kennel license issued under this chapter when the kennel for which such license has been issued is found to be in violation of this title or of any other applicable law. (Ord. 233 Art. 8 S8, 1975).

6.36.120 Applicability. This chapter shall not apply to and shall not be construed to require a kennel license for a veterinarian to board animals receiving veterinary medical care, or to board animals which are under observation. (Ord. 233 Art. 8 S9, 1975).

6.36.130 Commercial kennels--Zoning. It is unlawful for any person to operate a commercial kennel except in a zoning district where such use is permitted in accordance with Title 17, including the provisions of Chapter 17.36. No commercial kennel license may be issued unless the kennel is located in a zoning district where such use is permitted in accordance with Title 17, including the provisions of Chapter 17.36. (Ord. 493, S5, 1982).

6.36.140 Non-commercial kennels barred. No new non-commercial kennel licenses shall be issued after September 30, 1982. Non-commercial kennels licensed and actually in use on that date shall be deemed non-conforming uses and may be continued only in accordance with sections 6.36.150 and 6.36.160. Except as provided in sections 6.36.150 and 6.36.160, it shall be unlawful for any person to operate a non-commercial kennel in the city. (Ord. 493, S6, 1982)

6.36.150 Non-commercial kennels--Termination of non-conforming use. Subject to the provisions of this chapter, the use of any non-commercial kennel validly licensed and actually in use on September 30, 1982 may be continued until the occurrence of the earlier of the following:

- A. The discontinuance of the use of such kennel for any period of three consecutive months; or
- B. The destruction, voluntary or involuntary, of the kennel; or
- C. Damage to the kennel, the repair of which would cost more than fifty percent of the value of the kennel prior to such damage; or
- D. The conviction of any person of a violation of section 6.36.160 with respect to such kennel; or
- E. The revocation of the license pursuant to section 6.36.110. (Ord. 493, S7, 1982)

6.36.160 Non-commercial kennels--Conditions of continuance as non-conforming use. A. After September 30, 1982, it shall be unlawful to expand, enlarge, or substantially alter any non-commercial kennel or the use thereof, except to revert to uses permitted in the zoning district in which the kennel is located.

B. It shall be unlawful to operate any non-commercial kennel so as to be a public nuisance prohibited by state statute or by this code. (Ord. 493, S8, 1983).

Chapter 6.40

PET SHOPS*

Sections:

- 6.40.010 License--Required.
- 6.40.020 License--Requirements.
- 6.40.030 License--Fees.
- 6.40.040 Confinement in one building required--Outside facilities prohibited.
- 6.40.050 Sale of sick or injured animals prohibited.
- 6.40.060 Sale of weak or unweaned animals prohibited.

6.40.010 License--Required. It is unlawful for any person, firm or corporation to maintain or to operate any pet shop within the city without first having obtained a license as required by this chapter. (Ord. 233 Art. 9 S1, 1975).

6.40.020 License--Requirements. Sections 6.36.030 through 6.36.060 and Section 6.36.080 through and including Section 6.36.110 shall apply in their entirety to pet shops. (Ord. 233 Art. 9 S2, 1975).

6.40.030 License--Fees. The annual license fee for pet shops shall be fifty dollars. (Ord. 233 Art. 9 S3, 1975).

6.40.040 Confinement in one building required--Outside facilities prohibited. Pet shops shall be confined in a building that is totally enclosed, and all animals shall be confined exclusively to that building. The pet shop may not have outside runs or pens, and none of the animals owned by the pet shop are to be harbored or housed outside of the building at any time for any reason. (Ord. 233 Art. 9 S4, 1975).

6.40.050 Sale of sick or injured animals prohibited. It is unlawful for any pet shop to sell or to offer for sale any sick or injured animals. (Ord. 233 Art. 9 S5, 1975).

6.40.060 Sale of weak or unweaned animals prohibited. It is unlawful for any pet shop to sell or to offer for sale any unweaned animal, or any animal that is so young or weak that its sale would be injurious to the animal. (Ord. 233 Art. 6 S6, 1975).

* For statutory provisions on state licensing of pet shops, see CRS 1973 12-57-101--12-57-118.

Chapter 6.44GUARD DOGSSections:

- 6.44.010 Registration and rabies inoculation required.
- 6.44.020 Permit--Required--Application--Requirements.
- 6.44.030 Permit--Renewal.
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- 6.44.060 Permit--Transferability--Refunds.
- 6.44.070 Permit--Revocation or suspension.
- 6.44.080 Requirements generally.
- 6.44.090 Humane officer notification required.

6.44.010 Registration and rabies inoculation required.
All guard dogs within the city shall be registered with the city, and inoculated against rabies as provided by this title. (Ord. 233 Art. 10 §1, 1975).

6.44.020 Permit--Required--Application--Requirements.
A. No person, firm or corporation shall place or maintain any guard dog for the protection of persons or property within the city without first obtaining a permit therefor from the city clerk on or before the first day of March of each year or prior to the placing or keeping of such dog, and in the manner prescribed in this chapter.
B. No permit shall be issued until a written inspection certificate has been issued by the humane officer certifying approval of the permit. The humane officer's determination as to the issuance or denial of any permit shall be based upon the standards and requirements for guard dogs and for the placement and keeping thereof as established by this chapter. Any certificate of approval shall certify that the guard dog and the premises wherein such dog is to be placed or kept are in compliance with the standards and requirements established by this chapter. Any certificate of denial shall set forth the reasons for such denial.

C. All permit applications shall be filed upon forms provided by the city clerk, and shall include the following information:

1. Name, address and telephone number of the owner or person in charge of the dog and of the responsible person or persons who can be reached during an emergency at times other than regular business hours;
2. The location where such dog is to be placed or kept;
3. The name, address and telephone number of the

owner of the premises wherein such dog is to be placed or kept;

4. The city rabies tag number for the dog;
5. Such other information as the city clerk may reasonably require;
6. The humane officer's certificate, which shall be attached to the application. (Ord. 233 Art. 10 §2, 1975).

6.44.030 Permit--Renewal. All guard dog permits shall be renewed each year between January 1st and March 1st. (Ord. 223 Art. 10 §3, 1975).

6.44.040 Permit--Fee. The annual permit fee for each guard dog shall be one dollar. (Ord. 233 Art. 10 §4, 1975).

6.44.050 Permit--Issuance--Contents. Upon finding that a permit application or renewal is in order, the city clerk shall issue the appropriate permit. The permit issued shall specify the city rabies tag number of the dog and the location where such dog is to be placed or kept. (Ord. 233 Art. 10 §5, 1975).

6.44.060 Permit--Transferability--Refunds. There shall be no permit fee refunds, and permits shall not be transferable to any other location or to any other dog. (Ord. 233 Art. 10 §6, 1975).

6.44.070 Permit--Revocation or suspension. The humane officer may revoke or suspend any guard dog permit issued under this chapter when such permit is found to be in violation of this title or any other applicable law. (Ord. 233 Art. 10 §9, 1975).

6.44.080 Requirements generally. It is unlawful for any person, firm or corporation to place or maintain guard dogs in any area of the city for the protection of persons and property, unless the following conditions are met:

A. The dogs shall be confined within a building or an enclosed area adequate to ensure that they will not escape, or they shall be under the absolute control of a qualified handler at all times;

B. Such building or enclosure shall have adequate safeguards against accidental entry by children, and against accidental and unintentional entry by any person;

C. Warning signs shall be conspicuously posted indicating the presence of guard dogs. Each building or enclosure shall have warning signs posted at every door, gate or entrance, and at intervals of every one hundred feet on a fenced enclosure. Warning signs shall plainly show the telephone number where some person responsible for controlling such dogs can be reached at all times. (Ord. 233 Art. 10 §7, 1975).

6.44.090 Humane officer notification required. Prior to the actual posting of any guard dog within or on any property, the person or persons responsible for such posting shall inform the humane officer, in writing, of:

- A. Their intention to post a guard dog;
- B. The number of dogs to be posted;
- C. The exact location where the dogs will be posted; and
- D. The approximate length of time the dogs will be patrolling the subject area. (Ord. 233 Art. 10 §8, 1975).

Chapter 6.48

IMPOUNDMENT

Sections:

- 6.48.010 Animal shelter establishment authority.
- 6.48.020 Impoundment--Right of entry.
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- 6.48.070 Disposition of unclaimed animals.
- 6.48.080 Vicious, dangerous animals--Disposition by court order.
- 6.48.090 Refusal to retrieve impounded animal--Owner liable for fees.

6.48.010 Animal shelter establishment authority. The city manager is authorized to establish an animal shelter for the city, to be operated by city personnel; or at his election he may, subject to the approval of the city council, contract with a public or private person or organization for the operation of an animal shelter for and on behalf of the city. Such animal shelter shall be constructed and operated in conformance with the regulations of the health department designated as such by the city. (Ord. 233 Art. 11 §1, 1975).

6.48.020 Impoundment--Right of entry. Any animal in violation of this chapter or of any other applicable city ordinance or state law may be taken into custody by the humane officer or any other officer or employee of the city charged with the enforcement of this chapter and impounded in a humane manner. Such officers and employees are authorized to go upon private property to take into custody any animal violating this chapter or other applicable law, provided the officers

or employees have witnessed the violation. Whenever it is necessary to make an inspection of private property to enforce any of the provisions of this chapter or other applicable law, the inspection shall be made pursuant to the requirements and procedures set forth in Section 6.04.040 of this title. (Ord. 233 Art. 11 §3, 1975).

6.48.030 Impoundment--Notice. A. Upon the impoundment of any registered dog or cat, where the owner of such animal is known, the humane officer shall as soon as possible notify such owner of the impoundment by telephone and shall certify, in writing upon a telephone notice form therefor, the date and time when the telephone notice was given and the disposition thereof.

B. If the owner cannot be reached by telephone notice or if the owner fails to retrieve the dog or cat within twenty-four hours from the time the owner receives the notice, then the humane officer shall send, by certified mail, return receipt requested, written notice of the impoundment to the animal owner. The written notice by certified mail shall stipulate that the notice is to be delivered only to the addressee, and shall show to who, and the date delivered. (Ord. 233 Art. 11 §3, 1975).

6.48.040 Impoundment of other animals--Notice. A. Upon the impoundment of any animal other than a registered dog or cat, the humane officer shall, within twenty-four hours thereof, send by certified mail, return receipt requested, written notice of such impoundment to the animal's owner, if the address of the owner is known. The written notice by certified mail shall stipulate that the notice is to be delivered only to the addressee, and shall show to whom and the date delivered.

B. If the owner and his address is not known and cannot be ascertained, then the humane officer shall post a notice of the animal's impoundment in a conspicuous place at the city animal shelter, at the police department, and at the city officers. The posted notice shall set forth a description of the impounded animal, the date of impoundment, and the location at which the animal was taken into custody. (Ord. 233 Art. 11 §4, 1975).

6.48.050 Impoundment--Proceedings against violators--Humane officer authority. If an animal is impounded, the humane officer may institute proceedings in the municipal court of the city on behalf of the city against the owner, charging the owner with a violation of the appropriate section or sections of this title or other applicable law. Nothing contained in this section shall be construed as preventing the humane officer from instituting a proceeding in the

municipal court for violations of this title or other applicable law where there has been an impoundment. (Ord. 233 Art. II S5, 1975).

6.48.060 Impoundment--Release--Vaccination required--Fees.

A. Any animal impounded under the provisions of this title shall not be released from impoundment until measures are taken to assure that the animal will be vaccinated for rabies and registered with the city, as required by this title, and not until the following fees have been fully paid:

1. An impoundment fee of \$30.00
2. \$5.00 per day room and board
3. Any veterinary charges and related costs
(Ord. 653 S1, 1985)

B. After the third impoundment of any animal within a consecutive twelve-month period, there shall be a mandatory appearance of the owner thereof in the municipal court, and the city shall institute the appropriate proceedings charging the owner with a violation of the appropriate section or sections of this title or other applicable law.

C. If a complaint has been filed in the municipal court of the city against the owner, possessor or keeper of any impounded animal for a violation of this title or other applicable law, the municipal judge may also direct the owner to pay any penalties for violation of this title in addition to all impoundment fees and charges set forth in subsection A of this section. (Ord. 340, S1, 1978).

6.48.070 Disposition of unclaimed animals.

A. If any healthy animal, registered or unregistered, has been impounded for more than five days, the animal shall be deemed abandoned, shall become the property of the city, and shall thereafter either be placed for adoption or shall be humanely destroyed and disposed of in a manner approved by the City Council; provided, however, that under no circumstances shall any impounded live animal be given or sold to any institution or agency for experimental or medical research projects of any kind.

B. In the event an unhealthy or seriously injured animal, registered or unregistered, is impounded and its owner cannot be identified or contacted, and it is determined by a licensed veterinarian that the condition of the animal is such that a healthy recovery is precluded or that such animal will transmit serious diseases to other animals, then the animal shall be humanely destroyed. Such an animal may be so destroyed prior to the five day impoundment period provided for in Sub-section 6.48.070A.

C. A complete and accurate record of all animals impounded shall be maintained including the facts regarding the release or method of disposal of such animals. (Ord. 416, S2, 1980).

6.48.080 Vicious, dangerous animals--Disposition by court order. If a complaint has been filed in the municipal court of the city against the owner of an impounded animal for a violation of this title, the municipal judge shall have the authority to and may, upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, order the animal to be destroyed in a humane manner. In the event such an order is issued by the municipal judge, the animal owner shall be responsible for and shall pay all costs for the destruction of the animal. Surrender of an animal by the owner to the humane officer does not relieve or render the owner immune from the decision of the municipal court, nor to the fees and fines which may result from a violation or violations of this title. (Ord. 233 Art. XI S8, 1975).

6.48.090 Refusal to retrieve impounded animal--Owner liable for fees. The refusal to retrieve any impounded animal by the owner of the animal shall not relieve the owner of the duty to pay the impoundment fee and other charges which have been assessed. The owner of any animal who fails or refuses to pay such fees and charges shall be in violation of this section, and may be cited into the municipal court and fined or imprisoned, or be subject to both such fine and imprisonment, as provided by this title upon conviction of violation of this section. (Ord. 233 Art. XI S9, 1975).

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6.52.010 Violation--Penalty. Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted, and upon conviction, such person, firm or corporation shall be punishable as provided in Chapter 1.12 of this code. (Ord. 233 Art. 12 §3, 1975).

6.52.020 Prosecution--Knowledge not required for liability. For the purpose of prosecution for alleged violations of any section of this title, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner of any animal in question that the animal is violating any of the sections of this title at the time and place charged, it being the purpose and intent of this section to impose strict liability upon the owner of any animal for the action, conduct and condition of that animal, in accordance with the terms of this title. (Ord. 233 Art. 12 §4, 1975).

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(RESERVED)

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Title 8

HEALTH AND SAFETY

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Chapter 8.02

SMOKING IN PUBLIC PLACES

Sections:

- 8.02.010 Legislative intent
- 8.02.020 Definitions
- 8.02.030 Prohibition of smoking in certain public places
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- 8.02.050 Private functions
- 8.02.060 Places of employment
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8.02.010 Legislative intent. The purpose of this chapter is to protect the public health by prohibiting smoking in certain common areas where the public is likely to gather in close proximity and requiring no-smoking areas in certain public places. (Ord. 734, S 1, 1987)

8.02.020 Definitions. The following terms and phrases shall have the following meanings unless the context clearly indicates otherwise.

A. "Alcoholic beverages" means any fermented malt beverage, as defined in section 5.32.030 of this code, or any malt, vinous or spiritous liquor as defined in section 5.28.030 of this code.

B. "Employer" means any person, partnership, corporation, including municipal corporation, which employs more than four persons.

C. "Public," used as a noun, refers to the people at large. "Public," used as an adjective, refers to a place, use, or activity which is open or accessible to any member of the public.

D. "Smoke" or "smoking" means the lighting of any cigarette, cigar or pipe, or the possession of any lighted cigarette, cigar or pipe, regardless of the composition of the burning material. (Ord. 734, S 1, 1987)

8.02.030 Prohibition of smoking in certain public places.

No person shall smoke in any of the following locations:

A. In any elevator or restroom while such elevator or restroom is available for public use;

B. In any theater, auditorium, or room in which a public meeting or hearing is being conducted (including recesses);

C. In any theater, auditorium, or room in which a motion picture is being exhibited, or in which a live performance of theater, ballet, or opera or a live concert is being presented, if such event is open to the public, whether or not payment for admission is required. Where meals or alcoholic beverages by the drink are sold during the actual performance or presentation, the provisions of section 8.02.040, applicable to restaurants, shall apply in lieu of this subsection;

D. In any auditorium, arena or room being used for athletic or sporting activities by or for the public or for conducting an athletic or sports event and exhibiting it to the public, whether or not payment for admission is required, but nothing in this subsection applies to a bowling alley or pool hall;

E. In any room being used for the principal purpose of providing instruction or training in a trade, craft, business, skill, or athletic or sports activity or of providing child care or primary, secondary, or higher education;

F. In any area of a hospital, doctor's office or other health care facility open to the general public, including waiting rooms, public hallways, and lobbies, except specially designated and physically separate smoking areas;

G. In any area of a grocery store, retail store or other commercial establishment open to the general public. Retail stores which are primarily engaged in the sale of tobacco and tobacco products shall be exempt from this provision;

H. In any area of a museum, gallery, or library open to the general public; or

I. In any lobby, hallway, corridor, or stairway which is open to the general public, except that up to 25% of a lobby may be designated as a smoking area. (Ord. 734, S 1, 1987)

Section 8.02.040 Designated no-smoking areas required in restaurants.

A. Smoking shall be allowed in restaurants, provided, however, that each restaurant shall provide a no-smoking area of sufficient size to accommodate patrons who request seating in such area. If a waiting area is provided, it must be a no-smoking area. All patrons must be advised that a no-smoking area is available.

B. Establishments in which alcoholic beverages are sold by the drink are exempt from the requirement to provide a no-smoking area, but only in those areas within said establishments which are not used primarily for restaurant purposes.

C. Restaurants with seating for less than 30 persons are exempt from the requirement to provide a no-smoking area. (Ord. 734, S 1, 1987)

Section 8.02.050 Private functions. Smoking is allowed in rooms or halls being used exclusively for a private social or business function at the discretion of the sponsor of the function. (Ord. 734, S 1, 1987)

Section 8.02.060 Places of employment.

A. Within one hundred twenty (120) days of the effective date of this ordinance, each employer within the city shall adopt, implement and maintain a written smoking policy which shall specify whether and to what extent smoking is allowed on the employer's premises.

B. The smoking policy shall be given to current employees upon its adoption, and to future employees when they are hired. (Ord. 749, S 1, 1987)

Section 8.02.070 Signs required to be posted. Signs with letters no less than one inch high or symbols no less than three inches high shall be posted as follows:

A. Where smoking is prohibited in an entire establishment, a sign using the words "No Smoking" or the international no-smoking symbol shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the establishment.

B. Where certain areas of an establishment are designated as smoking areas pursuant to this chapter, a sign using the words "No Smoking Except in Designated Areas" shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the establishment.

C. Where smoking is permitted in an entire establishment, a sign using the words "Smoking Permitted" or the international smoking symbol shall be posted conspicuously either on all public entrances or in a position clearly visible on entry into the establishment. (Ord. 749, S 1, 1987)

8.02.080 Responsibility of proprietors. The owner, lessee, principal manager and person in charge of any premises regulated under this chapter shall be responsible for compliance with the provisions of this chapter. (Ord. 749, S 1, 1987)

Chapter 8.04

GARBAGE

Sections:

- 8.04.010 Definitions
- 8.04.020 Trash or garbage--Deposit prohibited--Receptacle required--Accumulation deemed nuisance
- 8.04.030 License--Required--Application
- 8.04.040 License--Fee
- 8.04.050 Fees prorated--Limitation
- 8.04.060 Scope of provisions
- 8.04.070 Licensee responsibilities designated
- 8.04.080 Equipment standards
- 8.04.090 Vehicle markings
- 8.04.100 License--Revocation
- 8.04.110 License--Refusal when
- 8.04.120 Receptacles--Storage prohibited where--Exception
- 8.04.130 Garbage disposal units--City council findings
- 8.04.140 Garbage disposal units--Definitions
- 8.04.150 Garbage disposal units--Required when
- 8.04.160 Civil action
- 8.04.170 Penalty for violation

8.04.010 Definitions. For the purposes of this chapter, the following words shall have the following meanings:

A. "Garbage" means and includes any and all rejected or waste household food, offal, swill, kitchen refuse, and every accumulation of refuse, animal, fish, fowl, fruit or vegetable matter, liquid or otherwise.

B. "Person" means and includes all natural persons, associations of natural persons, partnerships, firms or corporations acting in their own behalf or in a fiduciary or representative capacity.

C. "Rubbish" means and includes debris of all kinds, all accumulations of waste, refuse and rejected animal, mineral or vegetable matter, except garbage and manure.

D. "Trash" means and includes ashes, waste paper, cans, bottles, broken glass and china, sawdust, leaves, weed and grass cuttings, shrubbery and tree trimmings, shavings and packing material not including garbage, manure, or debris. (Ord. 18, Art. 1, S 1, 1962)

8.04.020 Trash or garbage--Deposit prohibited--Receptacle required.

A. It is unlawful to deposit or cause to be deposited in any street, public or private alley, vacant lot, or upon any premises within the city, any trash, rubbish, garbage, debris, manure, or any filthy, nauseous or offensive matter of any kind.

B. It is unlawful to deposit or cause to be deposited any trash, rubbish, garbage or other material in a private, business or commercial trash or garbage receptacle or container without the consent of the owner.

C. The owner, occupant, tenant or person in possession of each building or structure shall provide for a trash, rubbish or garbage container or receptacle, and shall cause all trash, rubbish and garbage to be deposited and contained in such container or receptacle. (Ord. 561, S 1, 1984)

8.04.030 License--Required--Application.

A. No person, company or firm shall engage in the business of collecting trash, rubbish or garbage within the city without first making application to the city clerk for a license. Each application shall contain the following information:

1. Name, address and phone number;
2. Doing business as;
3. Public Utility Commission permit number;
4. Number and description (weight, model, type, capacity, etc.) of vehicles used;
5. Number of employees;
6. References and experience;
7. Site of disposal of trash and waste material;
8. Applicant shall submit rate schedule with application and shall advise the city of any change in rates within thirty days after making such changes.

B. Before there are any negotiations for a garbage collection license, the applicant must first obtain authority

from the Public Utilities Commission to operate such business within the corporate limits of the city. (Ord. 85 §2, 1968: Ord. 18 Art. 1 §2, 1962).

8.04.040 License--Fee. Upon approval of a garbage collection application, the city clerk shall issue the license upon the payment of a fee in the sum of one hundred fifty dollars per year, and one dollar per sticker. The clerk shall issue a receipt together with stickers to be placed on the vehicles in a clearly legible location. Stickers shall not be transferable. The licensees operating under this chapter shall pay the tax separately to the city clerk on or before August 1st of each year. All licenses issued pursuant to this chapter shall expire on the thirty-first of July of each year succeeding issuance, unless sooner revoked by the city council. (Ord. 85 §4, 1968: Ord. 18 Art. 1 §4, 1962).

8.04.050 Fees prorated--Limitation. In the case of any new applicant commencing the collection and removal of trash, rubbish and garbage after this chapter becomes effective, the license fee levied in this chapter shall be a pro rata portion of the tax levied for the whole year, but in no case shall the tax paid be less than one-half of the amount levied for the whole year. (Ord. 18 Art. 1 §5, 1962).

8.04.060 Scope of provisions. Nothing in this chapter shall be deemed as making it mandatory for any person to patronize licensees under this chapter when the person properly or legally disposes of his trash, rubbish or garbage by other means, as long as he abides by sanitation laws on the subject. No person, firm or corporation shall charge for the collection of trash, rubbish or garbage except the holder of a license issued pursuant to this chapter. (Ord. 18 Art. 1 §6, 1962).

8.04.070 Licensee responsibilities designated. A. The licensee shall hold the city harmless from any claims arising from the collection of rubbish, trash and garbage.

B. The holder of a license under this chapter shall have the sole burden and responsibility of disposing of waste and trash collected, and shall hold the city harmless should any claim be made regarding the collection or disposal thereof, and shall give a surety bond in the principal of one thousand dollars to the city. No license shall be transferable. (Ord. 85 §4, 1968: Ord. 18 Art. 1 §7, 1962).

8.04.080 Equipment standards. The equipment standards of each trash and rubbish hauler shall be as follows:

A. Permanent cover of canvas, or equally suitable material, to cover the entire area of the truck body;

B. The truck body constituted so as to be permanently leakproof to ashes and rubbish;

C. Extensions of the sideboards and tailgates, if any, shall be of permanent material. (Ord. 18 Art. 1 §8, 1962).

8.04.090 Vehicle markings. The licensee shall display on both sides of every vehicle operated in the conduct of a garbage collection business his name, address, and telephone number, in permanent, plain, and legible figures and letters not less than five inches in height and of a color contrasting to that of the body of such vehicle. The figures and letters shall be kept in such condition as to permit them to be easily distinguished and read at a distance of at least sixty feet. (Ord. 18 Art. 1 §9, 1962).

8.04.100 License--Revocation. The city council, after a hearing, shall have the power to revoke, at any time, the license of the collection contractor for failure to properly perform the terms and covenants of the license, or for other good cause shown. (Ord. 18 Art. 1 §10, 1962).

8.04.110 License--Refusal when. The city council shall hear every application for a license under this chapter, and shall refuse a license if the character of the applicant or its officers or directors is such that a violation of any provisions of this chapter is likely to result if a license were granted, or if, in the city council's opinion, licenses granted for a particular locality are adequate for the reasonable needs of the community. (Ord. 18 Art. 1 §11, 1962).

8.04.120 Receptacles--Storage prohibited where--Exception. It shall be unlawful for any person, firm, or corporation to store any trash or garbage receptacle within the right-of-way of any street or alley, or on any sidewalk or curb within the city, except that such trash or garbage receptacle may be placed within a street or alley right-of-way, for a period of not more than twenty-four hours, for the purpose of pickup. (Ord. 85 §5, 1968: Ord. 18 Art. 1 §12, 1962).

8.04.130 Garbage disposal units--City council findings. Most of the dwellings in the city dispose of garbage through garbage disposal units connected into sanitary drainage systems, and the council finds that such systems of garbage disposal are superior to systems of accumulating garbage to be periodically collected and carried away, and such systems of garbage disposal tend to promote health and suppress disease. The council feels it is in the best interest of the city that garbage disposal units be required in all new construction. (Ord. 18 Art. 2 §1, 1962).

8.04.140 Garbage disposal units--Definitions.

A. *Garbage* as used in sections 8.04.140 through 8.04.160, is intended to include waste from the preparation, cooking and consumption of food, condemned food products, and all refuse waste from the handling, storage, preparation and sale of produce.

B. *Garbage disposal unit* means an electrically powered device installed under and in direct connection with a sink or similar receptacle supplied with water, in which food waste and garbage is, by means of a grinding and flushing operation, discharged directly into a sanitary drainage system, or food-waste disposal equipment utilizing gas incineration. (Ord. No. 18 Art. 2 § 2, 1962)

8.04.150 Garbage disposal units--Required when. From and after the effective date of the ordinance codified in this chapter, no residential, restaurant or other commercial-type building containing kitchens shall be constructed without the installation of a garbage disposal unit in any such building. (Ord. No. 18 Art. 2 § 3, 1962)

8.04.160 Civil action. The city may, at its option, proceed by injunction, abatement, suit for collection or any other legal action which it may deem advisable for the enforcement of this chapter and collection of the fees provided for herein; provided such election shall not in any way be deemed a waiver of or release of any person from the penalties provided for in section 8.04.170. Conviction under this chapter shall not preclude the city from proceeding with any other legal action that it may deem advisable. (Ord. No. 18 Art 3 § 1, 1962)

8.04.170 Penalty for violation. Any person, firm or corporation who willfully fails to comply with any of the provisions of this chapter, or any sections of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable as provided in Chapter 1.12 of this code. (Ord. No. 18 Art. 3 § 2, 1962)

Chapter 8.08

WEEDS AND RUBBISH

Sections:

- 8.08.010 Short title.
- 8.08.020 Purpose.
- 8.08.030 Definitions.
- 8.08.040 Unlawful growth or accumulation.
- 8.08.050 Notice and assessment.
- 8.08.060 Payment of assessment.
- 8.08.070 Collection of assessment and foreclosure.
- 8.08.080 Certification to the county treasurer.
- 8.08.090 Exemption.

8.08.010 Short title. This chapter is known and may be cited as the "Broomfield Weed and Rubbish Ordinance." (Ord. No. 931, § 1, 7-28-92)

8.08.020 Purpose. It is the intent of the city to require the removal of weeds, brush and rubbish of all kinds from lots and tracts of land within the city as authorized and permitted by section 31-15-401(1)(d), C.R.S., as amended. (Ord. No. 931, § 1, 7-28-92)

8.08.030 Definitions. When not clearly otherwise indicated by the context, the following words and phrases used in this chapter have the following meanings:

- A. *Rubbish* means and includes all waste and litter, whether combustible or noncombustible, including but not limited to ashes, cans, paper, wrappings, cigarettes, cardboard, yard clippings, leaves, branches, wood, waste building materials, glass, crockery, abandoned household furnishings, carcasses or dead animals and other like materials.
- B. *Weeds* means any vegetation, including brush, that is more than twelve (12) inches in height as measured from ground level; provided, however, *weeds* do not include flower or vegetable gardens, cultivated or tended shrubbery or agricultural crops, including but not limited to hay or grass grown for feed, fodder or forage. (Ord. No. 931, § 1, 7-28-92)

8.08.040 Unlawful growth or accumulation. It is unlawful for any person to permit the growth of weeds or to allow the accumulation of rubbish upon any lot or tract of land owned or occupied by any such person, including any alleys behind and sidewalk areas in the front or on the side of any lot or tract of land. (Ord. No. 931, § 1, 7-28-92)

8.08.050 Notice and assessment.

A. Any person who violates this article will be served a written notice of violation. Service of the notice may be by first class mail properly addressed to the dwelling or building located on the lot or tract of land in violation of this chapter; by a conspicuous posting of the written notice of violation upon the dwelling or building located on the lot or tract of land in violation of this chapter; or by personal service upon a natural person over the age of eighteen (18) years who occupies a dwelling or building on a lot or tract of land in violation of this chapter. A true copy of the notice of violation will be sent by first class mail to the owner of record, as shown on the records of the county, of the lot or tract of land in violation of this chapter.

B. If a notice of violation cannot be served in any manner specified above, the notice of violation will be sent by first class mail to the owner of record of such lot or tract of land as shown on the records of the county.

C. The notice will state that the weeds or the rubbish must be removed within ten (10) days from the date of the notice and, if not removed by the owner or occupant, the city will remove the weeds or rubbish and assess the whole cost thereof, including twenty-five dollars (\$25.00) for inspection and incidental costs, upon the lots or tracts of land from which weeds, brush or rubbish are removed.

D. The assessment is a lien against each lot or tract of land until paid and has a priority over all other liens, except general taxes and prior special assessments. The lien may be foreclosed upon by the city at any time in the same manner as provided by the laws of the state for the foreclosure of mechanic's liens. The lien foreclosure is subject to all rights or redemption granted by article 39 of title 38, C.R.S., as amended. (Ord. No. 931, § 1, 7-28-92)

8.08.060 Payment of assessment.

A. If the weeds or rubbish are not removed by the owner or the occupant within the ten (10) days specified in the notice, the city is authorized to enter upon the lot or tract of land and remove the weeds or rubbish and assess the whole cost thereof, including twenty-five dollars (\$25.00) for inspection and incidental costs, upon the lots or tracts of land from which the weeds, brush or rubbish is removed.

B. The city will send a statement of costs by first class mail to the owner of record. The amount of the costs in the statement is due and payable by the owner of record to the city within thirty (30) days from the date of the statement. If the amount is not paid by the date due, interest on any unpaid balance due to the city shall accrue at the legal rate specified in section 5-12-101, C.R.S., as amended.

C. The city clerk is authorized to record a statement of lien with the clerk and recorder for the county in which the lot or tract of land is located if the assessment is not paid by the owner within thirty (30) days from the date of the statement. (Ord. No. 931, § 1, 7-28-92)

8.08.070 Collection of assessment and foreclosure. A failure by the owner of record to pay the statement of costs constitutes a debt due and owing the city. The city has the right to recover the amount of the assessment as provided by law in any court of competent jurisdiction. (Ord. No. 931, § 1, 7-28-92)

8.08.080 Certification to the county treasurer. If the owner of record fails to pay the amount specified in the statement of costs, the city clerk may certify the amount due and owing to the county treasurer for collection of the assessment. The county treasurer shall collect the assessment, together with a ten percent (10%) penalty for the cost of collection, in the same manner as other taxes are collected. (Ord. No. 931, § 1, 7-28-92)

8.08.090 Exemption. The city council may exempt by resolution certain publicly or privately owned lots and tracts of land from enforcement under this chapter, provided the city council finds and determines that such lots or tracts of land are natural open space, a natural park, a conservation area, an erosion control area or an irrigation ditch right-of-way or easement. (Ord. No. 931, § 1, 7-28-92)

Chapter 8.10

CONTROL - CONSTRUCTION MATERIALS AND DEBRIS

Section:

8.10.010 Control of construction materials and debris.

8.10.010 Control of construction materials and debris.
It shall be unlawful for any builder, contractor, or person in possession and control of any real property, during any stage of the construction of any structure upon said property to fail to use reasonable care to prevent any construction material or debris to be carried by the wind from such property to the property of another or to any public way or place. The term "construction material or debris" shall include, by way of illustration but not limitation, the following: paper, sticks, lumber, roof shingles, siding, and cans or containers of construction materials. It shall be prima facie evidence of failure to use reasonable care if construction material or debris attributable to any builder, contractor, or person are found on the property of another or on any public way or place other than the construction site. (Ord. 383, Sl, 1980).

Chapter 8.12

AIR POLLUTION CONTROL REGULATION*

Sections:

8.12.010 Adopted by reference.
8.12.020 Description.
8.12.030 Copies on file.
8.12.040 Penalty for violation.

8.12.010 Adopted by reference. Pursuant to the authority conferred by Sections 31-16-201 through 31-16-208 Colorado Revised Statutes 1973 (1975 Supp.), as amended, there is adopted by reference as the air pollution regulation for the city, the "Boulder County Air Pollution Regulation No. VII." (Ord. 83 Sl, 1968).

8.12.020 Description. The Boulder County Air Pollution Regulation No. VII was published and adopted by the Boulder County Board of County Commissioners on January 19, 1967, for the purpose of maintaining a reasonable degree of purity of the air resources of the county, which shall be consistent with the public health, welfare and public enjoyment thereof,

* For statutory provisions on air pollution control, see CRS 1973 25-7-101--25-7-129; for provisions authorizing local air pollution ordinances, see CRS 1973 25-7-215.

8.12.020--8.12.040

(Rev. 1-80)

(Rev. 3-80)

the industrial development of the county, the propagation and protection of human, plant and animal life, and the protection of physical property and other resources. The regulation provides for an air pollution control officer, elimination of open and incinerator burning under certain conditions, control of petroleum products and sulphur dioxide, and an air pollution variance board. (Ord. 83 S2, 1968).

8.12.030 Copies on file. At least three certified copies of the air pollution regulation adopted by reference in Section 8.12.010 are on file at the office of the city clerk, and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the actual cost to the city. (Ord. 83 S3, 1968).

8.12.040 Penalty for violation. A. It is unlawful for any person, firm or corporation to violate any of the provisions of the Boulder County Air Pollution Regulation No. VII, as adopted by this chapter.

B. Any person, firm or corporation violating any of the provisions of the Boulder County Air Pollution Regulation No. VII, as adopted by this chapter or any other provisions of this chapter, shall be deemed guilty of a misdemeanor, and such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of this chapter, such person, firm or corporation shall be punishable as provided in Chapter 1.12 of this code. (Ord. 83 S4, 1968).

Chapter 8.14

VEHICLE EMISSION CONTROL STANDARDS

Sections:

- 8.14.010 Definitions.
- 8.14.020 Four-stroke-cycle engines.
- 8.14.030 Two-stroke-cycle engines.
- 8.14.040 Diesel-fueled engines.
- 8.14.050 Violations - Penalty.
- 8.14.060 Rules and Regulations.
- 8.14.070 Enforcement.
- 8.14.080 Exemptions.

8.14.010 Definitions. The following definitions shall apply to the interpretation and enforcement of this chapter and all regulations adopted hereunder:

A. "Air contaminant" means any fume, smoke, particulate matter, vapor, gas, or any combination thereof, but not including water vapor or steam;

B. "City manager" means the city manager of Broomfield or his designated representative;

C. "Compliance" means satisfactory adherence to the requirements of this chapter and any rules and regulations promulgated and adopted hereunder;

D. "Emission" means the discharge or release into the atmosphere of one or more air contaminants;

E. "Opacity" means the degree to which an emission reduces the transmission of light, expressed in percentage of the obscuration;

F. "Particulate matter" means any material, except uncombined water, that exists in a finely divided form as liquid or solid;

G. "Qualified observer" means an observer who has achieved certification by the Colorado Department of Health Pollution Control Division after satisfactorily completing a course in observing, grading and recording visible emissions in terms of opacity;

H. "Smoke" means small gas-borne particles resulting from incomplete combustion and consisting predominantly, but not exclusively, of carbon and other combustible materials;

I. "Vehicle" means all vehicles propelled by power, other than muscular power, including by way of example but not by limitation, automobiles, trucks, construction equipment, vehicles which operate only upon rails or tracks laid in place on the ground, farm tractors, and any other machines used for any purpose within the City of Broomfield. (Ord. 434, Sl, 1981).

8.14.020--8.14.070
(Rev. 2-81)

8.14.020 Four-stroke-cycle engines. No person shall cause to be emitted into the atmosphere from any vehicle with a four-stroke-cycle gasoline engine any visible emission for a period greater than five consecutive seconds. (Ord. 434, Sl, 1981).

8.14.030 Two-stroke-cycle engines. No person shall cause to be emitted into the atmosphere from any vehicle with a two-stroke-cycle gasoline engine any visible emission for a period greater than ten consecutive seconds, if such emission is of twenty percent opacity, or greater. (Ord. 434, Sl, 1981).

8.14.040 Diesel-fueled engines. A. No person shall cause to be emitted into the atmosphere from any vehicle with a diesel-fueled engine, except diesel-fueled locomotives for switching and railroad yard use, any visible emission for a period greater than ten consecutive seconds, if such emission is of thirty percent opacity, or greater.

B. No person shall cause to be emitted into the atmosphere from any diesel-fueled locomotive for switching and railroad yard use any visible emission for a period greater than ten consecutive seconds, if such emission is of forty percent opacity, or greater.

C. Emissions otherwise in violation of subsections A and B, above, shall be exempt if the emissions are a direct result of cold-engine start-up. (Ord. 434, Sl, 1981).

8.14.050 Violations - Penalty. Violation of the terms of this chapter is unlawful, and the penalty for violation of the terms of this chapter shall be as provided in chapter 1.12. (Ord. 434, Sl, 1981).

8.14.060 Rules and Regulations. The city manager may devise, promulgate and enforce rules and regulations deemed necessary for the proper and effective enforcement of the provisions of this chapter. Such rules and regulations shall be consistent with the provisions of this article and the standards established herein. Where applicable, such rules and regulations shall be developed in consultation with the county health department. (Ord. 434, Sl, 1981).

8.14.070 Enforcement. Sections 8.14.030 and 8.14.040 shall be enforced by qualified observers in the city's department of public safety. All other provisions of this chapter may be enforced by a member of the city's department of public safety. All persons authorized to enforce this chapter may exercise their discretion and issue a warning rather than a summons and complaint. The warning shall notify the individual of the nature of the violation and recommend that the cause of the violation be remedied as soon as possible. (Ord. 434, Sl, 1981).

8.14.080 Exemptions. Temporary activities which violate the provisions of this chapter may be exempted from the provisions of this chapter by a written permit from the city manager. The city manager shall consider, among other factors, the duration of the proposed activity and the economic hardships that may be imposed if the permit is denied. (Ord. 434, S1, 1981).

Chapter 8.15

BURNING RESTRICTIONS

Sections:

- 8.15.010 Definitions
- 8.15.020 High pollution prohibition
- 8.15.030 Exemptions
- 8.15.040 Defense
- 8.15.050 Rental dwelling units
- 8.15.050 Inspections

8.15.010 Definitions: The following words and phrases shall have the indicated meanings:

A. "High pollution day" means that period of time declared to be a high pollution day by the Colorado Department of Health.

B. "Sole source of heat" means one or more solid fuel-fired heating devices which constitute the only source of heat in a private residence for purposes of space heating. If there is a furnace or heating system designed to heat the residence, a solid fuel-fired heating device or devices shall be considered to be the sole source of heat only if the furnace or heating system is disconnected from its energy source, e.g. heating oil, natural gas, electricity, or propane.

C. "Solid fuel-fired heating device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, fireplaces and furnaces or boilers. "Solid fuel-fired heating device" does not include a barbecue device used solely for the cooking of food or natural gas-fired fireplace logs. (Ord. 794, S1, 1988)

8.15.020 High pollution prohibition.

A. It shall be unlawful for any person to operate a solid fuel-fired heating device during a high pollution day unless that person has an exemption granted pursuant to section 8.15.030 below. It shall be the duty of all persons owning or operating a solid fuel-fired device to be aware of any declaration of a high pollution day by the Colorado Department of Health.

B. At the time of the declaration of a high pollution day, the City shall allow three (3) hours for the burndown of existing fires in solid fuel-burning devices prior to the initiation of enforcement. (Ord. 794, S1, 1988)

8.15.030 Exemptions

A. A person may operate a solid fuel-fired heating device during a high pollution day if he has previously obtained an exemption from the city manager or his designee. An exemption may be granted if the applicant submits a sworn statement either (1) that he relies on a solid fuel-burning device as his sole source of heat and that said device was installed prior to the effective date of the ordinance codified herein, or (2) that he relies on an electrical heating system as his primary source of heat and that

said system was installed prior to the effective date of the ordinance codified herein.

B. An exemption obtained under this section shall be effective for one year from the date it is granted and may be renewed upon submission of a new sworn statement as provided in subsection A above. (Ord. 794, S1, 1988)

8.15.040 Defense. It shall be an affirmative defense to a charge of burning on a high pollution day under section 8.15.020 above that a power outage, interruption of natural gas supply or temporary equipment failure existed at the time and location of the violation, which did not result from any action of the person charged with the violation. (Ord. 794, S1, 1988)

8.15.050 Rental dwelling units. It shall be unlawful for a solid fuel-fired heating device to be the sole source of heat in any rental dwelling unit. Any violation of section 8.15.020 above by the tenant of such a dwelling unit shall be construed to be a violation by the owner of the dwelling unit if a solid fuel-fired heating device is the tenant's sole source of heat. In such a case, the owner, and not the tenant, shall be liable for any penalty imposed. (Ord. 794, S1, 1988)

8.15.060 Inspections. For the purpose of determining compliance with the provisions of this Chapter, the Director of Public Safety, a City police officer, or a Community Services Officer is authorized to make inspections to determine whether solid fuel-fired heating devices are being operated on high pollution days. If any person refuses or restricts entry or free access to any part of the premises, or refuses inspection of any device, the Director of the Public Safety, a City police officer, or a Community Services Officer may seek from the Municipal Court a warrant for inspection and order that such person refusing inspection be required to permit an inspection at a reasonable time, without interference, restriction, or obstruction. The Court shall have full power, jurisdiction, and authority to enforce all orders issued under the provisions of this Chapter. (Ord. 794, S1, 1988)

Chapter 8.16

HEALTH NUISANCES

Sections:

- 8.16.010 Nuisances designated.
- 8.16.020 Authority designated.
- 8.16.030 Junkyards and dumping grounds declared nuisance.
- 8.16.050 Discharge of nauseous liquids prohibited.
- 8.16.060 Stale matter prohibited.
- 8.16.070 Deposit of articles in sewers prohibited.
- 8.16.080 Deposit of offensive matter on streets or in water supply prohibited.
- 8.16.090 Littering prohibited.
- 8.16.100 Flammable liquids--Transport in certain vehicles prohibited where.
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- 8.16.200 Right of entry
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8.16.010 Nuisances designated. Anything which is injurious to the health or morals, or indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance, and as such shall be abated. (Ord. 15 S1, 1963).

8.16.020 Authority designated. A. The county health department has the full power to take all measures necessary to:

1. Promote health and cleanliness;
2. Abate all nuisances of every description on public and private property;
3. Prevent the introduction or spreading within the city of malignant, contagious and infectious diseases, and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease, or who has or have been exposed thereto;
4. Promulgate such rules and regulations as may be necessary to perform its functions.

B. The county health department shall have the authority to enforce such rules of the health department of the state of Colorado as are applicable to particular situations. (Ord. 15 S2, 1963).

8.16.030 Junkyards and dumping grounds declared nuisance. All places used or maintained as junkyards or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of wornout, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and house-trailers, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders, or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are declared to be nuisances. (Ord. 15 S3, 1963).

8.16.050 Discharge of nauseous liquids prohibited. It is unlawful to discharge out of or from, or permit to flow from any house or place, any foul or nauseous liquid or substance of any kind whatsoever into or upon any adjacent ground or lot, or into any street, alley or public place in the city. (Ord. 15 S5, 1963).

8.16.060 Stale matter prohibited. It is unlawful to keep, collect or use, or cause to be kept, collected or used in this city, any stale, putrid or stinking fat, grease, or other matter. (Ord. 15 S6, 1963).

8.16.070 Deposit of articles in sewers prohibited. It is unlawful to deposit in or throw into any sewer, sewer inlet or privy vault having a sewer connection any article whatsoever that might cause such sewer, sewer inlet or privy vault to become nauseous or offensive to others, or injurious to public health. (Ord. 15 S7, 1963).

8.16.080 Deposit of offensive matter on streets or in water supply prohibited. It is unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance, or both, or any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public grounds. No person in this city shall throw or deposit, or cause or permit to be thrown or deposited, anything specified in any part of this chapter, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (Ord. 15 S8, 1963).

8.16.090 Littering prohibited. A. It is unlawful to throw upon or deposit in any street, alley, sidewalk or public grounds in this city any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw or hay, trash, or any other thing, on public streets or alleys, except in public receptacles and authorized private receptacles.

B. It is unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the city, or upon private property. (Ord. 15 S9, 1963).

8.16.100 Flammable liquids--Transport in certain vehicles prohibited where. It is unlawful for any tank vehicle used for the purpose of transporting flammable liquids and having a cargo tank capacity in excess of one thousand gallons to operate on or travel over or upon any of the streets, highways, avenues, alleys, boulevards or other public places within the city, except U.S. Highway 287 and Colorado 1, and east on Midway Boulevard to Laurel Street. (Ord. 15 S11, 1963).

8.16.110 Flammable liquids--Storage prohibited--Exceptions. It is unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids or gases upon any streets or ways or avenues of the city, or in any other part of the city, except those areas zoned for such uses. (Ord. 15 S12, 1963).

8.16.120 (Repealed).

8.16.130 Abandoned refrigerator or icebox prohibited unless locking device removed. It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has a door or lid, snap-lock, or other locking device which may not be released from the inside, without first removing the door or lid, snap-lock or other locking device. (Ord. 15 S81, 1963).

8.16.140 Open well, cistern or excavation deemed nuisance--Exceptions. It is declared that excavations exceeding five feet in depth, cisterns and wells, or any excavations used for storage of water are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty pounds, or are securely fenced with a solid fence to a height of at least five feet. It is unlawful for any person to permit such a nuisance to remain on premises owned or occupied by him. (Ord. 15 S82, 1963).

8.16.150 Nuisance--Author designated--Notice to abate. Any state of things prohibited by this chapter shall be deemed a nuisance, and any person who makes or causes such a nuisance to exist shall be deemed the author thereof; provided, that any person who has possession or control of any private ground or premises, whether he is the owner or not, in or upon which any nuisance exists or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight-hours continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight hours

may be given and served by the chief of police, or other officers as he may designate. (Ord. §91, 1963).

8.16.160 Nuisance--Abatement--Procedure. Should any nuisance, within or upon any private premises or grounds as provided in Section 8.16.150 not be abated forthwith after the notice provided in Section 8.16.150 is given, the city council may declare the same to be a nuisance and order the chief of police to abate the same, which order shall be executed without delay. The chief of police shall have the authority to call for necessary assistance to abate the nuisance. (Ord. 15 §92, 1963).

8.16.170 Nuisance--Summary abatement when. In case of any nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the city, the chief of police or supervisor of streets may abate the same forthwith without the notice required in Section 8.16.160 being given. (Ord. 15 §93, 1963).

8.16.180 Nuisance--Abatement--Authority to engage assistance and incur expense. Any officer who is duly authorized to abate any nuisance specified in this chapter shall have authority to engage the necessary assistance, and incur the necessary expense to abate the nuisance. (Ord. 15 §94, 1963).

8.16.190 Nuisance--Abatement--Recovery of expenses. The expense incurred by the city in abating any nuisance may be recovered, by proper action, from the author thereof. (Ord. 15 §95, 1963).

8.16.200 Right of entry. The mayor, chief of police, councilmen, or any other persons who may be directed or deputized by the city council, may enter upon or into any lot, house or other building or premises, with proper respect for the occupant's constitutional rights, to examine the premises and to ascertain whether any nuisance exists, and shall be free from any action or liability on account thereof. (Ord. 15 §96, 1963).

8.16.210 Nuisance--Not specified--Procedure generally. In all cases where no provision is made in this chapter defining what are nuisances and how the same may be abated or prevented, in addition to what may be declared such in this chapter, those offenses which are known to the common law of the land and the statutes of Colorado as nuisances may, in case the same exists within the city limits of the city, be treated as nuisances and proceeded against as provided in this chapter, or in accordance with any other provision of law. (Ord. 15 §97, 1963).

8.16.220

8.16.220 Penalty for violation. Any act declared in this chapter to be a nuisance shall be subject to punishment as provided in Chapter 1.12 of this code. (Ord. 15 §98, 1963).

Chapter 8.20

JUNK VEHICLES, REPAIR OF VEHICLES

Sections:

- 8.20.010 Definitions
- 8.20.020 Junk vehicles prohibited
- 8.20.030 Investigation
- 8.20.040 Notice
- 8.20.050 Issuance of summons and complaint
- 8.20.060 Effecting removal
- 8.20.070 Hobby repair work

8.20.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

A. Hobby means the repairing, reconditioning or rebuilding of all vehicles which is done for personal enjoyment or entertainment only, with no profits or compensation or reimbursement of any kind involved. (Ord. 324, Sl, 1978)

B. Junk vehicle means any self-propelled vehicle designed for highway travel under its own power which is not capable of such travel in its existing mechanical condition; or any dismantled, partially dismantled, discarded, wrecked, demolished or partially demolished vehicle; or any vehicle designed for highway travel not bearing a current license plate or license certificate. (Ord. 467 Sl, 1982)

C. Vehicle means a machine propelled by power other than human power designed to travel along the ground, in the air, or through water by use of wheels, treads, runners, slides, wings or hulls and to transport persons or property or pull non-self-propelled vehicles or machinery and includes, without limitation, automobile, airplane, boat, truck, trailer, motorcycle, motor scooter, moped, tractor, buggy and wagon. (Ord. 324, Sl, 1978)

8.20.020 Junk vehicles prohibited.

A. It shall be unlawful for any person to store or keep any junk vehicle or parts thereof on any premise, or within any zoning district, or anywhere within the city unless in a fully enclosed structure.

B. In the event of the storage or keeping of such junk vehicles or parts thereof in the city, the persons responsible for the violation of this section shall include the owner of the junk vehicle or parts thereof; the occupant or lessee of the premises where stored or kept; and the owner of such premises. (Ord. 324, Sl, 1978)

8.20.030--8.20.050
(Rev. 1-78) (Rev. 1-82)
(Rev. 1-79)

C. Exceptions:

1. Any vehicle registered as a collectors' item by the State of Colorado under the provisions of C.R.S. 1973, Section 42-15-101 and 102, as amended, provided such vehicles are maintained in such a manner that they do not constitute a health hazard, a safety hazard, or a fire hazard and are effectively screened from ordinary public view by means of a solid fence, trees, shrubbery or other appropriate means. Such storage areas shall be kept free of weeds, trash, and other objectionable items.

2. Vehicles stored or kept on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, provided that any dismantled, discarded, wrecked, demolished or partially demolished vehicle(s) are stored in a fully enclosed structure or in a junkyard, as defined in Section 17.04.235 of this code, which has been approved in accordance with Chapter 17.30 of this code. (Ord. 467, S2, 1982)

8.20.030 Investigation. The city manager or his authorized representative is hereby authorized to investigate any matter at any place within the city which reasonably appears to be in violation of the provisions of this ordinance. (Ord. 324, S3, 1978)

8.20.040 Notice.

A. If, after an investigation, there is probable cause for believing a violation of this ordinance exists, a written notice of violation shall be issued immediately to the owner of the vehicle or any person in charge or control of the vehicle or the property owner, or his agent, manager, tenant, resident, lessee, renter or occupant of the premises on which such vehicle is located. Such notice of violation shall state the date issued, the name of the person to whom the notice is issued, the violation involved and a time limit of fifteen days given to remove or correct the cause of such violation, and be signed by the issuing officer. (Ord. 467, S3, 1982)

B. For the purposes of this section, the tenant, occupant or lessee shall be deemed agent of the owner of the premises. (Ord. 324, S4, 1978)

8.20.050 Issuance of summons and complaint. If, after fifteen days from the date of issuance of the notice of violation of a provision of this ordinance, the cause of such violation has not been removed or corrected, a summons and complaint shall be issued to the person named on the notice of violation unless satisfactory arrangements for an extension of time have been made with the department of public safety. In the event that the owner of the vehicle, or the owner or his agent, manager, tenant, resident, lessee, renter or occupant of the premises on which such vehicle or junk is located cannot be located in order to serve such notice of violation, then a summons and complaint shall be issued against the vehicle, describing the vehicle by make, year and model. (Ord. 467 S4, 1982)

8.20.060 Effecting removal.

A. Upon the failure, neglect or refusal of any owner or agent of the owner so notified, to properly dispose of such vehicle or parts thereof within the time limits herein set forth, the city manager, or his authorized representative, is authorized and empowered to remove the same at the expense of such owner or agent of the owner, plus a sum not exceeding forty (40) dollars for the administrative expenses of the city.

B. In case the owner or agent of the owner of such property fails to pay such costs within the thirty days after a statement therefor has been rendered, the city manager, or his authorized representative shall order the vehicle disposed of as an abandoned vehicle under Section 22-21 of the Model Traffic Code and/or report the same to the city clerk who shall assess the costs against the property in question. Such assessment shall constitute a perpetual, first and prior lien on the property involved, subject to general taxes and/or prior special assessments. The city clerk shall certify to the county treasurer the assessments which are not paid within twenty days after the date of assessment. Ten (10) percent of the amount shall be added to the assessments to pay the cost of collection. (Ord. 324, S 6, 1978)

8.20.070 Hobby repair work. It is unlawful for any person to repair, keep or work on any vehicle as a hobby, unless such hobby is conducted in and totally contained within a residential or commercial garage, and conducted in such a manner so as not to create a safety, health or fire hazard; except, this shall not apply to minor repair and maintenance activities such as, by way of illustration, the changing of oil, sparkplugs, tires, so long as said minor work does not exceed a reasonable length of time, such as by way of illustration, two days. Repair of vehicles purchased for repair and resale or vehicles repaired for any compensation received shall not be considered a hobby and shall be governed by the zoning ordinances of the city. (Ord. 324, S 7, 1978)

Chapter 8.24

LOST, ABANDONED, STOLEN AND CONFISCATED PROPERTY

Sections:

- 8.24.010 Custodian of property
- 8.24.020 Property held as evidence
- 8.24.030 Finder of property
- 8.24.040 Disposition generally
- 8.24.050 Investigation into ownership
- 8.24.060 Notification of owner
- 8.24.070 Delivery to owner
- 8.24.080 Return to finder
- 8.24.090 Escheat
- 8.24.100 Disposal of property
- 8.24.110 Unauthorized removal of property

8.24.010 Custodian of property. The director of public safety of the city shall designate an employee of the department to act as the custodian of all lost, abandoned, stolen, and confiscated personal property coming into the possession of the city. It shall be the duty of such custodian to keep a record of all property placed in his custody, including date and place of finding or recovery, serial numbers, a description of the property, the date and method of disposal of the property, and the name and address of all claimants, and except as otherwise provided in this chapter, the custodian shall cause such property to be safely stored until disposal. (Ord. 474, Sl, 1982)

8.24.020 Property held as evidence. The custodian shall keep all personal property seized or held as evidence for use in any pending or prospective trial, unless otherwise ordered by a court having jurisdiction, or unless the prosecuting attorney has authorized otherwise, until final disposition of charges, including appeals or the lapse of time for filing of appeals. Thereafter, unless otherwise ordered by a court having jurisdiction, the custodian shall dispose of the property in accordance with the provisions of this chapter. (Ord. 474, Sl, 1982)

8.24.030 Finder of property. A. If the finder of lost, abandoned or stolen property is an officer or employee of the city and has taken possession of such property in the course of his employment, the city shall be deemed the finder and such property shall be delivered to the custodian.

8.24.040--8.24.070

(Rev. 2-78)

(Rev. 1-82)

B. If the finder of lost, abandoned or stolen property is a private person who brings property he has found to the city, such property shall be delivered to the custodian. Upon such finder's making a report concerning the location and circumstances of the finding, he shall be issued a receipt for the property which shall declare his right to reclaim possession thereof. (Ord. 474, Sl, 1982)

8.24.040 Disposition generally. All lost, abandoned, stolen or confiscated property which has been delivered to the custodian, not being held pending disposition of charges pursuant to section 8.24.020 shall be subject to disposition in accordance with the provisions of this chapter, except for vehicles or other property, the disposition of which is regulated by other ordinance or state statute. (Ord. 474, Sl, 1982)

8.24.050 Investigation into ownership. Upon coming into possession of personal property which has no known owner, the custodian shall notify the director of the department of public safety, who shall cause an investigation to be made into the ownership of the property. (Ord. 474, Sl, 1982)

8.24.060 Notification of owner. A. If the owner of lost, abandoned or stolen property is known or is determined as a result of investigation, the custodian shall give notice in writing to the owner that such property is in the possession of the department of public safety, that it may now be reclaimed, and that it will be sold or otherwise disposed of by the city unless the owner reclaims the property within sixty days after the date of the notice. The notice shall be sent to the owner at his last known address by regular first class United States mail, postage prepaid.

B. If the owner of the property is unknown and is not determined by investigation, the custodian shall periodically, and not less than once each year, cause notice to be published in a newspaper of general circulation in the city, which notice shall be published on three different days, and which shall contain the following:

1. A description of the lost, abandoned or stolen property then in the possession of the custodian;
2. A statement that the property will be disposed of by the city unless the owner thereof reclaims the property within sixty days after publication of the notice. (Ord. 474, Sl, 1982)

8.24.070 Delivery to owner. When any lost, abandoned or stolen property, contraband excluded, is claimed by any person, the custodian, after requiring and obtaining satisfactory proof of ownership, shall release the property to

the apparent owner, unless being held pending disposition of charges pursuant to section 8.24.020. For the purposes of this chapter, contraband means any item of property, the possession of which is unlawful pursuant to this code or state or federal statutes. (Ord. 474, S1, 1982)

8.24.080 Return to finder. If an apparent owner has not made claim to property by the expiration of the time period set forth in the mailed or published notice, any finder of record shall be notified, which notice shall give twenty days after mailing of the notice to claim the property. If the finder, within said twenty-day period, makes a request for the property, the property shall be returned to his possession. (Ord. 474, S1, 1982)

8.24.090 Escheat. If no claimant establishes a right to any lost, stolen or abandoned property by the expiration of the time period set forth in the mailed or published notice, and no finder has claimed the property within the time period set forth in a notification to any finder, the property shall escheat to the city of Broomfield and the owner or person entitled to the property shall be forever barred from any and all claim or right to such property or the proceeds thereof. (Ord. 474, S1, 1982)

8.24.100 Disposal of property. A. Contraband shall be destroyed or turned over to an appropriate authority. If the custodian releases any contraband to any agency, a signed receipt therefor shall be obtained.

B. All money not having special numismatic value shall be deposited in the general fund of the city, and a receipt therefor shall be obtained from the finance director.

C. Unclaimed property which has escheated to the city in accordance with section 8.24.090, may be retained by the city for its own use. After the property has escheated, the custodian shall circulate a list of the unclaimed property to all city departments, and on the written request of a department head, shall be released to any department able to make use of the property. A signed receipt for any property so released to a city department shall be obtained.

D. Any unclaimed property which cannot be used by any department shall be disposed of as surplus property in accordance with the provisions of chapter 3.12 of this code. (Ord. 474, S1, 1982)

8.24.110 Unauthorized removal of property. It is unlawful for any person to remove any property whatsoever from out of the custody and possession of the department of public safety or any authorized agent thereof, without having first obtained a release of said property from the custodian. This section shall apply to all persons irrespective of ownership or any claim or right any person may have with respect to such property. (Ord. 474, S1, 1982)

8.32.010--8.32.020
(Rev. 1-78) (Rev. 1-82)
(Rev. 2-81)
(Rev. 3-81)

Chapter 8.32

WATER EMERGENCIES

Sections:

- 8.32.010 Emergencies to be declared by the city council.
- 8.32.020 Temporary emergencies to be declared by city manager.
- 8.32.030 Duration.
- 8.32.040 Effect.

8.32.010 Emergencies to be declared by the city council. Whenever, in the judgment of city council, there exists a serious water shortage of treated water due to mechanical failure or damage, drought, raw water shortage, or other cause, such that there is not likely to be sufficient treated water for the customary and usual uses of treated water for any period of time, the council may, by resolution, declare a "water emergency" which shall curtail the permissible uses of treated water supplied by the City of Broomfield, as detailed in this chapter. (Ord. 447, Sl, 1981).

8.32.020 Temporary emergencies to be declared by city manager. Whenever, in the judgment of the city manager, there exists a serious shortage of treated water due to mechanical failure or damage, drought, raw water shortage or other cause, such that there is not likely to be sufficient treated water for the customary and usual uses of treated water, for a period of time until the next regular council meeting, the city manager may declare a "temporary water emergency" which shall be effective only until the next council meeting, but shall otherwise be of the same force and effect as a water emergency declared by the city council. (Ord. 447, Sl, 1981).

8.32.030 Duration. Every water emergency declared by council shall contain a definitive termination date which shall be within six months of the resolution declaring the water emergency. Nothing in this section shall be construed to mean that the city council may not declare successive emergencies should the need arise, nor to impose any total limit on the number or duration of emergencies declared. (Ord. 447, S1, 1981).

8.32.040 Effect. The declaration of a water emergency shall be accomplished by a determination as to what uses of treated water shall be prohibited or restricted. Such determination may include any combination of the following, as city council may deem necessary or appropriate:

Class C. Prohibits or restricts watering of lawns, washing of vehicles, ornamental or decorative uses (including, but not limited to display fountains or pools).

Class B. Prohibits or restricts use of water for commercial or industrial purposes, unless necessary to prevent damage to equipment or injury to people.

Class A. Prohibits or restricts any use of treated water except for drinking and eating purposes. (Ord. 447, S1, 1981).

Chapter 8.36

HAZARDOUS SUBSTANCES

Sections:

- 8.36.010 Federal and State regulations to be complied with.
- 8.36.020 Storage -- reporting required.
- 8.36.030 Responsibility
- 8.36.040 Right of entry and inspection
- 8.36.050 Penalty

8.36.010 Federal and State regulations to be complied with. It shall be unlawful for any person to use, store, or transport any hazardous substance, as defined in Section 8.40.020 of this Code, in or through the City unless he shall fully comply with all applicable statutes, rules, and regulations of the United States and of the State of Colorado, as they may be enacted, promulgated, or amended from time to time. (Ord. 557 S1, 1984).

8.36.020 Storage - Reporting required. It shall be unlawful for any person to store any hazardous substance, as defined in Section 8.40.020 of this code, in the city, in any quantities greater than necessary or customary for ordinary individual or

family use, unless he shall first have reported such storage to the City's Emergency Response Authority, as established by Chapter 8.40 of this code, the city's Department of Public Safety and the Waste Management Division of the Department of Health. Such report shall include a listing of the maximum quantity of each such hazard type as designated in Article 22, of Title 29, Section 107, C.R.S. as amended, the exact location of each such material stored, and if the storage will be temporary, the approximate date on which the storage will start and stop. Any person using any hazardous substance in such quantity shall update and amend the information so reported on an annual basis and upon request of the City's Emergency Response Authority or the City's Department of Public Safety. (Ord. 557 S1, 1984).

8.36.030 Responsibility. Any person using, storing, or transporting any hazardous substance, as defined in Section 8.40.020 of this code, shall be responsible for any damage or injury caused by such material substance, and for the cost of control, containment, neutralization, and disposal of such substance. (Ord. 557 S1, 1984).

8.36.040 Right of entry and inspection. Upon presentation of proper credentials, any officer of the Emergency Response Authority and the Department of Public Safety may enter at reasonable times any premises in the City and may inspect any vehicle in the City, if he has reasonable cause to believe that the terms of this Chapter are being violated. (Ord. 557 S1, 1984).

8.36.050 Penalty. The penalty for violation of the terms of this Chapter shall be as provided in Chapter 1.12 of this Code. (Ord. 557 S1, 1984).

Chapter 8.40

EMERGENCY RESPONSE AUTHORITY

Sections:

- 8.40.010 Designation of Emergency Response Authority
- 8.40.020 Definitions
- 8.40.030 Statutory authority

8.40.010 Designation of Emergency Response Authority. The West Adams County Fire Protection District is hereby designated as the Emergency Response Authority for hazardous substance incidents occurring within the City of Broomfield. (Ord. 558 Sl, 1984).

8.40.020 Definitions. As used in this ordinance, unless the context otherwise requires:

A. "Hazardous substance" means any substance, material, waste, or mixture designated as a hazardous substance by Article 22 of Title 29, Section 101, C.R.S., as amended.

B. "Hazardous substance incident" means any emergency circumstance involving the sudden discharge of a hazardous substance which, in the judgment of an emergency response authority, threatens immediate and irreparable harm to the environment or the health and safety of any individual other than individuals exposed to the risks associated with hazardous substances in the normal course of their employment.

"Hazardous substance incident" includes those incidents of spilling, dumping, or abandonment of a hazardous substance, whether or not such spilling, dumping, or abandonment is found to threaten immediate and irreparable harm, but such term does not include any discharge of a hazardous substance authorized pursuant to any federal, state or local law or regulation.

C. "Person" means any individual, public or private corporation, partnership, association, firm, trust, or estate, the state or any department, institution, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

D. "Private property" means any property under the control, management, or operation of any person other than a governmental agency. (Ord. 558 Sl, 1984).

8.40.030 Statutory authority. The Emergency Response Authority is subject to and controlled by Article 22, of Title 29, C.R.S., as amended. (Ord. 558 Sl, 1984).

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I. OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 9.02

OBSTRUCTING JUSTICE*

Sections:

- 9.02.010 Impeding police, firemen or other officials by vehicle prohibited when.
- 9.02.020 Interference with police officers, firemen, city employees and public officials prohibited.
- 9.02.030 Resisting arrest--Escaping--Rescuing a prisoner.
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- 9.02.050 Impersonating officers and employees prohibited.
- 9.02.060 Giving false information prohibited.
- 9.02.070 False reporting to authorities.

9.02.010 Impeding police, firemen or other officials by vehicle prohibited when. It is unlawful for any person to drive a vehicle or to park close by the scene of a fire, explosion, traffic accident, riot, or impending riot, or other disaster or investigation in such a manner as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or any other emergency vehicle, or to fail to move a vehicle from the scene when ordered to do so by a police officer, fireman, emergency personnel or military personnel in the performance of their duties in coping with such fire, explosion, traffic accident, riot, or impending riot, or other disaster or investigation. (Ord. 291 S1, 1977).

* For statutory provisions on obstructing justice, see CRS 1973 18-8-101--18-8-114; for provisions on escape, see CRS 1973 18-8-201--18-8-210.

9.02.020 Interference with police officers, firemen, city employees and public officials prohibited. A. It is unlawful for any person to knowingly resist, interfere with, or impede or obstruct any police officer, fireman, city employee or other public official who is attempting to discharge or is in the course of discharging an official duty.

B. It is unlawful for any person to threaten violence, reprisal or any other injurious act to any police officer, fireman, city employee or other public official who is engaged in the performance or attempted performance of his official duties, or to make such a threat by reason or on account of the performance or attempted performance of his official duties.

C. "Police officer or fireman engaged in the performance of his duties" means a police officer or fireman who is engaged or acting in, or who is present for the purpose of engaging or acting in, the performance of any duty, service or function imposed, authorized, required or permitted by law to be performed by a police officer or fireman, whether or not the police officer or fireman is within the territorial limits of his jurisdiction, if the police officer or fireman is in uniform; or the person committing an assault upon or offense against or otherwise acting toward such police officer or fireman knows or reasonably should know that the victim is a police officer or fireman. (Ord. 291 §2, 1977).

9.02.030 Resisting arrest--Escaping--Rescuing a prisoner.

A. It is unlawful for any person to prevent or attempt to prevent a police officer, acting under color of his official authority, from effecting an arrest of any person by the use or threatened use of force or physical violence, or any other means which creates a reasonable risk of causing injury to such police officer.

B. "Police officer," as used in this chapter, means any person defined as a peace officer under Section 1.04.010 who is in uniform or who has displayed his credentials to the person whose arrest is attempted. The word "uniform" as used in this chapter, shall refer to the dress or apparel and insignia required to be worn by the police officers and agents of the city.

C. A police officer is "acting under color of his official authority" when, in the course of his duties, he is called upon to make or does in fact make a good-faith judgment, based on surrounding facts and circumstances, that an arrest should be made. It is no defense to a prosecution under this section that the arrest was unlawful, if the police officer was acting under color of his authority and did not use unreasonable or excessive force in effecting the arrest.

D. It is unlawful for any person to escape or attempt to escape from, or in any manner aid another who is in the custody of a police officer, to escape, or attempt to rescue a person from the custody of a police officer or from the custody of any person aiding such police officer after being commanded by such police officer to do so; provided, however, the provisions of this section shall not apply whenever the escapee is being held on account of a felony or charged with or held for any felony. (Ord. 291 §3, 1977).

9.02.040 Disobeying an order of a police officer or fireman--Refusing to aid a police officer. A. It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer, fireman, emergency personnel or military personnel given incident to the discharge of the official duties of such police officer or fireman, or incident to the duties of emergency personnel or military personnel when such personnel are coping with an emergency, explosion or other disaster.

B. A person commits an unlawful act when, upon command by a person known to him as a police officer, he unreasonably refuses to aid the police officer in coping with any emergency situation. (Ord. 291 §4, 1977).

9.02.050 Impersonating officers and employees prohibited. A. It is unlawful for any person other than an official police officer of the city to wear the uniform, apparel, or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn by the official police officers.

B. It is unlawful for any person to counterfeit, imitate or cause to be counterfeited, imitated or colorably imitated, the uniform, apparel or insignia of office used by the police department of the city.

C. It is unlawful for any person, without due authority, to exercise or attempt to exercise the authority of any police officer, member of the police department, person duly empowered with police authority, sheriff, deputy sheriff, prison steward, deputy warden, public officer, or any investigator, inspector, deputy or clerk in any department of the city, or of any other law enforcement officer, for any purpose; or for any person falsely to assume, pretend to be or hold himself out to be such officer or official, for any purpose. (Ord. 291 §5, 1977).

9.02.060 Giving false information prohibited. It is unlawful for any person to knowingly and wilfully give false information to an officer or employee of the city acting in his official capacity, concerning the identity of any person participating in, connected with or responsible for, or

concerning the matter of the commission of any act, if the legality thereof or the identity of those participating therein or connected therewith or responsible therefor is being investigated, as part of his official duties or employment, by such officer or employee. (Ord. 291 §6, 1977).

9.02.070 False reporting to authorities. A. It is unlawful for any person to report the existence of a fire or other emergency to the police, fire department or any other agency empowered to deal with an emergency involving risk or injury to persons or property, when such person knows the report to be false. For purposes of this subsection, fire department means any fire protection district or firefighting agency of the state, county or municipality, whether the employees or officers of such agency are volunteers or receive compensation for their services as firemen, or both.

B. It is unlawful for any person to report or cause to be reported to any police agency any information concerning the commission of any offense or other incident which would require police action when he knows that no such offense or other incident has occurred, or when he knows the information is false or that he has no such information.

C. This section does not apply to reports of the existence of placement of a bomb or other explosive in any public or private place or vehicle designed for transportation of persons or property. (Ord. 291 §7, 1977).

II. OFFENSES AGAINST THE PERSON

Chapter 9.08

ASSAULT AND BATTERY*

Sections:

- 9.08.010 Intent of provisions.
- 9.08.020 Definitions.
- 9.08.030 Assault prohibited.
- 9.08.040 Battery prohibited.
- 9.08.050 Criminal negligence--Deadly weapon.
- 9.08.060 Menacing--Without deadly weapon.
- 9.08.070 Intimidation prohibited.
- 9.08.080 Reckless endangerment prohibited.

* For statutory provisions on assault and battery, see CRS 1973 18-3-201--18-3-208.

9.08.010 Intent of provisions. It is the intent and purpose of this chapter not to cover and include those offenses which are felonies under 1973 Colorado Revised Statutes, as amended, and this chapter shall be so construed, notwithstanding any language contained in it which might otherwise be construed to the contrary. (Ord. 290 §8, 1977).

9.08.020 Definitions. The following words and terms, where used in this chapter, shall have the meanings given in this section:

A. "Assault" means an intentional, unlawful attempt, or offer, coupled with the apparent present ability to make forceful contact with the person of another, under circumstances which create a reasonable apprehension of imminent forceful contact.

B. "Battery" means an intentional, unlawful making of forceful contact with the person of another. (Ord. 290 §1, 1977).

9.08.030 Assault prohibited. It is unlawful for any person to commit an assault within the city. (Ord. 290 §2, 1977).

9.08.040 Battery prohibited. It is unlawful for any person to commit a battery within the city. (Ord. 290 §3, 1977).

9.08.050 Criminal negligence--Deadly weapon. It is unlawful for any person, with criminal negligence, to cause bodily injury to another person by means of a deadly weapon. (Ord. 290 §4, 1977).

9.08.060 Menacing--Without deadly weapon. It is unlawful for any person to intentionally place or attempt to place another person in fear of imminent bodily harm by any threat or physical action; provided, however, that if such be with the use of a deadly weapon, this section shall not apply. (Ord. 290 §5, 1977).

9.08.070 Intimidation prohibited. It is unlawful for anyone without legal authority to threaten to confine, restrain or cause bodily harm to the threatened person of another, or to damage the property or reputation of the threatened person of another with intent thereby to induce the threatened person of another against his will to do an act, or refrain from doing a lawful act. (Ord. 290 §6, 1977).

9.08.080 Reckless endangerment prohibited. It is unlawful for any person to recklessly engage in conduct which creates risk of bodily harm to another person. (Ord. 290 §7, 1977).

Chapter 9.10

HARASSMENT

Sections:

9.10.010 Harassment prohibited.

9.10.010 Harassment prohibited.

A. It shall be unlawful to commit harassment. A person commits harassment if, with intent to harass, annoy, or alarm another person, he:

1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or

2. In a public place directs obscene language or makes an obscene gesture to or at another person; or

3. Follows a person in or about a public place; or

4. Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone which is obscene; or

5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

6. Repeatedly insults, taunts, or challenges another in a manner calculated to or likely to provoke a violent or disorderly response.

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

C. Any act prohibited by paragraph (4) or (5) of subsection (A) of this section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.
(Ord. 707, S1, 1986)

III. OFFENSES AGAINST PUBLIC DECENCY

Chapter 9.14

GAMBLING*

Sections:

- 9.14.010 Gambling prohibited generally.
- 9.14.020 Keeping gambling house prohibited.
- 9.14.030 Gambling devices -- Confiscation and destruction.
- 9.14.040 Maintaining lotteries prohibited.

9.14.010 Gambling prohibited generally. It is unlawful for any person to set up, have or keep any keno table, faro bank, shuffleboard, bagatelle, playing cards, or other instrument, device or thing whatever whereon or with which any money, liquor or other article shall in any manner be played for; or to play for money or any valuable thing at any game with cards, dice, or with any article, device or thing whatever which may be used for the purpose of playing or betting upon, or winning or losing money or other property; or to bet on any game others may be playing (Ord. 15 S29, 1963).

9.14.020 Keeping gambling house prohibited. It is unlawful for any person to keep a disorderly or gambling house, or to permit or suffer any faro bank, keno table or other instrument or device whatsoever used for playing any game or games of chance to be set up or used in the city whereon or with which any game or games of chance may be played for money or other article of value, in any room, building or tenement in his possession or under his control. (Ord. 15 S30, 1963).

9.14.030 Gambling devices--Confiscation and destruction. It shall be the right of the chief of police, and all members of the police department of the city, to seize and take any cards, tables, checks, balls, wheels, or devices of any nature or kind, used or kept for the purpose of gambling or playing at any game of chance, without warrant or complaint, and to convey the same before the municipal court of the city, which court shall order such devices destroyed. (Ord. 15 S31, 1963).

9.14.040 Maintaining lotteries prohibited. It is unlawful for any person or persons to get up, maintain or carry on in any place occupied by him or them, or under his or their control, any lottery or chance gift distribution. (Ord. 15 S32, 1963).

*For statutory provisions on gambling, see CRS 1973 18-10-101---18-10-108

Chapter 9.16IMMORAL CONDUCT*Sections:

- 9.16.010 Definitions.
- 9.16.020 Soliciting drinks prohibited.
- 9.16.030 Indecent exposure prohibited.
- 9.16.040 Promoting live sexual performances prohibited.
- 9.16.050 Promoting sadomasochistic performances or material prohibited.
- 9.16.060 Promoting obscenity to a minor prohibited.
- 9.16.070 Publicly displaying obscene material prohibited.
- 9.16.080 Urinating in public prohibited.

9.16.010 Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

A. "Adult" means a person who has reached his eighteenth birthday.

B. "City" means the city of Broomfield.

C. "Commercial purposes" means any purposes connected with the commercial sale of a product or type of product, the commercial offering of a service, or the commercial exhibition of any form of entertainment.

D. "Deviate sexual conduct" means any act of sexual gratification between human beings who are not husband and wife, involving contact of the genital organ of one and the mouth or anus of another.

E. "Display publicly" means the exposure, placement, posting, exhibition or display, in any fashion, of an item, in any location, public or private, in such a manner that it may readily be seen and its content or character distinguished by normal unaided vision from a public thoroughfare, a vehicle on a public thoroughfare, or the property of another.

F. "Facility" means any place or thing which provides seclusion, privacy, opportunity, protection, comfort or assistance to or for a person engaging or intending to engage in sexual intercourse or deviate sexual activity.

* For statutory provisions on public indecency, see CRS 1973 18-7-301.

G. "Hard-core sexual conduct" means patently offensive acts, exhibitions, representations, depictions or descriptions of:

1. Intrusion, however slight, actual or simulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body; or
2. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory functions, actual or simulated.

H. "Live sexual performance" means any live performance by one or more persons, or a person and an animal, which:

1. Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards; and
2. Presents or shows hard-core sexual conduct; and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

I. "Masturbation" means the stimulation of the genital organs by manual or other bodily contact, exclusive of sexual intercourse.

J. "Material" means any physical object, fascimile, recording, transcription, pictorial representation, motion picture or reproduction, whether mechanical, electrical or chemical, which is used as a means of communicating sensation or emotion to human beings to or through the visual, aural or tactile senses. The term does not include the printed or written word, except when used for commercial purposes.

K. "Minor" means a person who has not reached his eighteenth birthday.

L. "Obscene material" means that material, as defined in subsection J of this section, which:

1. Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards, and
2. Depicts or describes hard-core sexual conduct; and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

M. 1. "Obscene performance" means that performance, as defined in subsection N of this section, which:

- a. Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards; and
- b. Presents or shows hard-core sexual conduct; and
- c. Taken as a whole, lacks serious literary, artistic, political or scientific value.

2. "Obscene performance" includes a live sexual performance, as defined in subsection H of this section.

N. "Performance" means a presentation or exhibition, whether live or recorded, in a public place or place open to the public.

O. "Person" means any individual, partnership, firm, corporation, association, or other legal entity.

P. "Promote" means to produce, direct, perform in, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit or advertise, whether or not for consideration, or to offer or agree to do any of these things, whether or not for consideration.

Q. "Prostitution" means the performance, or the offer to perform, or agreement to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse, with any person not the spouse of such person, in exchange for money or other thing of value.

R. "Public indecency" means the performance of any of the following in a public place or where the conduct may reasonably be expected to be viewed by the members of the public:

1. An act of sexual intercourse;
2. An act of deviate sexual intercourse;
3. A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of any person; or
4. A lewd fondling or caress of the body of another person.

S. "Public place" means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, shopping center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

T. "Sadomasochistic material" or "sadomasochistic performance" means that material, as defined in subsection J of this section, or performance, as defined in subsection O of this section, which:

1. Taken as a whole, appeals to the prurient interest of the average person, applying contemporary state-wide standards; and
2. Depicts, presents, shows or describes flagellation, mutilation or torture, actual or simulated, in a sexual context; and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value. (Ord. 293 §1, 1977).

9.16.020 Soliciting drinks prohibited. A. It is unlawful for any person to frequent or loiter in any tavern, cabaret, nightclub or other establishment where intoxicants are sold for the purpose of engaging in the practice of or with the purpose of soliciting another person to purchase drinks.

B. It is unlawful for the proprietor or operator of any such establishment to allow the presence in the establishment of any person who violates the provisions of this section. (Ord. 293 §4, 1977).

9.16.030 Indecent exposure prohibited. It is unlawful for any person to intentionally expose his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to another person or persons. (Ord. 293 §5, 1977).

9.16.040 Promoting live sexual performances prohibited. It is unlawful for any person to promote a live sexual performance in any public place, or in any place where adults or minors may view such live sexual performance. (Ord. 293 §6, 1977).

9.16.050 Promoting sadomasochistic performances or material prohibited. It is unlawful for any person to promote sadomasochistic material or a sadomasochistic performance. A person commits promoting sadomasochistic material or a sadomasochistic performance if he knowingly:

A. Promotes, or possesses with intent to promote, any sadomasochistic material; and

B. Promotes any sadomasochistic performance. (Ord. 293 §7, 1977).

9.16.060 Promoting obscenity to a minor prohibited. It is unlawful for any person to promote obscenity to a minor. A person commits promoting obscenity to a minor if he knowingly:

A. Promotes, or possesses with intent to promote, any obscene material to a minor; and

B. Promotes any obscene performance or live sexual performance to a minor. (Ord. 293 §8, 1977).

9.16.070 Publicly displaying obscene material prohibited. It is unlawful for any person to publicly display obscene material. A person commits publicly displaying obscene material if he knowingly:

A. Displays publicly or causes to be displayed publicly obscene material; or

B. Permits any public display of obscene material on premises, owned, rented or operated by him. (Ord. 293 §9, 1977).

9.16.080 Urinating in public prohibited. It is unlawful for any person to urinate in any public way, or place which is public in nature, or any place within the city open to the public view. (Ord. 293 S10, 1977).

Chapter 9.18

PROSTITUTION*

Sections:

- 9.18.010 Prostitution and public indecency prohibited.
- 9.18.020 Patronizing a prostitute prohibited.

9.18.010 Prostitution and public indecency prohibited.
It is unlawful for any person:

- A. To solicit another for the purpose of prostitution;
- B. To arrange or offer to arrange a meeting of persons for the purpose of prostitution;
- C. To direct another person to a place, knowing such direction is for the purpose of prostitution;
- D. Knowingly to arrange or offer to arrange for money or other thing of value a situation in which a person may practice prostitution;
- E. To have or exercise or control the use of any place which offers seclusion or shelter for the practice of prostitution, and;
 - 1. Knowingly to grant or permit the use of such facility for the purpose of prostitution; or
 - 2. Knowingly to permit the continued use of such facility for the purpose of prostitution, after becoming aware of facts or circumstances from which such person should reasonably know that such facility is being used for purposes of prostitution;
- F. By word, gesture or action, to endeavor to further the practice of prostitution in any place which is public in nature, or within public view;
- G. To perform, offer or agree to perform any act of prostitution; or
- H. To perform an act of public indecency. (Ord. 293 S2, 1977).

9.18.020 Patronizing a prostitute prohibited. It is unlawful for any person to engage in, or offer or agree to engage in an act of sexual intercourse or deviate sexual

* For statutory provisions on prostitution, see CRS 1973 18-7-201--18-7-208.

conduct with a prostitute, or to enter or remain in a place of prostitution with the intent to engage in an act of prostitution or deviate sexual conduct. (Ord. 293 S3, 1977).

IV. OFFENSES AGAINST THE PUBLIC PEACE

Chapter 9.19

MARIJUANA

Sections:

- 9.19.010 Cannabis defined. .
9.19.020 Unlawful to possess, consume, publicly display, transfer or dispense cannabis

9.19.010 Cannabis defined. As used in this chapter "Cannabis" shall mean all parts of the plant cannabis whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. (Ord. 343, S1, 1979).

9.19.020 Unlawful to possess, consume, publicly display, transfer, or dispense cannabis.

A. It shall be unlawful for any person knowingly to possess, consume openly and publicly display or consume, or to transfer or dispense to another person, cannabis; provided, however, that this section shall not apply to any person knowingly possessing, consuming, openly and publicly displaying or consuming, or transferring or dispensing to another person, more than one (1) ounce of cannabis.

B. Transferring or dispensing not more than one (1) ounce of cannabis from one person to another for no consideration shall be deemed possession and not dispensing or sale thereof. (Ord. 343, S1, 1979).

Chapter 9.28

DISORDERLY CONDUCT*

Sections:

- 9.28.010 Disorderly conduct prohibited.
- 9.28.020 Expectoating on sidewalk or in public building prohibited.

9.28.010 Disorderly conduct prohibited. A. It is unlawful for any person to intentionally, knowingly or recklessly:

1. Make a course and obviously offensive utterance, gesture or display in a public place when such utterance, gesture or display causes injury, or tends to invite fighting or an immediate breach of the peace; or

2. Abuse or threaten a person in a public place in an obviously offensive manner; or

3. Fight with another in a public place except as a participant in a sporting event; or

4. Not being a peace officer, discharge a firearm in a public place except when engaged in lawful target practice or hunting; or

5. Not being a peace officer, discharge a firearm in a public place in a manner calculated to alarm.

B. It is an affirmative defense to prosecution under division 3 of subsection A of this section where the actor has significant provocation for his abuse or threatening conduct. (Ord. 292 Sl, 1977).

9.28.020 Expectoating on sidewalk or in public building prohibited. It is unlawful for any person to expectorate or spit upon any sidewalk, or upon the floor of any public building or room used as a place of public assembly. (Ord. 15 S79, 1963).

* For statutory provisions on disorderly conduct, see CRS 1973 18-9-106.

Chapter 9.30DISTURBING ASSEMBLIES*Sections:

9.30.010 Disrupting lawful assembly prohibited.

9.30.010 Disrupting lawful assembly prohibited. It is unlawful for any person to disrupt a lawful assembly if, with the intent to prevent or disrupt any lawful meeting, procession or gathering, he significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance, or any other means. (Ord. 292 §2, 1977).

Chapter 9.31CIRCULARS AND HANDBILLSSections:

9.31.010 Distribution of certain circulars or pamphlets prohibited.

9.31.020 Delivery of handbills or circulars--Registration required.

9.31.010 Distribution of certain circulars or pamphlets prohibited. It is unlawful for any person to publish or distribute, or cause to be published or distributed, any circular, pamphlet, card or dodger, whether anonymous or not, which incites, counsels, promotes or advocates hatred, violence or hostility against any person or group of persons residing in the city, by reason of race, color, religion or manner of worship. (Ord. 15 §75, 1963).

9.31.020 Delivery of handbills or circulars--Registration required. It is unlawful for any person to deliver handbills, circulars or other literature within the city, without first registering with the police department. The provisions of this section shall not apply to residents of the city, nor to the distribution of church, school or political handbills, circulars or literature. (Ord. 15 §76, 1963).

* For statutory provisions on distupting lawful assemblies, see CRS 1973 18-9-108.

Chapter 9.32

LOITERING*

Sections:

- 9.32.010 Loitering defined.
- 9.32.020 Loitering on school grounds prohibited when.
- 9.32.030 Loitering for gambling purposes prohibited.
- 9.32.040 Loitering for redress of grievances permitted.
- 9.32.050 Begging prohibited.

9.32.010 Loitering defined. "Loiter" means to be dilatory, to stand idly around, to linger, to lie or wander about, to remain, abide or tarry in a public place. (Ord. 292 §3(A), 1977).

9.32.020 Loitering on school grounds prohibited when. It is unlawful for any person to loiter in or about a school building or grounds, either on foot or in or on any vehicle, not having reason or relationship involving custody of or responsibility for a pupil, or any other specific, legitimate reason for being there, and not having written permission from a school administrator. (Ord. 292 §3(B), 1977).

9.32.030 Loitering for gambling purposes prohibited. It is unlawful if a person loiters for the purpose of unlawful gambling with cards, dice, or other gambling paraphernalia. (Ord. 292 §3(C), 1977).

9.32.040 Loitering for redress of grievances permitted. Lawful acts in the course of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes, or otherwise, shall not be held to be in violation of this chapter. (Ord. 292 §3(D), 1977).

9.32.050 Begging prohibited. It is unlawful for any person to beg or to loiter with intent to beg on any public way, or in any place which is public in nature. (Ord. 292 §4, 1977).

* For statutory provisions on loitering, see CRS 1973 18-9-112.

Chapter 9.34

DISTURBING THE PEACE

Sections:

- 9.34.010 Disturbing religious worship prohibited.
- 9.34.020 Disturbing the peace prohibited.
- 9.34.030 Entering premises for purposes of spying prohibited.
- 9.34.040 Exemptions.

9.34.010 Disturbing religious worship prohibited. It is unlawful for any person, firm or corporation to disquiet or disturb any congregation or assembly for religious worship by making a noise, or by rude or indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting. (Ord. No. 292, § 12, 1977)

9.34.020 Disturbing the peace prohibited. It is unlawful for any person to disturb or tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, by loud or unusual noises, or by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace; or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or under his management or control, when within his power to prevent, so that others in the vicinity are or may be disturbed thereby. (Ord. No. 292, § 13, 1977)

9.34.030 Entering premises for purposes of spying prohibited. It is unlawful for any person to enter upon any premises within the city to surreptitiously and clandestinely peek or look through any window, door or other opening of any dwelling or other place of habitation located thereon; or for the purpose of looking at, observing, watching or spying on any occupant of any such dwelling or other place of habitation; or for the purpose of disturbing, infringing upon or violating the privacy of any such occupants; provided, however, that nothing contained herein shall apply to any police officer, peace officer or fireman when in the performance of his official duty, or acting under color of his official authority. (Ord. No. 292, § 14, 1977)

9.34.040 Exemptions. This chapter shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws. (Ord. No. 292, § 15, 1977)

Chapter 9.36

NOISE*

Sections:

- 9.36.010 Definitions.
- 9.36.020 Noise prohibited.
- 9.36.030 Exceptions.
- 9.36.040 Trash compaction and collection.
- 9.36.050 Exhaust; mufflers.
- 9.36.060 Noisemaking to attract children prohibited; exception.
- 9.36.070 Use of sirens and red lights restricted.

9.36.010 Definitions. In this chapter, unless the context otherwise requires, the following words and phrases have the meanings indicated:

Continuous noise means a steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of ten (10) minutes or more.

dB(A) is the standard notation for the sound pressure level as measured with a sound level meter using the A-weighting network.

Decibel or *dB* means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

Domestic power equipment means any power equipment rated five-horsepower or less used for home or building repair or grounds maintenance including, but not limited to, lawn mowers, garden tools, snowblowers and chain saws.

Impulsive noise means a noise of short duration usually less than one (1) second, with an abrupt onset and rapid decay.

Muffler means an apparatus consisting of a series of chambers or baffle plates designated for the purpose of transmitting gases while reducing sound emanating from such apparatus.

Periodic noise means a noise recurring at fixed intervals for a period of ten (10) minutes or more.

Public place means any street, parking lot, city park or sidewalk adjoining a city park; any private property open to or used by the general public for travel or parking; or any place used by persons other than the owner or owner's agent without a special permit.

***Editor's note**—Section 1 of Ord. No. 862, adopted Oct. 24, 1989, repealed former Ch. 9.36 and enacted a new Ch. 9.36 in lieu thereof which pertains to similar provisions. The repealed chapter contained §§ 9.36.010—9.36.050, which derived from Ord. No. 15, § 16, adopted in 1963.

Sound means an oscillation in pressure, stress, particle displacement and particle velocity which induce auditory sensation. (Ord. No. 862, § 1, 10-24-89)

9.36.020 Noise prohibited. It shall be unlawful for any person to make, or cause to be made, any continuous, impulsive, or periodic noise within the city which:

- A. Is of such unusual or exceptional character, intensity or duration that it disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any person or causes damage to any property; or
- B. Exceeds the levels shown on schedule 9.36.A [below]:
 - 1. These levels are based on the district in which the sound is measured or perceived, regardless of the district in which the sound originates.
 - 2. Sound shall be measured at least twenty-five (25) feet from the source.
 - 3. In any event, measurements may not be taken from property other than public places without permission of person in possession or control of such property.
- C. In an I-1, I-PUD, or I-1 PUD zone district, is measured or perceived beyond the boundaries of the lot on which the sound originates.
- D. In an I-2, I-2 PUD, or GA zone district, is measured or perceived beyond the boundaries of the district.

SCHEDULE 9.36.A
NOISE LIMITS

<i>District</i>	<i>Time Period</i>	<i>Maximum Permissible Levels</i>
E1, E2	7:00 a.m. until 10:00 p.m. of the same day	55dB(A)
R1, R3, R5 PUD, R-PUD	10:00 p.m. until 7:00 a.m. of the following day	40dB(A)
A1, B1, B2	7:00 a.m. until 10:00 p.m. of the same day	65dB(A)
A-PUD, B-PUD B1-PUD, B2-PUD	10:00 p.m. until 7:00 a.m. of the following day	60dB(A)

(Ord. No. 862, § 1, 10-24-89)

9.36.030 Exceptions. The maximum dB(A) specified in schedule 9.36A shall not apply to sound from:

- A. Any bell or chime from any building clock, school or church;
- B. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm system used in case of fire, collision, civil defense, police activity or other imminent

- danger; provided however, that burglar alarms not terminating within twenty (20) minutes after being activated shall not be excepted;
- C. Aircraft which are operated in accordance with federal laws or regulations;
 - D. City-authorized or sponsored events including, but not limited to, parades, and fireworks displays;
 - E. Any domestic power equipment operated upon any residential, commercial, industrial or public premise between 7:00 a.m. and 10:00 p.m. provided that such equipment does not exceed eighty (80) dB(A);
 - F. Any temporary construction, maintenance, or repair activities between 7:00 a.m. and 10:00 p.m. provided that the noise from such activities does not exceed eighty-eight (88) dB(A); and
 - G. Activities directly connected with the abatement of an emergency. (Ord. No. 862, § 1, 10-24-89)

9.36.040 Trash compaction and collection. The operation of compactor trucks, and the loading and unloading of trash shall be subject to the maximum level of eighty-eight (88)dB(A). No person shall engage in any trash, rubbish, or garbage collection activity within a residential district between the hours of 10:00 p.m. and 7:00 a.m. of the following day. (Ord. No. 862, § 1, 10-24-89)

9.36.050 Exhaust; mufflers. No person shall discharge the exhaust of any steam engine, internal combustion engine, air compressor equipment, motor boat, motor vehicle, or other power device which is not equipped with a properly maintained exhaust system with a muffler or spark arrestor. It is unlawful for any person to operate a muffler or exhaust system using a cut-out, bypass or other similar device. (Ord. No. 862, § 1, 10-24-89)

9.36.060 Noisemaking to attract children prohibited; exception. The use of bells, whistles, sirens, music horns or any other noisemaking devices for the purpose of attracting minors to any vehicle upon the streets, highways, rights-of-way, alleys or other public ways of the city for the purpose of selling, distributing or giving away any product whatsoever to such minors is declared to be a public nuisance and is unlawful, excepting such activities carried on as part of a city-authorized activity. (Ord. No. 862, § 1, 10-24-89)

9.36.070 Use of sirens and red lights restricted. It is unlawful for any person to carry or use upon any vehicle other than police, fire department or emergency vehicles, any gong, siren, whistle or red light similar to that used on police, fire department or emergency vehicles. (Ord. No. 862, § 1, 10-24-89)

Chapter 9.38

RIOTS

Sections:

- 9.38.010 Definitions.
- 9.38.020 Inciting riot prohibited.
- 9.38.030 Engaging in riot prohibited.
- 9.38.040 Disobeying public safety order prohibited.
- 9.38.050 Conviction of violations permitted for current riots only.

9.38.010 Definitions. For the purposes of this chapter, unless the context otherwise requires, the following words shall have the meanings ascribed to them in this section:

- A. *Destructive device* means any material, substance or mechanism capable of being used, either by itself or in combination with any other substance, material or mechanism, to cause sudden and violent injury, damage, destruction or death.
- B. *Riot* means a public disturbance involving an assemblage of five (5) or more persons which, by tumultuous and violent conduct, creates grave danger of damage or injury to property or persons, or substantially obstructs the performance of any governmental function. (Ord. No. 292, § 6(D), 1977)

9.38.020 Inciting riot prohibited. It is unlawful for any person to incite a riot; provided, however, that this section shall not apply in the event of injury to a person or damage to property, as a result therefrom. A person commits inciting a riot if he:

- A. Incites or urges a group of five (5) or more persons to engage in a current or impending riot; or
- B. Gives commands, instructions or signals to a group of five (5) or more persons in furtherance of a riot. (Ord. No. 292, § 6(A), 1977)

9.38.030 Engaging in riot prohibited. It is unlawful for any person to engage in a riot; provided, however, that this section shall not apply if the action employs a deadly weapon or destructive device in the course of rioting. (Ord. No. 292, § 6(B), 1977)

9.38.040 Disobeying public safety order prohibited. It is unlawful for any person, during a riot or when one is impending, to intentionally disobey a reasonable public safety order to move, disperse or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder or promote the safety of persons or property issued by an authorized member of the police, fire or military, or other forces concerned with the riot. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media,

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unless he is physically obstructing efforts by such forces to cope with the riot or impending riot. Inapplicability of the order is an affirmative defense. (Ord. No. 292, § 6(C), 1977)

9.38.050 Conviction of violations permitted for current riots only. A person may be convicted of attempt, conspiracy or solicitation to incite or engage in a riot only if he engages in the prohibited conduct with respect to a current or impending riot. (Ord. No. 292, § 6(E), 1977)

Chapter 9.40

OBSTRUCTING PASSAGE

Sections:

- 9.40.010 Obstruct defined.
- 9.40.020 Obstructing passage prohibited.
- 9.40.030 Hindering transportation prohibited.

9.40.010 Obstruct defined. "Obstruct" means to render impassable, or to render passage unreasonably inconvenient or hazardous. (Ord. 292 S7(B), 1977).

9.40.020 Obstructing passage prohibited. It is unlawful for any person or corporation, without legal privilege, to intentionally, knowingly, or recklessly:

A. Obstruct a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, or hallway within the city to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his acts alone, or from his acts and the acts of others; or

B. Disobey a reasonable request or order to move, issued by a person he knows, or reasonably should know, to be a peace officer, a fireman, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in a dangerous proximity to a fire, riot, or other hazard. (Ord. 292 S7(A), 1977).

9.40.030 Hindering transportation prohibited. It is unlawful for any person, intentionally and without lawful authority, to forcibly stop and hinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association or corporation. (Ord. 292 S8, 1977).

V. OFFENSES AGAINST PROPERTY

Chapter 9.42

SHOPLIFTING AND PRICE SWITCHING

Sections:

- 9.42.010 Shoplifting under \$300.00 in value
- 9.42.020 Concealment of goods
- 9.42.030 Questioning of person suspected of shoplifting without liability
- 9.42.040 Price switching

9.42.010 Shoplifting under \$300.00 in value. It shall be unlawful to commit the crime of shoplifting. A person commits the crime of shoplifting when he knowingly takes possession of any unpurchased goods, wares or merchandise of a value of less than \$300.00, owned or held by and offered or displayed for sale by any store or mercantile establishment, with the intention of converting such goods, wares, or merchandise to his own use, without paying the purchase price thereof. (Ord. 644 S1, 1985)

9.42.020 Concealment of goods. If any person willfully conceals unpurchased goods, wares, or merchandise of a value of less than \$300.00 owned or held by and offered or displayed for sale by any store or other mercantile establishment, such concealment constitutes prima facie evidence that the person intended to convert the same to his own use without paying the purchase price therefor within the meaning of section 9.42.010. (Ord. 644 S1, 1985)

9.42.030 Questioning of person suspected of shoplifting without liability. If any person is suspected of concealing upon his person or otherwise carrying away any unpurchased goods, wares, or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any police officer, acting in good faith and upon probable cause based upon reasonable grounds, may detain and question such person, in a reasonable manner, for the purpose of ascertaining whether the person has committed shoplifting. Such questioning of a person by a merchant, merchant's agent or employee, or police officer does not render the merchant, merchant's agent or employee, or police officer civilly or criminally liable for slander, false arrest, false imprisonment, malicious prosecution, or unlawful detention. (Ord. 644 S1, 1985)

9.42.040 Price switching. It is unlawful for any person to knowingly alter, remove or switch the indicated price of any unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment with the intent to deprive the owner, seller or mercantile establishment of a portion of the indicated price of said goods, wares or merchandise; provided, however, that this section shall only apply to goods, wares or merchandise of a value of less than \$300.00. (Ord. 644 S1, 1985)

CHAPTER 9.43

FRAUD BY CHECK

Sections:

- 9.43.010 Definitions
- 9.43.020 Issue of check with intent to defraud prohibited
- 9.43.030 Complainant defined
- 9.43.040 Financial institutions not liable for information released to authorized persons
- 9.43.050 Presumptive evidence defined

9.43.010 Definitions.

A. "Check" means a written, unconditional order to pay a sum certain in money, drawn on a bank, payable on demands, and signed by the drawer. "Check", for the purposes of this section, also includes a negotiable order of withdrawal and a share draft.

B. "Drawee" means the bank upon which a check is drawn or a bank, savings and loan association, industrial bank, or credit union on which a negotiable order of withdrawal or a share draft is drawn.

C. "Drawer" means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature be that of himself or of a person authorized to draw the check on himself.

D. "Insufficient funds" means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account, negotiable order of withdrawal account, or share draft account with the drawee or has funds in such an account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance; and a check dishonored for "no account" shall also be deemed to be dishonored for "insufficient funds".

E. "Issue". A person issues a check when he makes, draws, delivers, or passes it or causes it to be made, drawn, delivered, or passed.

F. "Negotiable order of withdrawal" and "share draft" mean negotiable or transferable instruments drawn on a negotiable order of withdrawal account or a share draft account, as the case may be, for the purpose of making payments to third persons or otherwise.

G. "Negotiable order of withdrawal account" means an account in a bank, savings and loan association, or industrial bank, and "share draft account" means an account in a credit union, on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association, or industrial bank or the credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty (30) days before the withdrawal is made, although in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable order of withdrawal or share draft. (Ord. 644 S2, 1985)

9.43.020 Issue of check with intent to defraud. Any person, knowing he has insufficient funds with the drawee, who, with intent to defraud, issues a check for the payment of services, wages, salary, commissions, labor, rent, money, property, or other thing of value, commits fraud by check. This section shall only apply where the fraudulent check was for the sum of less than \$300.00. (Ord. 644 S2, 1985)

9.43.030 Complainant defined. Any person having acquired rights with respect to a check which is not paid because the drawer has insufficient funds shall have standing to file a complaint under this section, whether or not he is the payee, holder, or bearer of the check. (Ord. 644 S2, 1985)

9.43.040 Financial institutions not liable for information released to authorized persons. A bank, a savings and loan association, an industrial bank, or a credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to a police officer, prosecuting attorney, or authorized investigator for a prosecuting attorney investigating or prosecuting a charge under this section. (Ord. 644 S2, 1985)

9.43.050 Presumptive evidence defined. This section does not relieve the prosecution from the necessity of establishing the required culpable mental state. However, for purposes of this section, the issuer's knowledge of insufficient funds is presumed, except in the case of a post-dated check or order, if:

A. He has no account upon which the check or order is drawn with the bank or other drawee at the time he issues the check or order; or

B. He has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue. (Ord. 644 S2, 1985)

CHAPTER 9.44

THEFT

Sections:

- 9.44.010 Theft
- 9.44.020 Theft of rental property

9.44.010 Theft.

A. It shall be unlawful to commit theft. A person commits theft when he knowingly obtains or exercises control over anything of value of another without authorization, or by threat or deception, and:

1. Intends to deprive the other person permanently of the use or benefit of the thing of value; or

2. Knowingly uses, conceals, or abandons the thing of value in such a manner as to deprive the other person permanently of its use or benefit; or

3. Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or

4. Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person.

B. This section shall only apply if the value of said thing of value is less than \$300.00. (Ord. 204, S1, 1986).

9.44.020 Theft of rental property.

A. It shall be unlawful to commit theft of rental property. A person commits theft of rental property if he:

1. Obtains the temporary use of personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the personal property; or

2. Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire knowingly fails to reveal the whereabouts of or to return said property to the owner thereof or his representative or to the person from whom he has received it within seventy-two hours after the time at which he has agreed to return it.

B. This section shall only apply if the value of said personal property is less than \$300.00. (Ord 704, Sec.1, 1986)

Chapter 9.45

FALSE PRETENSES

Section:

9.45.010 False pretenses prohibited

9.45.010 False pretenses prohibited. It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares and merchandise; provided, however, that this section shall only apply if the value of said food, goods, wares or merchandise is less than \$300.00. (Ord. 644 S4, 1985)

Chapter 9.46

FRAUDULENTLY AVOIDING PAYMENT OF ADMISSION FEES

Section:

9.46.010 Fraudulently avoiding payment of admission fees

9.46.010 Fraudulently avoiding payment of admission fees. It shall be unlawful for any person fraudulently or without lawful authorization to enter, without payment of the proper admission fee, any place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the admission of police officers or any public officials for the purpose of the performance of official duties to any place of public entertainment or amusement. (Ord. 644 S5, 1985)

Chapter 9.47

JOYRIDING

Sections:

9.47.010 Joyriding prohibited

9.47.020 Exclusions

9.47.010 Joyriding prohibited. Any person who drives or takes any motor vehicle without the consent of the owner or lawful possessor thereof, with the intent of temporarily depriving the owner or possessor of the use of the same, or temporarily making use thereof, commits joyriding, which is unlawful. (Ord. 644 S6, 1985)

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9.47.020 Exclusions. If the person who in the course of so driving or taking the motor vehicle does one or more of the following, joyriding has not occurred:

A. Retains possession or control of the motor vehicle for more than seventy-two (72) hours; or

B. Attempts to alter or disguise or alters or disguises the appearance of the motor vehicle; or

C. Attempts to alter or remove or alters or removes the vehicle identification number; or

D. Uses the motor vehicle in the commission of a crime other than a traffic offense; or

E. Causes \$500.00 or more property damage in the exercise of control of the motor vehicle. (Ord. 644 S6, 1985)

Chapter 9.48

LITTERING*

Sections:

9.48.010 Throwing material on ground prohibited.

9.48.020 Truck loads blowing on street prohibited.

9.48.010 Throwing material on ground prohibited. It is unlawful for any person to throw any posters, dodgers, circulars, bills, letters, envelopes, samples or devices upon any of the streets, alleys, parks or public grounds of the city. (Ord. 15 S74, 1963).

9.48.020 Truck loads blowing on street prohibited. No person shall drive or move any truck or other vehicle within the city unless such vehicle is constructed or loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind. (Ord. 15 S77, 1963).

Chapter 9.49

UNLAWFUL USE OR DESTRUCTION OF PROPERTY OF ANOTHER

* For statutory provisions on littering, see CRS 1973 18-4-511.

Sections:

- 9.49.010 Unlawful use of property of another
- 9.49.020 Unlawful destruction of property of another
- 9.49.030 Damaging ditches prohibited

9.49.010 Unlawful use of property of another. It shall be unlawful for any person intentionally to use or cause to be used, in any manner, the real or personal property of another, or in lawful possession of another, for any purpose, including advertising, storage, grazing or recreation, without the permission of the owner or person in possession thereof. (Ord. 644 S7, 1985)

9.49.020 Unlawful destruction of property of another. It is unlawful for any person to either maliciously, wantonly, intentionally or through criminal negligence, injure, damage or destroy the real or personal property of another or of the City of Broomfield; provided, however, that this section shall not apply to any person showing a legal right or authority to injure, damage or destroy such property. It is further provided that this section shall not apply where the aggregate damage to such real or personal property is equal to \$300.00 or more or where the damage is effected by means of fire or explosives with the intent to defraud. (Ord. 644 S7, 1985)

9.49.030 Damaging ditches prohibited. It is unlawful for any person to either willfully, maliciously, wantonly or negligently fill up, obstruct or otherwise damage any ditch or ditches lawfully constructed in the city. (Ord. 644 S7, 1985)

Chapter 9.50

UNAUTHORIZED CONNECTION OR TAMPERING WITH CABLE TELEVISION

Sections:

- 9.50.010 Unauthorized connection with cable television
- 9.50.020 Unlawful tampering with cable television

9.50.010 Unauthorized connection with cable television. It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise in any other manner, with any part of the cable television system under any permit within this city for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound without payment to the operator of said system. (Ord. 644 S8, 1985)

9.50.020 Unlawful tampering with cable television. It is unlawful for any person, without consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. (Ord. 644 S8, 1985)

Chapter 9.52

TRESPASSING*

Sections:

- 9.52.010 Unauthorized entry or presence on private or public property
- 9.52.020 Public buildings--Interference with activities use prohibited.
- 9.52.030 Public building--Interference with activities prohibited.
- 9.52.040 Public building--Refusal to leave prohibited when.
- 9.52.050 Public buildings--Disruption of meetings prohibited.

9.52.010. Unauthorized entry or presence on private or public property. A. It shall be unlawful for a person to enter or remain in or upon private or public property without the expressed or implied consent of the owner, occupant, or person in charge thereof.

B. It shall be prima facie evidence that the owner, occupant, or person in charge of the property has not consented to entry upon or presence upon said property if the premises are enclosed in a manner designed to exclude intruders, or fenced, or posted with signs indicating that trespassing is not allowed.

C. It shall be unlawful for any person to enter or remain upon any property to which limited access has been granted, unless for such purpose for which access is permitted by the owner, occupant or person in charge of the property. Access may be limited for the purpose of trading at or visiting a

* For statutory provisions on criminal trespass, see CRS 1973 S18-4-502--18-4-504.

place of business of the owner or occupant, access for the purpose of visiting a resident on the property, or access to certain hours of the day. Limited access may be designated by posting of signs or by oral notice. (Ord. 356 S1, 1979).

9.52.020 Public buildings--Interference with authorized use prohibited. It is unlawful for any person to conduct himself at or in any public building owned, operated or controlled by the city, the state or any of its political subdivisions, so as to wilfully deny to any public official, public employee or any invitee on such premises the lawful rights of such official, employee or invitee to enter, use the facilities of or to leave any such public building. (Ord. 292 S10(A), 1977).

9.52.030 Public building--Interference with activities prohibited. It is unlawful for any person, at or in any public building, to wilfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, coercion or intimidation, or by force and violence, or threat thereof. (Ord. 292 S10(B), 1977).

9.52.040 Public building--Refusal to leave prohibited. It is unlawful for any person to wilfully refuse or fail to leave any public building upon being requested to do so by the chief administrative officer, sheriff, peace officer or fireman charged with maintaining order in such public building, if such person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in such building. (Ord. 292 S10(C), 1977).

9.52.050 Public buildings--Disruption of meetings prohibited. A. It is unlawful for any person, at any meeting or session conducted by any judicial, legislative or administrative body or official at or in any public building, to wilfully impede, disrupt, or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting such meeting, or session, or by any act designated to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties of such meeting or session.

B. It is unlawful for any person, by an act of intrusion into the chamber or other areas designated for the use of any executive body or official, or in any public building, to wilfully impede, disrupt or hinder the normal proceedings of such body or official. (Ord. 292 S10(D, E), 1977).

Chapter 9.54

INTERFERENCE WITH EDUCATIONAL INSTITUTIONS

Sections:

- 9.54.010 Interference with faculty, staff and students prohibited generally.
- 9.54.020 Intimidation prohibited.
- 9.54.030 Refusal to leave prohibited when.
- 9.54.040 Assembly for redress of grievances permitted.

9.54.010 Interference with faculty, staff and students prohibited generally. It is unlawful for any person, on or near the premises or facilities of any educational institution, to wilfully deny to students, school officials, employees and invitees:

- A. Lawful freedom of movement on the premises; or
- B. Lawful use of the property or facilities of such institutions; or
- C. The right of lawful ingress and egress to the institution's physical facilities. (Ord. 292 S9(A), 1977).

9.54.020 Intimidation prohibited. It is unlawful for any person, on the premises of any educational institution or in any building or other facility used by any educational institution, to wilfully impede the staff or faculty of such institution in the lawful performance of their duties, or wilfully impede a student of such institution in the lawful pursuit of his educational activities, through the use of restraint, coercion or intimidation, or when force and violence are present or threatened. (Ord. 292 S9(B), 1977).

9.54.030 Refusal to leave prohibited when. It is unlawful for any person to wilfully refuse or fail to leave the property of, or any building or other facility used by, any educational institution, upon being requested to do so by the chief administrative officer, his designees charged with maintaining order on the school premises and in its facilities, or a dean of such educational institution, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution. (Ord. 292 S9(C), 1977).

9.54.040 Assembly for redress of grievances permitted. Nothing in this chapter shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, and any contractor or subcontractor, or any employee thereof. (Ord. 292 S(D), 1977).

VI. CONSUMER PROTECTION

Chapter 9.58

PEDDLERS AND SOLICITORS

Sections:

9.58.010 Door-to-door solicitation--Hours and days permitted.

9.58.010 Door-to-door solicitation--Hours and days permitted. No door-to-door solicitation for the purpose of selling goods, wares, merchandise or services, or anything of value for present or future delivery or performance, shall be permitted within the city before nine a.m. or after six p.m.; provided, however, there shall be no solicitation or door-to-door selling for the purpose of selling wares, goods, merchandise or services, or anything of value for present or future delivery or performance, on Sundays and holidays. (Ord. 292 §11, 1977).

VII. OFFENSES BY OR AGAINST MINORS

Chapter 9.62

CURFEW

Sections:

9.62.010 Permitting minor on streets prohibited when--
Exceptions.

9.62.020 Minors prohibited on streets when--Exceptions.

9.62.010 Permitting minor on streets prohibited when--
Exceptions. It is unlawful for any parent, guardian or other person having care or custody of any child under the age of eighteen years to allow or permit any such child to be or remain upon any street, alley or other public place subsequent to the hour of ten-thirty p.m., or prior to the hour of five a.m., except for lawful employment, or unless there exists a reasonable necessity thereof, or unless such child is accompanied by the parent, guardian or other persons of the age of twenty-one years having permission of the parent or guardian to have the custody and care of such child; provided

that, on Friday and Saturday nights, the curfew hours for children between the ages of fifteen (15) and eighteen (18) years shall be extended to the hour of one a.m., with the permission of parents. (Ord. No. 15, § 21, 1963)

9.62.020 Minors prohibited on streets when; exceptions. It is unlawful for any child under the age of eighteen (18) years to be or remain upon any street, alley or other public place subsequent to the hour of ten-thirty p.m., or prior to the hour of five a.m., except for lawful employment, or unless there exists a reasonable necessity thereof, or unless such child is accompanied by the parent, guardian or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody and care of such child; provided that, on Friday and Saturday nights, the curfew hours for children between the age of fifteen (15) and eighteen (18) years shall be extended to the hour of one a.m., by permission of parents. (Ord. No. 15, § 24, 1963)

Chapter 9.64

MINORS AND ALCOHOL*

Sections:

- 9.64.010 Selling alcohol to person under twenty-one (21) years of age prohibited; sign required.
- 9.64.020 Minors prohibited in taverns; exception; signs required.
- 9.64.030 Sale of liquor near schools prohibited.
- 9.64.040 Presentation of false credentials prohibited.
- 9.64.050 Use of alcoholic beverages prohibited.
- 9.64.060 Engaging another to procure unlawful articles prohibited.
- 9.64.070 Making unlawful purchase for minor prohibited.

9.64.010 Selling alcohol to person under twenty-one (21) years of age prohibited; sign required.

A. It is unlawful for any person to sell, serve, give away, dispose of, exchange, deliver or permit the sale, serving, giving or procuring of any alcoholic beverages to or for any person under the age of twenty-one (21) years.

B. It is the duty of any person who is the proprietor or keeper of a place of business which sells, serves or disposes of any alcoholic beverages to post conspicuously in his or her place of business the following sign: "PERSONS UNDER THE AGE OF TWENTY-ONE (21) YEARS NOT SERVED HERE." Failure to post such sign shall constitute an unlawful act.

* For statutory provisions on the unlawful sale of alcohol, see Sections 12-46-115 and 12-46-124, CRS.

C. For the purpose of this chapter, alcoholic beverages include any one (1) or more of the following:

- (1) Any fermented malt beverage, as defined in Section 12-46-103(1.5), CRS;
- (2) Any malt liquors, as defined in Section 12-47-103(11), CRS;
- (3) Any special malt liquors, as defined in Section 12-47-103(25.5), CRS;
- (4) Any spirituous liquors, as defined in Section 12-47-103(26), CRS;
- (5) Any vinous liquors, as defined in Section 12-47-103(28), CRS. (Ord. No. 15, § 19, 1963; Ord. No. 923, § 1, 2-25-92)

9.64.020 Minors prohibited in taverns; exceptions; signs required. It shall be unlawful for any person who is the proprietor or keeper of a tavern to employ or permit any minor under the age of twenty-one (21) years to frequent or be in or about such place, unless accompanied by parent, or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same, or to engage or participate in any game of billiards, or any game, bet or wager with any cards or any other gambling device, or any other game whatsoever in or about such place. It shall be the duty of any person who is the proprietor or keeper of any tavern to post conspicuously in his place of business the following sign: "MINORS UNDER THE AGE OF TWENTY-ONE (21) YEARS NOT ALLOWED HERE UNLESS ACCOMPANIED BY PARENTS." Failure to so post such sign shall constitute an unlawful act. (Ord. No. 15, § 20, 1963)

9.64.030 Sale of liquor near schools prohibited. It is unlawful to sell, offer or expose for sale or gift, beer or any vinous, spirituous or malt liquors within a distance of five hundred (500) feet from any private, public or parochial school, said distance to be computed by direct measurement from the nearest property lines; provided, however, that this prohibition shall not affect the rights of any person, firm or corporation now holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal, upon the expiration thereof, of any license in effect at this time authorizing such business within the restricted area hereby established. (Ord. No. 15, § 25, 1963)

9.64.050 Use of alcoholic beverages prohibited. It shall be unlawful for any person under twenty-one (21) years of age to possess, consume or use alcoholic beverages. (Ord. 720, § 1, 1987; Ord. 923, § 2, 2-25-92)

9.64.060 Engaging another to procure unlawful articles prohibited. It is unlawful for any person under the age of twenty-one (21) years to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the minor himself is forbidden by law to purchase. (Ord. No. 15, § 27, 1963)

9.64.070 Making unlawful purchase for minor prohibited. It is unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any article which the person is forbidden by law to purchase. (Ord. No. 15, § 28, 1963)

Chapter 9.66

WRONGS AGAINST MINORS

Sections:

- 9.66.010 Injuring or depriving children prohibited.
- 9.66.020 Hiring children under fourteen (14) during school hours prohibited.

9.66.010 Injuring or depriving children prohibited. It is unlawful for any person having the care, custody, control, confidence or influence over any child to willfully cause or permit the life of such child to be endangered, or the health of such child to be injured, or the morals of such child to be impaired; or to willfully cause or permit such child to be placed in such a situation, business or occupation that its life, health or morals shall be endangered; or to willfully abandon such child; or to torture, torment, cruelly punish or willfully or negligently deprive such child of necessary food, clothing or shelter, or in any other manner injure such child unnecessarily. (Ord. No. 15, § 17, 1963)

9.66.020 Hiring children under fourteen (14) during school hours prohibited. It is unlawful for any person, firm or corporation to take, receive, hire or employ any child under the age of fourteen (14) years to labor in any smelter, mill, mine, factory or in or about any business or employment whatever, within the city during the school hours of any school day. (Ord. No. 15, § 18, 1963)

VIII. WEAPONS

Chapter 9.72

WEAPONS

Sections:

- 9.72.010 Definitions
- 9.72.020 Possession and use of weapons
- 9.72.030 Carrying a concealed weapon
- 9.72.040 Aiming or flourishing weapon
- 9.72.050 Possession of weapon while intoxicated
- 9.72.060 Furnishing weapon to intoxicated persons or minors
- 9.72.070 Setting spring gun
- 9.72.080 Dangerous missiles - stones
- 9.72.090 Seizure of weapons
- 9.72.100 Forfeiture and disposition of deadly weapons
- 9.72.110 Exemptions from chapter

9.72.010 Definitions. In this Chapter, unless the context otherwise requires, the following words and phrases have the meanings indicated.

A. "Blackjack" means any billy, sand club, sandbag, or other hand-operated striking weapon consisting at the striking end, of an enclosed piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact.

B. "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

C. "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

D. "Gas or mechanically operated gun" means an air, gas or spring operated gun or blow gun that discharges pellets, BB shots, arrows, or darts, including without limitation, BB guns, spring guns, and other similarly operated guns or weapons.

E. "Gravity knife" means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of a centrifugal force, that when released is locked in place by means of a button, spring, lever or other device. This term includes knives three and one-half inches or less in length and hunting and fishing knives which are designed to open as described.

F. "Illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.

G. "Intoxicating liquor" means any fermented malt beverage, as defined in section 12-46-103(1.5), C.R.S.; any malt liquor, as defined in section 12-47-103(11), C.R.S.; any special malt liquors, as defined in section 12-47-103(25.5), C.R.S.; any spirituous liquors, as defined in section 12-47-103(26), C.R.S.;

or any vinous liquors, as defined in section 12-47-103(28), C.R.S.

H. "Knife" means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a properly cased hunting or fishing knife carried for sports use. The issue that a knife is a hunting and fishing knife must be raised as an affirmative defense.

I. "Nunchaku" means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles, connected by a rope, cord, wire or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense.

J. "Switchblade knife" means any knife, the blade of which opens automatically by hand pressure applied to a button, spring, or other device in its handle. This term includes knives three and one-half inches or less in length and hunting and fishing knives which open as described.

K. "Throwing star" means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense. (Ord. 729, S 2, 1987)

9.72.020 Possession and use of weapons.

A. It is unlawful for any person to possess an illegal weapon.

B. Except in his dwelling, place of business or on property under his ownership or control, it is unlawful for any person to possess the following:

1. a firearm or gas or mechanically operated gun,
2. a bow and arrow, crossbow, or slingshot, or
3. a nunchaku or throwing star.

C. It is unlawful for any person to discharge or cause to be discharged any projectile from:

1. a firearm or gas or mechanically operated gun,
2. a bow and arrow, crossbow, or slingshot.

D. It is unlawful for any person to swing or throw a throwing star or nunchaku.

E. Defenses.

1. It is an affirmative defense to a violation of subsections A and B that the defendant was carrying the weapon pursuant to a concealed weapons permit valid under the statutes of the State of Colorado.

2. It is an affirmative defense to a violation of subsection B that the weapon was unloaded (if capable of being loaded) and properly cased.

3. It is an affirmative defense to a violation of Paragraph 1 of subsection B and Paragraph 1 of subsection C that the defendant possessed or discharged the firearm in order to slaughter livestock if:

a. possession of the livestock was in compliance with the City's zoning ordinances, and

b. the defendant had a legal right to slaughter the livestock.

4. It is an affirmative defense to a violation of subsections B and C that the act occurred in a shooting gallery or at a shooting range, where such weapons may be discharged so as to not endanger persons or property and the projectile or projectiles from such weapons are prevented from traversing any grounds or space outside the limits of such gallery or range.

5. It is an affirmative defense to a violation of subsection C that the act occurred in the shop of a federally licensed gunsmith, for the purpose of test-firing a weapon, provided that any projectile is contained within a device specifically designed for such test-firing.

6. It is an affirmative defense to a violation of subsections B through D that:

a. the defendant was reasonably engaged in lawful use of force in defense of a person, premises or property under the statutes of the State of Colorado;

b. the act was committed for the purpose of presenting a public demonstration or exhibition or to participate in an organized school or class. (Ord. 729, S 2, 1987)

9.72.030 Carrying a concealed weapon.

A. It is unlawful for any person to have an illegal weapon concealed on or about his body.

B. Except in his dwelling, place of business or on property under his ownership and control, it is unlawful for any person to have concealed on or about his body:

1. a firearm or gas or mechanically operated gun,
2. a knife,
3. a bow and arrow, crossbow, or slingshot, or
3. a nunchaku or throwing star.

C. Defenses.

1. It is an affirmative defense to a violation of subsections A and B that the defendant was carrying the weapon pursuant to a concealed weapons permit valid under the statutes of the State of Colorado.

2. It is an affirmative defense to a violation of paragraph 2 of subsection B that the defendant was charged with carrying a knife that was a properly cased hunting or fishing knife carried by the defendant for sports use. (Ord. 729, S 2, 1987)

9.72.040 Aiming or flourishing weapon.

A. It is unlawful for any person to knowingly aim at another person or to display or flourish the following in a manner intended to alarm or frighten another person:

1. a loaded or unloaded firearm or gas or mechanically operated gun,
2. a knife,
3. a bow and arrow, crossbow, or slingshot,
4. a nunchaku or throwing star, or

5. any other weapon, device, instrument, material, or substance which in the manner it is used or intended to be used is capable of producing death or serious bodily injury.

B. Defenses. It is an affirmative defense to a violation of subsection A that defendant was reasonably engaged in lawful use of force in defense of a person, premises or property under the statutes of the State of Colorado. (Ord. 729, S 2, 1987)

9.72.050 Possession of weapon while intoxicated. It is unlawful for any person to possess any weapon regulated by this chapter while such person is under the influence of intoxicating liquor or of a controlled substance, as defined in Section 12-22-303(7), C.R.S. (Ord. 729, S 2, 1987)

9.72.060 Furnishing weapon to intoxicated persons or minors. It is unlawful for any person to sell, loan or furnish any illegal weapon, firearm, gas or mechanically operated gun, knife, nunchaku, throwing star, bow and arrow, crossbow or slingshot to any person who is under the influence of intoxicating liquor, or any controlled substance, as defined in Section 12-22-303(7), C.R.S., or to any person in a condition of agitation and excitability, or to any person under the age of ten years, or to any person over the age of ten years and under the age of eighteen who is not related by blood, marriage or adoption. (Ord. 729, S 2, 1987)

9.72.070 Setting spring gun. It is unlawful for any person to set a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached and leave it unattended. (Ord. 729, S 2, 1987)

9.72.080 Dangerous missiles - stones.

A. It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous missile at or against a person, animal, building, structure, personal property or fixture or vehicle.

B. Defense. It is an affirmative defense to a violation of subsection A that the defendant was reasonably engaged in lawful use of force in defense of a person, premises or property under the statutes of the State of Colorado. (Ord. 729, S 2, 1987)

9.72.090 Seizure of weapons. Any police officer who has probable cause to believe that a violation of this chapter has occurred may, in addition to taking any other action, seize the weapons or items used in said violation. Any weapon or items so seized shall be secured by the police officer and stored by the custodian of property in accordance with section 8.24.010 and 8.24.020 of this code. (Ord. 729, S 2, 1987)

9.72.100 Forfeiture and disposition of deadly weapons. Every person convicted of any violation of any provision of this code, or of another ordinance or state statute involving a weapon shall all right to forfeit the weapon involved. After such a

conviction, the Director of Public Safety shall destroy or dispose of the weapon as the Director deems appropriate.
(Ord. 729, S 2, 1987)

9.72.110 Exemptions from chapter. Nothing in this chapter shall be construed to forbid a peace officer, Level I, Level Ia, or Level II, as defined in Section 18-1-901 (3)(1)(I), 3(1)(II) or 3(1)(III), C.R.S., from possessing, displaying, concealing, or discharging such weapons as are necessary in the authorized and proper performance of their official duties. (Ord. 729, S 2, 1987)

Chapter 9.76

FIREWORKS*

Sections:

- 9.76.010 Definitions.
- 9.76.020 Sale and use prohibited.
- 9.76.030 Public display--Permit required--City council authority.

* For statutory provisions on fireworks, see CRS 1973 Title 12, Art. 28.

- b. The defendant had a legal right to slaughter the livestock.
- 4. It is an affirmative defense to a violation of subsections B and C that the act occurred in a shooting gallery or at a shooting range, where such weapons may be discharged so as to not endanger persons or property and the projectile or projectiles from such weapons are prevented from traversing any grounds or space outside the limits of such gallery or range.
- 5. It is an affirmative defense to a violation of subsection C that the act occurred in the shop of a federally licensed gunsmith, for the purpose of test-firing a weapon, provided that any projectile is contained within a device specifically designed for such test-firing.
- 6. It is an affirmative defense to a violation of subsections B through D that:
 - a. The defendant was reasonably engaged in lawful use of force in defense of a person, premises or property under the statutes of the State of Colorado;
 - b. The act was committed for the purpose of presenting a public demonstration or exhibition or to participate in an organized school or class.
- 7. It is an affirmative defense to a violation of subsections B and C that the act occurred within a "hunting area" designated by the city manager, provided that the weapon in question was a shotgun, gas or mechanically operated (pellet) gun, bow and arrow, or slingshot. "Hunting areas" designated by the city manager shall meet the following criteria:
 - a. The area must not have been platted;
 - b. The area must be nonurbanized; and
 - c. The area must be of sufficient size and must be sufficiently isolated that any danger to the public is minimized. (Ord. No. 729, § 2, 1987; Ord. No. 811, § 1, 2-14-89)

9.72.030 Carrying concealed weapon.

- A. It is unlawful for any person to have an illegal weapon concealed on or about his body.
- B. Except in his dwelling, place of business or on property under his ownership and control, it is unlawful for any person to have concealed on or about his body:
 - 1. A firearm or gas or mechanically operated gun;
 - 2. A knife;
 - 3. A bow and arrow, crossbow, or slingshot; or
 - 3. A nunchaku or throwing star.
- C. Defenses.
 - 1. It is an affirmative defense to a violation of subsections A and B that the defendant was carrying the weapon pursuant to a concealed weapons permit valid under the statutes of the State of Colorado.

2. It is an affirmative defense to a violation of paragraph 2 of subsection B that the defendant was charged with carrying a knife that was a properly cased hunting or fishing knife carried by the defendant for sports use. (Ord. No. 729, § 2, 1987)

9.72.040 Aiming or flourishing weapon.

A. *Prohibited.* It is unlawful for any person to knowingly aim at another person or to display or flourish the following in a manner intended to alarm or frighten another person:

1. A loaded or unloaded firearm or gas or mechanically operated gun;
2. A knife;
3. A bow and arrow, crossbow, or slingshot;
4. A nunchaku or throwing star; or
5. Any other weapon, device, instrument, material, or substance which in the manner it is used or intended to be used is capable of producing death or serious bodily injury.

B. *Defenses.* It is an affirmative defense to a violation of subsection A that defendant was reasonably engaged in lawful use of force in defense of a person, premises or property under the statutes of the State of Colorado. (Ord. No. 729, § 2, 1987)

9.72.050 Possession of weapon while intoxicated. It is unlawful for any person to possess any weapon regulated by this chapter while such person is under the influence of intoxicating liquor or of a controlled substance, as defined in section 12-22-303(7), C.R.S. (Ord. No. 729, § 2, 1987)

Cross references—Alcoholic liquor, Ch. 5.28; minors and alcohol, Ch. 9.80.

9.72.060 Furnishing weapon to intoxicated persons or minors. It is unlawful for any person to sell, loan or furnish any illegal weapon, firearm, gas or mechanically operated gun, knife, nunchaku, throwing star, bow and arrow, crossbow or slingshot to any person who is under the influence of intoxicating liquor, or any controlled substance, as defined in section 12-22-303(7), C.R.S., or to any person in a condition of agitation and excitability, or to any person under the age of ten (10) years, or to any person over the age of ten (10) years and under the age of eighteen (18) who is not related by blood, marriage or adoption. (Ord. No. 729, § 2, 1987)

9.72.070 Setting spring gun. It is unlawful for any person to set a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached and leave it unattended. (Ord. No. 729, § 2, 1987)

9.72.080 Dangerous missiles; stones.

A. *Prohibited.* It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous missile at or against a person, animal, building, structure, personal property or fixture or vehicle.

B. *Defense.* It is an affirmative defense to a violation of subsection A that the defendant was reasonably engaged in lawful use of force in defense of a person, premises or property under the statutes of the State of Colorado. (Ord. No. 729, § 2, 1987)

9.72.090 Seizure of weapons. Any police officer who has probable cause to believe that a violation of this chapter has occurred may, in addition to taking into any other action, seize the weapons or items used in said violation. Any weapon or items so seized shall be secured by the police officer and stored by the custodian of property in accordance with sections 8.24.010 and 8.24.020 of this Code. (Ord. No. 729, § 2, 1987)

9.72.100 Forfeiture and disposition of deadly weapons. Every person convicted of any violation of any provision of this Code, or of another ordinance or state statute involving a weapon shall forfeit all right to the weapon involved. After such a conviction, the director of public safety shall destroy or dispose of the weapon as the director deems appropriate. (Ord. No. 729, § 2, 1987)

9.72.110 Exemptions from chapter. Nothing in this chapter shall be construed to forbid a peace officer, Level I, Level Ia, or Level II, as defined in section 18-1-901(3)(I), 3(II) or 3(III), C.R.S., from possessing, displaying, concealing, or discharging such weapons as are necessary in the authorized and proper performance of their official duties. (Ord. No. 729, § 2, 1987)

Chapter 9.76

FIREWORKS*

Sections:

- 9.76.010 Definitions.
- 9.76.020 Sale and use prohibited.
- 9.76.030 Public display—Permit required—City council authority.

***Cross references**—Explosives or inflammable substances prohibited in parks, § 12.28.180; Uniform Fire Code, Ch. 15.16.

State law reference—Fireworks, C.R.S. 1973, Title 12, Art. 28.

Sections: (Continued)

- 9.76.040 Permit--Application--Contents.
- 9.76.050 Permit--Application--Review procedure.
- 9.76.060 Permit--Issuance.
- 9.76.070 Permit--Transferability.
- 9.76.080 Experienced operators required--Powers and duties.
- 9.76.090 Permit--Suspension and revocation.
- 9.76.100 Liability insurance required--Amounts designated.
- 9.76.110 Bond--Required--Amount.
- 9.76.120 Requirements for conduct of public displays.
- 9.76.130 Spectators--Restraint required.
- 9.76.200 Violation--Seizure--Enforcement authority.
- 9.76.210 Applicability and interpretation.

9.76.010 Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall be as defined in this section:

A. "City Clerk" means the city clerk of the city, or the clerk's authorized representative.

B. "City Manager" means the city manager of the city or the manager's authorized representative.

C. "Fire Chief" means the chief of the West Adams County Fire Protection District, or his authorized representatives, or the head of the fire department otherwise having jurisdiction within the city, or his authorized representatives.

D. "Fire Department" means the West Adams County Fire Protection District, or the fire department otherwise having jurisdiction within the city. (Ord. 297, S 3, 1977).

E. "Fireworks" means any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, rockets, roman candles, dayglo bombs, and torches, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

F. "Fireworks" does not include:

1. Toy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap;

2. Sparklers, trick matches, cigarette loads, trick noisemakers, toy smoke devices, and novelty auto alarms;

3. Highway flares, railway fuses, ship distress signals, smoke candles, and other emergency signal devices.

G. "Manufacture" includes any wholesaler and any person who manufactures, makes, constructs or produces any fireworks article or device.

H. "Police Chief" means the chief of the city police department, or his authorized representative.

I. "Police Department" means the police department of the city.

J. "Retailer" includes any person who sells, delivers, consigns or furnishes fireworks to another person, not for resale.

K. "Wholesaler" includes any person who sells, delivers, consigns, gives or in any way furnishes fireworks to a retailer for resale. (Ord. 559 S2, 1984).

9.76.020 Sale and use prohibited.

A. Except as specifically provided in this chapter, it is unlawful for any person to offer for sale, expose for sale or sell any fireworks, sparklers, fountains or cones; or to have fireworks, sparklers, fountains or cones in his possession with the intent to offer said items for sale.

B. Except as specifically provided in this chapter, it is unlawful for any person to use or explode any fireworks. (Ord. 719, S 1, 1987).

9.76.030 Public display--Permit required--City Council authority. The city council may grant permits, within the corporate boundaries of the city, for supervised public displays of fireworks conducted by departments of the city, fair associations or other organizations and groups, subject to the rules and regulations set forth in this chapter. Every display shall be handled by competent operators, and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. (Ord 297, S 5, 1977).

9.76.040 Permit--Application--Contents. Any person, organization or group desiring to conduct a supervised public display of fireworks shall submit to the city clerk a written application for a permit to conduct such fireworks display. The application shall be submitted to the city clerk not less than thirty days in advance of the date of the fireworks display, and shall be accompanied by a nonrefundable application fee of fifty dollars. The application shall contain the following information:

A. The name and address of the person or organization sponsoring the display, together with the names and addresses of the persons who will actually be in charge of the display;

B. The date and time of day at which the display is to be held;

C. The address and description of the exact location planned for the display;

D. A diagram of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged; the location of buildings and highways within the vicinity, and the location of all nearby trees, telephone and utility lines, or any other overhead obstructions;

E. The names and addresses of the competent fireworks operators who are to supervise the discharge of the fireworks, and written evidence regarding their competency as fireworks operators. At least two competent fireworks operators are to be provided;

F. The type and class of fireworks to be discharged, and the number of set pieces, shells (specifying single or multiple break), and other items including experimental or model rockets or missiles;

G. The manner and place of storage of such fireworks prior to and during the display;

H. Proof that satisfactory compensation insurance is carried by the applicant for all of the applicant's employees who will be working at the display; and

I. Proof that the applicant has public liability insurance with the limits and coverage as set forth in Section 9.76.100, protecting the city, the fire district, applicant, manufacturer, wholesaler, seller, supplier, property owner and operators of the display from any liability or claims of damages arising out of or as a result of or related to the fireworks display. (Ord. 297, S 6, 1977).

9.76.050 Permit--Application--Review procedure.

A. Upon receipt of an application for a fireworks display permit, the city clerk shall submit copies thereof to the police chief and to the fire chief.

B. The police chief and the fire chief shall cause an investigation to be made of the location proposed for the fireworks display, for the purpose of determining if the fireworks display will be of such character or so located as to be hazardous to property or dangerous to any person.

C. Upon completing their investigations provided for in subsection B of this section, the police chief and the fire chief shall submit to the city manager their written report(s), setting forth the results of their investigations and setting forth their recommendations for the granting or denial of the permit, together with their recommendations with respect to the prescribing of reasonable conditions for the display, taking into account locations, parking of vehicles, controlling spectators, storage and firing of fireworks, and precautions in general against danger to life and property from fire, explosion and panic.

D. Before any permit is granted by the city council, the location and handling of the fireworks display shall first have been approved, after the investigations provided for in subsections B and C of this section, by the police chief and by the fire chief.

E. No permit shall be granted by the city council unless the operators of the fireworks display have been first approved by the police chief and by the fire chief.

F. No permit shall be granted where discharge, faulty firing or fallout from any fireworks or other objects would endanger persons, buildings, structures, woods and trees, brush, parks, or similar areas and/or facilities.

G. If, after and based upon the investigations and review criteria provided for in subsections B through F of this section, the police chief's and/or fire chief's report finds and concludes that the permit application be denied, then no such permit shall be granted. The city manager shall advise the applicant in writing that such application has been denied, and shall provide the applicant with a written summary of the reasons for such denial.

H. If, after and based upon the investigations and review criteria provided for in subsections B through F of this section, the permit application receives the approval of the police chief and of the fire chief, then the city manager shall submit copies of the police chief's and fire chief's reports and recommendations to the city council.

I. The city council will review the permit application for compliance with the provisions of this chapter and will review the reports and recommendations of the police chief and the fire chief. After completing its review, the city council will either grant the permit, grant the permit with conditions, deny the permit, or refer the permit application back to the applicant and/or to the police chief and/or the fire chief for further information and/or review. Any applicant for a fireworks display permit whose permit application has received the approval of the police chief and of the fire chief shall be afforded an opportunity to make a presentation to the city council regarding the permit application at the council meeting at which such permit application is scheduled to be considered by the city council. (Ord. 297, S 7, 1977).

9.76.060 Permit--Issuance. If the city council grants or grants with conditions a display permit, the city manager shall provide the applicant a written public fireworks display permit. The permit shall have included thereon such conditions of approval as may have been established by the city council, and such conditions shall be an integral part of the permit. (Ord. 297, S 8, 1977).

9.76.070 Permit--Transferability. No public fireworks display permit shall be transferable or assignable. (Ord. 297, S 9, 1977).

9.76.080 Experienced operators required--Powers and duties. No public fireworks display permit shall be granted unless at least two experienced fireworks operators are provided. Such operators shall be those individuals named in the permit applications and shall:

A. Be responsible for and have charge of the fireworks display with respect to preparation for the transporting, unloading and storing of all fireworks to be used at the display;

B. Be responsible for setting all fireworks, including, without limitation, mortars, finale batteries (hedgehogs) and rocket launchers, at locations designated by the fire chief;

C. Be responsible for the loading and firing of all fireworks used at the display, and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets, missiles and related types of fireworks shall not be permitted to cross or burst above areas occupied by persons;

D. Be responsible for the safe disposal of all unfired or defective fireworks; and

E. Be responsible for acts of all persons employed by the applicant, whether remunerated or not, in connection with the fireworks display. Such operators shall have authority to dismiss or discharge any employee or person at any time during the operation of the display who, through smoking, carelessness, negligence, or any other act, endangers the safety of any person or any property. (Ord. 297, S 10, 1977).

9.76.090 Permit--Suspension and revocation. The police chief, the fire chief, or other authorized peace officer may suspend any public fireworks display permit issued pursuant to this chapter whenever the fireworks display is in violation of any of the provisions of this chapter. In the event such violations are not corrected by the permittee, the police chief, the fire chief or other authorized peace officers are authorized to revoke the public fireworks display permit. It is unlawful for any person to conduct a public fireworks display while any suspension or revocation is in effect. (Ord. 297, S 15, 1977).

9.76.100 Liability insurance required--Amounts designated. Each applicant for a fireworks display permit shall have a policy of public liability insurance coverage with coverage of at least one hundred thousand/three hundred thousand dollars and a policy of property damage insurance in the amount of at least fifty thousand dollars, all protecting from liability the applicant, the manufacturer, the supplier, the seller, the buyer, the property owner, the user, the fire district, and the city. Prior to the issuance of a fireworks display permit, the applicant shall file a copy of the public liability insurance policy with the city clerk, who shall forward same to the city attorney for his review. If the city attorney determines that the liability insurance policy is not satisfactory or does not comply with the requirements of this section, then the display permit to which the insurance policy is applicable shall not be issued. (Ord. 297, S 11, 1977).

9.76.110 Bond--Required--Amount. Prior to and as a condition to the issuance of a public fireworks display permit, and in addition to the public liability insurance required by Section 9.76.100, the applicant for a permit shall file with the city clerk, with good and sufficient justification of sureties, a bond in the sum of five thousand dollars conditioned for the payment of all damages which may be caused either to persons or property by reason of the licensed fireworks display and arising from any act of the

permittee, his agents, employees or subcontractors, as well as conditioned on a thorough cleaning of the display area, except that the city shall not be required to file such a bond for city fireworks displays. The city clerk shall forward the bond to the city attorney for his review. If the city attorney determines that the bond is not satisfactory or does not comply with the requirements of this section, then the display permit to which the bond is applicable shall not be issued. (Ord. 297, S 12, 1977).

9.76.120 Requirements for conduct of public displays. Every public fireworks display shall be conducted at such times, at such places, and pursuant to the conditions which may have been established by the city council. No public display of fireworks shall be conducted by any person or organization without a public fireworks display permit granted and issued pursuant to this chapter. (Ord. 297, S 13, 1977).

9.76.130 Spectators--Restraint required. Spectators at public displays of fireworks shall be restrained behind lines or barriers, as designated by the police chief or fire chief. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation or firing of fireworks. (Ord. 297, S 14, 1977).

9.76.200 Violation--Seizure--Enforcement authority. The police chief or the fire chief, or any authorized agent or officer of the city, is authorized to and shall seize, take and remove, at the expense of the owner or possessor, all stocks of fireworks, sparklers, fountains or cones offered or exposed for sale, stored, held or used in violation of this chapter. (Ord. 719, S 3, 1987).

9.76.210 Applicability and interpretation. This chapter shall not be construed to prohibit:

A. Any person from using or exploding fireworks in accordance with the provisions of any public display permit issued by the city council pursuant to the provisions of this chapter, or as a part of a supervised public display of any county or district fair organization under the laws of the state of Colorado;

B. Any person from offering for sale, exposing for sale, selling, having in his possession with intent to offer for sale or sell, or using or firing toy pistols, toy guns or other devices in which caps manufactured in accordance with this chapter are used;

C. Any person from offering for sale, exposing for sale, selling or having in his possession with intent to offer for sale or sell, blank cartridges for a show or theater, or for a signal or ceremonial purposes in organized athletics or sports;

D. Any resident manufacturer from manufacturing and selling, or any resident wholesaler, dealer, or jobber from

selling at wholesale, such fireworks as are not prohibited under this chapter, provided, that the proper licenses therefor have been issued by the Secretary of State pursuant to the provisions of Section 12-28-106, Colorado Revised Statutes, 1973, as amended;

E. Any resident manufacturer from selling any kind of fireworks, provided that, the same are to be shipped directly out of the state in accordance with regulations of the United States Interstate Commerce Commission covering the transportation of explosives and other dangerous articles by motor, rail and water, and provided that such manufacturing activities have been licensed by the Secretary of State pursuant to the provisions of Section 12-28-106, Colorado Revised Statutes, as amended;

F. The use of fireworks by railroads for signal purposes or illumination;

G. The use of blank cartridges for a show or theater, signal, or ceremonial purposes in athletics or sports, provided that the manner of use and use of such cartridges has been previously approved by the police department and the use of such cartridges is conducted in accordance with any conditions therefor as may be established by the police department;

H. The importation, purchase, sale or possession of fireworks which are used or to be used solely to prevent damage to crops by animals or birds, provided that the manner of use and the use of such fireworks has been previously approved by both the police chief and the fire chief, and provided that the use of such fireworks is conducted strictly in accordance with any conditions therefor which may be established by the police chief or by the fire chief; or

I. Any person from manufacturing, selling, using or possessing educational rockets and toy propellant-device-type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines, or model cartridges containing less than two ounces of propellant when such engine or model cartridge is designed to be ignited by electrical means. (Ord. 297, S 23, 1977).

IX. OPEN CONTAINERS

Chapter 9.80

OPEN CONTAINER OF ALCOHOLIC BEVERAGES

Sections:

- 9.80.010 Definitions.
- 9.80.020 Violations.
- 9.80.030 Standards for issuance of permit to consume alcoholic beverages in public areas.

9.80.010 Definitions. As used in this chapter, the following words and phrases shall have the following meanings:

A. Public place: Any street, parking lot, city park, or sidewalk adjoining a city park; any private property open to or used by the general public for travel or parking; or any place used by persons other than the owner or owner's agent without a special permit.

B. Container: Any enclosing structure or vessel including but not limited to a decanter, flask, bottle, jar, thermos bottle, cup, can or jug.

C. Seal: The regular and original seal applied by the United States Government over the cap of all beer, malt, vinous or spirituous liquors.

D. Alcoholic beverages: Any fermented malt beverage, beer as defined in Section 5.32.030 of this code, or any malt, vinous or spirituous liquors as defined by Section 5.28.030 of this code.

E. Open container: Any container that is open and would allow consumption by virtue of the seal being broken or any covering device utilized by the manufacturer as an original sealing device of the container being removed.

F. Vehicle: Any vehicle as defined in the Model Traffic Code as adopted by Section 10.04.050 of this code. (Ord. 357 S1, 1979).

9.80.020. Violations. A. It shall be unlawful for any person to drink, possess or have under his control any alcoholic beverage in an open container or in a container, the seal of which is broken, in any of the above designated public places within the city of Broomfield, or in any vehicle hereon, with the exception contained in sub-section C.

B. It shall be unlawful for any person, while operating a vehicle in any public place within the city of Broomfield, to drink, possess, have under his control or allow any alcoholic beverage within the vehicle, in an open container or in a container the seal of which is broken, with the exception contained in sub-section C.

C. Nothing in this section shall prohibit drinking or having open containers of alcoholic beverages:

1. By owners or agents of owners of private property on said property.

2. Pursuant to a permit issued by the department of parks and recreation pursuant to alcoholic beverage permit procedures promulgated by the city manager and approved by the city council.

3. In other public places pursuant to a permit issued by the city manager or his designee pursuant to alcoholic beverage permit procedures promulgated by the city manager and approved by the city council. (Ord. 357 S1, 1979).

9.80.030 Standards for issuance of permit to consume alcoholic beverages in public areas.

A. These standards have been promulgated by the city manager and approved by city council and are to be used by the city manager or department of parks and recreation in determining whether or not a permit shall be issued pursuant to section 9.80.020 of the Broomfield Municipal Code.

B. A permit shall be issued only to:

1. An individual

2. An officer or agent authorized to apply for

such a permit on behalf of a legal entity organized under or recognized by the laws of the state of Colorado.

C. The person applying for such permit for himself or on behalf of such entity must be at least 21 years of age.

D. A permit may be issued for social, fraternal, patriotic, political, athletic, religious or charitable events.

E. 1. Issuance of such permit may be denied upon the grounds that such issuance would be detrimental to the public safety, health, morals, order or welfare by reason of the nature of the event, the likelihood, in the reasonable judgment of the officer of the city responsible for review and issuance of the permit, that the event would create a public nuisance or result in the consumption of alcoholic beverages by minors, its location within the community, or the failure of the applicant or permit holder in a past event, for which a permit was required, to conduct such event in compliance with applicable laws and regulations.

2. Issuance of such permit may be denied if another event has previously been scheduled for that location on the same day for which the permit is sought or if issuance of the permit would unreasonably interfere with normal activities and customary and general use and enjoyment of the location.

3. Preference shall be given to residents of the city of Broomfield and to commercial and industrial enterprises located within the corporate limits of the city of Broomfield for use of public areas under the control of the city.

F. Permit fees are:

1. Block parties and similar events: no charge.
2. Use of public areas not owned or controlled by the city of Broomfield: no charge.
3. Use of parks or public areas owned or controlled by the city of Broomfield: no charge for groups under 25 persons:

\$15.00 for groups between 25 and 50 persons
\$25.00 for groups between 50 and 100 persons
\$50.00 for groups of over 100 persons

G. The city manager or director of parks and recreation may require any applicant to post a performance bond or letter of credit acceptable to the city attorney to assure compliance with the ordinance. Any costs to the city of cleaning or policing may be withheld from the performance bond.

H. Each permit shall be issued for a specific location and is not valid for any other location.

I. Permits shall be valid for one day only.

J. Permits are valid for the individual or entity to which issued and shall not be transferred.

K. No permit may allow the consumption of alcoholic beverages before 10:00 a.m. nor after 11:00 p.m.

L. No issuance of a permit shall have the effect of requiring the city manager or the director of parks and recreation to issue such a permit upon any subsequent application.

M. Sandwiches or other food snacks shall be available at the location at some time during the consumption of alcoholic beverages.

N. There shall be no consumption of alcoholic beverages within 500 feet of any school or school yard during school hours, and where the permit is for use in a park, within 50 feet of any public street.

O. Application for the permit shall be made to the city manager or his designee for the use of streets and to the director of parks and recreation for the use of parks.

P. Application for the permit shall be made not less than ten (10) days prior to the date of the event.

Q. Applications shall be made and permits granted on forms provided by the city.

R. Both the applicant and the permit holder shall be personally responsible for any cleaning, trash disposal or repairs necessary as a result of the event for which the permit is granted.

S. The permit must be in the possession of the permit holder or applicant at and during the event, and must be produced upon request of a peace officer.

T. All ordinances, rules and regulations of the city remain in full force and effect. (Ord. 361, S1, 1979).

Chapter 9.84

PENALTY

Sections:

9.84.010 Penalty for violation.

9.84.010 Penalty for violation. Whenever in any section of this title, or any section of a rule or regulation promulgated under this title the doing of any act is required, prohibited or declared to be unlawful, and no definite fine or penalty is provided for a violation thereof, any person, firm or corporation who is convicted of a violation of any such section shall, for each offense, be punished as provided in Chapter 1.12 of this code. (Ord. 15 S100, 1963).

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TITLE 10**VEHICLES AND TRAFFIC***

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Chapter 10.04

TRAFFIC CODE

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10.04.180	Section 19-9 added--Use of safety belts required.
10.04.190	Section 19-10 added--Use of child restraint systems required.
10.04.200	Section 12-6 added--Handicapped parking only.

10.04.010 Legislative declaration. The city council declares that the purpose of this chapter is to provide for a comprehensive set of city traffic regulations consistent with the applicable laws of the State of Colorado. (Ord. No. 309, § 1, 1978)

* State law reference--Regulation of traffic by local authorities, Sections 42-4-108 and 43-4-109, CRS.

10.04.020 Short title. This chapter shall be known as Ordinance No. 309, the "Broomfield Traffic Code." Reference to Ordinance No. 309 shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to summons, subpoena, summons and complaint, and memorandum. (Ord. No. 309, § 2, 1978)

10.04.030 Applicability. This chapter shall apply to every street, alley, sidewalk area, driveway, park, parkway and to every other public way or public place or public parking area, either within or outside the corporate limits of the city, the use of which this city has jurisdiction and authority to regulate. The provisions of sections 5-1, 5-2, 15-12, 21-13 and 23-3 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, unauthorized devices, eluding a police officer, and accident investigation, shall apply not only to public ways and places but also throughout the city. (Ord. No. 309, § 5, 1978)

10.04.040 Interpretation. This chapter shall be interpreted and construed so as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of this chapter and of the adopted Model Traffic Code 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. (Ord. No. 309, § 6, 1978)

10.04.050 Model Traffic Code adopted. Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S., and pursuant to Chapter VI, Section 6.11 of the Broomfield City Charter, there is adopted by reference Articles I to XXVI, inclusive, of the 1977 edition of the Model Traffic Code for Colorado Municipalities, promulgated and published as such by the state Department of Highways, 4201 East Arkansas Avenue, Denver, Colorado, 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic regulations for the city. The purpose of this chapter and the code adopted in this chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted in this chapter are on file in the office of the city clerk, and may be inspected during regular business hours. The 1977 edition of the Model Traffic Code is adopted as if set out at length, except as modified in Sections 10.04.060 through 10.04.170. (Ord. No. 309, § 3, 1978)

10.04.060 Amendments generally. The adopted Model Traffic Code is subject to the deletions, additions or modifications set out in Sections 10.04.070 through 10.04.170, hereinafter collectively referred to as amendments. (Ord. No. 309, § 4(part), 1978)

10.04.070 Section 2-2 amended--Stop or yield intersection. Section 2-2 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 2-2. Entering through highway - stop or yield intersection. (a) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop sign, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After having stopped, the driver shall yield the right-of-way to any vehicle approaching on another roadway so closely as to constitute an immediate hazard, except that if the driver is involved in a collision with a vehicle, after driving past a stop sign, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

"(b) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering same. After slowing or stopping, the driver shall yield the right-of-way to any vehicle approaching on another roadway so closely as to constitute an immediate hazard, except that if a driver is involved in a collision with a vehicle after driving past a yield sign, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way." (Ord. 309 §4(a), 1978).

10.04.080 Section 4-1 amended--Basic rule. Section 4-1 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 4-1. Basic rule. (a) No person shall drive a vehicle on a travelled roadway, street or highway within this municipality at a speed greater than the posted limit and in no event greater than fifty-five miles per hour.

"(b) Except when a special hazard exists that requires lower speed, and except as otherwise provided herein, the following speeds shall be lawful:

"(1) Twenty-five miles per hour in any business district;

"(2) Thirty miles per hour in any residential district;

"(3) Fifteen miles per hour in alleys;

"(4) Any speed not in excess of a posted speed limit as established pursuant to the provisions of Section 4-2 or Section 4-3." (Ord. 309 §4(b), 1978).

10.04.090 Section 4-2 amended--Decrease of speed limits.
Section 4-2 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 4-2. Decrease of speed limits. Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the speed limit on any portion of any street in the City is greater than that speed which is necessary for the safe operation of vehicles, the Traffic Engineer shall be empowered to declare a lower maximum speed limit which will take effect upon the posting of official signs giving notice of the new speed limit; provided, however, that decreased speed limits on streets which are part of the State Highway system shall be subject to approval by the State Highway Department as specified in Section 23.10 of this Code." (Ord. 309 §4(c), 1978).

10.04.100 Section 4-3 amended--Increase of speed limits.
Section 4-3 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 4-3. Increase of speed limits. Whenever it is determined by the Traffic Engineer, after a traffic survey, that the speed heretofore set as the speed limit on any portion of any street within the City is less than necessary for the safe operation of vehicles, the Traffic Engineer shall be empowered to declare a higher maximum speed limit which will take effect upon posting of official signs giving notice of the new speed limit; provided, however, that increased speed limits on streets which are part of the State Highway system shall be subject to approval by the State Highway Department, as specified in Section 23.10 of this Code." (Ord. 309 §4(d), 1978).

10.04.110 Section 6-1 amended--Moving parked vehicle.
Section 6-1 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 6-1. Moving parked vehicle. No person shall move a vehicle which is stopped, standing, or parked anywhere in the City unless and until such movement can be made without interfering with any moving vehicle which is close enough to constitute an immediate hazard." (Ord. 309 §4(e), 1978).

10.04.120 Section 17-14 amended--Bicycle speed limit.
Section 17-14 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 17-14. Speed. No person shall operate a bicycle or motorized bicycle at a speed greater than the posted speed limits." (Ord. 309 §4(f), 1978).

10.04.130 Section 20-6 amended--Limitations on backing.
Section 20-6 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 20-6. Limitations on backing. The driver of a vehicle may back the same anywhere within the City, or on any street or highway other than a controlled-access roadway, only when such movement is made without interfering with other traffic which is so close as to constitute an immediate hazard. (Ord. 309 §4(g), 1978).

10.04.140 Section 23-8 amended--Traffic Engineer --Designated. Section 23-8 of the Model Traffic Code is amended in its entirety, to read as follows:

Section 23-8. Office of Traffic Engineer. The Traffic Engineer shall be the City Engineer or such other person as the City Manager from time to time shall designate. (Ord. 736, S 1, 1987)

10.04.150 Section 23-9 amended--Traffic Engineer--Powers and duties designated.

A. Paragraph (14) of subsection (b) of Section 23-9 of the Model Traffic Code is amended to read as follows:

(14) Designate and sign intersections, driveways, and other points of access onto city streets at which drivers shall not make a right or left turn, a U turn, or any turn at all times or during certain times.

B. A new paragraph (26) is added to subsection (b) of Section 23-9 of the Model Traffic Code to read as follows:

(26) Approve or disapprove proposed driveways and other points of access onto city streets, and close or limit existing points of access onto city streets. (Ord. 736, S 2, 1987)

10.04.160 Section 23-10 amended--Division of authority. Section 23-10 of the Model Traffic Code is amended in its entirety, to read as follows:

"Sec. 23-10. Division of authority over streets which are State highways.

"(a) All traffic and parking restrictions on streets which are a part of the State Highway System shall be regulated and enforced by this municipality, except that pursuant to Title 42, Article 4 and Title 43, Article 2 of C.R.S. 1973 as amended, such regulations on said streets shall be subject to the approval of the State Department of Highways before becoming effective.

"(b) No stop sign or traffic control signal shall be erected or maintained at any location within this municipality so as to require the traffic on any State highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the State Department of Highways.

"(c) The Traffic Engineer or other official vested with responsibility for traffic is authorized to accept, upon the basis of a traffic investigation or survey or upon the basis of appropriate design standards and projected traffic volumes in the case of newly constructed highways or segments thereof, recommendations of the State Department of Highways for speed limits upon any State highway or Federal-Aid roadway within this municipality and such speed limits shall be the maximum speed limits as provided in this Code and shall be effective when appropriate signs giving notice thereof are erected along said highways or roadways, regardless of whether said signs are placed by the State Department of Highways or by the traffic authority of this municipality." (Ord. 309, S 4(j), 1978)

10.04.170 Article XXVI deleted. Deletion of Article XXVI, Traffic Control Schedules for Designated Streets. Article XXVI of the Model Traffic Code is deleted in its entirety. (Ord. No. 309, § 4(k), 1978)

10.04.180 Section 19-9 added--Use of safety belts required. Section 19-9 is hereby added to the Model Traffic Code, to read as follows:

"Section 19-9. Use of Safety Belts Required. (a) As used in this section:

"(1) 'Motor vehicle' means a self-propelled vehicle intended primarily for use in operation on the public highways, including passenger cars, station wagons, vans, taxi cabs, ambulances, motor homes and pickups. The term does not include motorcycles, motorscooters, motorbicycles, motorized bicycles, passenger buses, school buses and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

"(2) 'Safety belt system' means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

"(b) Unless exempted pursuant to subsection (c) of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this city.

"(c) The requirement of subsection (b) of this section shall not apply to:

"(1) A child required by section 19-20 to be restrained by a child restraint system;

"(2) A member of an ambulance team, other than the driver, while involved in patient care;

"(3) A police officer while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (b) of this section and which only provide exceptions necessary to protect the officer;

"(4) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

"(5) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

"(6) A rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier; and

"(7) A person operating a motor vehicle for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

"(d) No driver of a motor vehicle shall be cited for a violation of subsection (b) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of the Model Traffic Code other than a violation of this section.

"(e) Testimony in a trial for a violation charge pursuant to this section may include: (1) testimony by a law enforcement officer that he observed the person charged operating a motor vehicle while said operator or passenger was in violation of the requirement of subsection (b) of this section; or (2) evidence that the driver removed the safety belts, or knowingly drove a vehicle from which the safety belts had been removed." (Ord. No. 925, § 1, 2-25-92)

10.04.190 Section 19-10 added--Use of child restraint systems required. Section 19-10 is added to the Model Traffic Code to read as follows:

"Section 19-10. Child Restraint Systems Required. (a) As used in this section, unless the context otherwise requires:

"(1) 'Child restraint system' means any device which is designed to protect, hold or restrain a child in a privately owned noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident and which conforms to all applicable federal motor vehicle safety standards.

"(2) 'Safety belt' means a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt which is physically a part of a child restraint system. 'Safety belt' includes the anchorages, the buckles and all other equipment directly related to the operation of safety belts.

"(3) 'Seating position' means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

"(b) Unless exempted pursuant to subsection (c) of this section, every child who is under four (4) years of age and weighs under forty (40) pounds being transported in this municipality in a privately owned noncommercial passenger vehicle which is driven by a resident of the state of Colorado shall be provided with a child restraint system suitable for the child's size and shall be properly fastened into such child restraint system which is in a seating position which is equipped with a safety belt or other means to secure said system according to the manufacturer's instructions. It is the responsibility of the driver transporting children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system.

"(c) The requirement of subsection (b) of this section shall not apply to a child who:

"(1) Is being transported in a motor vehicle in which all seating positions equipped with safety belts or child restraint systems are occupied; or

"(2) Is being transported in a motor vehicle as a result of a medical emergency.

"(d) No person shall use a safety belt or child restraint system for children four (4) years of age and under in a motor vehicle unless it conforms to applicable federal motor vehicle safety standards.

"(e) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

"(f) The fine and court costs shall be waived if the driver presents the court with satisfactory evidence of the acquisition, purchase or rental of an approved child restraint system by the time of the court appearance." (Ord. No. 925, § 2, 2-25-92)

10.04.200 Section 12-6 added--Handicapped parking only. Section 12-6 is added to the Model Traffic Code to read as follows:

"Section 12-6. Handicapped Parking Only. (a) As used in this section, a 'handicapped person' means a person so severely handicapped that he is unable to move from place to place without the aid of a mechanical device or has a physical impairment verified, in writing, by the director of the division of rehabilitation of the state of Colorado or a physician licensed to practice medicine in the state of Colorado that such impairment substantially limits his or her ability to move from place to place.

"(b) A handicapped person may park a vehicle in a parking space identified as being reserved for use by the handicapped, whether on public property or private property available for public use. An identifying valid placard or distinguishing license plate issued to a handicapped person by the motor vehicle division of the state of Colorado shall be displayed on the vehicle while parked in such space.

"(c) It shall be unlawful for a vehicle other than one operated by or conveying a handicapped person to park in a parking space on public or private property which is clearly identified by an official sign as being reserved for use by the handicapped, unless such person is parking such vehicle for the benefit of a handicapped person." (Ord. No. 928, § 1, 3-24-92)

Chapter 10.08

COMMUNITY PARK ROAD

Sections:

- 10.08.010 Traffic code--Applicability.
- 10.08.020 Speed limit--Exceptions.
- 10.08.030 Parking prohibited.
- 10.08.040 Vehicle weight limit.
- 10.08.050 Right-of-way.
- 10.08.060 Emergency closure.

10.08.010 Traffic code--Applicability. The requirements of the Model Traffic Code, except as otherwise specified in this chapter, shall apply to the Community Park Road. (Ord. 247 §1(part), 1975).

10.08.020 Speed limit--Exceptions. When official signs are erected, the prima facie speed limit shall be fifteen miles per hour, except when a special hazard exists that requires a lower speed as described in Section 4-4 of the Model Traffic Code. (Ord. 247 §1(a), 1975).

10.08.030 Parking prohibited. In accordance with the provisions of Section 12-2 of the Model Traffic Code, parking is prohibited at all times on the Community Park Road when official signs are erected giving notice thereof. (Ord.247 §1(b), 1975).

10.08.040 Vehicle weight limit. In accordance with the provisions of Section 18-9 of the Model Traffic Code, and when official signs are erected giving notice thereof, no person shall operate a vehicle with a gross weight in excess of eight thousand pounds at any time upon the Community Park Road. (Ord. 247 §1(c), 1975).

10.08.050 Right-of-way. All pedestrian and nonmotorized vehicle traffic shall have the right-of-way over motorized vehicle traffic. (Ord. 247 §1(d), 1975).

10.08.060 Emergency closure. The city manager, upon appropriate findings that an emergency exists, can close the Community Park Road for purposes of safety, security, or any other reason deemed to be in the best public interest. (Ord. 247 §2, 1975).

Chapter 10.12

PARKING OF OVERSIZED AND COMMERCIAL VEHICLES

Sections:

- 10.12.010 Parking of oversized vehicles on public-right-of way
- 10.12.020 Parking of oversized vehicles on private property
- 10.12.030 Obstructing traffic control devices with oversized vehicles
- 10.12.040 Detached trailers
- 10.12.050 Oversized commercial vehicles
- 10.12.060 Prohibited uses
- 10.12.070 Measurements

10.12.010 Parking of oversized vehicles on public right-of-way. No person shall park any vehicle exceeding 6' in height in public rights-of-way in such a manner that any part of that vehicle which exceeds 42" in height shall be:

- A. Within 30' of an intersection or a crosswalk;
- B. Within 10' of public or private driveway. (Ord. 325, S 1, 1978)

10.12.020 Parking of oversized vehicles on private property. No person shall park any vehicle exceeding 6' in height on private property in such a manner that any part of that vehicle which exceeds 42" in height shall be:

- A. Within 5' of the flow-line of public rights-of-way;
- B. Within 18" of the edge of any attached or detached sidewalk in a public right-of-way. (Ord. 325, S 2, 1978)

10.12.030 Obstructing traffic control devices with oversized vehicles. No person shall park a vehicle in public rights-of-way in such a manner that any part of the vehicle which exceeds 6' in height shall be within 30' upon the approach of any speed limit sign located at the side of a roadway. Section 11-1 (4) of the Model Traffic Code shall control parking in the approach of all other traffic control devices. (Ord. 325, S 3, 1978)

10.12.040 Detached trailers. Trailers, defined as any wheeled vehicle without motive power and designed to be drawn by a motor vehicle, shall not be parked detached from a towing vehicle in any public right-of-way in the city. (Ord. 325, S 4, 1978)

10.12.050 Oversized commercial vehicles. Oversized commercial vehicles, defined as any vehicle registered, licensed or used for commercial purposes or displaying advertisements for commercial enterprise and exceeding 20' in length (20' in combined length for vehicles with trailers)

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(Rev. 1-78)

or 8' in height, or 8,000 lbs. in weight, shall be prohibited from all districts except I-1, I-2, and I-PUD districts with the following exceptions:

A. Oversized commercial vehicles incidental to a commercial enterprise shall be permitted on the premises of such commercial enterprise in B-1, B-2, B-PUD and A-1 districts.

B. Loading or unloading of moving vans or similar type vehicles used for moving of personal goods for a period of 24 hours or less.

C. Temporary parking for pickup and delivery purposes for a period of four (4) hours or less.

D. Construction equipment and/or machinery employed in any public works project in the city parked at the site of and for the duration of such construction. (Ord. 325, S 5, 1978)

10.12.060 Prohibited uses. No bus, trailer coach or mobile home, self-propelled motor home or recreational equipment shall be used for living, sleeping, housekeeping, or preparation of food on any street, traveled roadway or public right-of-way within the city. (Ord. 325, S 6, 1978)

10.12.070 Measurements. Measurements of heights and lengths shall be made as follows:

A. The height of vehicles shall be measured perpendicular to the parking surface to the uppermost portion of the vehicle including loads or any projections attached thereto with the exception of radio antennae, exhaust pipes and vents.

B. The length of vehicles shall be measured parallel to the long axis of the vehicle and shall include any projections permanently or temporarily attached thereto.

(Ord. 325, S 7, 1978)

Chapter 10.16OPERATION OF OFF-ROAD MOTORIZED VEHICLESSections:

- 10.16.010 Definition of recreational vehicles.
- 10.16.020 Motorized vehicles restricted.
- 10.16.030 Exceptions.
- 10.16.040 Responsibility of adults for minors.

10.16.010 Definition of recreational vehicles. A self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, other than roads or highways. This definition shall include but is not limited to motorcycles, motorbikes, motor scooters, mopeds, motor bicycles, trail bikes, tote-goats, dune buggies, go-carts, snowmobiles and all-terrain vehicles. (Ord. 332 S1, 1978).

10.16.020 Motorized vehicles restricted. It shall be unlawful for any person to operate any licensed or unlicensed motor vehicle or recreational vehicle, whether registered or unregistered, in any of the following places:

A. On any public property, excluding improved public roadways or parking lots, within the corporate limits of the city, unless such operation is specifically authorized by the city council.

B. On any property located within the city and owned or maintained by a school district or any other public school grounds or campus, except upon improved roadways and parking lots specifically designated for the operation of motor vehicles, unless such operation is specifically permitted by written order of the district superintendent of schools or his designated representative, or, in the case of a college or university, by the president thereof or his designated representative. This provision shall not apply to authorized school vehicles.

C. On any railroad right of way, with the exception of authorized railroad vehicles.

D. On any private property within the city, except improved driveways, roadways and parking lots.

E. On any other publicly or privately owned parks, ball fields, recreational areas, bike trails, horse trails, lake areas, easements, sidewalks or other areas dedicated to or commonly used for pedestrian or bicycle traffic.

(Ord. 332 S1, 1978).

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(Rev. 2-78)

(Rev. 3-81)

10.16.030 Exceptions.

A. Motorized apparatus or vehicles used for maintenance of, construction on, or patrol of the properties delineated in section 10.16.020 shall not be prohibited or regulated by the provisions of this chapter; reasonable travel on the property by the owner of said property not generating noise or dust pollution, erosion, or fire hazards is likewise permitted.

B. Operation of golf carts in areas maintained and zoned or approved for golf course use.

C. Operation of motorized wheelchairs and similar ambulatory devices by the handicapped, infirm, or disabled.

D. Nothing in this chapter is intended to prevent the lawful operation of any motor vehicles or recreational vehicle on any improved public street, highway or alley in accordance with other applicable ordinances of the city or statutes of the state of Colorado. (Ord. 332 S1, 1978).

10.16.040 Responsibility of adults for minors. It shall be unlawful for any parent, guardian, or any adult to authorize, assist, permit or encourage any minor to operate any motor vehicle or recreational vehicle in violation of the provisions of this chapter. (Ord. 332 S1, 1978).

Chapter 10.20

ADMINISTERING STATE HIGHWAY ACCESS CODE AND PERMIT FEES

Sections:

10.20.010 Director of public works to administer State Highway Access Code.

10.20.020 Permit fees.

10.20.030 Application form.

10.20.040 Permit - Platting prerequisite.

10.20.050 Violation.

10.20.010 Director of public works to administer State Highway Access Code. The authority, duties, powers, and responsibilities of the "issuing authority" and of the "appropriate local authority," as these terms are used in the State Highway Access Code, are hereby delegated to and shall be exercised by the director of public works and such employees of the city as the director of public works may designate. All decisions of the director of public works or his designees are to be made in conformity with the standards, guidelines, and requirements of the State Highway Access Code and of this chapter. (Ord. 460, S1, 1981).

10.20.020 Permit fees. Prior to the issuance of an access permit, the applicant shall pay a fee to partially defray the cost of processing the application. This fee shall be one hundred dollars (\$100.00) per access approach, unless the director of public works or his designee shall determine that the anticipated average daily traffic volume count for any access approach exceeds one hundred (100) vehicles. For each access approach for which the anticipated average daily traffic volume count does exceed one hundred (100) vehicles, the fee shall be two hundred dollars (\$200.00). The determination of anticipated average daily traffic volume counts shall be made based on standard references. (Ord. 460, S1, 1981).

10.20.030 Application form. Applications for access permits shall be made on forms provided by the State Department of Highways and shall be accompanied by all of the following:

- A. Highway and driveway plans and profiles;
 - B. Complete drainage plans showing impact to the highway right-of-way, the property for which the permit is sought, and all adjoining properties;
 - C. Maps and documents indicating utility locations before and after development;
 - D. Any approved final subdivision plats and final p.u.d. plans;
 - E. Property maps indicating other access approaches and abutting public roads and streets;
 - F. Proposed access approach designs.
- (Ord. 460, S1, 1981).

10.20.040 Permit - Platting prerequisite. If the property for which the permit is sought is subject to the platting requirements of Title 16 of this Code, no application may be made and no permit may be granted unless the planning and zoning commission and the city council have first approved a final subdivision plat for the property. No application shall be granted which is not in substantial compliance with any approved final subdivision plat, final p.u.d. plan, and the zoning requirements of Title 17 of this Code. (Ord. 460, S1, 1981).

10.20.050 Violation. No person shall construct any driveway providing vehicular access to any state highway from any property in the city without an access permit issued by the director of public works, with the written approval of the State Department of Highways. (Ord. 460, S1, 1981).

Chapter 10.24

WRECKER AND TOWING SERVICES

Sections:

- 10.24.010 Definitions.
- 10.24.020 Licenses.
- 10.24.030 Rules and regulations governing wreckers.
- 10.24.040 Suspension and revocation of license.
- 10.24.050 Written authorization--licensed wreckers.

10.24.010 Definitions. For the purpose of this chapter, the following words and terms shall be defined as follows:

A. "Director" means the Director of Public Safety and his designee or designees.

B. "Operator" means any person operating a wrecker's towing vehicle.

C. "Towing list" means a list maintained by the Department of Public Safety containing the names of those wreckers licensed by the city who may be requested by the Department of Public Safety to respond to the scene of accidents or emergencies involving vehicles.

D. "Towing vehicle" means any vehicle used by a wrecker for the towing or transporting of other vehicles (or other property) in the course of his business.

E. "Wrecker" is a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose. (Ord. 471, Sl, 1982 and Ord. 473, Sl, 1982)

10.24.020 Licenses. No wrecker shall have his name included on the towing list of the city and be requested by the Department of Public Safety to respond to the scene of an accident or emergency for the purpose of towing a vehicle without first having obtained a license from the Director.

A. Application for License. Any application for a wrecker's license, other than a renewal thereof, shall be accompanied by a nonrefundable application fee of twenty dollars. All applications for licenses, including renewal, shall be made upon forms made available by the Director of Public Safety.

B. License Fee. The annual license fee for a wrecker shall be ten dollars for each towing vehicle to be operated by the wrecker in the city under the terms of this chapter.

C. Standards of Issuance and Renewal. Upon receipt of a license application and application fee from a person seeking a wrecker's license in the city, the Director of Public Safety shall conduct such investigation as is necessary to determine:

1. That the applicant and operators in his employ are fit and proper persons to conduct or work in the proposed business, and have not been convicted of theft or embezzlement, or any offense involving the unlawful use, taking or conversion of a vehicle belonging to another person, and if the applicant is a corporation, that its officers, directors and principal stockholders are of good character and of good business repute and have not been convicted of theft or embezzlement, or any offense involving the unlawful use, taking or conversion of a vehicle belonging to another person; and

2. That the applicant has received and has currently in force a permit to operate as a towing carrier from the Colorado Public Utilities Commission. The failure of a wrecker to maintain a valid permit from the Public Utilities Commission shall be grounds for denial of a license or, if a license is in effect at the time, shall be grounds for revocation or suspension of the license as hereinafter provided; and

3. That the wrecker has adequate, safe equipment and an adequate record keeping system and can otherwise comply with the rules and regulations promulgated by the Director of Public Safety as hereinafter provided; and

4. That the wrecker has currently in force public liability and property damage insurance or surety bond providing coverage sufficient to meet the requirements of the rules and regulations of the Colorado Public Utilities Commission governing towing carriers.

D. Issuance. The Director shall within fifteen days grant or deny the license as the circumstances warrant. If the license is denied, the Director shall state the reasons for such denial in writing.

E. It shall be grounds for denial or suspension or revocation of a license as a wrecker for any person to knowingly provide false information to the Director in or in conjunction with an application for a license.

F. The Director may permit wreckers not licensed by the city to be called by the Department of Public Safety to the scene of disasters, accidents or other emergencies when, in the opinion of the Director, the public health, safety and welfare require that such action be taken.
(Ord. 471, S1, 1982 and Ord. 473, S1, 1982)

10.24.030 Rules and regulations governing wreckers.
The Director shall within thirty days after the enactment of the ordinance codified in this chapter set forth in writing such rules and regulations governing the conduct of wreckers as are deemed necessary to ensure the inhabitants of and other persons within this city, safe, efficient and dependable wrecker and towing service. These rules shall include, but not be limited to, the following:

A. Equipment. The Director shall specify equipment at least the equivalent of that required by the rules and regulations of the Colorado Public Utilities Commission governing towing carriers and such other necessary equipment as determined by the Director.

B. Records. The Director shall require the keeping of sufficient records to ensure compliance with the terms of this chapter and the rules and regulations as promulgated.

C. Personnel. The rules shall specify such steps as are necessary to determine that the operators and employees of the wrecker are of good character and otherwise fit to participate in towing operations within the city.

D. Rates. A schedule of reasonable rates to be charged by wreckers operating on the city's towing list shall be established by the Director and it is unlawful for any wrecker to charge rates other than as set forth in said schedule whenever such wrecker provides towing service in response to a call from the Department of Public Safety. The schedule of rates shall be set forth as a part of the rules and regulations governing wreckers. The Director shall annually review the rate schedule to determine its adequacy and appropriateness and shall make such changes as he deems necessary. In setting or revising rates, the Director shall give consideration to the rates charged for similar services in the greater Denver metropolitan area. The annual rate survey shall include at least three cities, other than the city of Broomfield, in the Denver metropolitan area. The rate schedule as set forth in the rules and regulations shall not apply to towing services conducted by a wrecker when his services are not requested by the Department of Public Safety.

E. The Director shall promulgate such other rules and regulations as are necessary to effectuate the purposes of this chapter. (Ord. 471, Sl, 1982 and Ord. 473, Sl, 1982)

10.24.040 Suspension and revocation of license.

A. Upon a showing that a wrecker has violated the provisions of this chapter or the rules and regulations provided for herein, the Director may suspend for a period of up to six months or revoke the license of any wrecker.

Except as provided in subsection D of this section, such suspension or revocation shall not take effect for a period of ten days following service upon the wrecker of notice of suspension or revocation, which notice shall specify the reasons for which the action is being taken.

B. Service of the notice shall be by personal service upon the wrecker or his agent or by registered mail, return receipt requested, sent to the business address of the wrecker as shown on his license.

C. Hearing. Upon receipt of a notice of suspension or revocation, a wrecker may request a hearing before the director. Such request shall be in writing to the director and be made within five (5) days of receipt of the notice. The licensee at such hearing shall have a right to be represented by counsel, to present evidence in his own behalf and cross-examine the witnesses presented against him. Upon conclusion of the hearing, the director shall take the matter under advisement and shall issue a written opinion and decision within ten (10) days. No action shall be taken against the license of the wrecker during the pendency of such proceedings.

D. The director may issue a suspension order effective immediately upon service of notice of the suspension upon a wrecker when the director determines that the public health, safety and welfare require such immediate action, and in conjunction with the issuance and service of a notice as provided for in subsections A and B of this section. Any such notice shall state that the suspension shall be effective immediately upon service of the notice, and shall advise the wrecker of his right to a hearing under the provisions of this subsection and subsection C of this section. (Ord. No. 471, § 1, 1982; Ord. No. 473, § 1, 1982)

10.24.050 Towing authorization. No wrecker licensed by the city and no person engaged in the business of towing vehicles shall commence or originate the towing of a vehicle within the city without the written consent of the registered owner, legal owner, person in control, driver, or the authorized agent of any of them or other person having a legal right to possession of the vehicle, or from a police officer, save and except under the following circumstances:

- A. A tow which is otherwise lawful may be commenced or originated by a person engaged in the business of towing vehicles if such person first notifies the department of public safety of the city. Such notification shall include a description of the vehicle to be towed, the time of the tow, the destination of the tow, and the reason for which the vehicle is being towed.
- B. The owner or person in lawful possession of private property may have a parked or abandoned vehicle towed from such property provided such towing is in compliance with applicable statutes and provisions of this Code. Any person conducting the tow of such a vehicle shall first comply with requirements of subsection A of this section relating to notification of the department of public safety. (Ord. No. 471, § 1, 1982; Ord. No. 473, § 1, 1982)

Chapter 10.26

REGULATION OF THE TRANSPORTATION OF HAZARDOUS MATERIALS

Sections:

- 10.26.010 Transportation of hazardous materials—Codes adopted.
- 10.26.020 Compliance with adopted codes required.
- 10.26.030 Definitions.
- 10.26.040 Vehicle on public street, highway or alley.
- 10.26.050 Backing a vehicle without a flagmen.
- 10.26.060 Parking and garaging.
- 10.26.070 Hazardous material vehicle parking permits.
- 10.26.080 Vehicle accidents and spills.
- 10.26.090 Enforcement.

10.26.010 Transportation of hazardous materials—Codes adopted.

A. The following rules and regulations are hereby adopted, by reference:

- (1) The Colorado Department of Health Rules and Regulations concerning generators and transporters of hazardous waste, as found in Volume 6 of the Colorado Code of Regulations 1007-3, Parts 262 and 263;
- (2) The Colorado Department of Public Safety Rules and Regulations concerning minimum standards for the operation of commercial vehicles, as found in Volume 8 of the Colorado Code of Regulations 1507-1; and
- (3) The Colorado Department of Public Safety, Division of State Patrol Rules and Regulations concerning transportation and shipping of hazardous materials, as found in Volume 8 of the Colorado Code of Regulations 1507-9.

B. All references in the rules and regulations adopted by this section to federal and state agencies, their authorized personnel and enforcement officials shall also be construed to mean the City of Broomfield, Colorado and its authorized personnel.

C. Copies of the rules and regulations adopted by this section shall be available for review at the office of the City Clerk of the City of Broomfield, Colorado. (Ord. No. 901, § 1, 9-24-91)

10.26.020 Compliance with adopted codes required.

A. Hazardous materials, hazardous waste and hazardous substances shall be transported and delivered within the city limits of the City of Broomfield in accordance with the rules and regulations adopted by this chapter.

B. The parking and garaging of vehicles containing hazardous materials, hazardous waste or hazardous substances, which parking and garaging is incident to the transporting of such materials, waste or substances along such routes as are, from time to time, designated by the Colorado State Patrol for the pickup and delivery of such materials, waste or substances within the city limits of the City of Broomfield, shall be in accordance with the rules and regulations adopted by this chapter. (Ord. No. 901, § 1, 9-24-91)

10.26.030 Definitions. As used in this chapter, the following words and phrases will have the meaning ascribed to them herein:

- A. *Containing hazardous materials, hazardous waste or hazardous substances* shall mean transporting, carrying, holding or otherwise accommodating hazardous materials, hazardous waste or hazardous substances, which materials, waste or substances are not being utilized as the primary source for fueling the vehicle's internal combustion engine.
- B. *Park or parking* shall mean the standing or stopping of a vehicle, whether or not occupied.
- C. *Garage or garaging* shall mean the storing, housing or indoor parking of vehicles.
- D. *Hazardous materials, hazardous waste or hazardous substances* shall have that meaning ascribed to hazardous materials as set forth in C.R.S. 43-6-103(3).
- E. *Vehicle* shall mean any device which is capable of moving itself, or being moved from place to place, upon wheels or endless tracks. (Ord. No. 901, § 1, 9-24-91)

10.26.040 Vehicle on public street, highway or alley. It shall be unlawful to park any vehicle on or within five (5) feet of traveled portion of any public street, highway, or alley, or for any portion of said vehicle to be extended into the traveled portion of any public street, highway or alley while hazardous materials, hazardous wastes or hazardous substances are being loaded or unloaded into the vehicle. (Ord. No. 901, § 1, 9-24-91)

10.26.050 Backing a vehicle without a flagman. It shall be unlawful to back a vehicle into or from a public street, highway or alley for the purpose of making a delivery or pickup of hazardous materials, hazardous waste or hazardous substances without a flagman directing traffic on said public street, highway or alley. (Ord. No. 901, § 1, 9-24-91)

10.26.060 Parking and garaging.

A. It shall be unlawful for any person to park, garage or otherwise leave unattended a vehicle containing hazardous materials, hazardous waste or hazardous substances within the city, except under the following circumstances:

- (1) In those areas that have a valid permit for the parking or garaging of vehicles containing hazardous materials, hazardous waste or hazardous substances as described in section 10.26.070 of this chapter.
- (2) Emergency parking. In the event of an accident or other emergency situation where the operator must leave to obtain assistance, such person shall be permitted to leave his vehicle unattended for a reasonable period of time. If a vehicle transporting hazardous materials, hazardous waste or hazardous substances is parked within the city due to an emergency situation, the operator, or the vehicle owner if such operator is unavailable, shall immediately notify the Broomfield Department of Public Safety and the West Adams County Fire Department as to the vehicle location, proper shipping name and quantity of hazardous materials, hazardous waste or hazardous

substances, the location of the vehicle operator, and a telephone number where the operator or a representative of the firm operating the vehicle can be reached until the emergency situation is abated.

B. Notwithstanding any provision to the contrary, this section 10.26.060 shall not apply to any parking and garaging of vehicles containing hazardous materials, hazardous waste, hazardous substances incident to the transporting of such materials, waste or substances along such routes as are, from time to time, designated by the Colorado State Patrol or the pickup and delivery of such materials, waste or substances within the city limits of the City of Broomfield. (Ord. No. 901, § 1, 9-24-91)

10.26.070 Hazardous material vehicle parking permits.

A. *Permit required.* Hazardous material vehicle parking and garaging permits shall be obtained from the Broomfield Department of Public Safety prior to allowing the parking or garaging of vehicles containing hazardous materials, hazardous waste or hazardous substances. A separate permit shall be required for each parking space or garage location.

B. *Application for permit.* All applications for the permit referenced by this section shall be made to the Broomfield Department of Public Safety in such form and in such detail as it shall prescribe. Applications for permits shall be accompanied by such plans as may be required by the Broomfield Department of Public Safety.

C. *Fees.* Fees for required permits shall be established by the police chief and shall be paid at the time of permit application. Such fee shall be equally divided among the Broomfield Department of Public Safety and West Adams County Fire Department.

D. *Condition of permit.* A permit issued under this section shall constitute permission to park or garage vehicles containing hazardous materials, hazardous waste or hazardous substances. Such permission shall not be construed as authority to violate, cancel or set aside any other provisions of the City Code or other laws.

E. *Issuance of the permit.* The permit referenced under this section shall be issued upon the approval of the police chief and West Adams County Fire Department fire chief only for such locations that:

- (1) The applicant demonstrates are properly zoned so that the parking and garaging of such vehicles would be in compliance with the city's zoning regulations and development standards; and
- (2) The applicant demonstrates that the site meets the following requirements:
 - (a) Is surrounded by a minimum six-foot high chainlink fence, with a barbed wire top.
 - (b) Provides for a locked gate when the area or vehicles are unattended.
 - (c) Is posted "No Smoking" within the secured area.
 - (d) Where the fire chief has determined that there are adequate portable extinguishers with a minimum 4A40BC rating, within a fifty-foot travel distance from the vehicles, exclusive of those extinguishers found in the vehicle.

- (e) Vehicles shall be prohibited from parking within one hundred (100) feet of any building's air intake structures.
 - (f) All vehicles shall be required to be properly placarded at all times.
 - (g) Open flame welding shall be prohibited within the secured area.
 - (h) Parking area shall be surfaced with asphalt or concrete.
 - (i) Vehicles shall be prohibited from parking within fifty (50) feet of any property line or any building.
- (3) The police chief may modify the provisions of this subsection 10.26.070(E) where there are practical difficulties in the way of carrying out the strict letter of this subsection; provided that the spirit of this section shall be complied with, public safety secured and substantial justice done.

F. *Term of the permit.* The term for each hazardous material parking or garaging permit shall be established by the police chief for a period not to exceed twelve (12) months.

G. *Application of section.* Notwithstanding any provisions to the contrary, this section shall not apply to any parking and garaging of vehicles containing hazardous materials, hazardous waste or hazardous substances incident to the transporting of such materials, waste or substances along such routes as are, from time to time, designated by the Colorado State Patrol or the pickup and delivery of such materials, waste or substances within the city limits of the City of Broomfield. (Ord. No. 901, § 1, 9-24-91)

10.26.080 Vehicle accidents and spills. If any hazardous materials, hazardous waste or hazardous substances are spilled, discharged or released within the city without a permit, the Broomfield Department of Public Safety and West Adams County Fire Department shall be immediately notified.

The following information is necessary for proper notification under this section:

- (1) Location of the spill, discharge or release;
- (2) Proper shipping name of the materials, waste or substances involved;
- (3) Amount of materials, waste or substances involved;
- (4) Information concerning the ignitability, corrosivity, reactivity, or toxicity of the hazardous materials, hazardous waste or hazardous substances involved;
- (5) Any other information available that may affect either the cleanup of the materials, waste or substances or the health or safety of the individuals in or around the spill, discharge or release. (Ord. No. 901, § 1, 9-24-91)

10.26.090 Enforcement. The fire chief and his subordinates are hereby specifically authorized and directed to administer and enforce all provisions of this chapter. The fire chief and his subordinates shall have the powers of a police officer in the enforcement of this chapter. Police officers, the fire chief and his subordinates shall have the power and are hereby authorized to immobilize, impound or otherwise direct the disposition of motor vehicles containing

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hazardous materials, hazardous waste or hazardous substances when it is determined that the motor vehicle or operation thereof is unsafe or when such immobilization, impoundment or disposition is appropriate under the rules and regulations adopted by this chapter. (Ord. No. 901, § 1, 9-24-91)

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TITLE 12

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Chapter 12.04

GENERAL PROVISIONS*

Sections:

- 12.04.010 Sidewalks--Required; specifications.
- 12.04.020 Same--Clearing of snow and ice.

12.04.010 Sidewalks--Required; specifications. Every owner of real property within the city shall install and maintain in good repair a sidewalk, curb and gutter in front of or upon his or her property in accordance with the city's standards and specifications. (Ord. No. 569, § 2, 1984)

12.04.020 Same--Clearing of snow and ice.

A. The owner, manager and occupant of each premises shall keep the sidewalk, curbs and streets on or abutting said premises clean and free of snow and ice. The owner, manager and occupant are jointly and severally liable for such responsibility.

B. Snow shall be removed as promptly as reasonably possible, and no later than 12:00 noon of the day following the snowfall.

C. The owner, manager and occupant shall be civilly liable for injuries or damages incurred on public sidewalks as a result of a failure by any such person to comply with this section. (Ord. No. 569, § 2, 1984; Ord. No. 878, § 1, 11-27-90)

***State law reference**--Construction of sidewalks and assessment of cost against abutting property owners, CRS, 31-15-703(2) and 31-15-704.

Chapter 12.08

ENCROACHMENTS*

Sections:

- 12.08.010 Defined.
- 12.08.020 Limitations.
- 12.08.030 Removal; notice; costs incurred by city.

12.08.010 Defined. “Encroachment” includes any fence, hedge, shrub or other vegetation installed upon street rights-of-way abutting private front, side, or rear yards. (Ord. No. 895, § 1, 1-22-91)

12.08.020 Limitations.

A. Encroachments installed upon street rights-of-way abutting private front yards shall not exceed thirty (30) inches in height.

B. Encroachments installed upon street rights-of-way abutting private side yards and/or private rear yards shall not exceed seventy-two (72) inches in height.

C. Fences, hedges, and shrubs shall be setback a minimum of six and one-half (6^{1/2}) feet from the gutter flowline of streets without sidewalks or streets with attached sidewalks, and a minimum of two (2) feet from the sidewalk where the sidewalk is detached from the street.

D. Fences in front yards shall be limited to those of an open nature, including split rail and post and chain, but shall not include wire-type, such as chain link and wire mesh fences. Permits for all fences must be obtained pursuant to Chapter 15.04 of this Code.

E. Encroachments shall not impede or obstruct motor vehicle and/or pedestrian traffic and shall not, in any way, create any public safety hazard.

F. Encroachments shall not overlay, enclose or in any way limit access to any city or other public utility facilities. (Ord. No. 895, § 1, 1-22-91)

12.08.030 Removal; notice; costs incurred by city.

A. Whenever any encroachment is made, located or maintained contrary to this chapter, or in the event the city, in its sole judgment, determines the encroachment must be removed, the city engineer or chief of police shall give notice to the person who owns or controls the premises abutting the right-of-way on which the encroachment is located directing such person to remove the encroachment within forty-eight (48) hours of receipt of such notice. In the event the encroachment is not removed, the city engineer or chief of police may order its removal and the cost and expenses of such removal shall be assessed against the premises.

***Editor’s note**—Section 1 of Ord. No. 895, adopted Jan. 22, 1991, repealed Ch. 12.08, which contained §§ 12.08.010–12.08.120, and enacted a new Ch. 12.08 in lieu thereof to read as set out herein. The repealed provision pertained to similar subject matter and derived from Ord. No. 226, §§ 3-1, 3-2, of 1974, and Ord. No. 520, §§ 1, 2, of 1984.

B. The costs incurred by the city, together with the cost of collecting them, including court costs and attorneys' fees, shall constitute a lien against the premises on which the encroachment was located, which lien is prior and superior to all other liens, claims, titles and encumbrances, whether prior in time or not, except liens for general taxes. The costs shall remain a lien against the real property until paid and shall be collected as though they were part of the real estate taxes. (Ord. No. 895, § 1, 1-22-91)

Chapter 12.20

STREET NUMBERS AND NAMES*

Sections:

- 12.20.010 Numbers required; cost.
- 12.20.020 Numbering system.
- 12.20.030 Placement of numbers; owner or occupant responsibility.
- 12.20.040 Material
- 12.20.050 Unauthorized numbers, prohibited acts.
- 12.20.060 Street map; contents.
- 12.20.070 Certificate for designated numbers; fee.
- 12.20.080 Street names, city council authority.
- 12.20.090 Addresses painted on curbs.

12.20.010 Numbers required; cost. It is the duty of the owner or occupant of every building in the city to number such building in accordance with the provisions of this chapter and with the numbers assigned by the city engineer. The city engineer shall assign to every building its proper number. The expense of such numbering shall be paid by the owner or occupant of the building. (Ord. No. 14, Art. 4, § 1, 1962)

12.20.020 Numbering system. In numbering the buildings upon the streets of the city, all even numbers shall be on the south and east side of each street or avenue, and all odd numbers shall be on the north and west side of each street or avenue; provided, however, that where a street or avenue curves or changes direction, the street or avenue shall nevertheless be numbered in accordance with the principal direction thereof. (Ord. No. 14, Art. 4, § 2, 1962)

12.20.030 Placement of numbers; owner or occupant responsibility. It shall be the duty of the owner or occupant of any building to place assigned numerals in a conspicuous position at the front of each building and, upon notice from the city engineer or police department, such numerals shall be so placed within thirty (30) days after service of the notice. (Ord. No. 14, Art. 4, § 3, 1962)

12.20.040 Material. All numerals shall be of some metallic, glass, porcelain or other durable material, or gilt lettering on the inside of a glass transom or door, and shall be distinctly legible, and a least three inches in height. (Ord. No. 14, Art. 4, § 4, 1962)

12.20.050 Unauthorized numbers—Prohibited acts. It is unlawful for any owner or occupant of any building to use or permit to be used upon any building any number other than the number assigned by the city engineer. (Ord. No. 14, Art. 4, § 5, 1962)

*State law reference—Street numbering, CRS 1973, 31-15-702(a)(VIII) (1975 Supp.)

12.20.060 Street map; contents. The city engineer shall prepare, or cause to be prepared from time to time when directed by the city council, a map of the streets of the city showing the numbers of all buildings and lots and the names of all streets. (Ord. No. 14, Art. 4, § 6, 1962)

12.20.070 Certificate for designated numbers; fee. Upon proper application and payment of a fee of one dollar (\$1.00), the city engineer shall issue to the owner or occupant of any building or lot a certificate designating the proper number for such building or lot. Any certificate so issued shall pertain to the number of only one (1) building or lot. (Ord. No. 14, Art. 4, § 7, 1962)

12.20.080 Street names; city council authority. The city council shall have the power to name or rename any of the streets or public highways of the city, and the city council shall have the power to divide or subdivide any of the streets, public highways or public lands into streets, roadways, gutters, sidewalks and parks. (Ord. No. 14, Art. 4, § 8, 1962)

12.20.090 Addresses painted on curb. Addresses may be painted on curbs adjacent to the property only under the following conditions:

- A. The numbers shall be black, four (4) inches tall, on a white background. Such background shall be at least one (1) inch larger than all lettering.
- B. The property owner must consent in writing before any numbers, background, or other markings are painted on the curb.
- C. Any person painting addresses on curbs, other than in front of his or her own property, must first register with the city engineer on forms provided by the city. The city engineer may revoke permission to paint addresses on curbs for violation of any of the terms of this section.
- D. Any person painting addresses on curbs, other than in front of his or her own property, must first obtain all applicable permits, licenses and approvals required by this code, including but not limited to the license required by chapter 5.20.
- E. Along with the registration required by this chapter, the person painting addresses, other than in front of his or her own property, shall post a two hundred dollar (\$200.00) performance bond, in a form and content acceptable to the city attorney.
- F. It shall be unlawful to paint addresses, backgrounds, or other marks on curbs except as provided in this section. (Ord. No. 854, § 1, 8-22-89)

Chapter 12.24

MOVING BUILDINGS

Sections:

- 12.24.010 Permit—Required.
- 12.24.020 Same—Application; fee; requirements generally.
- 12.24.030 Supervision; repair of damages.
- 12.24.040 Bond required.

12.24.010 Permit—Required. It is unlawful for any person to move any building or house or part thereof along any of the streets of the city without a permit therefor first obtained from the city engineer or the building official. (Ord. No. 14, Art. 5, § 1, 1962)

12.24.020 Same—Application; fee; requirements generally. The city engineer or the building official shall issue a permit for the moving of any building upon application therefor and upon payment of a fee of twenty-five dollars (\$25.00). The permit shall designate the route over which the building may be moved, the time at which it may be moved, and shall require the applicant to comply with all local and state safety regulations. (Ord. No. 14, Art. 5, § 2, 1962)

12.24.030 Supervision; repair of damages. It shall be the duty of the city engineer or the building official to direct and supervise the moving of any building along or across the streets of the city, and it shall be the duty of any person so moving any building to forthwith repair any injury done to any sidewalk, alley, street, trees, utility poles, wires or other property. (Ord. No. 14, Art. 5, § 3, 1962)

12.24.040 Bond required. Every person applying for a house or building moving permit, and prior to the issuance thereof, shall file a surety bond, good for one (1) year, in favor of the city in the penal sum of five thousand dollars (\$5,000.00) and conditioned upon the faithful performance of such moving in strict compliance with the specifications, rules, regulations and ordinances of the city and within the specified time limits; that such person will forthwith repair any and all damage caused by reason of such moving; and that such person will indemnify and save harmless the city against and from any and all damages or claims for damages, loss, costs, charges or expenses that may be brought against it by any person by reason of such work. (Ord. No. 14, Art. 5, § 4, 1962)

Chapter 12.28

PUBLIC PARKS

Sections:

- 12.28.010 Short title.
- 12.28.020 Applicability.
- 12.28.030 Park defined.
- 12.28.040 Hours; extensions; exceptions.
- 12.28.050 Permit for scheduled events—Required.
- 12.28.060 Same—Application; contents.
- 12.28.070 Same—Conditions for issuance.
- 12.28.080 Same—Priority of programs.
- 12.28.090 Same—Denial; procedure.

and shall be distinctly legible, and a least three inches in height. (Ord. 14 Art. 4 §4, 1962).

12.20.050 Numbers--Unauthorized--Prohibited. It is unlawful for any owner or occupant of any building to use or permit to be used upon any building any number other than the number assigned by the city engineer. (Ord. 14 Art. 4 §5, 1962).

12.20.060 Street map--Contents. The city engineer shall prepare, or cause to be prepared from time to time when directed by the city council, a map of the streets of the city showing the numbers of all buildings and lots and the names of all streets. (Ord. 14 Art. 4 §6, 1962).

12.20.070 Numbers--Certificate. Upon proper application and payment of a fee of one dollar, the city engineer shall issue to the owner or occupant of any building or lot a certificate designating the proper number for such building or lot. Any certificate so issued shall pertain to the number of only one building or lot. (Ord. 14 Art. 4 §7, 1962).

12.20.080 Street names--City council authority. The city council shall have the power to name or rename any of the streets or public highways of the city, and the city council shall have the power to divide or subdivide any of the streets, public highways or public lands into streets, roadways, gutters, sidewalks and parks. (Ord. 14 Art. 4 §8, 1962).

Chapter 12.24

MOVING BUILDINGS

Sections:

- 12.24.010 Permit--Required.
- 12.24.020 Permit--Application--Fee--Requirements generally.
- 12.24.030 Supervision--Repair of damages.
- 12.24.040 Bond required.

12.24.010 Permit--Required. It is unlawful for any person to move any building or house or part thereof along any of the streets of the city without a permit therefor first obtained from the city engineer or the building official. (Ord. 14 Art. 5 §1, 1962).

12.24.020 Permit--Application--Fee--Requirements generally. The city engineer or the building official shall issue a permit for the moving of any building upon application therefor and upon payment of a fee of twenty-five dollars. The permit shall designate the route over which the building may be moved, the time at which it may be moved, and shall require the applicant to comply with all local and state safety regulations. (Ord. 14 Art. 5 §2, 1962).

12.24.030 Supervision--Repair of damages. It shall be the duty of the city engineer or the building official to direct and supervise the moving of any building along or across the streets of the city, and it shall be the duty of any person so moving any building to forthwith repair any injury done to any sidewalk, alley, street, trees, utility poles, wires or other property. (Ord. 14 Art. 5 §3, 1962).

12.24.040 Bond required. Every person applying for a house or building moving permit, and prior to the issuance thereof, shall file a surety bond, good for one year, in favor of the city in the penal sum of five thousand dollars and conditioned upon the faithful performance of such moving in strict compliance with the specifications, rules, regulations and ordinances of the city and within the specified time limits; that such person will forthwith repair any and all damage caused by reason of such moving; and that such person will indemnify and save harmless the city against and from any and all damages or claims for damages, loss, costs, charges or expenses that may be brought against it by any person by reason of such work. (Ord. 14 Art. 5 §4, 1962).

Chapter 12.28

PUBLIC PARKS

Sections:

- 12.28.010 Short title.
- 12.28.020 Applicability.
- 12.28.030 Park defined.
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- 12.28.260 Livestock running at large prohibited.
- 12.28.270 Excavation--Permit--Proper care--Costs.
- 12.28.280 Certain conduct prohibited.

12.28.010 Short title. This chapter shall be known and cited as Ordinance No. 302, the "Broomfield Park Ordinance." Reference to Ordinance No. 302 and the applicable section shall be sufficient when citing the provisions of this chapter in any legal document, including but not limited to summons, subpoena, pleading, summons and complaint, and memorandum. (Ord. 302 S19, 1977).

12.28.020 Applicability. This chapter applies to and within all parks, parkways, open space areas, and recreational grounds within the city, whether owned by or leased or under control of the city, any park or recreation district, or any governmental or quasi-governmental or public corporation or entity. (Ord. 302 S1, 1977).

12.28.030 Park defined. As used in this chapter, "park" means and refers to any park, reservation, playground, recreation facility or any other open space area owned, leased or under the control of the city, whether located within or without the corporate boundary limits of the city, which is devoted to recreation and leisure-time use by the public. (Ord. 302 S2, 1977).

12.28.040 Hours--Extensions--Exceptions. The parks, parkways and recreational areas which are the subject of

this chapter within the city, shall be open daily to the public from five a.m. until eleven p.m. No person who is not an employee of the city's department of parks and recreation having jurisdiction over a particular park, parkway or recreational area, or of the city, acting in the scope of his employment, shall be or remain in any such park, parkway or area at any other time; provided, however, that:

A. The director of parks and recreation may, by permit or authorization first had or obtained or by regulation duly posted in the park, parkway or area affected, extend to a later hour the nighttime closing hour with respect to particular areas, or parks, parkways or recreational grounds, and with respect to particular recreational activities in such parks, parkways or areas; and

B. Nothing contained in this chapter shall prevent or make unlawful the conduct of or attendance at a nighttime athletic event or activity in areas set aside and lighted for such events or activities by or with the permission of the director of parks and recreation.

C. In the case of emergency or inclement weather, or where, in the judgment of the director of parks and recreation or the city manager or the chief of police, the public interest demands it, the roadways or other portions of any park may be closed to the public. (Ord. 302 S3, 1977).

12.28.050 Event--Permit required. It is unlawful to hold any scheduled event within the parks and recreational facilities of the city unless and until a permit therefor has been issued, as provided in this chapter. Such events shall be conducted in an orderly and law-abiding manner. (Ord. 302 S16(1), 1977).

12.28.060 Permit--Application--Contents. Applications for permits to hold scheduled events shall be filed with the director of parks and recreation at least ten days prior to the requested date. The permit form will be furnished by the director of parks and recreation, and shall contain the following information:

A. The name, address and telephone number of the applicant;

B. The name and address of any person, firm, corporation or association sponsoring the event;

C. The day and hours for which the permit is sought;

D. The park or portion thereof for which the permit is desired;

E. The names and addresses of any speakers;

F. The nature and purpose of the event;

G. An estimate of the anticipated attendance;

H. Whether or not sound amplification will be used.

(Ord. 302 S16(2), 1977).

I. Whether or not any alcoholic beverage, as defined in Section 9.80.010 of this code, will be consumed. (Ord. 357 S2, 1979).

J. A statement that the applicant assumes all liability arising out of the scheduled use of the parks or facilities. (Ord. 489, S1, 1982)

12.28.070 Permit--Issuance--Conditions. The director of parks and recreation shall issue the permit within five days of the receipt of an application as set out in this chapter; provided, however, that;

A. The recreational or park area facility desired has not been reserved for other use at the day and hour requested in the application;

B. If the extent or character of the proposed event is such that the director of parks and recreation can reasonably anticipate that the event will entail unusual and extraordinary expenses to the city in respect to arrangements desired, cleanup of the premises or damage thereto, he may require the applicant to provide adequate insurance coverage, or the security deposit of a sum of money sufficient only to defray such unusual and extraordinary expense;

C. The stated purpose is not to incite to violence or crime, or the overthrow of the government by force;

D. Each permit shall pertain to a single, specific event, and shall give to the sponsors thereof precedence over unscheduled events in the facilities or park areas;

E. The proposed activity or use of the park or recreation facility will not unreasonably interfere with or detract from the general public use and enjoyment of the park or recreation facility;

F. The proposed activity or use will not interfere with or detract from the promotion of public health, morals, welfare, safety and recreation;

G. The proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;

H. The proposed activity or use will not entail unusual, extraordinary or burdensome expense for police operation or maintenance by the city;

I. The size and purpose for which the park or recreation facility is normally used shall be considered;

J. The location of the park and area surrounding it shall be considered;

K. The facilities available to accommodate the intended use shall be considered;

L. The noise emanating from the event will not disturb the peace of others;

M. No permit issued under this section shall allow the event to be held between the hours of eleven p.m. and five a.m. of the following morning. (Ord. 302 S16(3), 1977).

N. If the director of parks and recreation determines that it is necessary or desirable, evidence of adequate public liability insurance shall be required as a condition of the permit. (Ord. 489, S2, 1982).

12.28.080 Permit--issuance--priority. In scheduling the use of the parks or other facilities, priority shall be given to programs sponsored by the department of parks and recreation. Second priority shall be given to non-profit resident groups. Third priority shall be given to non-profit non-resident groups. Groups operating for profit have the lowest priority. (Ord. 489, S3, 1982).

12.28.090--12.28.140
(Rev. 2-82)

12.28.090 Permit--Denial--Procedure. Should the director of parks and recreation deny the application, he shall so advise the applicant, in writing, within five days after receipt of the application and shall give reasons therefor. (Ord. 302 S16(5), 1977).

12.28.100 Permit--Nontransferable--To be in possession. The use of the park areas and recreation facilities covered by a permit is in no way transferable and the permit must be in the possession of the applicant at the time the park or recreational facility is being used. (Ord. 302 S16(6), 1977).

12.28.110 Permit holder--Responsibility for damages. The holder of a permit shall be responsible for any and all damages and losses whatsoever to the park areas and recreation facilities and/or its contents. (Ord. 302 S16(7), 1977).

12.28.120 Permit--Inspection--Deposit returned when. The applicant will, after the scheduled event and during working hours, contact the director of parks and recreation to inspect the area used. If no damage has been done and it has been properly cleaned up, the security deposit will be returned. In the event the applicant has failed to discharge his obligations, the director of parks and recreation will retain a sum sufficient to cover the damage and/or restore the premises to a neat condition. In the event the security deposit does not completely indemnify the city for what has occurred, the applicant shall be responsible to the city for the shortage. (Ord. 302 S16(8), 1977).

12.28.130 Permit--Conformance with regulations required--Cancellation when. All groups or persons must conform to the policies established in this chapter and the rules and regulations set forth in the permit, as well as all local, state and federal regulations or the requirements of other duly authorized regulatory bodies. Any infringement on these shall be deemed just cause for cancellation of a permit or the refusal to issue further permits. (Ord. 302 S16(9), 1977).

12.28.140 Event defined. For purposes of Sections 12.28.050 through 12.28.130, "event" means use of any park, park facility, or portion thereof for a public gathering, entertainment, tournament, exhibition or any other activity which can reasonably be expected to have twenty-five or more persons involved or in attendance, or both, and said public gathering, entertainment, tournament, exhibition or other activity is conducted in a manner to restrict reasonable access or use by others to the park, park facility or portion thereof, or, reasonably can be expected to have a detrimental effect on park property or persons using or adjacent to the park or park property. (Ord. 302 S16(10), 1977).

12.28.150 Fee Schedule--rules and regulations. The director of parks and recreation is authorized, with the consent of the city manager, to recommend to the city council fees to be charged for the use of the parks, recreational facilities and recreational programs of the city for residents and non-residents. Any fee structure shall be adopted by resolution of the city council. In addition, the director of parks and recreation is authorized, with the consent of the city manager, to establish such rules and regulations as may be necessary or desirable to assure that the parks and recreational facilities are safe, pleasant, and efficiently operated, and to effectuate the provisions of this chapter. (Ord. 489, S4, 1982).

12.28.155 Resident and non-resident defined. For the purpose of this chapter and any fee schedule adopted pursuant to section 12.28.150, a resident is a person who permanently lives or works within the City of Broomfield, a resident group is any group consisting of at least eighty percent Broomfield residents, or a sports team whose members are employed by a business located in Broomfield. All other individuals or groups are non-residents. (Ord. 489, S5, 1982).

12.28.160. Alcoholic beverages. It is unlawful for any person to carry, possess or consume any fermented malt beverage (beer), vinous or spirituous liquors within any area of any park or recreation facility unless authorized by the director of parks and recreation on the face of a permit issued under this chapter. (Ord. 357 S3, 1979).

12.28.170 Property--Destruction prohibited. It is unlawful for any person:

A. To deface, tear down, remove, or destroy or injure in any manner whatsoever, or to cause to be defaced, torn down, destroyed or injured in any manner whatsoever, any fence, building, furniture, seat, signs, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water-pipe, tree, shrub, plant, flower, railing, bridge, backstop, goalpost, coin meter, culvert, or any other property whatsoever belonging to the city in, at or upon any of the parks owned or controlled by the city;

B. To injure or damage, or cause or permit to be injured or damaged, in any manner whatsoever, any property of the city at, in or upon any of its parks by cutting, hacking, bending, breaking, burning, daubing with paint or other substances, or by means of fire, or by effecting such injury or damage in any other manner;

C. To move or remove any park property or equipment for any reason whatsoever, other than in case of emergency;

D. To roll, throw or otherwise move any rocks or boulders in any of the parks belonging to the city;

12.28.170--12.28.200

(Rev. 1-80)

(Rev. 2-82)

E. To pick or take away from any park premises any vegetation, or to go upon the grass, lawn or turf of the parks wherever the sign "Keep Off the Grass" is posted. (Ord. 302 S4, 1977).

12.28.180 Explosive or inflammable substance prohibited.
It is unlawful for any person to take or carry or cause to be taken or carried into any park any explosive, dangerous or inflammable powder, or any explosive or dangerous or inflammable or combustible substance. It is likewise unlawful for any person to fire or explode any other substance or thing containing explosive, dangerous or flammable powder, or other explosive, dangerous or inflammable substance in any such park. (Ord. 302 S5, 1977).

12.28.190 Fires--Requirements generally. A. The director of parks and recreation or his duly authorized agent is authorized to post signs within any park during periods of extreme fire danger directing that no fires shall be built, started or maintained in said park, or portion thereof, and that it is unlawful to build, start, or maintain a fire in any area so posted.

B. It is unlawful for any person to start or maintain or cause to be started or maintained, any fire in or on any park, unless confined within a fire pit permanently erected for such purpose.

C. It is unlawful for any person to start or maintain, or cause to be started or maintained, any fire in or on any park, between the hours of eleven p.m. and five a.m. of the following day. (Ord. 302 S6, 1977).

12.28.200 Refuse--Placement in certain places prohibited.
It is unlawful for any person:

A. To throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters;

B. To dump, deposit or leave any bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (Ord. 302 S7, 1977).

12.28.210 Motor vehicle regulations.

A. It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a park except in designated roadways; provided, that the foregoing shall not apply to any area specifically designated and marked for parking purposes by order of the director of parks and recreation.

B. It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor-vehicular traffic.

C. It is unlawful to leave or park a vehicle in any park between the hours of 11:00 p.m. and 5:00 a.m. of the following day, except when done by city employees in the course of their employment.

D. All other requirements of the Model Traffic Code, except as otherwise specified in this chapter, shall apply to all roadways in all parks. (Ord. No. 302, § 8, 1977)

12.28.220 Swimming or wading; where permitted; exceptions. It is unlawful for any person to enter, swim or wade in any lake, stream, pond, irrigation ditch, reservoir or other body of water in a park of this city unless the lake, stream, pond or other body of water has been designated and posted by the director of parks and recreation as an area specifically set aside for swimming or wading. The director of parks and recreation may designate and post areas where persons may enter the bodies of water whenever he finds that recreational interests may be served without constituting a hazard to public safety, welfare, health and sanitation. This section shall not apply to persons wading for the purpose of any rescue or officially sanctioned demonstration operations. (Ord. No. 302, § 9, 1977)

12.28.230 Swimming pool; entry prohibited when. It is unlawful for any person, except for authorized city employees, to enter in or upon any enclosed area or enclosure in which a swimming pool is located at any time or hour when the same is not open to the public. (Ord. No. 302, § 10, 1977)

12.28.240 Watercraft; use restricted; exceptions. It is unlawful to bring into or operate any passenger-carrying motor-powered watercraft or nonmotor-powered watercraft upon any water in any park, parkway or other recreational facility within the city, unless an area has been designated and posted by the director of parks and recreation allowing such watercraft; provided, however, that this section will not apply to any rescue or officially sanctioned demonstration operations. (Ord. No. 302, § 11, 1977)

12.28.250 Abandoning or disturbing animals prohibited. It is unlawful to abandon in any park, parkway, or other recreational facility, any fish, waterfowl, birds, fowls, reptiles or any animals whatsoever. It is unlawful for any person with the exception of city employees, officers, officials or authorized agents to disturb in any manner any of the fish, waterfowl, birds, fowls, reptiles or any animals whatsoever present in, belonging to, or preserved in the

parks or other recreational facilities owned or controlled by the city. (Ord. No. 852, § 3, 7-25-89)

12.28.260 Livestock running at large prohibited.

A. It is unlawful to allow any horses, cattle, sheep, goats, hogs, or any other livestock whatsoever to pasture, graze, or run at large within the limits of any of the parks of the city; provided, however, that this section shall not apply to animals placed within enclosures by the city.

B. Any person, firm, or corporation employing or using the services of any person who violates the provisions of this section shall be liable as principal for the breach of this section, and the person having control of such animals or livestock shall be liable for any breach of this section. (Ord. No. 302, § 13, 1977)

12.28.270 Excavation; permit; proper care; costs. It shall be unlawful for any person to excavate any ditches, tunnels, holes or trenches, or lay sewer lines, pipeline, drain lines, conduit or cable, within any park area without first obtaining a permit from the building department of the city. In making permitted excavations, proper care shall be taken to prevent injury to the roots of trees, shrubs or plants. Upon completion of the work, the ground surface shall be restored by the permittee and the correction of any future settling of the backfill shall likewise be the responsibility of the permittee. All costs expended to repair damaged park property shall be paid by the person obtaining a permit. (Ord. No. 302, § 14, 1977)

12.28.280 Certain conduct prohibited. Within any park, it is unlawful for any person or persons to do any of the following acts:

- A. To camp or lodge in any park without first having obtained a permit therefor from the director of parks and recreation;
- B. To drive or hit golf balls, excepting at such place as is set apart for that purpose;
- C. To wash dishes, empty waste liquids, or in any other manner pollute the water of any fountain, pond, lake or stream;
- D. To sell, offer for sale or distribute at no charge any merchandise, article, goods, services or thing, without the express written permission of the city manager;
- E. To build or place any tent, building, booth, stand or other structure in or upon any of the parks or other recreational facilities, without first having obtained a permit to do so from the director of parks and recreation;
- F. To ice skate upon any of the waters or waterways in or adjacent to any park, except in such waters and at such places as are designated and posted as safe for ice skating by the director of parks and recreation;

- G. To fly model airplanes in any park, except at locations specifically designated by the director of parks and recreation;
- H. To fish in any lakes, streams and bodies of water in any park at locations designated and posted by the director of parks and recreation as prohibiting fishing;
- I. To quarrel, fight or use obscene language;
- J. To smoke or carry lighted tobacco products in the community center. (Ord. No. 302, § 15, 1977; Ord. No. 489, §§ 6, 7, 1982)

Chapter 12.29

LAKE VIEW CEMETERY

Sections:

- 12.29.010 Cemetery established.
- 12.29.020 Cemetery rules and regulations.
- 12.29.030 Sale of burial sites.

12.29.010 Cemetery established. Pursuant to the provisions of section 31-25-702(12)(B), C.R.S. (1986), the Lake View Cemetery located on the south side of the one hundred block of West Tenth Avenue and as more particularly described on the cemetery plat recorded in book A1 at page 180 of the records of the clerk and recorder of Boulder County, Colorado, is hereby established as an at-need municipal burial facility for the interment of cremated human remains. (Ord. No. 937, § 1, 8-25-92)

12.29.020 Cemetery rules and regulations. Pursuant to the provisions of section 31-25-702(12)(B), C.R.S. (1986), the city may by resolution adopt rules and regulations for the operation and administration of Lake View Cemetery. (Ord. No. 937, § 1, 8-25-92)

12.29.030 Sale of burial sites. The city manager, or a designee thereof, is authorized to sign purchase agreements for the sale of interment sites for cremated human remains at Lake View Cemetery. The purchase agreement will provide for the conveyance of a vested interest in a specific interment site described on the cemetery plat. (Ord. 937, § 1, 8-25-92)

Chapter 12.30

EASEMENTS

Sections:

- 12.30.010 Authorization to vacate easements.
- 12.30.020 Procedure for vacation of easements.

12.30.010 Authorization to vacate easements. The city manager or his or her designee is authorized to vacate easements provided that he or she determines that all of the following conditions exist:

- A. The easement is dedicated to, owned by or controlled by the public or the city;
- B. The easement is not in use for its intended purpose;
- C. There is no reasonable anticipation that the easement will be utilized in the future for its intended purpose; and
- D. Written consent has been obtained from each affected utility, company or public agency, indicating that the easement is not in use and that future use of the easement is not anticipated. (Ord. No. 693, § 3, 1986)

12.30.020 Procedure for vacation of easements.

A. The city may vacate easements, subject to section 12.30.010, upon its own initiative or upon receipt of an application from the property owner containing the following information:

1. Name and address of the property owner;
2. Legal description of the property;
3. Location of easement;
4. Description of the purpose and nature of the vacation request;
5. Recording information for the document or documents which created the easement; and
6. Any other information, document or form which the city manager or his or her designee deems necessary to carry out his or her duties, as set forth in section 12.30.010.

B. If the easement is vacated at the request of the property owner, the property owner must pay all costs of effecting the vacation. (Ord. No. 693, § 3, 1986)

Chapter 12.32

PENALTY

Sections:

12.32.010 Penalty for violation.

12.32.010 Penalty for violation. Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted, and, upon conviction of any such violation, such person, firm or corporation shall be punishable as provided in Chapter 1.12 of this Code. (Ord. No. 14, Art. 6, § 1, 1962)

TITLE 13**PUBLIC SERVICES****Chapters:**

- 13.02 Water Licenses**
- 13.06 Water Taps, and Tap and Meter Fees**
- 13.08 Sewer Licenses**
- 13.10 Sewer Taps and Tap Inspection Fees**
- 13.12 Water and Sewer Service Charges**
- 13.16 Temporary Water Permits**
- 13.18 Temporary Sewer Permits**
- 13.20 Water Rights Acquisition—City Manager**
- 13.22 Groundwater**
- 13.24 Misuse or Waste of Treated Water**
- 13.28 Wastewater**

Chapter 13.02

WATER LICENSES**Sections:**

- 13.02.010 Required.
- 13.02.020 Fee.
- 13.02.030 Application.
- 13.02.040 Issuance.
- 13.02.050 Required for building permit.
- 13.02.060 Transfer provisions.
- 13.02.070 Outside city.
- 13.02.080 Prior provisions.
- 13.02.090 Service charges.
- 13.02.100 Definitions.

13.02.010 Required. It shall be unlawful to make a service connection to the city's water system without a water license therefor except for temporary connections for construction purposes made with the permission of the director of public works and in accordance with Chapter 13.16. (Ord. No. 569, § 5, 1984)

13.02.020 Fee. Water licenses may be purchased from the city at a fee of seven thousand two hundred twenty-five dollars (\$7,225.00) per three-quarter-inch equivalent tap. Tap fees and meter fees are separate and additional. See Chapter 13.06. (Ord. No. 710, § 1, 1986; Ord. No. 752, § 1, 1987; Ord. No. 805, § 1, 1988; Ord. No. 871, § 1, 12-27-89; Ord. No. 887, § 1, 12-11-90; Ord. No. 918, § 1, 12-10-91)

13.02.030 Application. Applications for water licenses may be made to the public works department on forms provided by that department by any person owning property within the city or by his or her agent. Applications must be accompanied by the license fee and must contain the following:

13.02.040–13.02.080
(Rev. 1-79, 1-80, 2-80, 1-81, 2-81, 3-81, 1-82,
3-83, 1-84, 3-84, 2-86, 12-89, 12-91)

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- A. A description of the lot, tract, or parcel owned and to be served, including a legal description, a street address, or such other description as may be required by the public works department.
- B. The size of the water tap and water meter requested.
- C. A description of the purposes for which the water is to be used.
- D. The name, address and signature of the applicant.
- E. Other information required by the public works department to assist in administering this chapter. (Ord. No. 546, § 6, 1984)

13.02.040 Issuance. The department of public works shall issue a water license if the application complies with section 13.02.030. If the application does not comply with section 13.02.030, the department of public works shall deny the application. (Ord. No. 546, § 6, 1984)

13.02.050 Required for building permit. No building permit for a structure which will require a new water tap or connections shall be issued unless the applicant has a valid water license. (Ord. No. 546, § 6, 1984)

13.02.060 Transfer provisions.

A. A water license shall be issued for the lot, tract, or parcel described in the application and shall be issued to the owner of that property.

B. A water license may not be transferred or sold except in conjunction with a sale or transfer of the underlying property, either as a whole or in smaller tracts, pursuant to the applicable provisions of Title 16.

C. If a water license is sold or transferred as provided in subsection B., the city must be immediately notified in writing and may require evidence of such transfer or sale. (Ord. No. 546, § 6, 1984)

13.02.070 Outside city. No new water licenses may be issued for property outside the city except pursuant to existing contracts unless first approved by the city council. Where an existing contract allows service, or where the city council approves service, outside the city the property owner may apply for a water license even though the property is outside of the city. (Ord. No. 546, § 6, 1984)

13.02.080 Prior provisions.

A. Holders of valid or expired water licenses issued under former Chapters 13.04, 13.08 and 13.10 who wish to buy a new license shall receive credit towards the current fees for any fees now on deposit with the City, except to the extent the Denver Water Department has made charges in relation to such licenses.

B. Holders of expired, water licenses issued under Chapters 13.04 and 13.08, who do not want a new license, may, on written request, receive refunds in an amount equal to the difference between deposits previously made and fifty percent of the water availability of service fees in effect at the time of application for the expired water license. Such refunds shall be made within 60 days of receipt of the written request.

C. Holders of expired water licenses issued under former Chapter 13.10 may, on written request, receive refunds of all fees previously paid, less a two-hundred-ten-dollar forfeiture to the city and less any penalties or administrative charges paid to the Denver Water Department. Such refunds shall be made within sixty (60) days of receipt of the written request. (Ord. No. 546, § 6, 1984)

13.02.090 Service charges. The flat monthly water service charges established by Chapter 13.12 shall begin on the date a water license is purchased. (Ord. No. 546, § 6, 1984)

13.02.100 Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings indicated:

A. *Three-quarter-inch equivalent tap.* The basic unit of comparison based on demand on the water system. Demand is compared to the demand characteristics of three-quarter-inch connections serving single-family detached housing. Equivalence is determined on a case by case basis by the public works department, except for the following:

1. Connections serving duplexes shall be equivalent to one (1) three-quarter-inch equivalent tap per unit.
2. Connections serving mobile homes shall be equivalent to eighty (80) per cent of a three-quarter-inch equivalent tap per unit.
3. Connections serving townhouses or other single-family attached housing with limited individual outside irrigation shall be equivalent to sixty (60) per cent of a three-quarter-inch equivalent tap per unit.
4. Connections serving apartments or apartment-style condominium units with no individual outside irrigation shall be equivalent to forty (40) per cent of a three-quarter-inch equivalent tap per unit.

B. *City water system.* The water reservoir, plant, lines, pumps, facilities, assets and appurtenances controlled by the city.

C. *Tap.* A physical connection to a distribution main.

D. *Stub-in.* A tap made to allow streets to be paved before a service connection is made. A stub-in line ordinarily extends only to just beyond the curb line. A stub-in does not provide service.

E. *Service connection.* A tap and appurtenances capable of effecting water service to a water meter. (Ord. No. 546, § 6, 1984)

Chapter 13.06

WATER TAPS, AND TAP AND METER FEES

Sections:

- 13.06.010 Requirements for water taps and service connections.
- 13.06.020 Fees for water taps.
- 13.06.030 Fees for water meters.

13.06.010 Requirements for water taps and service connections.

A. No water tap may be made unless all of the following conditions are met, except for temporary connections pursuant to Chapter 13.16:

1. The lot, tract or parcel of land to be served must be properly platted and the plat therefor must be approved and recorded pursuant to Title 16, if such platting is required by Title 16.
2. A distribution main providing sufficient pressure and volumes as determined by the public works department must be in place, ready to provide service, and approved for tapping by the public works department.
3. All fees for the water tap have been paid.

B. No service connection may be made unless all of the conditions for a water tap and the following additional conditions are met:

1. There must be a valid water license for the service connection.
2. All fees for the water meter and the water license have been paid. (Ord. No. 546, § 7, 1984; Ord. No. 575, § 2, 1984)

13.06.020 Fees for water taps.

A. The following fees shall be paid for water taps up to two (2) inches in diameter:

<i>Tap Size</i>	<i>Water Tap Fee</i>
3/4"	\$ 75.00
1 "	100.00
1 1/2"	150.00
2 "	200.00

B. For water taps of larger sizes, a tap inspection fee of one hundred dollars (\$100.00) shall be paid to the public works department. Material and work conforming to city standards and specifications will be provided by the person making the tap.

C. Fees for water taps shall be those in effect when the tap is made and shall be paid before a tap is actually made, whether for a stub-in or for a service connection. (Ord. No. 546, § 7, 1984)

13.06.030 Fees for water meters.

A. The following fees shall be paid for water meters up to two (2) inches in diameter:

<i>Meter Size</i>	<i>Water Meter Fee</i>
3/4"	\$100.00
1 "	145.00
1 " turbo	165.00
1-1/2"	280.00
2 "	400.00
2 " turbo	465.00
2 " compound	975.00

B. For water meters of large sizes, fees, material and work conforming to city standards and specifications will be provided by the person making the tap.

C. Fees for water meters shall be those in effect when the meter is set and shall be paid before a water meter is set. (Ord. No. 546, § 7, 1984)

Chapter 13.08

SEWER LICENSES

Sections:

- 13.08.010 Required.
- 13.08.020 Fee.
- 13.08.030 Application.
- 13.08.040 Issuance.
- 13.08.050 Required for building permit.
- 13.08.060 Transfer provisions.
- 13.08.070 Outside city.
- 13.08.080 Service charges.
- 13.08.090 Definitions.

13.08.010 Required. It shall be unlawful to make a service connection to the City's sewer system without a sewer license therefor. (Ord. No. 604, § 2, 1984)

13.08.020 Fee. Sewer licenses may be purchased from the city at a fee of one thousand six hundred forty dollars (\$1,640.00) per equivalent sewer tap. Tap fees are separate and additional. See Chapter 13.10. (Ord. No. 710, § 2, 1986; Ord. No. 752, § 2, 1987; Ord. No. 805, § 2, 1988; Ord. No. 871, § 2, 12-27-89; Ord. No. 887, § 2, 12-11-90; Ord. No. 918, § 2, 12-10-91)

13.08.030 Application. Applications for sewer licenses may be made to the public works department on forms provided by that department by any person owning property within the city or by his or her agent. Applications must be accompanied by the license fee and must contain the following:

- A. A description of the lot, tract, or parcel owned and to be served, including a legal description, a street address, or such other description as may be required by the Public Works Department.
- B. The size of the sewer tap requested.
- C. A description of the purposes for which the sewer is to be used.
- D. The name, address, and signature of the applicant.
- E. Other information required by the public works department to assist in administering this chapter. (Ord. No. 604, § 2, 1984)

13.08.040 Issuance. The department of public works shall issue a sewer license if the application complies with section 13.08.030. If the applicant does not comply with section 13.08.030, the department of public works shall deny the application. (Ord. No. 604, § 2, 1984)

13.08.050 Required for building permit. No building permit for a structure which will require a new sewer tap or connection shall be issued unless the application has a valid sewer license. (Ord. No. 604, § 2, 1984)

13.08.060 Transfer provisions.

A. A sewer license shall be issued for the lot, tract, or parcel described in the application and shall be issued to the owner of that property.

B. A sewer license may not be transferred or sold except in conjunction with a sale or transfer of the underlying property, either as a whole or in smaller tracts, pursuant to the applicable provisions of Title 16.

C. If a sewer license is sold or transferred as provided in subsection B., the city must be immediately notified in writing and may require evidence of such transfer or sale. (Ord. No. 604, § 2, 1984)

13.08.070 Outside city. No new sewer licenses may be issued for property outside the city except pursuant to existing contracts unless first approved by the city council. Where an existing contract allows service, or where the city council approves service outside the city, the property owner may apply for a sewer license even though the property is outside of the city. (Ord. No. 604, § 2, 1984)

13.08.080 Service charges. The minimum monthly sewer service charges established by Chapter 13.12 shall begin on the date a sewer license is purchased. (Ord. No. 604, § 2, 1984)

13.08.090 Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings indicated:

A. *Equivalent sewer tap.* The basic unit of comparison based on demand on the sewer system. Demand is compared to the demand characteristics of sewer connections serving single family detached housing. Nonresidential equivalence is determined on a case-by-case basis by the public works department and is based on three hundred twenty (320) gallons of average daily flow per equivalent sewer tap. All residential uses, including single-family detached, attached, mobile homes, condominiums, townhouses, apartments, and motels or hotel rooms with kitchen facilities, shall have one (1) equivalent sewer tap per dwelling unit.

B. *City sewer system.* The wastewater plant, lines, pumps, facilities, assets and appurtenances controlled by the city.

C. *Tap.* A physical connection to a collection main.

D. *Service connection.* A tap and appurtenances capable of effecting sewer service. (Ord. No. 604, § 2, 1984)

Chapter 13.10

SEWER TAPS AND TAP INSPECTION FEES*

Sections:

- 13.10.010 Requirements for sewer taps and service connections.
- 13.10.020 Sewer tap inspection fee.

13.10.010 Requirements for sewer taps and service connections.

A. No sewer tap may be made unless all of the following conditions are met:

- 1. The lot, tract or parcel of land to be served must be properly platted and the plat therefor must be approved and recorded pursuant to Title 16, if such platting is required by Title 16.
- 2. A collection main providing sufficient capacity as determined by the public works department, must be in place, ready to provide service, and approved for tapping by the public works department.
- 3. The sewer tap inspection fees must have been paid.

B. No service connection may be made unless all of the conditions for a sewer tap and the following additional conditions are met:

- 1. There must be a valid sewer license for the service connection.
- 2. The sewer license fees must have been paid.
- 3. A service connection permit, and if required, a wastewater discharge permit has been issued pursuant to Chapter. 13.28. (Ord. No. 604, § 3, 1984)

13.10.020 Sewer tap inspection fee. The tap inspection fee for all sizes and categories of sewer taps shall be fifty dollars (\$50.00) per tap and shall cover the cost of inspection only. All taps shall be made according to the city's standards and specifications by a qualified plumber licensed by the city and all material and labor shall be provided by the property owner. (Ord. No. 604, § 3, 1984)

Chapter 13.12

WATER AND SEWER SERVICE CHARGES

Sections:

- 13.12.010 Monthly water service charges.
- 13.12.020 Monthly sewer service charges.
- 13.12.030 Out-of-city water and sewer service charges.
- 13.12.035 Payment responsibility.
- 13.12.040 Delinquencies and disconnection of service.

*Cross reference—Subdivisions, Title 16.

13.12.010
 (Rev. 1-80, 2-80, 3-81, 2-82, 3-82, 3-83, 3-84, 1-85,
 3-85, 3-86, 4-89, 12-89, 12-90, 8-91, 12-91)

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- 13.12.045 Unpaid water and sewer charges; lien on property.
- 13.12.046 Failure to pay; forfeiture of licenses and taps.
- 13.12.050 Reserved.

13.12.010 Monthly water service charges.

A. *Residential water service charges.* Residential customers shall be charged for the use of water from the city water system as set forth below:

1. *Flat monthly charge (no gallonage included):* Five dollars and sixty-nine cents (\$5.69) per dwelling unit, and
2. *Charge for all water use:* One dollar and eighty-three cents (\$1.83) per one thousand (1,000) gallons.

B. *Business, commercial, industrial, and other nonresidential water service charges.* Business, commercial, industrial and other nonresidential customers shall be charged for the use of water from the city water system the charges and rates set forth below:

1. *Flat monthly charge:* There shall be a flat monthly charge for all business, commercial, industrial, and other nonresidential customers based upon the size of the water connection serving the property or customer account (no gallonage included) as follows:

<i>Connection Size</i>	<i>Flat Monthly Charge</i>
3/4"	\$ 7.55
1"	15.09
1 1/4"	22.64
1 1/2"	30.18
2"	60.36
3"	135.81
4"	271.63
6"	709.24
8"	1,509.03

2. *Charge for all water use:* One dollar and eighty-three cents (\$1.83) per one thousand (1,000) gallons. Nonresidential accounts shall include schools, churches, public or institutional buildings, parks, and irrigation accounts.
3. *Standby fire protection charges:*

<i>Connection Size</i>	<i>Monthly Charge</i>
2"	\$ 7.04
3"	14.08
4"	28.16
6"	52.81
8"	70.41

(Ord. No. 709, § 1, 1986; Ord. No. 872, § 1, 12-27-89; Ord. No. 888, § 1, 12-11-90; Ord. No. 919, § 1, 12-10-91)

13.12.020 Monthly sewer service charges.**A. Residential sewer service charges.**

1. All residential accounts shall be charged a gallonage charge based on average winter water consumption. The monthly charge is one dollar and seventy-one cents (\$1.71) per one thousand (1,000) gallons, or six dollars and ninety-one (\$6.91) cents per dwelling unit, whichever is greater.
2. Any new occupant of a residential unit served by a separate connection and any new residential unit shall be charged ten dollars and seventy-eight cents (\$10.78) monthly sewer charge until average winter water consumption is established.
3. Any new multi-unit account shall be charged a monthly sewer charge of ten dollars and seventy-eight cents (\$10.78) per dwelling unit until average winter water consumption is established.
4. "Average winter water consumption" shall be the average water consumption for the four (4) monthly bills reflecting usage between November 1 and the following March 31. The average winter water consumption for each account shall be calculated once annually and shall be the basis for determining charges for the following twelve (12) months.

B. Nonresidential sewer service charge.

1. Each nonresidential account shall be assigned by the director of public works to the most appropriate category listed in Table 13.12A, attached hereto, and incorporated herein by reference. Values for concentration of BOD, COD, and TSS, as those terms are defined in Chapter 13.28 of the Broomfield Municipal Code, will be as set forth in Table 13.12A, unless values are determined by the director of public works based on actual sampling of the effluent. Any sample taken for such purposes shall be a composite sample, as defined in Chapter 13.28. Analysis shall be done in accordance with the procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Such individual sampling and analysis will be offered by the department of public works on request of the user, at such user's expense and if requested, the sample will be split and half of the sample will be given to such user for analysis by an independent laboratory. If analysis ordered by the department of public works and that obtained by user are significantly different, the director of public works may accept the user's analysis, or may order a new sample and analysis done at city expense. Each nonresidential customer must provide suitable access for sampling purposes.
2. The monthly charge for each nonresidential account shall consist of the following elements:

(Rev. 1-80, 2-80, 3-81, 2-82, 3-83, 1-84,
3-84, 1-85, 3-85, 4-89, 12-90, 12-91)

- a. A gallonage charge based on year-round nonirrigation water consumption. The charge is one dollar and seventy-one cents (\$1.71) per one thousand (1,000) gallons, or six dollars and ninety-one cents (\$6.91) per equivalent sewer tap, whichever is greater; plus
- b. A surcharge for excess BOD, COD, and TSS, as determined by whichever of the following formulae produces the higher surcharge:

$$S = Q (0.00833AR_A + 0.00833 CR_c) \text{ or}$$

$$S = Q (0.00833BR_b + 0.00833 CR_c)$$

where:

S = Amount of surcharge (cannot be less than zero)

Q = 100 percent of year-round nonirrigation water consumption for the account, expressed in thousands of gallons per month (until year-round nonirrigation water consumption is established, Q = 100 percent of total water consumption).

A = Average BOD strength of wastewater expressed in mg/l minus 200 mg/l

B = Average COD strength of wastewater expressed in mg/l minus 300 mg/l

C = Average TSS strength of wastewater expressed in mg/l minus 200 mg/l

R_A = \$0.15 per pound of excess BOD

R_B = \$0.10 per pound of excess COD

R_C = \$0.10 per pound of excess TSS

3. Any new nonresidential account shall be charged a monthly gallonage charge of ten dollars and seventy-eight cents (\$10.78) per equivalent sewer tap until year-round nonirrigation water consumption is established. In addition, any surcharges under section 2.b shall apply.
4. "Year-round nonirrigation water consumption" shall be based on the average water consumption for the four (4) monthly bills reflecting usage between November 1 and the following March 31, calculated once annually and used as the basis for determining charges for the following twelve (12) months. As an alternative, it may be based on the consumption shown on a metering system indicating nonirrigation use only.
5. "Equivalent sewer tap" shall be as defined in Chapter 13.08.

C. *Annual notification.* Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. No. 658, § 2, 1985; Ord. No. 872, §§ 1-4, 12-27-89; Ord. No. 888, §§ 2-4, 12-11-90; Ord. No. 919, §§ 2-4, 12-10-91)

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13.12.020
(Rev. 1-80, 2-80, 3-81,
2-82, 1-85, 4-89, 12-89)

TABLE 13.12A

Number	Category Type	A		B		C	
		BOD (mg/l)	Excess BOD (mg/l)	COD (mg/l)	Excess COD (mg/l)	TSS (mg/l)	Excess TSS (mg/l)
1	Meat Packing	848	648	1272	972	846	646
2	Slaughterhouses	1420	1220	1150	850	1367	1167
3	Dairy Products Processing	1127	927	3536	3236	445	245
4	Fruits and Vegetables Canning	537	337	1309	1009	306	106
5	Grain Mills	978	778	721	421	1406	1206
6	Bakeries	688	488	1032	732	620	420
7	Sugar Processing	395	195	999	699	274	74
8	Fats and Oil Processing	403	203	1222	922	343	143
9	Rendering Tallow	319	119	382	82	140	—0—
10	Beverage Bottling	536	336	804	504	192	—0—
11	Miscellaneous Food Manufac- turing	2961	2761	4354	4054	563	363
12	Pulp Products	157	—0—	293	—0—	477	277
13	Inorganic Chemicals	89	—0—	134	—0—	3249	3049
14	Soap Manufacturing	156	—0—	2224	1924	230	30
15	Paint Manufacturing	487	287	4103	3803	1039	839
16	Photographic Processing	300	100	1000	700	25	—0—
17	Ink Manufacturing	412	212	618	318	156	—0—
18	Pharmaceutical Industry	430	230	683	383	45	—0—
19	Leather Tanning	2039	1839	5139	4839	1435	1235
20	Drum Cleaning	503	303	1226	926	974	774
21	Restaurants	820	620	1230	930	905	705
22	Hotels—Motels	310	110	465	165	121	—0—
23	Grocery Stores (with delicates- sens and garbage disposals)	400	200	600	300	400	200
24	Fast Food Service	400	200	600	300	450	250
25	Commercial Laundries	596	396	894	594	367	167

13.12.020
 (Rev. 1-80, 2-80, 3-81,
 2-82, 1-85, 4-89, 12-89)

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<i>Number</i>	<i>Category Type</i>	<i>A</i>		<i>B</i>		<i>C</i>	
		<i>BOD (mg/l)</i>	<i>Excess BOD (mg/l)</i>	<i>COD (mg/l)</i>	<i>Excess COD (mg/l)</i>	<i>TSS (mg/l)</i>	<i>Excess TSS (mg/l)</i>
26	Laundromats	219	19	320	29	87	-0-
27	Industrial Laundries	1322	1122	1983	1683	1461	1261
28	Hospitals	231	31	347	47	266	66
29	Service Stations	385	185	578	278	30	-0-
30	Beauty Salons	100	-0-	150	-0-	100	-0-
31	Grocery Store (without delicatessens or garbage disposals)	100	-0-	150	-0-	25	-0-
32	Funeral Homes	300	100	450	150	275	75
33	Pet Shops, Grooming, Kennels	350	150	525	225	350	150
34	Schools (kitchens for other schools)	545	345	818	518	96	-0-
35	Car Washes	150	-0-	225	-0-	350	150
36	Metal Plating	8	-0-	27	-0-	36	-0-
37	Schools (kitchens for school use)	330	130	495	195	112	-0-
38	Domestic Waste	200	-0-	300	-0-	200	-0-
39	Irrigation	-0-	-0-	-0-	-0-	-0-	-0-
40	Other Categories	*	*	*	*	*	*

*Values to be determined as needed by the Director of Public Works

13.12.030 Out-of-city water and sewer service charges. These water and sewer user fees shall apply to all users within the corporate limits of the city or to users outside the city who have signed or sign a utility service agreement or annexation agreement entitling said users to in-city user fees. Users outside the city other than those mentioned above will be charged two (2) times the rate unless separate agreements or contract with the city govern. (Ord. No. 397, § 2, 1980)

13.12.035 Payment responsibility. The owner of every premises, building, lot, house or dwelling unit is liable for all charges for water and sewer services associated with said premises, building, lot, house or dwelling unit. The owner may designate another person to whom bills containing the water and sewer charges and the notices of the proposed disconnection of water service shall be sent. Mailing of a bill for water and sewer service to any address shall in no way affect the power of the city to enforce payment of charges or to take any other action provided in this chapter or authorized by law or equity. (Ord. No. 825, § 1, 3-28-89)

13.12.040 Delinquencies and disconnection of service.

A. *Delinquencies.* Water and sewer service charges are due fifteen (15) calendar days following the billing date. If the water and sewer charges are unpaid thirty (30) calendar days after the billing date the account shall be considered delinquent, and the person designated to receive the service will be sent notification of suspension of water service in accordance with subsection C below. In addition, all delinquent accounts shall be assessed a five-dollar per billing period late charge.

B. *Suspension of water service.* Subject to the provisions of subsection C below, if any person fails or refuses to pay all charges prescribed by this title within forty-five (45) days of the billing date or refuses to comply with the provisions of this title, the city may suspend water service until all charges, including the reconnect charge, late charges, and the cost of collecting the charges, including court costs and attorneys' fees, are paid or until the requirements of this title have been met.

C. *Notification of suspension of service.* Water service may not be suspended unless the property owner or occupant has been given at least ten (10) days' written notice. The written notice shall be mailed to the address designated to receive bills and notices pursuant to section 3.12.035 above. The ten-day period shall commence the day after the written notice has been mailed. The notice shall include:

1. The cause(s) for suspension;
2. The effective date of the suspension;
3. A provision advising that the property owner or occupant is entitled to an administrative hearing and advising the property owner or occupant of the hearing procedures; [and]
4. A statement to the occupant that if he is a tenant and he believes that the property owner is responsible for payment of charges or for corrections of violations of Title 13, he must notify the city of the name and address of the property owner at the time he

requests a hearing. If the occupant notifies the city of the name and address of the property owner pursuant this subsection, notice shall also be provided to the property owner.

D. *Hearing procedures.*

1. The property owner or occupant shall be entitled to an administrative hearing before the city manager or his designee. The hearing shall be for the purpose of determining whether cause exists for the suspension of water service.
2. All requests for hearings must be made in writing prior to the effective date of suspension.
3. Upon receipt of a request for a hearing, the city manager or his designee shall set a time and place for the hearing, provided, however that the hearing must be held within ten (10) working days of said request.
4. The city manager or his designee shall decide whether cause exists for suspension of water service by determining the facts and applying the provisions of this Title 13 to such facts. The burden of showing that reasonable grounds exist to support the action shall be upon city personnel.
5. The city manager or his designee shall make written findings and an order disposing of the matter and shall provide the property owner or occupant with a copy of such decision by certified or registered mail within fifteen (15) calendar days of the date of the hearing.
6. The decision of the city manager or his designee shall be final, subject only to judicial review.

E. *Payment arrangements.* The city manager or his designee is authorized to make such payment arrangements with delinquent customers in accordance with policies promulgated by the city manager.

F. *Reconnect charge.* Utility services suspended pursuant to this chapter shall not be reconnected until the delinquent bill and a reconnect charge of twenty-five dollars (\$25.00) has been paid. (Ord. No. 466, § 2, 1981; Ord. No. 825, § 2, 3-28-89)

13.12.045 Unpaid water and sewer charges; lien on property.

A. *Lien.* All charges prescribed by the Broomfield Municipal Code relating to the provision of water and sewer service, together with the cost of collecting them, including court costs and attorneys' fees, are a lien that is prior and superior to all other liens, claims, titles, and encumbrances, whether prior in time or not, except liens for general taxes, and remain a lien upon the real property served by the water or sewer connection from the date such charges and the cost of collecting them, if any, become due, until they are paid. The amount due shall be collected as though it was part of the real estate taxes.

B. *Enforcement of lien.* The city may enforce the lien against the property or the liability against the property owner in any action at law or an action to enforce the lien. If any person

PUBLIC SERVICES

13.12.046–13.12.050
(Rev. 1-80, 2-80, 1-81, 3-81, 2-82,
3-83, 1-84, 3-84, 1-85, 3-85, 4-89, 8-91)

in possession of any premises, building, lot, house, or other dwelling unit pays the entire charges due and owing, the payment relieves the property owner from such liability and the premises from the lien. However, the city is not required to look to any person other than the owner of the premises, building, lot, house, or other dwelling unit for the payment of the charges.

C. *Condominiums.* For condominiums or other properties to which water is furnished by means other than by metering the consumption of each unit, the lien for the unpaid water and sewer service charges, and costs of collection, if any, imposed by subsection A above attaches upon each unit in an amount computed by dividing the total amount of the lien by the number of units.

D. *Change of ownership.* No change of ownership of occupancy shall be deemed to affect the applicability of this section. The failure of any property owner to learn that he purchased property against which a lien for water and or sewer services exists does not affect the property owner's liability for payment in full and is not a basis for a claim against the city for refusing to turn the water on. (Ord. No. 825, § 3, 3-28-89)

13.12.046 Failure to pay; forfeiture of licenses and taps.

A. *Forfeiture.* If any charges made pursuant to this Title 13 remain unpaid for period of one (1) year from date upon which the charges were due, the right to receive water and sewer service from the City of Broomfield shall be forfeited, and any water license(s), water tap(s), sewer license(s) and sewer tap(s) which have been issued shall be void and no further effect. The city shall not be required to refund any license or tap fees upon forfeiture.

B. *Notification of forfeiture.* Water licenses, water taps, sewer licenses and sewer taps may not be forfeited unless the property owner, as shown on county records, occupant, if different from the property owner, and other persons who have record interests in the property have been given at least thirty (30) days written notice. The notice shall include:

1. The cause for forfeiture;
2. The effective date of the forfeiture; and
3. A provision advising that the property owner, occupant and other persons who have a record interest in the property are entitled to an administrative hearing and indicating the hearing procedures.

C. *Hearing procedures.* The hearing procedures shall be the same as the hearing procedures for suspension of water service as described in subsection D of section 13.12.040 above. (Ord. No. 825, § 4, 3-28-89)

13.12.050 Reserved.

Editor's note—Section 1 of Ord. No. 898, adopted Mar. 14, 1991, repealed former § 13.12.050, which pertained to insufficient funds checks, and derived from Ord. No. 466, § 5, adopted in 1981.

13.16.010–13.16.020
(Rev. 1-80, 2-80, 1-81, 3-81, 2-82,
3-82, 1-84, 3-84, 1-85, 3-85, 4-89, 12-90, 2-91, 8-91)

BROOMFIELD CODE

Chapter 13.16

TEMPORARY WATER PERMITS*

Sections:

- 13.16.010 Required.
- 13.16.020 Application.
- 13.16.030 Sizes of meters allowed.
- 13.16.040 Deposit and fees.
- 13.16.050 Requirements.
- 13.16.060 Expiration.
- 13.16.070 Revocation.
- 13.16.080 Failure to obtain.

13.16.010 Required. A temporary permit is required whenever a temporary service connection is made to the city's water system. Special purposes for which temporary permits may be issued include:

- (1) Temporary sales office;
- (2) Construction water;
- (3) Temporary irrigation; and
- (4) Special events which require the use of water for a limited period of time. (Ord. No. 892, § 1, 2-26-91)

13.16.020 Application. Applications for temporary permits may be made to the city and shall be accompanied by the deposit and permit fee. Applications must contain the following information:

- A. Proposed dates of water usage.
- B. The size of the water meter to be used.
- C. A description of the purposes for which the water is to be used.
- D. The legal description and address of the property on which the connection will be located, if applicable.
- E. The number and location of the fire hydrant to be used, if applicable.
- F. The name, address, and telephone number of the applicant.
- G. Other information required by the city to assist in administering this chapter. (Ord. No. 892, § 1, 2-26-91)

***Editor's note**—Section 1 of Ord. No. 892, adopted Feb. 26, 1991, repealed Ch. 13.16, which contained §§ 13.16.010–13.16.070, and enacted a new Ch. 13.16 in lieu thereof to read as herein set out. The repealed provisions pertained to construction water use permits and derived from Ord. No. 575, § 1, of 1984, and Ord. No. 888, § 5, adopted Dec. 11, 1990.

13.16.030 Sizes of meters allowed. Only three-fourth-inch and two-inch meters are available under a temporary permit. The permittee shall be allowed to furnish his own meter only if a meter is not available from the city. (Ord. No. 892, § 1, 2-26-91)

13.16.040 Deposit and fees.

A. The following deposit and permit fee shall be paid:

<i>Meter Size</i>	<i>Deposit</i>	<i>Permit Fee</i>
3/4" (furnished by city)	\$100.00	\$ 25.00
2" (furnished by permittee)	250.00	25.00
2" (furnished by city)	500.00	25.00

B. The deposit shall guarantee payment of water use charges and payment for damage to city equipment.

C. All permittees shall pay a charge for water use of one dollar and eighty-three (\$1.83) per one thousand (1,000) gallons.

D. If a water tap is required, the customer shall pay water tap or inspection fees. (Ord. No. 892, § 1, 2-26-91; Ord. No. 919, § 5, 12-10-91)

13.16.050 Requirements.

A. A temporary permit shall be issued by the city manager or his designee if the following conditions exist:

1. The applicant demonstrates compliance with all applicable zoning and building codes, city standards and specifications, this chapter and other applicable laws.
2. If the temporary permit is to be issued for the purpose of filling a truck, the permittee's truck has been inspected and approved by the city for adequate backflow prevention.
3. All fees and deposits have been paid.
4. The applicant has demonstrated a need for temporary water service.

B. Permittees shall follow all city instructions regarding operation of the temporary connection.

C. When not in use, equipment provided by the city shall be safely and securely stored.

D. The meter shall be available for reading on the 28th day of each month and upon request by the city.

E. The temporary permit shall be available for inspection on the property by the city.

F. The permittee shall be responsible for, and shall pay the costs for, all line extensions and other construction which is required for temporary water service. (Ord. No. 892, § 1, 2-26-91)

13.16.060 Expiration. A temporary permit for a temporary sales office shall expire one (1) year after it has been issued. All other temporary permits shall expire ninety (90) calendar

days after they have been issued. The permittee shall return all equipment provided by the city upon expiration of the temporary permit. The permittee may reapply for an additional temporary permit by following the same procedures as required to apply for a new temporary permit. (Ord. No. 892, § 1, 2-26-91)

13.16.070 Revocation. The city may revoke a temporary permit for any one or more of the following reasons:

- A. Failure to comply with the provisions of this Code;
- B. Failure to pay applicable fees or charges;
- C. Misuse of city equipment; and
- D. Use of the permit for other than the purposes stated in the application. (Ord. No. 892, § 1, 2-26-91)

13.16.080 Failure to obtain. In addition to any other penalties provided by this Code, failure to obtain the temporary permit required by section 13.16.020 will result in charges being assessed to the violator for the permit and the approximate amount of water used. The user shall also be subject to a fee of fifty dollars (\$50.00) to defray city costs for detection and collection of associated charges. (Ord. No. 892, § 1, 2-26-91)

Chapter 13.18

TEMPORARY SEWER PERMITS

Sections:

- 13.18.010 Required.
- 13.18.020 Application.
- 13.18.030 Deposit.
- 13.18.040 Requirements.
- 13.18.050 Expiration.
- 13.18.060 Revocation.
- 13.18.070 Failure to obtain.

13.18.010 Required. A temporary permit is required whenever a temporary service connection is made to the city's sewer system. Temporary permits may be issued for the purpose of temporary sales office and for special events requiring temporary sewer service. (Ord. No. 894, § 1, 2-26-91)

13.18.020 Application. Applications for temporary sewer permits may be made to the city and shall be accompanied by the deposit and permit fee. Applications must contain the following information:

- A. Proposed dates of sewer service usage.
- B. The size of the sewer tap requested.
- C. A description of the purpose for which the sewer service is to be used.

- D. The legal description and address of the property on which the connection will be located, if applicable.
- E. The name, address, telephone number, of the applicant.
- F. Other information required by the city to assist in administering this chapter. (Ord. No. 894, § 1, 2-26-91)

13.18.030 Deposit.

A. A permit fee of twenty-five dollars (\$25.00) and a deposit of one hundred dollars (\$100.00) shall be paid prior to the connection to the city's sewer system.

B. The deposit shall guarantee payment of sewer use charges and payment for damage to city property.

C. All permittees shall pay for sewer use in the amount set forth in subparagraph 13.12.020(A)(2).

D. All permittees shall pay sewer tap inspection fees. (Ord. No. 894, § 1, 2-26-91)

13.18.040 Requirements.

A. A temporary permit shall be issued by the city manager or his designee if the following conditions exist:

1. The applicant demonstrates compliance with all applicable zoning and building codes, city standards and specifications, this chapter and other applicable laws.
2. All fees and deposits have been paid.
3. The applicant has demonstrated a need for temporary sewer service.

B. Permittees shall follow all city instructions regarding operation of the temporary connection.

C. The temporary permit shall be available for inspection on the property by the city.

D. The permittee shall be responsible for, and shall pay the costs for, line extensions and other construction which is required for temporary sewer service.

E. At the expiration of the temporary permit, the permittee shall, at his expense, remove the service line and seal the tap at the sewer main in the event the property served with temporary service is not a platted lot. (Ord. No. 894, § 1, 2-26-91)

13.18.050 Expiration. A temporary permit for a temporary sales office shall expire one (1) year after it has been issued. All other temporary permits shall expire ninety (90) calendar days after they have been issued. The permittee may reapply for an additional temporary permit by following the same procedures as required to apply for a new temporary permit. (Ord. No. 894, § 1, 2-26-91)

13.18.060 Revocation. The city may revoke a temporary permit for any one (1) or more of the following reasons:

- A. Failure to comply with the provisions of this Code;

- B. Failure to pay applicable fees or charges;
- C. Misuse of city equipment; and
- D. Use of the permit for other than the purposes stated in the application. (Ord. No. 894, § 1, 2-26-91)

13.18.070 Failure to obtain. In addition to any other penalties provided by this Code, failure to obtain the temporary permit required by section 13.18.020 will result in charges being assessed to the violator for the permit and approximate amount of sewer service used. The user shall also be subject to a fee of fifty dollars (\$50.00) to defray city costs for detection and collection of associated charges. (Ord. No. 894, § 1, 2-26-91)

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Sections:

- 13.12.010 Monthly water service charges
- 13.12.020 Monthly sewer service charges
- 13.12.030 Out of city water and sewer service charges
- 13.12.040 Collection schedule
- 13.12.050 Insufficient funds checks

13.12.010 Monthly water service charges.

A. Residential water service charges. Residential customers shall be charged for the use of water from the city water system the charges and rates set forth below:

1. Flat monthly charge (no gallonage included): \$5.08 per dwelling unit, and
2. Charge for all water use: \$1.63 per 1,000 gallons.

B. Business, commercial, industrial, and other non-residential water service charges. Business, commercial, industrial and other non-residential customers shall be charged for the use of water from the city water system the charges and rates set forth below:

1. Flat monthly charge: There shall be a flat monthly charge for all business, commercial, industrial, and other non-residential customers based upon the size of the water connection serving the property or customer account (no gallonage included) as follows:

<u>Connection Size</u>	<u>Flat Monthly Charge</u>
3/4"	\$ 6.74
1"	13.48
1-1/4"	20.22
1-1/2"	26.96
2"	53.92
3"	121.32
4"	242.64
6"	633.56
8"	1,348.00

2. Charge for all water use: \$1.63 per 1,000 gallons. Non-residential accounts shall include schools, churches, public or institutional buildings, parks, and irrigation accounts.

3. Standby fire protection charges:

<u>Connection Size</u>	<u>Monthly Charge</u>
2"	\$ 6.29
3"	12.58
4"	25.16
6"	47.18
8"	62.90

(Ord. 709, S1, 1986)

13.12.020 Monthly sewer service charges.

A. Residential sewer service charges.

1. All residential accounts shall be charged a gallonage charge based on average winter water consumption. The monthly charge is \$1.53 per 1,000 gallons, or \$6.16 per dwelling unit, whichever is greater.

2. Any new occupant of a residential unit served by a separate connection and any new residential unit shall be charged a \$9.63 monthly sewer charge until average winter water consumption is established.

3. Any new multi-unit account shall be charged a monthly sewer charge of \$9.63 per dwelling unit until average winter water consumption is established.

4. "Average winter water consumption" shall be the average water consumption for four of the five months from November through March. The average winter water consumption for each account shall be calculated once annually and shall be the basis for determining charges for the following 12 months.

B. Nonresidential sewer service charge.

1. Each nonresidential account shall be assigned by the Director of Public Works to the most appropriate category listed in Table 13.12A, attached hereto, and incorporated herein by reference. Values for concentrations of BOD, COD, and TSS, as those terms are defined in Chapter 13.28 of the Broomfield Municipal Code, will be as set forth in Table 13.12A, unless different values are determined by the Director of Public Works based on actual sampling of the effluent. Any sample taken for such purposes shall be a composite sample, as defined in Chapter 13.28. Analysis shall be done in accordance with the procedures described in the latest edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Such individual sampling and analysis will be ordered by the Department of Public Works on request of the user, at such user's expense and if requested, the sample will be split and half of the sample will be given to such user for analysis by an independent laboratory. If analysis ordered by the Department of Public Works and that obtained by user are significantly different, the Director of Public Works may accept the user's analysis, or may order a new sample and analysis done at city expense. Each nonresidential customer must provide suitable access for sampling purposes.

2. The monthly charge for each nonresidential account shall consist of the following elements:

a. A gallonage charge based on year-round nonirrigation water consumption. The charge is \$1.53 per 1,000 gallons, or \$6.16 per equivalent sewer tap, whichever is greater; plus

TABLE 13.12A

No.	Category Type	A		B		C	
		BOD (mg/l)	Excess BOD (mg/l)	COD (mg/l)	Excess COD (mg/l)	TSS (mg/l)	Excess TSS (mg/l)
1	Meat Packing	848	648	1272	972	846	646
2	Slaughterhouses	1420	1220	1150	850	1367	1167
3	Dairy Products Processing	1127	927	3536	3236	445	245
4	Fruits & Vegetables Canning	537	337	1309	1009	306	106
5	Grain Mills	978	778	721	421	1406	1206
6	Bakeries	688	488	1032	732	620	420
7	Sugar Processing	395	195	999	699	274	74
8	Fats & Oil Processing	403	203	1222	922	343	143
9	Rendering Tallow	319	119	382	82	140	-0-
10	Beverage Bottling	536	336	804	504	192	-0-
11	Miscellaneous Food Manufacturing	2961	2761	4354	4054	563	363
12	Pulp Products	157	-0-	293	-0-	477	277
13	Inorganic Chemicals	89	-0-	134	-0-	3249	3049
14	Soap Manufacturing	156	-0-	2224	1924	230	30
15	Paint Manufacturing	487	287	4103	3803	1039	839
16	Photographic Processing	300	100	1000	700	25	-0-
17	Ink Manufacturing	412	212	618	318	156	-0-
18	Pharmaceutical Industry	430	230	683	383	45	-0-
19	Leather Tanning	2039	1839	5139	4839	1435	1235
20	Drum Cleaning	503	303	1226	926	974	774

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(REV. 1-80, 2-80, 3-81,
2-82, 1-85)

13.12.020
 (Rev. 1-80, 2-80, 3-81,
 2-82, 1-85)

No.	Category Type	BOD (mg/l)	<u>A</u> Excess BOD (mg/l)	COD (mg/l)	<u>B</u> Excess COD (mg/l)	TSS (mg/l)	<u>C</u> Excess TSS (mg/l)
21	Restaurants	820	620	1230	930	905	705
22	Hotels - Motels	310	110	465	165	121	-0-
23	Grocery Stores (with delicatessens & garbage disposals)	400	200	600	300	400	200
24	Fast Food Service	400	200	600	300	450	250
25	Commercial Laundries	596	396	894	594	367	167
26	Laundromats	219	19	320	29	87	-0-
27	Industrial Laundries	1322	1122	1983	1683	1461	1261
28	Hospitals	231	31	347	47	266	66
29	Service Stations	385	185	578	278	30	-0-
30	Beauty Salons	100	-0-	150	-0-	100	-0-
31	Grocery Store (without delicatessens or garbage disposals)	100	-0-	150	-0-	25	-0-
32	Funeral Homes	300	100	450	150	275	75
33	Pet Shops, Grooming, Kennels	350	150	525	225	350	150
34	Schools (kitchens for other schools)	545	345	818	518	96	-0-
35	Car Washes	150	-0-	225	-0-	350	150
36	Metal Plating	8	-0-	27	-0-	36	-0-
37	Schools (kitchens for school use)	330	130	495	195	112	-0-
38	Domestic Waste	200	-0-	300	-0-	200	-0-
39	Irrigation	-0-	-0-	-0-	-0-	-0-	-0-
40	Other Categories	*	*	*	*	*	*

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*Values to be determined as needed by the Director of Public Works

TABLE 13.12A

No.	Category Type	A		B		C	
		BOD (mg/l)	Excess BOD (mg/l)	COD (mg/l)	Excess COD (mg/l)	TSS (mg/l)	Excess TSS (mg/l)
1	Meat Packing	848	648	1272	972	846	646
2	Slaughterhouses	1420	1220	1150	850	1367	1167
3	Dairy Products Processing	1127	927	3536	3236	445	245
4	Fruits & Vegetables Canning	537	337	1309	1009	306	106
5	Grain Mills	978	778	721	421	1406	1206
6	Bakeries	688	488	1032	732	620	420
7	Sugar Processing	395	195	999	699	274	74
8	Fats & Oil Processing	403	203	1222	922	343	143
9	Rendering Tallow	319	119	382	82	140	-0-
10	Beverage Bottling	536	336	804	504	192	-0-
11	Miscellaneous Food Manufacturing	2961	2761	4354	4054	563	363
12	Pulp Products	157	-0-	293	-0-	477	277
13	Inorganic Chemicals	89	-0-	134	-0-	3249	3049
14	Soap Manufacturing	156	-0-	2224	1924	230	30
15	Paint Manufacturing	487	287	4103	3803	1039	839
16	Photographic Processing	300	100	1000	700	25	-0-
17	Ink Manufacturing	412	212	618	318	156	-0-
18	Pharmaceutical Industry	430	230	683	383	45	-0-
19	Leather Tanning	2039	1839	5139	4839	1435	1235
20	Drum Cleaning	503	303	1226	926	974	774

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13.12.020
 (Rev. 1-80, 2-80, 3-81,
 2-82, 1-85)

No.	Category Type	BOD	A	COD	B	TSS	C
		(mg/l)	Excess BOD (mg/l)	(mg/l)	Excess COD (mg/l)	(mg/l)	Excess TSS (mg/l)
21	Restaurants	820	620	1230	930	905	705
22	Hotels - Motels	310	110	465	165	121	-0-
23	Grocery Stores (with delicatessens & garbage disposals)	400	200	600	300	400	200
24	Fast Food Service	400	200	600	300	450	250
25	Commercial Laundries	596	396	894	594	367	167
26	Laundromats	219	19	320	29	87	-0-
27	Industrial Laundries	1322	1122	1983	1683	1461	1261
28	Hospitals	231	31	347	47	266	66
29	Service Stations	385	185	578	278	30	-0-
30	Beauty Salons	100	-0-	150	-0-	100	-0-
31	Grocery Store (without delicatessens or garbage disposals)	100	-0-	150	-0-	25	-0-
32	Funeral Homes	300	100	450	150	275	75
33	Pet Shops, Grooming, Kennels	350	150	525	225	350	150
34	Schools (kitchens for other schools)	545	345	818	518	96	-0-
35	Car Washes	150	-0-	225	-0-	350	150
36	Metal Plating	8	-0-	27	-0-	36	-0-
37	Schools (kitchens for school use)	330	130	495	195	112	-0-
38	Domestic Waste	200	-0-	300	-0-	200	-0-
39	Irrigation	-0-	-0-	-0-	-0-	-0-	-0-
40	Other Categories	*	*	*	*	*	*

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*Values to be determined as needed by the Director of Public Works

b. A surcharge for excess BOD, COD, and TSS, as determined by whichever of the following formulae produces the higher surcharge:

$$S = Q (0.00833AR_A + 0.00833 CR_C) \text{ or}$$

$$S = Q (0.00833BR_B + 0.00833 CR_C)$$

where:

S = amount of surcharge (cannot be less than zero)

Q = 100 percent of year-round nonirrigation water consumption for the account, expressed in thousands of gallons per month (Until year-round nonirrigation water consumption is established, Q = 100 percent of total water consumption).

A = average BOD strength of wastewater expressed in mg/L minus 200 mg/L

B = average COD strength of wastewater expressed in mg/L minus 300 mg/L

C = average TSS strength of wastewater expressed in mg/L minus 200 mg/L

R_A = \$0.15 per pound of excess BOD

R_B = \$0.10 per pound of excess COD

R_C = \$0.10 per pound of excess TSS

3. Any new nonresidential account shall be charged a monthly gallonage charge of \$9.63 per equivalent sewer tap until year-round nonirrigation water consumption is established. In addition, any surcharges under Section 2.b shall apply.

4. "Year-round nonirrigation water consumption" shall be based on the average water consumption for four of the five months from November through March, calculated once annually and used as the basis for determining charges for the following 12 months. As an alternative, it may be based on the consumption shown on a metering system indicating nonirrigation use only.

5. "Equivalent sewer tap" shall be as defined in Chapter 13.08.

C. Annual Notification. Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 658 S2, 1985)

13.12.030 Out of city water and sewer service charges.

These water and sewer user fees shall apply to all users within the corporate limits of the city or to users outside the city who have signed or sign a utility service agreement or annexation agreement entitling said users to in-city user fees. Users outside the city other than those mentioned above will be charged two (2) times the rate unless separate agreements or contract with the city govern. (Ord. 397 S2, 1980)

13.12.040--13.16.020
(Rev. 1-80, 2-80, 1-81, 3-81,
2-82, 3-83, 1-84, 3-84, 1-85, 3-85)

13.12.040 Collection schedule. Water and sewer service charges are due 15 days following the billing date. All accounts will be reviewed 30 days after the billing date and any account showing an unpaid balance will be notified in writing that it is delinquent. All delinquent accounts shall be assessed a \$5.00 late charge. If said delinquent account including late charge assessments is not paid within 45 days of the billing date, the water service will be terminated as of that date. For each water service shut off, a reconnect charge of \$25.00 shall be assessed which must be paid prior to reconnection of the water service. (Ord. 466 S2, 1981).

13.12.050 Insufficient funds checks. If any check or draft is dishonored by the bank, savings and loan institution or credit union on which it is drawn, a \$20.00 charge will be assessed against the account for which the check or draft was written, which charge shall be collected in the same manner as water and sewer service charges. No check or draft which has been dishonored shall constitute payment. (Ord. 466, S5, 1981).

Chapter 13.16

CONSTRUCTION WATER USE PERMITS

Sections:

- 13.16.010 Construction water use permit required
- 13.16.020 Construction water use permit application
- 13.16.030 Sizes of meters allowed
- 13.16.040 Permit deposit and fees
- 13.16.050 Permit requirements
- 13.16.060 Permit expiration
- 13.16.070 Permit revocation

13.16.010 Construction water use permit required. A construction water use permit is required whenever a temporary service connection is made to the City's water system for construction purposes. A temporary service connection shall be defined as a service connection to the City's water system for not more than 90 days. (Ord. 575 S1, 1984)

13.16.020 Construction water use permit application. Applications for construction water use permits may be made to the Utility Billing Division on forms provided by that division. Applications must be accompanied by the deposit and permit fee and must contain the following information:

b. A surcharge for excess BOD, COD, and TSS, as determined by whichever of the following formulae produces the higher surcharge:

$$S = Q (0.00833AR_A + 0.00833 CR_C) \text{ or}$$

$$S = Q (0.00833BR_B + 0.00833 CR_C)$$

where:

S = amount of surcharge (cannot be less than zero)

Q = 100 percent of year-round nonirrigation water consumption for the account, expressed in thousands of gallons per month (Until year-round nonirrigation water consumption is established, Q = 100 percent of total water consumption).

A = average BOD strength of wastewater expressed in mg/L minus 200 mg/L

B = average COD strength of wastewater expressed in mg/L minus 300 mg/L

C = average TSS strength of wastewater expressed in mg/L minus 200 mg/L

R_A = \$0.15 per pound of excess BOD

R_B = \$0.10 per pound of excess COD

R_C = \$0.10 per pound of excess TSS

3. Any new nonresidential account shall be charged a monthly gallonage charge of \$9.63 per equivalent sewer tap until year-round nonirrigation water consumption is established. In addition, any surcharges under Section 2.b shall apply.

4. "Year-round nonirrigation water consumption" shall be based on the average water consumption for four of the five months from November through March, calculated once annually and used as the basis for determining charges for the following 12 months. As an alternative, it may be based on the consumption shown on a metering system indicating nonirrigation use only.

5. "Equivalent sewer tap" shall be as defined in Chapter 13.08.

C. Annual Notification. Each user will be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 658 S2, 1985)

13.12.030 Out of city water and sewer service charges. These water and sewer user fees shall apply to all users within the corporate limits of the city or to users outside the city who have signed or sign a utility service agreement or annexation agreement entitling said users to in-city user fees. Users outside the city other than those mentioned above will be charged two (2) times the rate unless separate agreements or contract with the city govern. (Ord. 397 S2, 1980)

13.12.040--13.16.020
(Rev. 1-80, 2-80, 1-81, 3-81,
2-82, 3-83, 1-84, 3-84, 1-85, 3-85)

13.12.040 Collection schedule. Water and sewer service charges are due 15 days following the billing date. All accounts will be reviewed 30 days after the billing date and any account showing an unpaid balance will be notified in writing that it is delinquent. All delinquent accounts shall be assessed a \$5.00 late charge. If said delinquent account including late charge assessments is not paid within 45 days of the billing date, the water service will be terminated as of that date. For each water service shut off, a reconnect charge of \$25.00 shall be assessed which must be paid prior to reconnection of the water service. (Ord. 466 S2, 1981).

13.12.050 Insufficient funds checks. If any check or draft is dishonored by the bank, savings and loan institution or credit union on which it is drawn, a \$20.00 charge will be assessed against the account for which the check or draft was written, which charge shall be collected in the same manner as water and sewer service charges. No check or draft which has been dishonored shall constitute payment. (Ord. 466, S5, 1981).

Chapter 13.16

CONSTRUCTION WATER USE PERMITS

Sections:

- 13.16.010 Construction water use permit required
- 13.16.020 Construction water use permit application
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- 13.16.060 Permit expiration
- 13.16.070 Permit revocation

13.16.010 Construction water use permit required. A construction water use permit is required whenever a temporary service connection is made to the City's water system for construction purposes. A temporary service connection shall be defined as a service connection to the City's water system for not more than 90 days. (Ord. 575 S1, 1984)

13.16.020 Construction water use permit application. Applications for construction water use permits may be made to the Utility Billing Division on forms provided by that division. Applications must be accompanied by the deposit and permit fee and must contain the following information:

- A. Proposed dates of water usage.
- B. The size of the water meter to be used.
- C. A description of the purposes for which the water is to be used.
- D. The number and location of the fire hydrant to be used, if applicable.
- E. The name, address, and telephone number of the applicant.
- F. Other information required by the Utility Billing Division to assist in administering this chapter. (Ord. 575 S1, 1984)

13.16.030 Sizes of meters allowed. Only two inch and three-fourths inch meters shall be used under the provisions of a construction water use permit. (Ord. 575 S1, 1984)

13.16.040 Permit deposit and fees.

- A. The following deposit and permit fee shall be paid:

<u>Meter Size</u>	<u>Deposit</u>	<u>Permit Fee</u>
2" (furnished by City)	\$500	\$10
2" (furnished by permittee)	250	10
3/4" (furnished by City)	100	10

The deposit shall be a guarantee for unpaid bills and for damage to City equipment.

- B. Rental charges for meters furnished by the City at the applicant's request shall be as follows:

<u>Meter Size</u>	<u>Charge per Month</u>	<u>Equipment Furnished</u>
2"	\$48	Meter, valve, adapter hose and hydrant wrench
3/4"	\$12	Meter and curb stop key

- C. All permittees shall pay a charge for water use of \$1.45 per thousand gallons. (Ord. 575 S1, 1984)

13.16.050 Permit requirements. All permittees will comply with the following requirements:

- A. Before a construction water use permit is issued for the purpose of filling a truck, the permittee's truck shall be inspected and approved by the Department of Public Works for adequate backflow prevention.

- B. When using a fire hydrant, the female end of the adapter hose shall be connected to the fire hydrant, and the male end shall be connected to the meter. The gate valve shall be connected to the downstream side of the meter. The hydrant shall be opened slowly to full open position, and flow shall be controlled through the gate valve when the meter is in use. The hydrant shall be closed slowly to full shutoff position when the

meter is not in use. Only fire hydrant wrenches shall be used for operating the hydrant.

C. When not in use, equipment rented from the City shall be safely and securely stored.

D. The meter shall be available for reading on the 28th day of each month.

E. The construction water use permit shall be available for inspection in the field by City personnel. (Ord. 575, S1, 1984)

13.16.060 Permit expiration. A permit shall expire ninety days after it has been issued. The permittee may reapply for a new permit as described in section 13.16.020. (Ord. 575 S1, 1984)

13.16.070 Permit revocation. The City may revoke a construction water use permit for any one or more of the following reasons:

A. Failure to comply with the regulations listed in section 13.16.050;

B. Misuse of City equipment; and

C. Use of the permit for other than construction purposes.
(Ord. 575 S1, 1984)

- A. Proposed dates of water usage.
- B. The size of the water meter to be used.
- C. A description of the purposes for which the water is to be used.
- D. The number and location of the fire hydrant to be used, if applicable.
- E. The name, address, and telephone number of the applicant.
- F. Other information required by the Utility Billing Division to assist in administering this chapter. (Ord. 575 S1, 1984)

13.16.030 Sizes of meters allowed. Only two inch and three-fourths inch meters shall be used under the provisions of a construction water use permit. (Ord. 575 S1, 1984)

13.16.040 Permit deposit and fees.

A. The following deposit and permit fee shall be paid:

<u>Meter Size</u>	<u>Deposit</u>	<u>Permit Fee</u>
2" (furnished by City)	\$500	\$10
2" (furnished by permittee)	250	10
3/4" (furnished by City)	100	10

The deposit shall be a guarantee for unpaid bills and for damage to City equipment.

B. Rental charges for meters furnished by the City at the applicant's request shall be as follows:

<u>Meter Size</u>	<u>Charge per Month</u>	<u>Equipment Furnished</u>
2"	\$48	Meter, valve, adapter hose and hydrant wrench
3/4"	\$12	Meter and curb stop key

C. All permittees shall pay a charge for water use of \$1.45 per thousand gallons. (Ord. 575 S1, 1984)

13.16.050 Permit requirements. All permittees will comply with the following requirements:

A. Before a construction water use permit is issued for the purpose of filling a truck, the permittee's truck shall be inspected and approved by the Department of Public Works for adequate backflow prevention.

B. When using a fire hydrant, the female end of the adapter hose shall be connected to the fire hydrant, and the male end shall be connected to the meter. The gate valve shall be connected to the downstream side of the meter. The hydrant shall be opened slowly to full open position, and flow shall be controlled through the gate valve when the meter is in use. The hydrant shall be closed slowly to full shutoff position when the

meter is not in use. Only fire hydrant wrenches shall be used for operating the hydrant.

C. When not in use, equipment rented from the City shall be safely and securely stored.

D. The meter shall be available for reading on the 28th day of each month.

E. The construction water use permit shall be available for inspection in the field by City personnel. (Ord. 575, S1, 1984)

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13.16.070 Permit revocation. The City may revoke a construction water use permit for any one or more of the following reasons:

A. Failure to comply with the regulations listed in section 13.16.050;

B. Misuse of City equipment; and

C. Use of the permit for other than construction purposes.
(Ord. 575 S1, 1984)

Chapter 13.20

WATER RIGHTS ACQUISITION - CITY MANAGER

Sections:

- 13.20.010 Authority
- 13.20.020 Authority - Restrictions
- 13.20.030 City manager - duties

13.20.010 Authority. The city manager of the City of Broomfield is hereby authorized to purchase, lease, or otherwise acquire or take steps to acquire water rights, water or the use of water for the use of the City of Broomfield and its residents in accordance with the provisions of this chapter. (Ord. 455, §1, 1981).

13.20.020 Authority - restrictions. The city manager may:

A. Purchase, lease or otherwise acquire or take steps to acquire water rights, water, or the use of water.

B. Purchase, lease, or otherwise acquire only that amount of water rights, water, or the use of water which can be paid for from the appropriations specified therefor in the annual budget of the City of Broomfield including any adjustments to the budget made pursuant to the provisions of Chapter XII, of the city charter.

C. Purchase or lease only enough water rights, water, or the use of water to fulfill the projected needs of Broomfield for a five year period. The city manager shall annually submit a report to the city council setting forth such projected needs.

D. Request an ownership and encumbrance report as he deems advisable in connection with water transactions.

E. Request an appropriate study from hydrological engineers as he deems advisable in connection with water transactions.

F. Pay commissioners or broker's fees in connection with water rights purchases or other water transactions.

G. Employ such other professionals as he deems advisable in connection with water transactions. (Ord. 455, §2, 1981).

13.20.030 City manager - duties. The city manager shall:

A. Report all purchases, leases, other acquisitions or steps taken to acquire water rights, water, or the use of water to the city council at its next regularly scheduled meeting.

B. Negotiate all water or water rights acquisitions in the manner he deems most beneficial to the City of Broomfield. (Ord. 455, §3, 1981).

Chapter 13.22

GROUNDWATER

Sections:

- 13.22.010 Appropriation of nontributary groundwater
- 13.22.020 Consent to groundwater appropriation
- 13.22.030 Drilling and extraction prohibited

13.22.010 Appropriation of nontributary groundwater. Pursuant to the authority granted to the city under section 37-90-137(8), C.R.S., the city hereby asserts the exclusive right to withdraw for beneficial use all groundwater from the Dawson, Denver, Arapahoe, Laramie-Fox Hills, and Dakota aquifers which underlies any and all land within the corporate limits of the city as they existed on January 1, 1985, and declares that all affected landowners do hereby consent to any and all such future withdrawals. (Ord. 698, S2, 1986)

13.22.020 Consent to groundwater appropriation. Upon the effective date hereof, the owners of all land which overlies such groundwater hereby appropriated shall be deemed to have consented to the withdrawal by the city of all such groundwater, except that no such consent shall be deemed to be given with respect to any such portion of land if:

A. Water service to such portion of the land is not reasonably available from the city and no plan has been established by the city allowing the landowner to obtain an alternative water supply;

B. Said groundwater has been conveyed or reserved or consent to use such groundwater has been given or reserved in writing to anyone other than the city and such conveyance, reservation, or consent is properly recorded before the effective date hereof;

C. Consent to use of such groundwater has been given to anyone other than the city by the lawful effect of an ordinance or resolution adopted prior to January 1, 1985;

D. Such groundwater has been decreed or permitted to anyone other than the city prior to the effective date hereof; or

E. Such portion of the land is not being served by the city as of the effective date hereof and such groundwater is the subject of an application for determination of a right to use groundwater filed in the water court prior to July 1, 1985. (Ord. 698, S2, 1986)

13.22.030 Drilling and extraction prohibited. The drilling of any water well and the installation of any water well casing or pump by any person within the corporate limits of the city is hereby expressly prohibited without the written consent of city council. For any water well not in existence on the effective

date of this provision of the Broomfield Municipal Code, the extraction or diversion of water from any such water well within the corporate limits of the city by any person is hereby expressly prohibited without the written consent of city council. The provisions of this section shall not apply to water wells constructed by or under the direction of the city. (Ord. 698, S2, 1986)

Chapter 13.24

MISUSE OF TREATED WATER

Sections:

- 13.24.010 Misuse prohibited
- 13.24.020 Penalties

13.24.010 Misuse prohibited. It shall be unlawful for any person, firm or corporation to flagrantly or wantonly misuse or waste, or cause to be misused or wasted, treated water supplied by the city, or through the city's water transmission facilities. For the purposes of this section, the following are specifically determined to constitute flagrant misuse and waste:

A. Any irrigation of lawns or plants which, due to excess application of treated water alone or in conjunction with rain or snow, results in a flow of water running off the property being irrigated which, in aggregate, exceeds five gallons a minute.

B. Use of any plumbing system, connection, or fixture used for treated water from the city's water system which by reason of damage, disrepair, inadequate maintenance or dilapidation wastes water in a volume calculated to exceed five gallons a minute. (Ord. 450, §1, 1981).

13.24.020 Penalties. The penalties for violation of the provisions of this chapter shall be as prescribed in chapter 1.12 of this code. (Ord. 450, §1, 1981).

Chapter 13.28

WASTEWATER

Sections:

- 13.28.010 Purpose.
- 13.28.020 Definitions and abbreviations.
- 13.28.030 Sewer use.
- 13.28.040 Prohibited and accidental discharges.
- 13.28.050 Special user agreement.
- 13.28.060 Wastewater discharge permits.
- 13.28.070 Permittee requirements.
- 13.28.080 Permit fees and charges.
- 13.28.090 Enforcement.
- 13.28.100 Penalties and remedies.
- 13.28.110 Policies and procedures.

13.28.010 Purpose. It is necessary for the health, safety and welfare of the residents of the City of Broomfield, Colorado to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. This chapter sets forth uniform requirements for users of the city's publicly owned treatment works (POTW) and enables the city to comply with all applicable state and federal laws and regulations. The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the publicly owned treatment works (POTW) which would interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the POTW wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- D. To provide for the equitable distribution among users of the cost of the POTW, and
- E. To provide for and promote the general health, safety and welfare of the citizens residing within the City of Broomfield, Colorado.

This chapter provides for the regulation of users of the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This chapter shall apply to persons in the City of Broomfield, Colorado and to persons outside the city who are, by contract or agreement with the city, users of the city POTW.

Except as otherwise provided herein, the director of public works shall administer, implement, and enforce the provisions of this chapter. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.020 Definitions and abbreviations. Words and phrases used in this chapter shall be as defined in this section, unless the context clearly indicates otherwise.

- A. *Act or the Act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. section 1251, et seq.
- B. *Acutely hazardous waste* shall mean any waste designated as such by the Code of Federal Regulations, title 40, section 261.
- C. *Approval authority* shall mean the Director of the Colorado Department of Health at such time as Colorado has an approved State Pretreatment Program and the Regional Administrator of the EPA until such time.
- D. *Authorized representative of industrial user* shall mean any representative that meets the signatory requirements as set forth in the Code of Federal Regulations, title 40, section 403.12.
- E. *Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures (five (5) days at twenty (20) degrees centigrade) expressed in terms of weight and concentration (mg/l).
- F. *Building sewer* shall mean a sewer conveying wastewater from the premises of a user to the POTW.
- G. *Chemical oxygen demand* shall mean the oxygen equivalent of that portion of organic matter in a wastewater sample that is susceptible to oxidation by a strong chemical oxidant, expressed in terms of weight and concentration (mg/l).
- H. *Code* shall mean the Broomfield Municipal Code.
- I. *Categorical industry* shall mean one (1) of the industries for which the EPA has established or is in the process of establishing categorical pretreatment standards.
- J. *Composite sample* shall mean a representative flow-proportioned or time-proportioned sample collected within a twenty-four-hour period composed of a minimum of four (4) individual samples collected at equally spaced intervals and combined according to flow or time.
- K. *Cooling water* shall mean water to which the only pollutant added is heat.
- L. *Critical industry* shall mean a user which is a categorical industry or which is required to report the storage of hazardous materials pursuant to the requirements of chapter 8.36 of this Code. This includes both significant and potential contributors.
- M. *Director of public works or director* shall mean the director of public works of the city or his designee.

- N. *Direct discharge* shall mean the discharge of treated or untreated wastewater directly to the waters of the state.
- O. *Domestic or sanitary wastes* shall mean liquid wastes (a) from the noncommercial preparation, cooking, and handling of food, or (b) containing only human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- P. *Environmental Protection Agency or EPA* shall mean the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- Q. *Existing user* shall mean an industrial user which is in operation at the time of promulgation of categorical pretreatment standards.
- R. *Fats, oil or grease (FOG)* shall mean any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by freon solvent, as specified in standard methods.
- S. *Garbage* shall mean solid wastes from domestic and commercial preparation, cooking and dispensing of food and from handling, storage, and sale of produce. "Properly ground garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.
- T. *Grab sample* shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow or time.
- U. *Harmful wastes* shall mean any solid, liquid, or gaseous substances which would violate the prohibitions contained in section 13.28.040.
- V. *Hazardous waste* shall mean any waste containing substances or characteristics listed as such under the Code of Federal Regulations, title 40, section 261.
- W. *Indirect discharge* shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 U.S.C. section 1317(b) or (c)) into the POTW.
- X. *Industrial* shall mean of or pertaining to industry, manufacturing, commerce, trade, or business, as distinguished from domestic or residential.
- Y. *Industrial user* shall mean a source of indirect discharge.
- Z. *Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic or sanitary wastes.
- AA. *Interference* shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW treatment processes, operation, or sludge processes, use or disposal; and,
 - (2) Therefore is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations); section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- BB. *Latent contributor* shall mean any critical industry which under normal operations does not discharge pollutants in excess of federal, state, or local pretreatment standards.
- CC. *National categorical pretreatment standard* or *categorical pretreatment standard* shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. section 1317(b) or (c)) which applies to a specific category of industrial user.
- DD. *National pollutant discharge elimination system (NPDES)* shall mean the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into navigable waters of the contiguous zone and the oceans pursuant to section 402 of the Act (33 U.S.C. section 1342).
- EE. *National pollution discharge elimination system permit* or *NPDES permit* shall mean a permit issued pursuant to section 402 of the Act (33 U.S.C. section 1342).
- FF. *National prohibitive discharge standard* or *prohibitive discharge standard* shall mean any regulation developed under the authority of 307(b) of the Act (33 U.S.C. section 1317(b)).
- GG. *Pass through* shall mean a discharge which exits the POTW into state waters in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation or any requirement of the POTW's NPDES permit.
- HH. *pH* shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.
- II. *Pollutant* shall mean any dredged spoil, solids, incinerator residue, sewage, garbage, sewage sludge, explosives, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste or industrial, domestic, or agricultural waste discharged into or with water.

- JJ. *Pretreatment or treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or other means, except that dilution shall not constitute treatment or pretreatment.
- KK. *Pretreatment requirements* shall mean any substantive or procedural requirement related to pretreatment, other than a categorical pretreatment standard imposed on an industrial user, and shall include conditions of a wastewater discharge permit.
- LL. *Pretreatment standards* shall mean all applicable federal rules and regulations implementing section 307 of the Act (33 U.S.C. section 1317), as well as any nonconflicting state or local standards. In cases of differing standards or regulations, the more stringent shall apply.
- MM. *Priority pollutants* shall mean any of the various toxic compounds that can reasonably be expected in the discharges from industries as determined by the EPA, pursuant to section 307(a) of the Act (33 U.S.C. section 1317(a)).
- NN. *Private sewage disposal system* shall mean any sewage disposal system other than public facilities, such as privies, privy vaults, septic tanks, soil absorption system, cesspools, chemical toilets, package treatment plants or similar facilities which receive or are intended to receive wastewater and which are not connected to the POTW; but this term shall not include any treatment plant which has a valid NPDES permit.
- OO. *Process wastewater* shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- PP. *Publicly owned treatment works (POTW)* shall mean a treatment works as defined by section 212 of the Act (33 U.S.C. section 1292) which is owned, in this instance, by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.
- QQ. *POTW treatment plant* shall mean that portion of the POTW designed to provide treatment to wastewater.
- RR. *Receiving waters* shall mean lakes, rivers, streams or other surface or subsurface water courses which receive treated or untreated wastewater.
- SS. *Receiving water quality requirements* shall mean requirements for the POTW's treatment plant effluent established by applicable state or federal statutes or regulations for the protection of receiving water quality. Such requirements shall include effluent

limitations, and waste discharge standards, requirements, limitations, or prohibitions which may be established or adopted, from time to time.

- TT. *Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted, including the pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "public sewer," "sewer system," "POTW sewer," and "sewer."
- UU. *Service connection* shall mean a sewer line intended for discharging wastewater into the city's POTW and commencing at a structure or facility and terminating at a sewer main.
- VV. *Sewer main* shall mean that portion of the city's POTW used for the collection and transportation of wastewater to treatment facilities and which has been installed for the express purpose of allowing service connections to be made thereto.
- WW. *Shall* and *will* are mandatory.
- XX. *Significant contributor* or *significant industrial user* shall mean:
1. An industry subject to categorical pretreatment standards, or
 2. An industry that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW, contributes a process wastewater which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
 3. Is designated by the director on the basis that the industry has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- YY. *Slug load* shall mean any pollutant, including oxygen-demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
- ZZ. *Standard industrial classification (SIC)* shall mean a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President-Office of Management and Budget, as it may be revised from time to time.
- AAA. *Standard methods* shall mean procedures described in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- BBB. *Storm sewer* shall mean a sewer that carries only storm, surface and ground water drainage.
- CCC. *Stormwater* shall mean any flow occurring during or following any form of normal precipitation and resulting therefrom.

- DDD. *Total suspended solids* shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering and referred to in "Standard Methods for the Examination of Water and Wastewater" as suspended residue.
- EEE. *Toxic pollutant* shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of section 307(a) of the Act (33 U.S.C. section 1317(a)).
- FFF. *User* shall mean any person who contributes, or causes or permits the contribution of, wastewater into the city's POTW.
- GGG. *Wastewater or sewage* shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions including cooling water.
- HHH. *Wastewater discharge permit* shall mean the permit provided for in section 13.28.060 of this chapter.
- III. *Terms not otherwise defined.* Terms not otherwise defined herein shall have the meanings adopted in the latest edition of "Standard Methods for Examination of Water and Wastewater" published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- JJJ. *Abbreviations:* The following abbreviations shall have the designated meanings.
1. *BOD* shall mean biochemical oxygen demand.
 2. *C.F.R.* shall mean the Code of Federal Regulations.
 3. *COD* shall mean chemical oxygen demand.
 4. *EPA* shall mean the Environmental Protection Agency.
 5. *FOG* shall mean fats, oils and grease.
 6. *mg/l* shall mean milligrams per liter.
 7. *NPDES* shall mean the national pollutant discharge elimination system.
 8. *O & M* shall mean operations and maintenance.
 9. *POTW* shall mean publicly owned treatment works.
 10. *TSS* shall mean total suspended solids.
 11. *U.S.C.* shall mean United States Code.

(Ord. No. 463, § 7, 1981)

13.28.030 Sewer use.

A. *Connection required.* The owner of every house, building, or structure used for human occupancy, employment, or recreation, situated within the city is hereby required, at his expense, to install suitable toilet facilities in accordance with the Uniform Plumbing Code, as adopted in Chapter 15 of this Code, and to connect such facilities with the POTW or a treatment plant with a valid NPDES permit in accordance with the provisions herein within thirty (30) days after the date of official notice to do so, provided that a sanitary sewer main is within one hundred (100) feet of the owner's property line. Any septic tank, cesspool, privy, or similar

private disposal facilities shall, upon such notice, be immediately emptied and filled with suitable material as determined by the director of public works. No persons shall discharge, or allow to be discharged, any wastewater except as follows:

1. By a direct service connection to a city sewer main, which connection has been authorized by the director of public works; or
2. By transporting in a safe and sanitary manner to a landfill or other disposal site approved by public health officials and capable of accepting the type of harmful wastes involved; or
3. By a service connection to a treatment plant with a valid NPDES permit where such connection is approved by the director of public works.

B. *Service connection permit required.* No person other than city personnel or other persons authorized by the city shall undertake maintenance and repair work on, uncover, open into, make service connections with, use, alter or disturb any portion of the city's POTW or manhole covers without first obtaining a city service connection permit. All service connections shall be at the permittee's expense, shall comply with all applicable provisions of this chapter and all applicable city standards and specifications and provisions of this Code, as may be adopted, from time to time, and shall be subject to all applicable fees and charges as may be established by the city.

C. *Outhouses prohibited.* No person shall erect or maintain any outhouse or privy within the city; except that chemical toilets shall be permitted at construction sites.

D. *Discharge of sewage.* All sewage shall be discharged to sanitary sewers through authorized connections. No person shall discharge any sewage from any premises within the city into or upon any stream, watercourse, or public property or into any drain, cesspool, or storm sewer.

E. *Storm water.* No person shall make a connection which would allow any stormwater, surface water, ground water, roof runoff, subsurface drainage, or cooling water to discharge into any sanitary sewer.

F. *Hazardous waste.* Any industry which discharges into the POTW a substance, which, if otherwise disposed of, would be a hazardous waste, shall comply with the requirements in the Code of Federal Regulations, title 40, section 403.12(P). (Ord. No. 463, § 7, 1981; Ord. No. 567, § 1, 1984; Ord. No. 909, § 1, 5-28-91)

13.28.040 Prohibited and accidental discharges.

A. *Prohibited discharges, specific categories.* No person shall contribute or cause to be contributed directly or indirectly, into the POTW any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW, whether or not the user is subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. No person shall contribute the following substances to the POTW:

1. *Explosives or flammable wastes*, which shall include any liquids, solids, or gases which, by reason of their nature or quantity, are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings of any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit of the meter, nor shall any wastestream at point of discharge have a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) using the test methods specified in the Code of Federal Regulations, title 40, section 261.21. Prohibited materials include, but are not limited to, gasoline, fuel oil, diesel fuel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which the director, the state, or the EPA has notified the user is a fire hazard or an explosive hazard to the POTW.
2. *Solids*, which shall include solid or viscous substances which may, by reason of their quantity, cause or may cause obstruction to the flow in a sanitary sewer or other interference with the operation of the POTW or service connection such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, fabrics, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, cement, concrete, plaster, gravel, hay hooves, lime slurry or sludge, paint or chemical residues.
3. *Corrosive wastewater*, which shall include wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW.
4. *Toxic wastewater*, which shall include any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, to contaminate the sludge of any POTW systems, or to exceed the limitation set forth in a categorical pretreatment standard.
5. *Untreatable substances*, which shall include any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the Act (33 U.S.C. section 1345) or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to federal or state statutes applicable to the sludge management method being used.

6. *Other prohibited discharges:*

- a. Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality requirements;
- b. Any wastewater with color exceeding one hundred and fifty units, as measured by the platinum-cobalt standard method;
- c. Any wastewater with turbidity exceeding one hundred and fifty nephelometric turbidity units;
- d. Malodorous substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or for sampling or monitoring;
- e. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds sixty-six (66) degrees centigrade (one hundred fifty (150) degrees F) or which causes temperature at the headworks of the POTW treatment plant to exceed forty (40) degrees centigrade (one hundred four (104) degrees Fahrenheit); or
- f. Slug loads;
- g. Wastewater containing radioactive wastes or isotopes of such half life or concentration as may exceed limits established by applicable state or federal regulations;
- h. Any wastewater which causes a hazard to human life or creates a public nuisance;
- i. Any discharge through a connection made in violation of subsection F of section 13.28.030;
- j. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through;
- k. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; or
- l. Any trucked or hauled pollutants, except at discharge points designated by the POTW and with prior approval of the director; provided, however, that recreational vehicles with a holding tank capacity of less than fifty (50) gallons may discharge into the POTW through designated discharge points.

B. *Categorical pretreatment standards.* Upon the promulgation of the categorical pretreatment standard for a particular industrial subcategory, developed pursuant to federal statutes or regulations, the categorical pretreatment standard, if more stringent than limitations imposed herein shall immediately supersede the limitations imposed herein.

C. *Specific pollutant limitations.* No person shall discharge wastewater containing in excess of the limitations on discharges as set forth in schedule 13.28.A, which is incorporated herein by this reference.

D. *Other requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained herein. The city's limitations or requirements on discharges shall apply in any case where they are more stringent than state or federal requirements or limitations.

E. *City right of revision.* The city reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section 13.28.010 herein.

F. *Dilution.* No user shall ever increase the use of water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards, or in any other specific pollutant limitation developed by the city or state.

G. *Accidental discharges.* Each industrial user shall provide protection from accidental discharge of materials or substances regulated herein. Facilities to prevent accidental discharge of such materials or substances shall be provided and maintained at the industrial user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be approved by the director before construction of the facility. All existing industrial users shall complete facilities and procedures in accordance with such a plan by April 1, 1982. No industrial user who commences contribution to the POTW after the effective date hereof shall introduce wastewater into the system until accidental discharge facilities and procedures have been approved by the director. Review and approval of such plans and operating procedures shall not relieve the industrial user of the responsibility to modify the facility as necessary to meet the requirements hereof.

1. *Notification of director.* In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the director of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken.
2. *Written notice.* Within five (5) days following an accidental discharge, the industrial user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property, nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.
3. *Notice to employees.* A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such accidental discharge to occur are advised of the emergency notification procedure.

H. *Bypass*. All industrial users shall comply with the requirements concerning bypass as set forth in the Code of Federal Regulations, title 40, section 403.17. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.050 Special user agreement. Nothing contained in this chapter shall be construed as prohibiting special written agreements between the city and any other person allowing industrial waste of unusual strength or character to be admitted to the POTW, provided said person compensates the city for any additional costs of treatment. No such agreement may permit any discharge prohibited in subsections A or B of section 13.28.040. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.060 Wastewater discharge permits

A. *Noncritical wastewater dischargers*. No person shall cause or allow the discharge of wastewater into the POTW without a wastewater discharge permit except as follows:

1. Domestic users who have received a city service connection permit; or
2. Industrial users who are noncritical industrial users, as determined by the director, and have received a city service connection permit.

B. *Critical wastewater dischargers*. No person shall cause or allow a critical industry to connect to the POTW unless such industry shall have obtained a wastewater discharge permit before connecting to or discharging into the POTW. Each critical industry connected to the POTW on the effective date of this chapter shall obtain a wastewater discharge permit by April 1, 1982.

C. *Permit application*. Users required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the director. Each critical industry connected to the POTW on the effective date of this chapter shall apply for a wastewater discharge permit prior to February 1, 1982. Proposed new critical industries shall apply at least ninety (90) days prior to the proposed connection to, or contribution to, the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name of industry, address, name of the operator and owners, and location of discharge (if different from the address);
2. Standard industrial classification and a list of any environmental control permits held by or for the facility;
3. Wastewater quantity and quality. Quality characteristics include, but are not limited to, those mentioned in section 13.28.040 of this chapter as determined by a reliable analytical laboratory;
4. Time(s) and duration of discharge;
5. Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variation, if any;

6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewer, sewer connections, and appurtenances by size, location and elevation. If deemed necessary by the director such plans shall provide for separate systems for handling sanitary wastes and industrial wastes;
7. Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;
8. Where known, the quantity and specific nature of any pollutants in the discharge which are limited by any city, state, or federal standards or requirements;
9. If additional pretreatment or O & M will be required to meet the city, state, or federal standards and requirements, the schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable standards and requirements. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable standards and requirements;
 - b. No increment referred to in paragraph a. shall exceed nine (9) months;
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city including, as a minimum, whether or not user complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the user to return the construction to the schedule established.
10. A statement of certification as set forth in the Code of Federal Regulations, title 40, section 403.6, and signed by the authorized representative of the industrial user.
11. Any other information as required by the city to evaluate the permit application. After evaluation and acceptance of the data furnished, the city may issue a wastewater discharge permit.

D. *Permit modifications.* Upon promulgation of a categorical pretreatment standard and within the time prescribed thereby, the wastewater discharge permit of users subject to such standards shall be deemed revised to require compliance with any part thereof which is stricter than existing standards or conditions of the permit. Where a user, subject to categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within thirty (30) days after promulgation of the applicable categorical pretreatment standard. Any user with an existing wastewater discharge permit shall submit to the director, within thirty (30) days after such promulgation, the information required by subsection (C)(8) and (9) of this section. In addition to the foregoing, the terms and conditions of the permit shall be subject to modification by the city during the term of the permit as limitations or requirements are modified or

other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the director.

E. *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the city. Permits may be conditioned upon the following:

1. Limits on the average and maximum wastewater constituents and characteristics;
2. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
3. Requirements for installation and maintenance of inspection and sampling facilities;
4. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;
5. Compliance schedules;
6. Requirements for submission of technical reports or discharge reports;
7. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city and affording city access thereto;
8. Requirements for notification of the city of any new introduction of wastewater constituents or any change in character of the wastewater constituents or average volume being introduced into the wastewater treatment;
9. Requirements for notification and control of nonroutine, episodic discharges, including, but not limited to, accidental spills or non-customary batch discharges;
10. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the user's industrial wastewater is or could cause an interference or a potential interference with the POTW, that the industrial wastewater could be severed, preventing discharge into the POTW and still allowing the user's sanitary wastewater to discharge into the POTW;
11. Other conditions as deemed necessary by the director in order to enforce the provisions of this chapter.

F. *Permit duration.* A wastewater discharge permit shall be issued for a period of three (3) years from the date of issue. The user shall apply for a new permit a minimum of ninety (90) days prior to the expiration of the user's existing permit. Any permit may be suspended or revoked for failure to comply with the requirements of this chapter.

G. *Permit transfer prohibited.* A wastewater discharge permit shall not be sold, traded, assigned, transferred, or sublet. Any new industrial user must obtain a wastewater discharge permit regardless of whether a permit previously existed for the same premises. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.070 Permittee requirements.

A. *Compliance date report.* Within ninety (90) days following the date for final compliance with applicable standards or requirements, any industrial user subject to federal, state or city standards and requirements shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from and regulated process which are limited by such standards and requirements. The report shall state whether the applicable standards or requirements are being met on a consistent basis and, if not, what additional O & M or pretreatment is necessary to bring a user into compliance with the applicable standards or requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a professional engineer registered in the state.

B. Periodic compliance reports.

1. Any industrial user subject to a federal, state or city standard or requirement after the compliance date of such standard or requirement shall submit to the director during the months of June and December, unless required more frequently in the permit or by the director, a report indicating the nature and concentration of pollutants in the wastewater which are limited by such standards or requirements. In addition, this report shall include a record of all daily flow which during the reporting period exceeded the average daily flow reported in subsection A of this section.
2. The director may impose mass limitations on industrial users which are using flow equalization to meet applicable federal, state or city standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph (1) of this subsection shall also indicate the mass of limited pollutants in the wastewater of the user. These reports shall also contain the results of sampling and analysis of the discharge, including production and mass of pollutants contained therein which are limited by the applicable standards and requirements.
3. If an industrial user monitors any pollutant or parameter listed in this chapter or in its permit more frequently than required by permit, using procedures prescribed in paragraph F of this section, the results of this monitoring shall be included in the report.

C. Monitoring facilities.

1. Where required pursuant to this chapter or pursuant to terms and conditions of the wastewater discharge permit, the user shall provide and operate, at his expense, monitoring equipment and facilities sufficient to allow inspection, sampling, and flow measurement of the building sewer systems. The monitoring equipment and facilities shall be situated on the user's premises or such other location as approved by the director.
2. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling,

and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

3. Whether constructed on public or private property, the sampling and monitoring equipment and facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city unless another date is specified in the wastewater discharge permit.

D. *Inspection.* The director may inspect the equipment and facilities of any user at any time during normal business hours to ascertain whether they are in compliance with applicable ordinances, rules and regulations. Occupants of premises where wastewater is created or discharged shall allow the city or its representative entry for purpose of inspection, sampling, copying records, records examination or the performance of any other rights or responsibilities under this chapter. The director, state, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, state and EPA will be permitted to enter, without delay, for the purposes of performing their specified responsibilities.

E. *Failure to permit inspection.* In the event a duly authorized officer or agent of the director is refused admission for any purpose, the director may cause sewer service to the premises in question to be discontinued until the city's officer or agent has been afforded reasonable access to the premises and sewer system to accomplish the inspection or sampling.

F. *Sampling.* All measurements, tests and analyses of the characteristics of wastewater to which reference is made herein shall be determined in accordance with standard methods or, where not addressed in standard methods, in accordance with procedures established by the EPA pursuant to section 304(h) of the Act (33 U.S.C. section 1314(h)), or with any other test procedures approved by the EPA administrator. In the event that no special facility has been required, the point of inspection shall be the downstream manhole in the POTW sewer nearest to the point at which the building sewer is connected to the public sewer. All measurements, tests, and analyses, and all sampling shall be at the expense of the user. Sampling shall be done in accordance with schedule 13.28.B, which is incorporated herein by this reference. If any industrial user self-monitoring indicates a violation, repeat sampling shall be performed by the user and the results submitted to the director within thirty (30) days after the violation is known to the industrial user.

G. *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply herewith. Any equipment and facilities required to pretreat wastewater to a level in compliance with this chapter shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the director for review, and shall be approved in writing by the director before

construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce wastewater in compliance with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the director and must be approved by him prior to the user's initiation of the changes.

H. *Publication of list of noncomplying users.* The city shall annually publish a list of users in significant noncompliance in accordance with definitions and requirements as set forth in the Code of Federal Regulations, title 40, section 403.8. All records relating to compliance with applicable standards or requirements shall be made available to officials of the EPA or approval authority upon request, subject to any limitations contained in state statutes.

I. *Confidential information.*

1. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. In no case shall data obtained on effluent characteristics or other releases of pollutants to the environment be considered confidential information.
2. When requested by the user furnishing a report and such request is approved by the director, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related hereto, the national pollutant discharge elimination system (NPDES) permit, or applicable standards or requirements. Moreover, such portions of the report shall be available for use by the city, state, or any state agency in judicial review or enforcement proceedings involving the user furnishing the report.
3. Information accepted by the city as confidential shall not be transmitted to any government agency by the city until and unless a ten-day written notification is given to the user by certified mail or personal service.

J. *Signatory requirements.* The reports required by paragraphs A and B of this section shall include a statement of certification as set forth in the Code of Federal Regulations, title 40, section 403.6, and signed by the authorized representative of the industrial user. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.080 Fees and charges. In addition to the sewer use fees and charges provided for in Chapter 13.12 of this Code, additional fees and charges may be made as set forth in this section.

- A. *Damage to facilities.* When a user's wastewater causes obstruction or damage, or, because of the nature of the wastewater, increases the costs for managing the effluent or the sludge of the POTW, the user shall pay for such increased cost.

- B. *Wastewater discharge permit fees.* Critical industries shall be subject to wastewater discharge permit fees as set forth in schedule 13.28.B, which is incorporated herein by this reference.
- C. *Review of each user's wastewater permit charge.* The city may periodically review the total cost of operation and maintenance of the POTW as well as each user's discharge and will revise fees as necessary to assure equity and sufficient funds to adequately operate and maintain the POTW. If an industrial user has completed in-plant modifications which would change that user's discharge, the user can present to the director such factual information, and the director shall determine if the user's fees are to be changed.
- D. *Classification of critical industries.* Critical industries may be divided into various classifications, including but not limited to significant contributors and potential contributors, and the fees within such classifications may reflect the differing costs to the city.

E. *Wastewater analysis fees.* Critical industries shall be subject to wastewater analysis fees as set forth in schedule 13.28.C, which is incorporated herein by this reference. (Ord. No. 463, § 7, 1981; Ord. No. 567, § 3, 1984; Ord. No. 909, § 1, 5-28-91)

13.28.090 Enforcement.

A. *Administrative remedies.* If any person violates any of the provisions of this chapter, or any of the terms and conditions of any wastewater discharge permit, the director is authorized to take one (1) or more of the following actions, as he deems necessary and appropriate in the circumstances:

1. *Suspension.* The director may order wastewater treatment service, service connection permits, and wastewater discharge permits suspended if actual or proposed discharge endangers, or may reasonably endanger, individual health, safety, or welfare, or the environment; or may cause interference in or to the POTW; or may cause the city to violate any condition or terms of its NPDES permit. Any such suspension order shall become effective the day after the next regularly scheduled meeting of the city council which is at least five (5) days after the date the suspension order is mailed, unless the city council, or appeal by the affected person, shall reverse the suspension order or stay its effect.
2. *Emergency suspension.* The director may, without prior notice or hearing, order wastewater treatment service, service connection permits, and wastewater discharge permits immediately suspended if actual or proposed discharge immediately and substantially endangers individual health, safety, or welfare, or the environment, or may cause imminent and substantial interference in or to the POTW; or may cause the city to violate any condition of the NPDES permit. Any such emergency suspension order shall become effective immediately, and any person notified of such suspension shall immediately stop or eliminate all discharge of industrial waste. The director is also

authorized, in such circumstances, to take such steps as deemed necessary, including severance of the sewer connection, to prevent or minimize danger or property damage.

3. *Reinstatement.* Any suspended service or permit shall be reinstated upon proof of elimination of the violation, payment of all costs and expenses incurred by the city in connection with the suspension, and approval by the director of a satisfactory plan to prevent future such violations.
4. *Revocation.* The director may order wastewater treatment service permanently terminated, and wastewater discharge permits revoked if he has found it necessary to make a suspension order or emergency suspension order more than three (3) times in any twelve-month period. Any such revocation order shall become effective the day after the next regularly scheduled meeting of the city council which is at least five (5) days after the date the revocation order is mailed, unless the city council, on appeal by the affected person, shall reverse the revocation order or stay its effect.
5. *Other.* If deemed necessary to prevent danger, property damage, or interference with the POTW, the director may order a user to provide pretreatment; flow rate control; suitable access facilities, such as a manhole or vault; and periodic sampling, testing, and reporting of the quality and quantity of wastewater being discharged. Any such order shall become effective at the time specified therein, unless the city council, on appeal by the affected person, shall reverse the order or stay its effect.

B. *Notification.* Any notice or order issued under this section shall be served personally, or by registered or certified mail, return receipt requested to the billing or street address of the user.

C. *Appeal.*

1. *Notice.* Any person desiring to appeal any order or determination of the director shall file a written notice of appeal with the city clerk within fifteen (15) days of such order or determination. Such notice or appeal shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and shall request a hearing before city council.
2. *Date of hearing.* On receipt of a notice of appeal, the city clerk shall set it for hearing at the next regularly scheduled council meeting, if such meeting is at least five (5) days following receipt of the notice of appeal, otherwise for the next meeting thereafter. Notice of the time, date, and place for the hearing shall be mailed to the party filing the notice of appeal. The city council may continue the hearing, from time to time, thereafter, as it deems necessary, without further notice.
3. *Conduct of hearing.* The city council shall act as a quasijudicial body in the conduct of the hearing. The party appealing and the director shall each have the opportunity to present evidence and arguments in support of their positions, and shall have the right to be represented by an attorney, if they so desire. The city council shall make findings of fact and may affirm, reverse, or modify the order or determination of the

director. The findings and decision of the city council shall be mailed to the appealing party, in the manner provided in subsection B. of this section. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.100 Penalties and remedies.

A. *Civil liability for expenses.* Any person violating the provisions of this chapter, or any applicable state or federal regulations or any terms and conditions of his wastewater discharge permit, shall be liable for any expense, loss, or damage caused the POTW by reason of such violation, including the increased costs, if any, for managing effluent or sludge when such increases are the result of the user's discharge of toxic pollutants.

B. *Criminal penalties.* No person shall dispose of harmful wastes or wastewater or use the city's sanitary sewers or POTW or cause the same to be done contrary or in violation of any provisions of this chapter. Any person violating any of the provisions of this chapter or any permit issued hereunder shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction of such violation shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) per day per violation, or by imprisonment not exceeding ninety (90) days per offense, or by both such fine and imprisonment. Such penalties shall be in addition to any administrative remedies or other liabilities provided for in this chapter.

C. *Injunctive relief.* The city may petition the district court for injunctive relief restraining any person from the continued violation of this chapter.

D. *Civil fine pass through.* In the event that a user discharges such pollutants which cause the POTW to violate any condition of its NPDES permit and the city is fined by EPA or the state for such violation, such user shall be fully liable for the total amount of the fine assessed against the city by the EPA or the state.

E. *Falsifying information and tampering.* Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the terms of this chapter or wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required herein shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000.00) per day per violation, or by imprisonment not exceeding ninety (90) days per offense, or by both such fine and imprisonment.

F. *Additional liabilities.* In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, and other expenses of litigation from any person found to have violated any provisions of this chapter, or of any permit. (Ord. No. 463, § 7, 1981; Ord. No. 909, § 1, 5-28-91)

13.28.110 Policies and procedures. The director may promulgate policies and procedures for carrying out the provisions of this chapter, provided that such policies and procedures are not in conflict with this chapter or any applicable state or federal law or regulation. (Ord. No. 909, § 1, 5-28-91)

SCHEDULE 13.28.A
LIMITATIONS ON DISCHARGES
SPECIFIC POLLUTANT LIMITATIONS

<i>Pollutant/Pollutant Property</i>	<i>Maximum Concentrations in mg/l*</i>	
	<i>Grab Sample</i>	<i>Composite Sample</i>
Ammonia-Nitrogen (as N)	30.00	30.00
Arsenic	0.63	.25
Boron	2.50	1.00
Cadmium	0.25	.10
Calcium	20,000.00	8,000.00
Chlorinated organic compounds	2.50	1.00
Chlorine demand	30.00	30.00
Chromium (hexavalent)	0.63	0.25
Chromium (trivalent)	10.00	4.00
Copper	2.50	1.00
Cyanide (amenable to chlorination)	0.63	0.25
Iron	25.00	10.00
Lead	1.08	0.43
Magnesium	5,000.00	2,000.00
Manganese	0.63	0.25
Mercury	0.063	0.025
Nickel	2.50	1.00
Oil and grease	100.00	100.00
Nitrous oxide	12.50	5.00
Phenols	12.50	5.00
Selenium	0.025	0.01
Silver	0.25	0.10
Sodium	10,000.00	4,000.00
Sodium chloride	12,500.00	5,000.00
Sulfates (as S)	1,250.00	500.00
Sulfides (as S)	63.00	25.00
Zinc	3.80	1.50

*All concentrations are totals for the listed pollutant or pollutant property, except where otherwise indicated.

(Ord. No. 567, § 4, 1984; Ord. No. 909, § 1, 5-28-91)

SCHEDULE 13.28.B
CRITICAL INDUSTRIAL USERS
PERMIT FEES AND SAMPLING FEES

Classifications of Industrial Users

Class 1A

Any discharger subject to categorical pretreatment standards which discharges federally regulated wastewater to the POTW.

Class 1B

Any noncategorical industry that contributes a process wastestream 1) which makes up five (5) percent or more of the average dry weather organic or hydraulic capacity of the POTW treatment plant, or 2) that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW, or 3) that, in the opinion of the director, has the potential to adversely affect the POTW or to violate any pretreatment standard or requirement.

Class 2A

Any industry which may be subject to reporting discharges in order to comply with the Code of Federal Regulations, title 40, section 403.12, or any categorical industry that has a fully contained system and does not have open floor drains or sink drains connected to the sewer in any area where the federally regulated process wastewaters are present. This includes, but is not limited to, industries which discharge hazardous waste in any amount in excess of 15 kilograms per month or acutely hazardous waste in any amount.

Class 2B

Any industry that discharges process wastewater containing priority pollutants not regulated by categorical pretreatment standards directly to the sewer and under normal and proper operation does not contribute those pollutants in excess of the limitations set by this chapter.

<i>Class</i>	<i>Permit Fees (per year)</i>
1A	\$1,000.00
1B	500.00
2A	250.00
2B	100.00

SCHEDULE 13.28.5

(Continued)

Monitoring Schedule for Critical Industries

<i>Flow</i> <i>Gallons Per Day</i>	<i>Self-Monitoring</i> <i>Sampling Frequency</i>	<i>City</i> <i>Sampling Frequency</i>
00— 10,000	Once per month (1/30)	Once every 3 months (1/90)
10,000— 50,000	Twice per month (2/30)	Twice every 3 months (2/90)
50,000—100,000	Once per week (1/7)	Once per month (1/30)
100,000—250,000	Twice per week (2/7)	Twice per month (2/30)
over 250,000	3 times per week (3/7)	3 times per month (3/30)

Once per year a complete analysis shall be made by the city. Subsequent samplings may be for only specific pollutants as determined by the director.

SCHEDULE 13.28.C

CRITICAL INDUSTRIAL USERS
WASTEWATER ANALYSIS FEES

Sample pick-up and preparation:	\$50.00
Analysis:	
Alkalinity	10.00
COD	22.50
TSS	10.00
BOD	20.00
pH	2.00
Ammonia-Nitrogen	10.00
Cyanide (amenable to chlorination)	35.00
Metal, any 4	25.00
Oil and grease	10.00
Chromium (hexavalent)	10.00

For pollutants other than those listed above, fees will be charged at a rate of \$10.00 per manhour involved in analysis.

(Ord. No. 567, § 5, 1984; Ord. No. 909, § 1, 5-28-91)

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TITLE 14
PUBLIC IMPROVEMENTS

Chapters:

- 14.04 Standards and Specifications**
- 14.06 Reimbursement Assessment Districts**

Chapter 14.04

STANDARDS AND SPECIFICATIONS

Sections:

- 14.04.010 Standards and specifications adopted.
- 14.04.020 Code described.
- 14.04.030 Copies on file.

14.04.010 Standards and specifications adopted. There is adopted, by reference, a code entitled Standards and Specifications for Design and Construction of Public Improvements, 1991 edition, to have the same force and effect as though set forth in this chapter in every particular. (Ord. No. 569, § 1, 1984; Ord. No. 912, § 1, 9-24-91)

14.04.020 Code described. The Standards and Specifications for Design and Construction of Public Improvements, 1991 edition, is published by the City of Broomfield, No. 6 Garden Center, Broomfield, Colorado, 80020. (Ord. No. 569, § 1, 1984; Ord. No. 912, § 1, 9-24-91)

14.04.030 Copies on file. At least three (3) copies of the Standards and Specifications for Design and Construction of Public Improvements, 1991 edition, as adopted, are on file in the office of the city clerk and may be inspected during regular working business hours. In addition, copies are available for purchase by the public at fifty dollars (\$50.00) per copy. (Ord. No. 569, § 1, 1984; Ord. No. 912, § 1, 9-24-91)

Chapter 14.06

REIMBURSEMENT ASSESSMENT DISTRICTS

Sections:

- 14.06.010 Short title.
- 14.06.020 Definitions.
- 14.06.030 Type of improvements subject to reimbursement.
- 14.06.040 Property eligible for inclusion.
- 14.06.050 Basis for assessment.

- 14.06.060 Reimbursement terms.
- 14.06.070 Establishment of districts.
- 14.06.080 Collection or assignment of lien.
- 14.06.090 Release.
- 14.06.100 Contracts.

14.06.010 Short title. This chapter is known and may be cited as the "Broomfield Reimbursement Assessment Ordinance." (Ord. No. 936, § 1, 8-11-92)

14.06.020 Definitions. As used in this chapter, unless the context otherwise requires:

- A. *Developer* is the owner of property within the city who constructs and dedicates public improvements to the city. The city may apply for a reimbursement assessment district as a developer.
- B. *Owner* means the persons in whom the recorded fee title is vested, although subject to lien or encumbrance.
- C. *Property* means all land, whether platted or unplatted, regardless of improvements thereon and regardless of lot or land lines.
- D. *Reimbursement assessment district* means the geographical division of the city and, in accordance with the provisions of subsection 14.06.040 B of this chapter, the county in which the city is situated, within which any public improvement made. One (1) or more noncontiguous parts or sections of property may be included in one (1) such district. (Ord. No. 936, § 1, 8-11-92)

14.06.030 Type of improvements subject to reimbursement.

A. A developer who constructs and dedicates to the city a street, sidewalk, water main, sewer main, bicycle trail, bridge, storm drainage facility or other public improvement may apply to the city for the establishment of a reimbursement assessment district in order to be reimbursed for a portion of the cost of such public improvement from the owners of other property that is specially benefitted by the improvements.

B. If the city constructs a public improvement that specially benefits property, it may establish a reimbursement assessment district as provided in this chapter. (Ord. No. 936, § 1, 8-11-92)

14.06.040 Property eligible for inclusion.

A. Any property is eligible for inclusion in a reimbursement assessment district if it has been specially benefitted by a street, sidewalk, bicycle trail, storm drainage facility, bridge, water main, sewer main or other improvement constructed by a developer and dedicated to the city.

B. Property located outside the city limits may be included in a reimbursement assessment district upon the application by the developer. No assessment, however, may be collected on such property until it has been annexed to the city, which must occur prior to the last date to which the assessment may be deferred pursuant to section 14.06.060 A or twenty (20) years

from the effective date of the ordinance establishing the reimbursement district, whichever date is later. (Ord. No. 936, § 1, 8-11-92)

14.06.050 Basis for assessment.

A. Properties within a reimbursement assessment district shall be assessed in such a manner as equitably to apportion the cost among all properties specially benefitted by the improvement, but no property shall be assessed an amount greater than the special benefit received by it. The method of assessment may include but is not limited to frontage, zone, area, lot, taps, impervious area, or any equitable combination thereof.

B. The cost to be apportioned within a reimbursement assessment district is the reasonable cost of constructing the improvement, but not including the cost of any part or portion that solely benefits the developer, such as curb cuts or main connections to serve the developer's property. Engineering costs not to exceed ten percent (10%) of construction costs and any application or hearing fees may be included for determining the cost. With respect to public improvements constructed after the effective date of this chapter, reimbursable construction costs will be based on the lowest responsible bid of three (3) bids obtained by the developer.

C. Except as hereinafter limited, the term *special benefit* means any benefit conferred upon property that is greater than or different from that conferred upon properties in the city as a whole by an improvement. Among the facts to be considered in determining the existence of a special benefit are:

1. Increased market value.
2. Improvement in safety or convenience of access.
3. Improved drainage.
4. Alleviation of health or sanitation hazards.
5. Adaptability of the property to a superior or more profitable use.
6. Improved availability of public water or sewer services to the property.
7. In the case of undeveloped property, the installation of an improvement which would otherwise be required for development of the property.

D. When a developer must extend an improvement, such as a water or sewer main, in order to make lateral connection to the developer's property, the preexisting portion of the improvement shall not be deemed to specially benefit that portion of the property served by the extension. (Ord. No. 936, § 1, 8-11-92)

14.06.060 Reimbursement terms.

A. The assessment shall be due and payable upon the effective date of the ordinance imposing the assessment; provided, however, if any property included within a reimbursement assessment district is unplatted, undeveloped or has not connected to the improvement at the

time the assessment is imposed, the owner of such property may defer payment of the assessment until such time as the property is platted, a building permit is issued, or the property is connected to the improvement, whichever first occurs after the assessment is imposed.

B. If the owner elects to defer payment of the assessment, the payment shall include interest at the rate provided by section 5-12-102(2), C.R.S. (1991 Supp.). Such interest shall commence on the effective date of the ordinance imposing the assessment.

C. A reimbursement assessment district shall terminate twenty (20) years from the effective date of the ordinance establishing it, and any property which is platted or connected to the improvement thereafter shall not be subject to reimbursement assessment. (Ord. No. 936, § 1, 8-11-92)

14.06.070 Establishment of districts.

A. Application.

1. The developer of any property who, prior to August 27, 1992, constructs one (1) or more public improvements may file with the city manager an application for a reimbursement assessment district on a form provided by the city. The application shall include the nature, location and cost of the improvements, a description of the proposed district and individual properties within it, the names and addresses of the property owners within the district, accompanied by a written ownership and encumbrance report from a title company or similar document showing proof of ownership of all property to be included within the district, the proposed manner of assessment and the amount proposed to be assessed against each property for each improvement.
2. The developer of any property who subsequent to August 27, 1992, constructs one (1) or more public improvements may file with the city manager an application for a reimbursement assessment district on a form provided by the city. The application shall include the nature, location and cost of the improvements, a description of the proposed district and individual properties within it, the names and addresses of the property owners within the district, accompanied by a written ownership and encumbrance report from a title company or similar document showing proof of ownership of all property to be included within the district, the proposed manner of assessment and the amount proposed to be assessed against each property for each improvement and three (3) construction bids for the public improvement. No application for a reimbursement assessment district may be filed with the city manager until all improvements for which reimbursement is sought have been accepted by the city in accordance with the provisions of section 900 of the standards and specifications for design and construction of public improvements.
3. Each application for a reimbursement assessment district shall be accompanied by an application fee in the amount of one hundred fifty dollars (\$150.00) for each public improvement for which reimbursement is sought.

4. The city engineer will review all applications for reimbursement assessment districts for accuracy and completeness before notice is sent to the other property owners.

B. Administrative denial. The city manager, or a designee thereof, may, without notice or hearing to any other property owner than the developer who has applied for the reimbursement assessment district, deny any application that does not comply with the requirements of this chapter.

C. Notice. The city manager, or a designee thereof, shall mail a notice to the owners of each property within the proposed reimbursement assessment district, together with a copy of the application. The notice shall state that any owner may file a written request for an administrative hearing to object to the proposal. The request for hearing shall state in general terms the grounds of objection. Failure by any owner to file a timely request for a hearing constitutes a waiver by the owner of any right to such a hearing.

D. Hearing. Upon receiving a timely written request for a hearing, the city manager, or a designee thereof, shall set a hearing and notify the developer and all objecting parties. The city manager, or a designee thereof, shall conduct a quasijudicial administrative hearing.

E. Advisory decision. After the hearing, the hearing officer shall render an advisory decision summarizing the objections and making recommendations to the city council.

F. Adoption of ordinance. After the hearing, or if no hearing is requested, the city council shall then consider the adoption of an ordinance establishing a reimbursement assessment district and imposing appropriate assessments on properties within the reimbursement assessment district, which shall be a lien upon each property assessed. A notice of the lien shall be filed in the office of the county clerk and recorded in which the property is situated.

G. Judicial review. Any reimbursement assessment ordinance adopted hereunder shall be subject to judicial review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. No. 936, § 1, 8-11-92)

14.06.080 Collection or assignment of lien.

A. Upon adoption of an assessment ordinance, the city will invoice all owners of assessed property.

B. If any owner elects to defer payment of the assessment, the city will assign its rights of collection under the notice of lien recorded pursuant to section 14.06.070 F to the person entitled to reimbursement, unless the city council determines that it would be more appropriate for the city to collect the assessment.

C. In the event that the city elects to collect the assessment pursuant to the notice of lien, the city and the developer entitled to reimbursement will enter into an agreement for collection and payment of the assessment, in a form approved by the city attorney, which agreement shall contain the following provisions:

1. That the city specifically will not guarantee collection of the assessments.

2. That in the event that any assessment becomes due and remains uncollected, the city will execute an assignment of the city's right to collect any such unpaid assessment to the developer entitled to reimbursement.
3. That the city will agree to notify the developer entitled to reimbursement when the benefitted property is platted, a building permit is issued, or the property connects to the improvement, whichever shall first occur after the assessment is imposed.
4. That the developer entitled to reimbursement agrees to indemnify the city for, and hold the city harmless from, any suit or action for slander of title that is or may be brought against the city as a result of the filing of the assessment lien imposed pursuant to this article.
5. That when the assessment is collected, the city will pay over the assessment, including accrued interest which is also collected, after first deducting therefrom a collection fee in the amount of fifty dollars (\$50.00) per property assessed or one percent (1%) of the total assessment collected, whichever sum is greater.
6. That it shall be the responsibility of the developer entitled to reimbursement to keep the city apprised of the developer's current address. In the event of the recipient's death, it shall be the developer's personal representative's responsibility to notify the city of the name and address of the person entitled to receive future reimbursements. In the case of a corporate recipient, a successor shall be designated prior to dissolution.

D. Failure of the developer entitled to reimbursement to comply with any of the provisions of the collection agreement shall constitute abandonment of all rights of reimbursement and shall be grounds for repeal of the reimbursement ordinance and refund of any assessments received by the city on behalf of the developer after the abandonment. (Ord. No. 936, § 1, 8-11-92)

14.06.090 Release. Upon payment of assessment or expiration of the reimbursement term, whichever first occurs, the city will, upon request, issue a written release of lien to the owner of assessed property. (Ord. No. 936, § 1, 8-11-92)

14.06.100 Contracts.

A. In lieu of the procedure set forth herein, a developer may contract with the owners of property for reimbursement for the construction of public improvements otherwise eligible for reimbursement under this chapter. At the request of the parties, the city will collect the reimbursement at the time of connection, platting or as otherwise provided in the contract.

B. In the event that a developer contracts with the owner of a portion of the property that would otherwise be subject to a reimbursement assessment, such property may be excluded from the district; provided, however, that no property remaining within the reimbursement assessment district will be assessed in an amount proportionally greater than that provided in such contract. (Ord. No. 936, § 1, 8-11-92)

TITLE 15

BUILDINGS AND CONSTRUCTION*

Chapters:

- 15.04 Uniform Building Code**
- 15.06 Uniform Code for the Abatement of Dangerous Buildings**
- 15.08 Uniform Housing Code**
- 15.10 Uniform Mechanical Code**
- 15.12 National Electrical Code**
- 15.14 Electrical Contractor's Registration**
- 15.16 Uniform Fire Code**
- 15.18 Elevator and Escalator Code**
- 15.20 Fire Lanes**
- 15.24 Uniform Plumbing Code**
- 15.26 Plumbing Contractor's Licenses**
- 15.28 Reserved**
- 15.32 Contractor's Licenses**

Chapter 15.04

UNIFORM BUILDING CODE

Sections:

- 15.04.010 Code adopted.
- 15.04.020 Code described.
- 15.04.030 Copies on file.
- 15.04.040 Purpose.
- 15.04.050 Amendments to code.
- 15.04.060 Violation; penalties.

15.04.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the Uniform Building Code, 1988 edition, including the following appendices: Chapter 7, Aviation Control Towers; Chapter 11, Agricultural Buildings; Chapter 32, Reroofing; Chapter 49, Patio Covers; Chapter 53, Energy Conservation in New Building Construction; Chapter 55, Membrane Structures; and Chapter 70, Excavation and Grading; to have the same force and effect as though set forth in this chapter in every particular, as amended in this chapter. (Ord. No. 711, § 1, 1987; Ord. No. 833, § 1, 5-9-89)

15.04.020 Code described. The Uniform Building Code, 1988 edition, is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. No. 711, § 1, 1987; Ord. No. 833, § 1, 5-9-89)

***Cross references**—Building official, Ch. 2.32, building and construction review board, Ch. 2.36.

15.04.030 Copies on file. At least one (1) copy of the Uniform Building Code, 1988 edition, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. No. 711, § 1, 1987; Ord. No. 833, § 1, 5-9-89)

15.04.040 Purpose. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein.

The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code. (Ord. No. 711, § 1, 1987; Ord. No. 833, § 1, 5-9-89)

15.04.050 Amendments to code.

A. Subsection (b) of Section 301 is repealed in its entirety and re-enacted to read as follows:

(b) *Exempted work.* A building permit shall not be required for the following:

1. Moveable cases, counters and partitions not over 5 feet 9 inches high.
2. Retaining walls which are not over 30 inches in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.
3. Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
4. Painting, papering, and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than 54 inches.

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemptions from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

B. A new subsection (c) is hereby added to Section 301, to read as follows:

(c) *List of contractors and subcontractors required.*

1. Each applicant for a building permit and each holder of a building permit shall provide the city with a written list of all contractors, subcontractors, or others who

will perform any work authorized by the building permit, and shall notify the city in writing of any changes or additions.

2. No contractor, subcontractor, or other person shall perform any work for which a building permit is required unless they have been listed by the permit holder in accordance with this subsection (c).
3. The building official or his designee shall maintain a file of all contractors, subcontractors, and other persons who are listed with respect to each building permit.

C. A new subsection (3) is added to section 302, to read as follows:

(e) When plans, computations, and specifications are required by this section to be prepared or designed by an engineer or architect, such documents must bear the original signature and seal of the architect or engineer. Acceptable seals and signatures are original embossed or rubber stamped seals with handwritten ink signatures.

D. Subsection (b) of Section 304 is repealed in its entirety and re-enacted to read as follows:

Sec. 304 (b) Permit fees. The fee for each permit shall be as set forth in Table No. 3-A.

The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, and other permanent equipment, but shall not include work for which a separate permit is required. Fees under this section are separate from and in addition to other fees set forth in Title 15.

E. A new exception to item 4 of subsection (e) of Section 305 is added to read as follows:

Exception: Group R, Division 3 and M Occupancies.

F. A new paragraph 15 of subsection (a) of Section 306 is added to read as follows:

15. *Foundations.* All foundation for which a soil report or engineered foundation is required (see amended subsection (d) of Section 2905 for these requirements).

G. The exception to the first paragraph of subsection (a) of Section 307 is amended to read as follows:

Exception: M Occupancies.

H. Table No. 3-A is hereby repealed in its entirety and reenacted to read as follows:

<i>BUILDING PERMIT FEES</i>	
<i>Total Valuation</i>	<i>Fees</i>
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00

\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof

Other Inspection Fees

1. Reinspection fee \$20.00 each
2. Inspection outside of normal business hours (minimum charge-two hours) . \$30.00/hr.
3. Inspection for which no fee is specifically indicated (minimum charge one-half hour) \$30.00/hr.
4. Additional plan review required by changes, addition, or revisions to approved plans (minimum charge one-half hour) \$30.00/hr.

Exemption

The government of the United States of America, the state and its political subdivisions, the city and all agencies and departments thereof shall be exempt from the payment of fees for work performed on buildings or structures owned wholly by such agencies or departments and devoted to governmental use.

I. Subsection (a) of Section 1205 is amended by adding the following paragraph after the second paragraph to read as follows:

The exterior glazed opening may be omitted in basements of Group R Division 3 occupancies which do not contain the primary living area where approved mechanical ventilation and artificial light are provided.

J. Subsection (b) of section 2311 is repealed in its entirety and re-enacted to read as follows:

(b) *Basic wind speed.* Minimum basic wind speed for the City of Broomfield is hereby designated as ninety (90) miles per hour.

K. Subsection (d) of Section 2905 is repealed in its entirety and re-enacted to read as follows:

Sec. 2905 (d) *Expansive soils.* Expansive soils are deemed to be present throughout the city. A soil report and engineered foundation plan are required for all new construction. Such plan must be prepared by a Colorado licensed architect or Colorado registered professional engineer.

L. Subsection (b) of Section 3802 is amended by the addition of a new paragraph 5 to read as follows:

5. In every building having floors used for human occupancy located more than 35 feet above the lowest level of fire department access. Penthouses used solely for the shelter of mechanical equipment or vertical shaft openings in the roof, in accordance with Section 3601 of the Uniform Building Code shall not be considered when determining if a sprinkler system is required. However, the penthouse shall be provided with an approved automatic sprinkler system when the building is otherwise required to be sprinklered.

M. The third column, "Standpipe Class," for occupancy number 5, as shown on Table 38-A is amended to read as follows:

II.

N. A new subparagraph (c) is added to Section 5301 to read as follows:

(c) *Exterior design conditions.* The following design parameters shall be used for calculations required under the Model Energy Code:

EXTERIOR DESIGN CONDITIONS

Winter	Design dry-bulb	1	F
	Design dry-bulb	91	F
Summer	Design wet-bulb	63	F
Degrees days heating		6000	F
Degrees north latitude		39 55'	

P. A new Section 7016 is added to Chapter 70, to read as follows:

Sec. 7016. Site Grading.

(a) *General.* Grading shall be performed in such a manner as to minimize impact from drainage on adjacent properties and to minimize damage to structures. The provisions of this section are minimums, and greater protection may be required by the soil report or engineered foundation plan.

(b) *Minimum/maximum yards.*

1. *Front and side yards.* Front and side yards shall have a minimum slope of five (5) percent and a maximum slope of thirty-three (33) percent away from the building for a minimum distance of four (4) feet from the building.
2. *Rear yards.* Rear yards shall have a minimum slope of five (5) percent and a maximum slope of thirty-three (33) percent away from the building for a minimum distance of ten (10) feet from the building.

(c) *Seasonal limits.* No fill material shall be placed, spread, or rolled while it is frozen or thawing or during unfavorable weather conditions.

(d) *Downspouts.* The location and direction of downspouts shall be such that no drainage or ponding problems are created and water is carried a minimum distance of three (3) feet from buildings. Where practical, downspouts shall not dump onto hard surfaces, driveways, sidewalks or patios.

(e) *Window wells.* Window wells shall extend a minimum of four (4) feet above final grade.

(f) *Exposed foundation walls.* Final grading shall be performed in such a manner that exposed, unfinished foundation walls do not exceed eighteen (18) inches above grade. For a foundation wall to be considered finished, the exterior wall/finish materials or other approved materials shall effectively decorate or mask the foundation wall.

(g) *Site grading plans and certificates.*

1. *General.* In addition to the requirements found in Section 7001 through 7015, grading performance plans and grading performance certificates are required in conjunction with building permits for new single-family dwellings, multiple-family dwellings, and commercial work. The city engineer may waive this requirement if he determines that adequate grading and drainage plans have been otherwise approved and implemented.
2. *Grading performance plans.* Each building permit application shall be accompanied by a site drainage plan. The plan shall indicate the following:
 - A. Direction of flow.
 - B. Grade elevations sufficient to show percent of slope.
 - C. Conformance with overall subdivision drainage plan.
3. *Grading performance certificate.* Prior to issuance of a Certificate of Occupancy, a Grading Performance Certificate shall be provided to the Building Official. The document shall be prepared by a Colorado licensed land surveyor or Colorado registered professional engineer. The Grading Performance Certificate shall contain all of the information required for Grading Performance Plans. Additionally, the certificate shall contain an affirmative statement that an inspection of the site has been performed and that the lot will drain adequately and in accordance with the Grading Performance Plan.
4. *Grading noncompliance agreement.* When inclement weather, soil conditions, or other reasons force postponement of final grading, so that a grading performance certificate cannot be provided, no certificate of occupancy shall be issued unless an agreement is made between the buyer and seller, providing for completion of the grading and assuming liability for lack of compliance. If the buyer is not known, the owner may record a statement in the office of the county clerk and recorder providing for completion of the grading and assuming liability for lack of compliance.

(Ord. No. 711, § 1, 1987; Ord. No. 733, § 1, 1987; Ord. No. 833, § 1, 5-9-89)

15.04.060 Violation—penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 711, § 1, 1987; Ord. No. 833, § 1, 5-9-89)

Chapter 15.06

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

- 15.06.010 Code adopted.
- 15.06.020 Code described.
- 15.06.030 Copies on file.
- 15.06.040 Purpose.
- 15.06.050 Violation; penalties.

15.06.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the Uniform Code for the Abatement of Dangerous Buildings, 1988 edition, to have the same force and effect as though set forth in this chapter in every particular. (Ord. No. 712, § 1, 1987; Ord. No. 826, § 1, 5-9-89)

15.06.020 Code described. The Uniform Code for the Abatement of Dangerous Buildings, 1988 edition, is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. No. 712, § 1, 1987; Ord. No. 826, § 1, 5-9-89)

15.06.030 Copies on file. At least one (1) copy of the Uniform Code for the Abatement of Dangerous Buildings, 1988 edition, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. No. 712, § 1, 1987; Ord. No. 826, § 1, 5-9-89)

15.06.040 Purpose. The purpose of this chapter is to provide a just, equitable, and practical method, to be cumulative with and in addition to, any other remedy provided by the provisions of this Title 15, or otherwise available at law, whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished.

The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code. (Ord. No. 712, § 1, 1987; Ord. No. 826, § 1, 5-9-89)

15.06.050 Violation; penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 712, § 1, 1987; Ord. No. 826, § 1, 5-9-89)

Chapter 15.08

UNIFORM HOUSING CODE

Sections:

- 15.08.010 Code adopted.
- 15.08.020 Code described.
- 15.08.030 Copies on file.
- 15.08.040 Purpose.
- 15.08.050 Violation; penalties.

15.08.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the Uniform Housing Code, 1988 edition, to have the same force and effect as though set forth in this chapter in every particular, as amended in this chapter. (Ord. No. 713, § 1, 1987; Ord. No. 827, § 1, 5-9-89)

15.08.020 Code described. The Uniform Housing Code, 1988 edition, is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. No. 713, § 1, 1987; Ord. No. 827, § 1, 5-9-89)

15.08.030 Copies on file. At least one (1) copy of the Uniform Housing Code, 1988 edition, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. No. 713, § 1, 1987; Ord. No. 827, § 1, 5-9-89)

15.08.040 Purpose. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within the city.

The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code. (Ord. No. 713, § 1, 1987; Ord. No. 827, § 1, 5-9-89)

15.08.050 Violation; penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 713, § 1, 1987; Ord. No. 827, § 1, 5-9-89)

Chapter 15.10

UNIFORM MECHANICAL CODE

Sections:

- 15.10.010 Code adopted.
- 15.10.020 Code described.

- 15.10.030 Copies on file.
- 15.10.040 Purpose.
- 15.10.050 Amendments to code.
- 15.10.060 Violation; penalties.

15.10.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the Uniform Mechanical Code, 1988 edition, together with all of the appendices thereto, to have the same force and effect as though set forth in this chapter in every particular, as amended in this chapter. (Ord. No. 714, § 1, 1987; Ord. No. 828, § 1, 5-9-89)

15.10.020 Code described. The Uniform Mechanical Code, 1988 edition, is published jointly by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 and by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789—2825. (Ord. No. 714, § 1, 1987; Ord. No. 828, § 1, 5-9-89)

15.10.030 Copies on file. At least one (1) copy of the Uniform Mechanical Code, 1988 edition, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. No. 714, § 1, 1987; Ord. No. 828, § 1, 5-9-89)

15.10.040 Purpose. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances within the city.

The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code. (Ord. No. 714, § 1, 1987; Ord. No. 828, § 1, 5-9-89)

15.10.050 Amendments to code.

A. Subsection (b) of Section 304 is repealed in its entirety and re-enacted to read as follows:

Section 304.(b) Permit fees. The fee for each permit shall be set forth in the table below.

The determination of value or valuation shall be made by the building official. The value to be used in computing the mechanical permit and plan review fees shall be the total value of all mechanical work for which the permit is issued. The fees under this section are separate from and in addition to other fees set forth in Title 15.

MECHANICAL PERMIT FEES

<i>Total Valuation</i>	<i>Fees</i>
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof

Other Inspection Fees

1. Reinspection fee \$20.00
2. Inspection outside of normal business hours (minimum charge-two hours) . . \$30.00/hr.
3. Inspection for which no fee is specifically indicated (minimum charge one-half hour) \$30.00/hr.
4. Additional plan review required by changes, addition, or revisions to approved plans (minimum charge one-half hour) \$30.00/hr.

Exemptions

The government of the United States of America, the state and its political subdivisions, the city and all agencies and departments thereof shall be exempt from the payment of fees for work performed on buildings or structures owned wholly by such agencies or departments and devoted to governmental use.

B. Subsection (c) of Section 1004 is amended by the addition of the following sentence:

Appliances shall be connected to the duct system by means of an approved flexible connection, unless the building official waives such connection as unnecessary for protection against expansive soil movement.

(Ord. No. 714, § 1, 1987; Ord. No. 828, § 1, 5-9-89)

15.10.060 Violation; penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 714, § 1, 1987; Ord. No. 828, § 1, 5-9-89)

Chapter 15.12

NATIONAL ELECTRICAL CODE

Sections:

- 15.12.010 Code adopted.
- 15.12.020 Code described.
- 15.12.030 Copies on file.
- 15.12.040 Purpose.
- 15.12.050 Amendments to the National Electrical Code, 1987 edition.
- 15.12.060 Violation; penalties.

15.12.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the National Electrical Code, 1987 Edition, to have the same force and effect as though set forth in this chapter in every particular, as amended in this chapter.

15.12.020 Code described. The National Electrical Code, 1987 edition, is published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, 02269.

15.12.030 Copies on file. At least three (3) copies of the National Electrical Code, 1987 edition, as adopted, are on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city.

15.12.040 Purpose. The purpose of this chapter is the practical safeguarding of persons and property from hazards arising from the use of electricity.

15.12.050 Amendments to the National Electrical Code, 1987 edition.

A. A new Article 70, entitled "Organization and Enforcement" is added to read as follows:

ARTICLE 70—ORGANIZATION AND ENFORCEMENT

70-1. Powers and duties of building official.

(a) *General.* The building official is hereby authorized and directed to enforce all the provisions of this chapter. For such purposes, he shall have the powers of a law enforcement officer.

(b) *Deputies.* In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees as shall be authorized from time to time.

(c) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any

premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter, provided that if such building or premises be occupied, he shall first present proper credentials and request entry. If such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(d) *Stop orders.* Whenever any work is being done contrary to the provisions of this chapter, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

(e) *Use violations.* Whenever any premises or equipment therein regulated by this chapter is being used contrary to the provisions of this chapter, the building official may order such use discontinued and the premises, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to comply with the requirements of this chapter.

(f) *Authority to disconnect utilities in emergencies.* The building official or his authorized representative shall have the authority to disconnect any electric power or energy service supplied to the building, structure or building service equipment therein regulated by this chapter in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or electrical system or equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

(g) *Authority to condemn electrical system and equipment.* Whenever the building official ascertains that any electrical system or equipment regulated in this code has become hazardous to life, health or property, he shall order in writing

such purposes, he shall have the powers of a law enforcement officer.

(b) Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official may appoint technical officers and inspectors and other employees as shall be authorized from time to time.

(c) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter, provided that if such building or premises be occupied, he shall first present proper credentials and request entry. If such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(d) Stop Orders. Whenever any work is being done contrary to the provisions of this chapter, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

(e) Use Violations. Whenever any premises or equipment therein regulated by this chapter is being used contrary to the provisions of this chapter, the building official may order such use discontinued and the premises, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to comply with the requirements of this chapter.

(f) Authority to Disconnect Utilities in Emergencies. The building official or his authorized representative shall have the authority to disconnect any electric power or energy service supplied to the building, structure or building service equipment therein regulated by this chapter in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or electrical system or equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

(g) Authority to Condemn Electrical System and Equipment. Whenever the building official ascertains that any electrical system or equipment regulated in this code has become hazardous to life, health or property, he shall order in writing

that such electrical system or equipment either be removed or restored to a safe condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective electrical system or equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefor shall be given within 24 hours of the order to disconnect to the serving utility, the owner and occupant of such building, structure or premises.

When any electrical system or equipment is maintained in violation of this chapter and in violation of any notice issued pursuant to the provisions of this section, the building official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

(h) Connection after Order to Disconnect. No person shall make connections from any energy or power supply nor supply power to any electrical system or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such electrical system or equipment.

(i) Liability. The building official, or his authorized representative charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or employee because of such act or omission performed by him in the enforcement of any provision of this chapter shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this chapter or approvals issued under this chapter.

(j) Cooperation of Other Officials and Officers. The building official may request, and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of the City.

70-2. Unsafe Electrical Systems or Equipment. All electrical systems or equipment regulated by this chapter which are unsafe, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of electrical systems or equipment regulated by this chapter constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence,

fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

All such unsafe electrical systems or equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

70-3. Building and Construction Review Board.

(a) General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this chapter, there shall be and is hereby created a Building and Construction Review Board consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Building and Construction Review Board shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

(b) Limitation of Authority. The Building and Construction Review Board shall have no authority relative to interpretation of the administrative provisions of this chapter nor shall the Board be empowered to waive requirements of this chapter.

70-4. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any electrical system or equipment or cause or permit the same to be done in violation of this chapter.

B. A new Article 80 entitled "Electrical Permits and Inspections" is added to read as follows:

ARTICLE 80 - ELECTRICAL PERMITS AND INSPECTION

80-1. Permits

(a) Permits Required. Except as specified in subsection (b) of this section, no electrical system regulated by this chapter shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit for each building or structure has first been obtained from the building official.

(b) Exempt Work. An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by this chapter.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting.

4. Repair or replacement of current-carrying parts of any switch, contactor or control device.

5. Reinstallation of attachment plug receptacles, but not the outlets therefor.

6. Repair or replacement of any over current device of the required capacity in the same location.

7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

8. Taping joints.

9. Removal of electrical wiring.

10. Temporary wiring for experimental purposes in suitable experimental laboratories.

11. The wiring for temporary theater, motion picture or television stage sets.

12. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

80-2. Application for Permit.

(a) Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans, diagrams, computations and specifications and other data as required in subsection (b) of this section.

5. State the valuation of the electrical installation, including fixtures and installation costs thereof.

6. Be signed by permittee, or his authorized agent.

7. Give such other data and information as may be required by the building official.

(b) Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in two sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

Exception: The building official may waive the submission of plans, calculations, etc., if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter.

(c) Information on Plans and Specifications. Plans and specification shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations.

Plans for buildings more than two stories in height of other than Group R, Division 3 and M Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

80-3. Permits Issuance

(a) Issuance. The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therein conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees specified in Section 80-4 have been paid, he shall issue a permit therefor to the applicant.

When the building official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this chapter. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

(b) Retention of Plans. One set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. One set of

approved plans, specifications and computations shall be retained by the building official until final approval of the work.

(c) Validity of Permit. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter, or of any other ordinance of the jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this chapter or of any other ordinances of this jurisdiction.

(d) Expiration. Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

(e) Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of jurisdiction.

80-4. Fees.

(a) Residential Permits: This includes modular homes, mobile homes, travel trailers, duplexes, and condominiums, construction and extensive remodeling and additions. Fees are based on enclosed living area, and are as follows:

Not more than 1,000 sq.ft.....	\$30.00
Over 1,000 sq.ft. and not more than 1,500 sq.ft.....	\$43.00
Over 1,500 sq.ft. and not more than 2,000 sq.ft.....	\$53.00

Per 100 sq.ft. in excess of 2,000 sq.ft.....\$ 1.00

(b) All other permit fees, except for inspection in mobile homes and travel trailer parks shall be computed on the dollar value of the electrical installation as determined by the building official, including fixtures and installation costed thereof, and such fees shall be as follows:

Valuation of Work:

Not more than \$300.....	\$20.00
More than \$300 but not more than \$2,000.....	\$30.00
More than \$2,000 but not more than \$50,000.....	\$12.00 per
each \$1,000 valuation or fraction thereof of total	
valuation	
More than \$50,000 but not more than \$500,000....	\$50.00
plus \$10 per each \$1,000 valuation or fraction thereof	
of total valuation	
More than \$500,000.....	\$550.00
plus \$8 per each \$1,000 valuation or fraction thereof	
of total valuation	

(c) Inspection fees for mobile homes and travel trailer parks per space.....\$20.00

(d) Reinspection fees on all the above.....\$15.00

(e) Investigation Fees: Work Without a Permit.

1. Investigation. Whenever any work for which a permit is required by this chapter has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this chapter if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this chapter nor from any penalty prescribed by law.

(f) Fee Refunds.

1. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

80-5. Inspections

(a) General. All electrical systems and equipment for which a permit is required by this chapter shall be subject to inspection by the building official. No portion of any electrical system intended to be concealed shall be concealed until inspected and approved. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. When the installation of an electrical system and equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this chapter shall not be connected to the energy source until authorized by the building official.

(b) Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting inspections required by this chapter to provide access to and means for proper inspection of such work.

(c) Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been granted by the building official.

(d) Approval Required. No work shall be done on any part of the installation beyond the point indicated in each successive inspection without first obtaining the approval of the building official. Such approval shall be given only after an inspection shall have been made of each successive step in the construction.

There shall be a final inspection and approval on all buildings and structures when completed and ready for occupancy or use.

(e) Operation of Electrical Equipment. The requirements of this section shall not be construed to prohibit the operation of any electrical system or equipment installed to replace existing equipment. The request for inspection of such equipment must have been filed with the building official not more than 48 hours after such replacement work is completed and before any portion of such electrical system is concealed by any permanent portion of the building.

(f) Other Inspections. In addition to the called inspections required by this chapter, the building official may make or require other inspections of any work to ascertain compliance with the provisions of this chapter and other laws which are enforced by the building official.

(g) Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for

which inspection is called is not complete or when corrections called for are not made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this chapter, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the permit card is not properly posted on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

80-6. Connection Approval

An electrical system or equipment regulated by this code for which a permit is required shall not be connected to a source of energy or power until approved by the building official. The following minimum requirements must be met prior to approval:

1. If a gas forced air furnace is to be installed, the furnace must be electrically connected in a permanent fashion to include control wiring; the venting must be inspected and passed for temporary use; and the gas line must be inspected and approved.
2. The plumbing must be roughed in, inspected and passed, with the water piping connected from the service line to the meter pit.
3. The framing must be inspected and passed.
4. The entrance doors of the structure must be lockable.
5. The electrical system must be roughed in, grounded, inspected and passed for temporary service. The panel must be dead fronted for safe operation.

C. Subsection (a) of Section 110-14 amended to read as follows:

(a) Terminals. Connection of conductors to terminal parts shall ensure thoroughly good connection without damaging the conductors and shall be made by means of pressure connectors (including set-screw type), solder lugs, or splices to flexible leads.

Exception: Connection by means of wire binding screws or studs and nuts having upturned lugs or equivalent shall be permitted for No. 10 or smaller conductors.

Terminals used to connect aluminum shall be so identified.

No more than one conductor shall be connected per terminal unless prior approval is given by the building official.

D. The second sentence of Section 210-63 is amended to read as follows:

The receptacle outlet shall be located on the same roof level and within 25 feet of the heating, air-conditioning, and refrigeration equipment.

E. The first paragraph following the fine print note (FPN) in subsection (a) of section 210-70 is amended to read as follows:

At least one lighting outlet shall be installed in an attic, underfloor space, utility room and basement. A switch or pull chain within two feet of the entrance to such space shall be provided.

F. A new sentence is added to the end of the first paragraph of section 220-4 to read as follows:

Two spare circuits shall be brought into any unfinished basement in single family dwelling.

G. Subsection (a) of Section 230-70, is amended to read as follows:

(a) Location. The service disconnecting means shall be installed either inside or outside of a building or other structure at a readily accessible location nearest the point of entrance of the service conductors. Service equipment or branch circuit panels in dwelling units shall not be located within a bathroom, clothes closet, or cabinet.

H. Section 250-112 is amended to read as follows:

250-112. To Grounding Electrode. The connection of a grounding electrode conductor to a grounding electrode shall be accessible and made in a manner that will assure a permanent and effective ground. Where necessary to assure this for a metal piping system used as a grounding electrode, effective bonding shall be provided around insulated joints and sections and around any equipment that is likely to be disconnected for repairs or replacement. The grounding electrode conductor shall be of copper and be attached to a cold water pipe of adequate current capacity which is on the supply side of the water meter.

Exception: An encased or buried connection to a concrete-encased, driven, or buried grounding electrode shall not be required to be accessible.

I. Subsection (a) (1) of Section 300-4 is repealed in its entirety and re-enacted to read as follows:

1. Bored Holes. See Uniform Building Code.

J. A new subsection (d) is added to Section 300-4 to read as follows:

(d) Conductors shall not be installed until the interior of the building has been physically protected from the weather and all mechanical work on the building which is likely to injure the conductors, has been completed.

K. The first sentence of Section 310-5 is amended to read as follows: The minimum size of conductors shall be as given in Table 310-5, except that no aluminum wire may be used which is smaller than No. 6 AWG in size.

L. The introductory paragraph of Section 336-3 is amended to read as follows:

336-3. Uses Permitted or Not Permitted. Type NM and Type NMC cables shall be permitted to be used in one- and two-family dwellings, and multifamily dwelling only provided that such dwellings do not exceed three floors above grade. For the purpose of this article, the first floor of a building shall be that floor which is designed for human habitation and which has 50 percent or more of its perimeter level with or above finished grade of the exterior wall line.

M. A new sentence is added to the end of section 384-13 to read as follows:

Each branch circuit panel in single family dwellings shall contain, in addition to the required circuits, space for two additional circuits as spares.

N. Section 410-8 is repealed in its entirety and re-enacted to read as follows:

410-8. Fixtures in Closets.

(a) Location. A fixture in a closet shall be permitted to be installed.

(1) On the wall above the closet door, provided the clearance between the fixture and a storage area where combustible material may be stored within the closet is not less than 18 inches (457 mm), or

(2) On the ceiling over an area which is unobstructed to the floor, maintaining an 18-inch (457 mm) clearance horizontally between the fixture and a storage area where combustible material may be stored within the closet.

A flush recessed fixture with a solid lens or a ceiling-mounted fluorescent fixture shall be permitted to be installed provided there is a 6-inch (152 mm) clearance, horizontally, between the fixture and the storage area.

(b) Pendants. Pendants shall not be installed in closets.

O. A new Section 422-19.5 is added to read as follows:

422-19.5. Sump pumps and sewage ejectors. Separate circuits shall be installed for sump pumps and sewage ejectors when facilities have been provided for same.

P. Section 440-14 is amended by the addition of the following, following the first sentence thereof: Unless otherwise approved by the Building Official, an outdoor disconnection means for air-conditioning or refrigerating equipment shall be a minimum of 3' above grade.

15.12.060 Violation--penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12.

Chapter 15.14

ELECTRICAL CONTRACTOR'S REGISTRATION

Sections:

- 15.14.010 Registration certificate—Required.
- 15.14.020 Same—Nontransferable.
- 15.14.030 Same—Application.
- 15.14.040 Qualifications of applicant.
- 15.14.050 Certificate term.
- 15.14.060 Duties of certificate holder.
- 15.14.070 Revocation, suspension, and denial of certificate—Generally.
- 15.14.080 Same—Procedure.
- 15.14.090 Reserved.
- 15.14.100 Violation; Penalty.

15.14.010 Registration certificate—Required. It shall be unlawful for any person to conduct, carry on, or engage in the business, trade or calling of installing, replacing, or altering electrical wires, fixtures, fixed appliances, or apparatus within the city, unless employed and supervised by a duly registered electrical contractor, without first having obtained an electrical contractor's registration certificate from the building official or his designee. (Ord. No. 453, § 1, 1981)

15.14.020 Same—Nontransferable. No certificate issued under the provisions of this chapter shall be assigned or transferred to any person other than the person to whom it is issued. (Ord. No. 453, § 1, 1981)

15.14.030 Same—Application. Application for an electrical contractor's certificate of registration shall be made on such forms as the building official shall require. Such application must contain information sufficient to establish the applicant's qualifications for a certificate. The building official may require such other information of an applicant as he deems necessary to enforce the terms of this chapter. (Ord. No. 453, § 1, 1981)

15.14.040 Qualifications of applicant. To be qualified to secure or retain an electrical registration certificate, an applicant must be a master electrician, currently licensed by the State of Colorado or must designate and have in charge of and responsible for all electrical work, an employee who is a master electrician, currently licensed by the State of Colorado. No such employee may be designated for more than one (1) license. Such an employee shall be designated as such in the registration application. (Ord. No. 453, § 1, 1981)

15.14.050 Certificate term.

A. All contractor's registration certificates issued from the effective date of this chapter through December of 1982 will expire on December 31, 1982.

B. All electrical contractor's registrations issued after December 31, 1982, shall expire on the thirty-first day of December of each year. (Ord. No. 453, § 1, 1981)

15.14.060 Duties of certificate holder. It shall be the duty of any electrical contractor registrants to:

- A. Retain his master electrician's license from the State of Colorado, or the alternative, to retain in his employment a state-licensed master electrician as provided in section 15.14.040;
- B. Immediately notify the city's building official of any revocation, suspension, or other change in the status of his master electrician's license or that of his employee designated pursuant to section 15.14.040;
- C. Report in writing to the building official any accident occurring in the course of this trade within the city which results in injury or death to any person, or damage to any building or structure;
- D. Provide safety measures and equipment to protect workmen and the public, as necessary;
- E. Observe all provisions of the Municipal Code;
- F. Present his registration card when so requested by the building official or his authorized representative. (Ord. No. 453, § 1, 1981)

15.14.070 Revocation, suspension, and denial of certificate—Generally. The building official may revoke, suspend, or deny a certificate of registration provided for in this chapter if he finds that the certificate holder is responsible for one or more of the following acts or omissions:

- A. Failure to comply with the terms of section 15.14.060.
- B. Violation of the terms of section 15.14.020.
- C. Intentional evasion of the requirements of this chapter, Chapter 15.24, Chapter 3.04 or Chapter 3.08. (Ord. No. 453, § 1, 1981)

15.14.080 Same—Procedure. If the building official determines that a certificate of registration should be revoked, suspended, or denied under the terms of this chapter, the procedure therefor shall be as provided in sections 15.32.160 through 15.32.180 of this Code. (Ord. No. 453, § 1, 1981)

15.14.090 Reserved.

Editor's note—Section 1 of Ord. No. 810, adopted Feb. 14, 1989, repealed former § 15.14.090, which pertained to fees for registration certificates and derived from Ord. No. 453, § 1, adopted in 1981.

Chapter 15.14

ELECTRICAL CONTRACTOR'S REGISTRATION

Sections:

- 15.14.010 Registration Certificate--Required.
- 15.14.020 Certificate--Non-Transferable.
- 15.14.030 Certificate--Application.
- 15.14.040 Qualifications.
- 15.14.050 Certificate--Term.
- 15.14.060 Certificate holder--Duties.
- 15.14.070 Certificate--Revocation, suspension, and denial.
- 15.14.080 Revocation and suspension--Procedure.
- 15.14.090 Certificate--Fees.
- 15.14.100 Violation--Penalty.

15.14.010 Registration Certificate--Required. It shall be unlawful for any person to conduct, carry on, or engage in the business, trade or calling of installing, replacing, or altering electrical wires, fixtures, fixed appliances, or apparatus within the city, unless employed and supervised by a duly registered electrical contractor, without first having obtained an electrical contractor's registration certificate from the building official or his designee. (Ord. 453, Sl, 1981).

15.14.020 Certificate--Non-Transferable. No certificate issued under the provisions of this chapter shall be assigned or transferred to any person other than the person to whom it is issued. (Ord. 453, Sl, 1981).

15.14.030 Certificate--Application. Application for an electrical contractor's certificate of registration shall be made on such forms as the building official shall require. Such application must contain information sufficient to establish the applicant's qualifications for a certificate. The building official may require such other information of an applicant as he deems necessary to enforce the terms of this chapter. (Ord. 453, Sl, 1981).

15.14.040 Qualifications. To be qualified to secure or retain an electrical registration certificate, an applicant must be a master electrician, currently licensed by the state of Colorado or must designate and have in charge of and responsible for all electrical work, an employee who is a master electrician, currently licensed by the state of Colorado. No such employee may be designated for more than one license. Such an employee shall be designated as such in the registration application. (Ord. 453, Sl, 1981).

15.14.050 Certificate--Term.

A. All contractor's registration certificates issued from the effective date of this ordinance through December of 1982 will expire on December 31, 1982.

B. All electrical contractor's registrations issued after December 31, 1982 shall expire on the 31st day of December of each year. (Ord. 453, S1, 1981).

15.14.060 Certificate holder--Duties. It shall be the duty of all electrical contractor registrants to:

A. Retain his master electrician's license from the state of Colorado, or the alternative, to retain in his employment a state-licensed master electrician as provided in section 15.14.040;

B. Immediately notify the city's building official of any revocation, suspension, or other change in the status of his master electrician's license or that of his employee designated pursuant to section 15.14.040;

C. Report in writing to the building official any accident occurring in the course of this trade within the city which results in injury or death to any person, or damage to any building or structure;

D. Provide safety measures and equipment to protect workmen and the public, as necessary;

E. Observe all provisions of the municipal code;

F. Present his registration card when so requested by the building official or his authorized representative. (Ord. 453, S1, 1981).

15.14.070 Certificate--Revocation, suspension, and denial. The building official may revoke, suspend, or deny a certificate of registration provided for in this chapter if he finds that the certificate holder is responsible for one or more of the following acts or omissions:

A. Failure to comply with the terms of section 15.14.060.

B. Violation of the terms of section 15.14.020.

C. Intentional evasion of the requirements of this chapter, chapter 15.24, chapter 3.04, or chapter 3.08. (Ord. 453, S1, 1981).

15.14.080 Revocation and suspension--Procedure. If the building official determines that a certificate of registration should be revoked, suspended, or denied under the terms of this chapter, the procedure therefor shall be as provided in sections 15.32.160 through 15.32.180 of this Code. (Ord. 453, S1, 1981).

15.14.090 Certificate--Fees. An annual fee of One Hundred Dollars (\$100.00) shall be paid by each applicant or registrant prior to the issuance or renewal of any certificate provided for in this chapter. (Ord. 453, S1, 1981).

15.14.100 Violation; penalty. In addition to any other penalties prescribed in this chapter, the penalty for violation of any of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 453, § 1, 1981)

Chapter 15.16

UNIFORM FIRE CODE*

Sections:

- 15.16.010 Code adopted.
- 15.16.020 Code described.
- 15.16.030 Copies on file.
- 15.16.040 Purpose.
- 15.16.050 Amendments to code.
- 15.16.060 Violation; penalties.

15.16.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the Uniform Fire Code, 1988 edition, including the following appendices: I-C, Stairway Identification; II-A, Suppression and Control of Hazardous Fire Areas; II-B, Protection of Flammable or Combustible Liquids in Tanks in Locations that May Be Flooded; II-D, Rifle Ranges; II-E, Hazardous Materials Management Plan and Hazardous Materials Inventory Statement; III-A, Fire-flow Requirements for Buildings; III-B, Fire Hydrant Location and Distribution; III-C, Testing Fire Extinguishing Systems, Standpipes, and Combination Systems; V-A, Nationally Recognized Standards of Good Practice; VI-A, Hazardous Materials Classification; VI-B, Emergency Relief Venting for Fire Exposure for Aboveground Tanks; and VI-D, Reference Tables from the Uniform Building Code; to have the same force and effect as though set forth in this chapter in every particular, as amended in this chapter. (Ord. No. 715, § 1, 1987; Ord. No. 829, § 1, 5-9-89)

15.16.020 Code described. The Uniform Fire Code 1988 edition, is published jointly by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601 and the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California 90601. (Ord. No. 715, § 1, 1987; Ord. No. 829, § 1, 5-9-89)

15.16.030 Copies on file. At least one (1) copy of the Uniform Fire Code, 1988 edition, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. (Ord. No. 715, § 1, 1987; Ord. No. 829, § 1, 5-9-89)

15.16.040 Purpose. The purpose of the code is not to recreate or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of the code.

***Cross references**—Fireworks, Ch. 9.76; explosives or inflammable substances prohibited in parks, § 12.28.160.

- A. It is the intent of the code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.
- B. Where no applicable standards or requirements are set out in the code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the authority having jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards are approved by the chief shall be deemed as prima facie evidence of compliance with the intent of the code. Nothing herein shall derogate from the power of the authority having those activities or installation within its jurisdiction or responsibility.
- C. Whenever in the code reference is made to the appendix, the provisions in the appendix shall not apply unless specifically adopted. (Ord. No. 715, § 1, 1987; Ord. No. 829, § 1, 5-9-89)

15.16.050 Amendments to code.

A. Subsection (b) of Section 1.103 is repealed in its entirety and reenacted to read as follows:

(b) *Existing conditions.* The provisions of this code shall apply to existing conditions as well as to conditions arising after the adoption thereof.

Exception: Existing conditions not in strict compliance may be continued unless:

- 1. The condition was not legally in existence at the time of adoption of this code, or
- 2. The condition constitutes a distinct hazard to life or property.

B. Section 2.108 is repealed in its entirety and re-enacted to read as follows:

Section 2.108. Liability. The chief, or his authorized representative charged with the control or extinguishment of any fire, the enforcement of this code or any other official duties, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. The code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the fire department or the city be held as assuming any such liability by reason of the inspections authorized by this code or any certificates of inspection issued under this code.

C. A new Section 2.205 is enacted to read as follows and the current Section 2.205 is redesignated as Section 2.206.

Section 2.205. Change in use. No change shall be made in the character of occupancies or use of any building which would place the building in a different division of the

same group of occupancy or in a different group of occupancies, unless approved by the building official.

D. Section 2.302 is repealed in its entirety and re-enacted to read as follows:

Section 2.302. Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials, and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the chief may require the owner or the person in possession or control of the building or premises to provide, without charge to the department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the chief and the owner and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

E. Section 4.108 is amended by the addition of new subsections x.1, x.2, and x.3, to read as follows:

x.1. *Fire extinguishing systems and equipment.* To install fire extinguishing systems and equipment.

x.2. *Fire alarm systems.* To install fire alarm systems.

x.3. *Smoke control systems.* To install smoke control systems.

F. A new section 4.109 is added, to read as follows:

Section 4.109. Fees. The fee for each permit shall be as set forth in the following table, and shall be paid to the fire department:

Fees

- (a) For permits (other than "to install") required by Section 4.108, twenty-five dollars (\$25.00) per permit, maximum of one hundred dollars (\$100.00) each premises.
- (b) For permits "to install" required by Section 4.108, as specified in Section 304, as amended, Uniform Building Code.

Other Inspection Fees

- 1. Reinspection fee \$20.00 each
- 2. Inspection outside of normal business hours (minimum charge two hours) . \$30.00/hr.
- 3. Inspection for which no fee is specifically indicated (minimum charge one-half hour) \$30.00/hr.
- 4. Additional plan review required by changes, addition, or revisions to approved plans (minimum charge one-half hour) \$30.00/hr.

Exemptions

The government of the United States of America, the state and its political subdivisions, the city and all agencies and departments thereof shall be exempt from the payment of fees for work performed on buildings or structures owned wholly by such agencies or departments and devoted to governmental use.

If a fire extinguishing system, fire alarm system or smoke control system is not required, but is installed voluntarily, no permit fee shall be charged, although a permit is required by Section 4.108, as amended.

G. In Section 9.103 the definition of "administrator" is amended to read as follows:

Administrator shall mean the city manager of the City of Broomfield, or his designee.

H. In Section 9.105 the definition of "chief or chief of the fire department" is amended to read as follows:

Chief or Chief of the fire department is the fire chief of the West Adams County Fire Protection District, or his authorized representative.

I. In Section 9.108 the definition of "fire department" is amended to read as follows:

Fire department is the West Adams County Fire Protection District.

J. In Section 9.112 the definition of "jurisdiction" is amended to read as follows:

Jurisdiction is the City of Broomfield.

K. The exception to subsection (a) of Section 10.302 is deleted.

L. Section 10.306 entitled "Automatic Fire Extinguishing Systems" is amended by the addition of a new paragraph (i) to read as follows:

(i) *All occupancies.* An approved automatic sprinkler system shall be installed in all buildings or portions of buildings hereafter constructed, which have floors used for human occupancy located more than thirty-five (35) feet above the lowest level of fire department access. Penthouses used solely for the shelter of mechanical equipment or vertical shaft openings in the roof, in accordance with Section 3601 of the Uniform Building Code shall not be considered when determining if a sprinkler system is required. However, the penthouse shall be provided with an approved automatic sprinkler system when the building is otherwise required to be sprinklered.

M. The third column "standpipe class," for occupancy number 5, as shown on Table No. 10.309 is amended to read as follows:

II.

N. Subsection (b) of section 77.106 is hereby repealed in its entirety and reenacted to read as follows:

(b) The storage of explosives and blasting agents is prohibited within the city, except for temporary storage for use in connection with approved blasting operations, provided,

however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than five hundred (500) pounds of explosive materials.

O. Article 78 entitled "Fireworks" is deleted in its entirety.

P. Section 79.501 is hereby repealed in its entirety and re-enacted to read as follows:

Section 79.501. The storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the city, except where the chief expressly determines that protection equivalent to that of underground tanks will be provided.

Q. Section 80.101, is amended by the addition of the following paragraph.

For retail display of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in Group B, Division 2 retail sales occupancies, see Section 80.109.

R. Add a new Section 80.109 to read as follows:

Section 80.109. Retail display. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials permitted within a single control area of a Group B, Division 2 retail sales occupancy may exceed the exempt amounts specified in Division III, tables 80.306-A, 80.309-A, 80.310-A, 80.312-A, 80.314-A, and 80.135-A, when in accordance with this section. The maximum allowable quantity in pounds or gallons permitted within a single control area of a retail sales occupancy, shall be the amount derived from the formula:

$$E = E p A$$

Where:

- E = exempt amount permitted in a single control area of retail sales occupancy.
- E = exempt amount specified in Division III exempt amount tables.
- p = density factor from Table No. 80.109.
- A = square footage area of the hazardous materials retail display or storage.

The maximum aggregate floor area for hazardous materials retail display or storage over which the density factor may be applied shall not exceed one thousand five hundred (1,500) square feet per control area.

The area of storage or display shall also comply with the following requirements:

1. Display of solids shall not exceed two hundred (200) pounds per square foot of floor area actually occupied by the solid merchandise.
2. Display of liquids shall not exceed twenty (20) gallons per square foot of floor area actually occupied by the liquid merchandise.
3. Display height shall not exceed six (6) feet.
4. Individual containers less than five (5) gallons or less than twenty-five (25) pounds shall be stored on pallets, racks or shelves.

5. Storage racks and shelves shall be in accordance with the provisions of Section 80.301(i).
6. Containers shall be approved for the use intended.
7. Individual containers shall not exceed one hundred (100) pounds or five (5) gallons capacity.
8. Incompatible materials shall be separated in accordance with the provisions of Section 80.301(n).
9. Floors shall be in accordance with the provisions of Section 80.301(z).
10. Aisles four (4) feet in width shall be maintained on three (3) sides of the display.
11. Hazard identification signs shall be provided in accordance with the provisions of Section 80.104(e).

Table No. 80.109
DENSITY FACTORS FOR EXEMPT AMOUNTS IN RETAIL SALES

<i>Hazard Categories</i>	<i>Class</i>	<i>Density Factor</i>
Physical hazards		
Oxidizers; unstable (reactive) materials; water-reactive materials	Class 4	N.P.
	Class 3	0.075
	Class 2	0.006
	Class 1	0.003
Health Hazards		
Highly toxic solids and liquids; corrosives; other health hazard solids, liquids and gases	all	0.0013

N.P. = Not permitted

Hazard categories are as specified in Division II, density factors shall not apply to categories other than those listed.

S. Subsection (a) of Section 80.306 Indoor Storage, item 1., is amended by the addition of the exception at the end of the paragraph to read as follows:

Exception: For retail display of nonflammable solid and nonflammable or noncombustible liquid Class 1, 2, and 3 oxidizers, see Section 80.109.

T. Section 80.306(a)2., Table No. 80.306-A; delete Class 3 oxidizers from footnotes 1 and 2 and add a new footnote numbered 3 to the table heading to read as follows:

3. A maximum quantity of two hundred (200) pounds of solid or twenty (20) gallons of liquid Class 3 oxidizers may be permitted in I, M, and R occupancies, when such materials are necessary for maintenance purposes or operation of equipment. The

East 47th Street, New York, New York 10017. (Ord. 716, S 1, 1987)

15.18.030 Copies on File. At least three copies of the A17.1-1984 Safety Code for Elevators and Escalators, as adopted, are on file in the office of the City Clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the City. (Ord. 716, S 1, 1987)

15.18.040 Purpose. The purpose of this chapter is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators, and moving walks and by establishing procedures by which these requirements may be enforced. (Ord. 716, S 1, 1987)

15.18.050 Amendments to Elevator and Escalator Code.

A. A new Section 1011 of Part X is added to read as follows:

SECTION 1011
PERMITS AND CERTIFICATES OF INSPECTION

Rule 1011.1 Permits. It shall be unlawful to hereafter install any new elevator, moving walk, escalator or dumbwaiter, to make major alterations to any existing elevator, dumbwaiter, escalator or moving walk without having first obtained a permit for such installation from the building official. Permits shall not be required for maintenance or minor alterations.

Rule 1011.2 Certificates of Inspection.

1011.2a General. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current Certificate of Inspection issued by the building official. Such certificate shall be issued annually upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspection was made within the previous six months. Certificates shall not be issued when the correspondence is posted as unsafe pursuant to Rule 1004.2.

Exception: Certificates of Inspection shall not be required for conveyances within a dwelling unit.

Rule 1011.2b Fees. The fee for the annual Certificate of Inspection for existing installations shall be \$100.00. This fee shall not apply to new installations for which a separate building permit fee is paid at the time a building permit is issued.

Rule 1011.2c Application for Permits. Application for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner upon payment of the permit fees specified in section 304(b) as amended, Uniform Building Code.

Rule 1011.2d Application for Certificates of Inspection. Application for a Certificate of Inspection shall be made by the owner of an elevator, dumbwaiter, escalator or moving walk. Applications shall be accompanied by an inspection report approved by the building official. Fees as specified in this section shall be paid at the time of application.

B. A new Section 1012 of Part X is added to read as follows:

SECTION 1012
OWNER RESPONSIBILITY AND UNSAFE CONDITIONS

Rule 1012.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator or moving walk installation and shall cause periodic inspections, tests and maintenance to be made on such conveyances as required in the ANSI/ASME A17.1-1984 safety code for elevators and escalators.

Rule 1012.2 Unsafe Conditions. When an inspection reveals an unsafe condition, the inspector shall immediately file with the owner and the building official a full and true report of such inspection and such unsafe condition. If the building official finds that the unsafe condition endangers human life, he shall cause to be placed on such elevator, escalator or moving walk in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance which are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed only by the building official when he is satisfied that the unsafe conditions have been corrected. (Ord. 716, S 1, 1987)

15.18.060 Violation - - Penalties. The penalty for violation of the provisions of this Chapter shall be as prescribed in Chapter 1.12. (Ord. 716, S 1, 1987)

oxidizers shall be stored in approved containers and in a manner approved by the chief.

U. Section 80.309(a) Indoor Storage, item 1; number the existing exception 1 and add a new exception 2 to read as follows:

2. For retail display of nonflammable solid and nonflammable or noncombustible liquid unstable (reactive) materials, see Section 80.109.

V. Section 80.310(a) Indoor Storage, item 1; add an exception after the paragraph to read as follows:

Exception: For retail display of nonflammable solid and nonflammable or noncombustible liquid water-reactive materials, see Section 80.109.

W. Section 80.312(a) Indoor Storage, item 1; add an exception after the paragraph to read as follows:

Exception: For retail display of nonflammable solid and nonflammable or noncombustible liquid highly toxic materials, see Section 80.109.

X. Section 80.314(a) Indoor Storage, item 1; add an exception after the paragraph to read as follows:

Exception: For retail display of nonflammable solid and nonflammable or noncombustible liquid corrosive materials, see Section 80.109.

Y. Section 80.315(a) Indoor Storage, item 1; add an exception after the paragraph to read as follows:

Exception: For retail display of nonflammable solid and nonflammable or noncombustible liquid other than health hazard materials, see Section 80.109.

Z. Subsection (b) of Section 82.104 is hereby repealed in its entirety and reenacted to read as follows:

(b) *Maximum capacity within established limits.* Within the city the aggregate capacity of any one (1) installation shall not exceed two thousand (2,000) gallons water capacity.

(Ord. No. 829, § 1, 5-9-89)

15.16.060 Violation; penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 715, § 1, 1987; Ord. No. 829, § 1, 5-9-89)

Chapter 15.18

ELEVATOR AND ESCALATOR CODE

Section:

- 15.18.010 Code adopted.
- 15.18.020 Code described.
- 15.18.030 Copies on file.

- 15.18.040 Purpose.
- 15.18.050 Amendments to code.
- 15.18.060 Violation; penalties.

15.18.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the ASME/ANSI A17.1-1987 Safety Code for Elevators and Escalators with all of the appendices thereto, to have the same force and effect as though set forth herein every particular, as amended in this chapter. (Ord. No. 716, § 1, 1987; Ord. No. 830, § 1, 5-9-89)

15.18.020 Code described. The ASME/ANSI A17.1-1987 Safety Code for Elevators and Escalators, is published by the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, New York 10017. (Ord. No. 716, § 1, 1987; Ord. No. 830, § 1, 5-9-89)

15.18.030 Copies on file. At least one (1) copy of the A17.1-1987 Safety Code for Elevators and Escalators, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. No. 716, § 1, 1987; Ord. No. 830, § 1, 5-9-89)

15.18.040 Purpose. The purpose of this chapter is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators, and moving walks and by establishing procedures by which these requirements may be enforced. The purpose of the code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the code. (Ord. No. 716, § 1, 1987; Ord. No. 830, § 1, 5-9-89)

15.18.050 Amendments to code.

A. A new section 1011 of Part X is added to read as follows:

SECTION 1011
PERMITS AND CERTIFICATES OF INSPECTION

Rule 1011.1 Permits. It shall be unlawful to hereafter install any new elevator, moving walk, escalator or dumbwaiter, to make major alterations to any existing elevator, dumbwaiter, escalator or moving walk without having first obtained a permit for such installation from the building official. Permits shall not be required for maintenance or minor alterations.

Rule 1011.2 Certificates of inspection.

1011.2a General. It shall be unlawful to operate any elevator, dumbwaiter, escalator or moving walk without a current Certificate of Inspection issued by the building official.

Such certificate shall be issued annually upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspection was made within the previous six (6) months. Certificates shall not be issued when the correspondence is posted as unsafe pursuant to Rule 1004.2.

Exception: Certificates of inspection shall not be required for conveyances within a dwelling unit.

Rule 1011.2b Fees. The fee for the annual certificate of inspection for existing installation shall be one hundred dollars (\$100.00). This fee shall not apply to new installation for which a separate building permit fee is paid at the time a building permit is issued.

Rule 1011.2c Application for permits. Application for a permit to install shall be made on forms provided by the building official, and the permit shall be issued to an owner upon payment of the permit fees specified in section 304(b) as amended, Uniform Building Code.

Rule 1011.2d Application for certificates of inspection. Application for a certificate of inspection shall be made by the owner of an elevator, dumbwaiter, escalator or moving walk. Applications shall be accompanied by an inspection report approved by the building official. Fees as specified in this section shall be paid at the time of application.

B. A new Section 1012 of Part X is added to read as follows:

SECTION 1012 OWNER RESPONSIBILITY AND UNSAFE CONDITIONS

Rule 1012.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator or moving walk installation and shall cause periodic inspection, tests and maintenance to be made on such conveyances as required in the ASME/ANSI A17.1.-1987 safety code for elevators and escalators.

Rule 1012.2 Unsafe conditions. When an inspection reveals an unsafe condition, the inspector shall immediately file with the owner and the building official a full and true report of such inspection and such unsafe condition. If the building official finds that the unsafe condition endangers human life, he shall cause to be placed on such elevator, escalator or moving walk in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the building official. The building official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance which are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed only by the building official when he is satisfied that the unsafe conditions have been corrected. (Ord. No. 716, § 1, 1987; Ord. No. 830, § 1, 5-9-89)

15.18.060 Violation; penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 716, § 1, 1987; Ord. No. 830, § 1, 5-9-89)

Chapter 15.20

FIRE LANES

Sections:

- : 15.20.010 Title.
- 15.20.020 Definitions.
- 15.20.030 Designation; property owner notice; request for modification.
- 15.20.040 Signposting.
- 15.20.050 Recordkeeping.
- 15.20.060 Fire lane requirements.
- 15.20.070 Fire safety area requirements.
- 15.20.080 Applicability of provisions to pedestrians.

15.20.010 Title. This chapter shall be known and cited as the "Broomfield Fire Lanes Ordinance." (Ord. No. 288, § 1, 1974)

15.20.020 Definitions. As used in this chapter, the following words shall have the meanings respectively ascribed to them:

- A. *Fire department* means the West Adams County fire protection district. The city is located entirely within said district.
- B. *Fire lane* means that portion of any public or private property designated pursuant to the provisions of this chapter for the safe and unobstructed passage of firefighting vehicles, equipment and personnel.
- C. *Fire safety area* means that portion of any public or private property designated pursuant to the provisions of this chapter to be kept clear of obstruction for purposes of access to water taps, fire hydrants, electrical or other utility outlets, or for purposes of access to or utilization of fire-prevention facilities or equipment.
- D. *Traffic engineer* means the city engineer of the city. (Ord. No. 228, § 2, 1974)

15.20.030 Designation; property owner notice; request for modification.

A. Every fire lane or fire safety area shall be designated in writing, including a drawing, diagram, plat or map with sufficient detail to establish with reasonable certainty the location and dimensions of such fire lane or fire safety area. Such designation shall be approved by the fire department and by the city's traffic engineer, and shall be filed in the office of the traffic engineer. Any designation which includes a portion of a state highway shall also be approved by the Division of Highways of the Colorado Highway Department.

B. Upon the filing of the designation of a fire lane or fire safety area located on public property, or located on private property and so designated with the consent of the owner of such property, the traffic engineer may cause such fire lane or fire safety area to be scheduled and signposted as provided by this chapter.

C. Upon the filing of the designation of a fire lane or fire safety area located on private property and so designated without the consent of the owner of such property, the city traffic

engineer shall issue and serve upon such owner, by registered or certified mail, a notice describing the fire lane or fire safety area so designated, and notifying such owner that the designation of the fire lane or fire safety area shall take effect on a date certain, not less than fifteen (15) days thereafter, unless request for modification or relief therefrom is received by the traffic engineer within such time. If no request for modification or relief therefrom is received by the traffic engineer within the time provided by the notice and this section, the traffic engineer may cause the fire lane or fire safety area to be scheduled and signposted as provided by this chapter.

D. Upon receipt of a request for modification of or for relief from a designation of a fire lane or fire safety area pursuant to this chapter, the traffic engineer may conduct or cause to be conducted such further investigation as may be required, and thereafter affirm, revoke or modify the designation. If the owner consents to the decision of the traffic engineer, the traffic engineer may cause such fire lane or fire safety area to be scheduled and signposted as provided by this chapter.

E. If the owner does not agree with the decision of the traffic engineer on such request for modification or relief, the owner may appeal such decision to the city council. Upon the final designation of such fire lane or fire safety area, the traffic engineer may cause the same to be scheduled and signposted as provided by this chapter. (Ord. No. 228, § 3, 1974)

15.20.040 Signposting. Every fire lane or fire safety zone designated and scheduled pursuant to the provisions of this chapter shall be posted by the traffic engineer with one or more official signs giving notice of restrictions or prohibitions authorized by this chapter. (Ord. No. 228, § 4, 1974)

15.20.050 Recordkeeping. The traffic engineer shall cause records to be kept of all fire lanes and fire safety zones designated pursuant to this chapter. Such records shall be open to public inspection during business hours, and copies thereof shall be made available to courts and other concerned agencies, officials and persons requesting the same. (Ord. No. 228, § 5, 1974)

15.20.060 Fire lane requirements. When official signs are posted giving notice of a fire lane:

A. No person shall stop, stand or park a vehicle in a fire lane, or portion thereof, posted to prohibit stopping, standing or parking;

B. No person shall stop or park a vehicle in a fire lane, or portion thereof, posted to prohibit standing or parking.

C. No person shall park a vehicle in a fire lane or any portion thereof; and

D. No person shall obstruct a fire lane by means of any structure or object other than a vehicle. (Ord. No. 228, § 6, 1974)

15.20.070 Fire safety area requirements. When official signs are posted giving notice of a fire safety area:

A. No person shall stop, stand or park a vehicle in a fire safety area;

B. No person shall obstruct a fire safety area by storing, placing or leaving therein any object, property or thing. (Ord. No. 228, § 7, 1974).

15.20.080 Applicability of provisions to pedestrians. Nothing in Sections 15.20.060 and 15.20.070 shall be construed to prohibit persons from walking or standing on or crossing a fire lane or fire safety area. (Ord. No. 228, § 8, 1974)

Chapter 15.24

UNIFORM PLUMBING CODE

Sections:

- 15.24.010 Code adopted.
- 15.24.020 Code described.
- 15.24.030 Copies on file.
- 15.24.040 Purpose.
- 15.24.050 Amendments to code.
- 15.24.060 Violation; penalties.

15.24.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, section 6.11, there is adopted, by reference, the Uniform Plumbing Code, 1988 edition, together with all of the appendices thereto and the IAPMO Installation Standards, to have the same force and effect as though set forth in this chapter in every particular, as amended in this chapter. (Ord. No. 717, § 1, 1987; Ord. No. 831, § 1, 5-9-89)

15.24.020 Code described. The Uniform Plumbing Code, 1988 edition, is published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825. (Ord. No. 717, § 1, 1987; Ord. No. 831, § 1, 5-9-89)

15.24.030 Copies on file. At least one (1) copy of the Uniform Plumbing Code, 1988 edition, as adopted, is on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. No. 717, § 1, 1987; Ord. No. 831, § 1, 5-9-89)

15.24.040 Purpose. The purpose of this chapter is to provide minimum requirements and standards regarding plumbing systems for the protection of the public health, safety and welfare. The purpose of the code is not to create or otherwise establish or designate any particular class or group of person who will or should be especially protected or benefited by the terms of the code. (Ord. No. 717, § 1, 1987; Ord. No. 831, § 1, 5-9-89)

15.24.050 Amendments to code.

A. Section 20.3 is repealed in its entirety.

B. Section 20.7 is repealed in its entirety and re-enacted to read as follows:

Section 20.7. Cost of permit. Every applicant for a permit to do work regulated by this code shall state in writing, on the application form provided for that purpose, the character of work proposed to be done and the amount and kind of connection therewith, together with such information, pertinent thereto, as may be required.

Such applicant shall pay for each permit, at the time of issuance, a fee in accordance with the following schedule.

Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that the provision shall not apply to emergency work when it shall be provided to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit therefor before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

When a plumbing permit has been obtained to connect an existing building or existing work to the public sewer or to connect a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the plumbing permit.

PLUMBING PERMIT FEES

<i>Total Valuation</i>	<i>Fees</i>
\$1.00 to \$500.00	\$15.00
\$501.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$2.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$45.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$252.00 for the first \$25,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$414.50 for the first \$50,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$639.50 for the first \$100,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof

Other Inspection Fees

- 1. Reinspection fee \$20.00
- 2. Inspection outside of normal business hours (minimum charge, two hours) . . \$30.00/hr.
- 3. Inspection for which no fee is specifically indicated (minimum charge, one-half hour) \$30.00/hr.
- 4. Additional plan review required by changes, addition, or revisions to approved plans (minimum charge, one-half hour) \$30.00/hr.

Exemptions

The government of the United States of America, the state and its political subdivisions, the city and all agencies and departments thereof shall be exempt from the payment of fees for work performed on buildings or structures owned wholly by such agencies or departments and devoted to governmental use.

C. Section 203 is amended by the addition of a new subsection (g), to read as follows:

(g) Copper tube shall be protected from mechanical and galvanic action. All copper tube and fittings thereto shall be kept away from physical contact with dissimilar metals.

D. Subsection (a)(2) of Section 401 is amended by the addition of the following sentence:

All underground plastic DWV piping within a building shall have approved bedding materials.

E. Paragraph (2) of Subsection (c) of Section 1206 is amended by changing the first sentence of the second paragraph to read as follows:

This inspection shall include an air, CO₂, or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than twenty (20) pounds per square inch gauge pressure, or at the discretion of the administrative authority, the piping and valves may be tested at a pressure of at least six (6) inches (152.4mm) of mercury, measured with a manometer or slope gauge.

(Ord. No. 717, § 1, 1987; Ord. No. 831, § 1, 5-9-89)

15.24.060 Violation; penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 717, § 1, 1987; Ord. No. 831, § 1, 5-9-89)

Chapter 15.26

PLUMBING CONTRACTOR'S LICENSES

Sections:

- 15.26.010 Required.
- 15.26.020 Nontransferable.
- 15.26.030 Application.

- 15.26.040 Qualifications of applicant.
- 15.26.050 Term.
- 15.26.060 Duties of licensee.
- 15.26.070 Revocation, suspension, denial—Grounds for.
- 15.26.080 Procedure.
- 15.26.090 License fees.
- 15.26.100 Violation; penalty.

15.26.010 Required. It shall be unlawful for any person to conduct, carry on, or engage in the business, trade or calling of plumbing, or to install plumbing, in or on any building, structure, or land in the city, for any compensation whatsoever, without first having obtained a plumbing contractor's license from the building official or his designee. (Ord. No. 436, § 1, 1981)

15.26.020 Nontransferable. No license issued under the provisions of this chapter shall be assigned or transferred to any person other than the person to whom it is issued. (Ord. No. 436, § 1, 1981)

15.26.030 Application. Application for a plumbing contractor's license shall be made on such forms as the building official shall require. Such application must contain information sufficient to establish the applicant's qualifications for a license. The building official may require such other information of an applicant as he deems necessary to enforce the terms of this chapter. (Ord. No. 436, § 1, 1981)

15.26.040 Qualifications of applicant. To be qualified to secure or retain a plumbing contractor's license, an applicant must be a master plumber, currently licensed by the State of Colorado and must designate and have in charge of and responsible for all plumbing work, an employee who is a master plumber, currently licensed by the State of Colorado. No such employee may be designated for more than one (1) license. Such an employee shall be designated as such in the license application. (Ord. No. 436, § 1, 1981)

15.26.050 Term.

A. All plumbing contractor's licenses issued from the effective date of this chapter through December of 1982 will expire on December 31, 1982.

B. All plumbing contractor's licenses issued pursuant to any prior ordinances of the city will remain valid until June 30, 1981.

C. All plumbing contractor's licenses issued after December 31, 1982 shall expire on the thirty-first day of December of each year. (Ord. No. 436, § 1, 1981)

15.26.060 Duties of licensee. It shall be the duty of all plumbing contractor licensees to:

- A. Retain his master plumber's license from the State of Colorado, or in the alternative to retain in his employment a state-licensed master plumber as provided in section 15.26.040;

- B. Immediately notify the city's building official of any revocation, suspension, or other change in the status of his master plumber's license or that of his employee designated pursuant to section 15.26.040;
- C. Report in writing to the building official any accident occurring in the course of his trade within the city which results in injury or death to any person, or damage to any building or structure;
- D. Provide safety measures and equipment to protect workmen and the public, as necessary;
- E. Observe all provisions of the Municipal Code;
- F. Present his license card when so requested by the building official or his authorized representative. (Ord. No. 436, § 1, 1981)

15.26.070 Revocation, suspension, denial—Grounds for. The building official may revoke, suspend or deny a license provided for in this chapter if he finds that the licensee is responsible for one or more of the following acts or omissions:

- A. Failure to comply with the terms of section 15.26.060.
- B. Violation of the terms of section 15.26.020.
- C. Intentional evasion of the requirements of this chapter, Chapter 15.24, Chapter 3.04, or Chapter 3.08. (Ord. No. 436, § 1, 1981)

15.26.080 Same—Procedure. If the building official determines that a license should be revoked, suspended or denied under the terms of this chapter, the procedure therefor shall be as provided in sections 15.32.160 through 15.32.180 of this Code. (Ord. No. 436, § 1, 1981)

15.26.090 License fees. An annual fee of one hundred dollars (\$100.00) shall be paid by each applicant or licensee prior to the issuance or renewal of any license provided for in this chapter. (Ord. No. 436, § 1, 1981)

15.26.100 Violation; penalty. In addition to any other penalties prescribed in this chapter, the penalty for violation of any of the provisions of this chapter shall be as prescribed in Chapter 1.12. (Ord. No. 436, § 1, 1981)

Chapter 15.28

RESERVED*

***Editor's note**—Section 2 of Ord. No. 832, adopted May 9, 1989, repealed Ch. 15.28 in its entirety. Formerly, Ch. 15.28 contained §§ 15.28.010—15.28.060, which pertained to the model energy code and derived from Ord. No. 718, § 1, 1987.

Chapter 15.32

CONTRACTOR'S LICENSES

Sections:

- 15.32.010 Required.
- 15.32.020 Contractor defined.
- 15.32.030 Classification; fees generally.
- 15.32.040 Term of license.
- 15.32.050 Building official; authority generally.
- 15.32.060 Contractor licensing board.
- 15.32.070 Application; contents.
- 15.32.080 License fees; renewals.
- 15.32.090 Insurance requirements.
- 15.32.100 Refund of fees.
- 15.32.110 Upgrading classification.
- 15.32.120 Validity.
- 15.32.130 Denial or revocation; reapplication.
- 15.32.140 License responsibility.
- 15.32.150 Suspension, revocation, or denial—When.
- 15.32.155 Same—Which.
- 15.32.160 Same—Procedure.
- 15.32.170 Same—Contractor licensing board; hearing and review duties.
- 15.32.180 Emergency suspension.

15.32.010 Required. Any contractor performing in a business involving the building, construction, alteration, remodeling, repairing, equipping, moving or wrecking of buildings and other structures shall be licensed as a contractor, as required in this chapter. (Ord. No. 281, Art. 6, § 1, 1977)

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person at any time during regular business hours. In addition, copies of the Uniform Plumbing Code shall be available for sale to the public on or after adoption thereof through the office of the chief building inspector, at a price not to exceed the actual cost thereof to the city. (Ord. 255, S 4, 1976)

Chapter 15.28

MODEL ENERGY CODE

Section:

- 15.28.010 Code adopted.
- 15.28.020 Code described.
- 15.28.030 Copies on file.
- 15.28.040 Purpose.
- 15.28.050 Amendments to the Model Energy Code, 1986 Edition.
- 15.28.060 Violation--penalties.

15.28.010 Code adopted. Pursuant to the authority conferred by the Broomfield Home Rule Charter, Section 6.11, there is adopted, by reference, the Model Energy Code, 1986 Edition, including all appendices thereto, to have the same force and effect as through set forth in this Chapter in every particular, as amended in this Chapter. (Ord. 718, S 1, 1987)

15.28.020 Code described. The Model Energy Code, 1986 Edition, is published by the Council of American Building Official, 5203 Leesburg Pike, Falls Church, Virginia 22041. (Ord. 718, S 1, 1987)

15.28.030 Copies on file. At least three copies of the Model Energy Code, 1986 Edition, as adopted, are on file in the office of the city clerk and may be inspected during regular business hours. In addition, copies are available for sale and distribution to the public at a price not to exceed the cost thereof to the city. (Ord. 718, S 1, 1987)

15.28.040 Purpose. The purpose of this chapter is to set forth minimum requirements for the design of new buildings and structures or portions thereof and additions to existing buildings that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy, by regulating their exterior envelopes and the selection of their HVAC, service water heating, electrical distribution and illuminating systems and equipment for effective use of energy. (Ord. 718, S 1, 1987)

15.28.050 Amendment to the Model Energy Code, 1986 Edition. Section 302.1 is repealed in its entirety and re-enacted to read as follows:

302.1 Exterior Design Conditions

The following design parameters shall be used for calculations required under this code.

EXTERIOR DESIGN CONDITIONS

Winter*	Design Dry-bulb	1 °F
	Design Dry-bulb	91 °F
Summer*	Design Wet-bulb	63 °F
DEGREE DAYS HEATING		6000
DEGREES NORTH LATITUDE		39°55'

*The outdoor design temperature shall be selected from the columns of 97½ percent values for winter and 2½ percent values for summer from tables in Standard RS-1. Adjustments may be made to reflect local climates which differ from the tabulated temperatures, or local weather experience as determined by the building official. (Ord. 718, S 1, 1987)

15.28.060 Violation--penalties. The penalty for violation of the provisions of this chapter shall be as prescribed in chapter 1.12. (Ord. 718, S 1, 1987)

Chapter 15.32

CONTRACTOR'S LICENSES

Sections:

- 15.32.010 Required when.
- 15.32.020 Contractor defined.
- 15.32.030 Classification--Fees.
- 15.32.040 License--Term.
- 15.32.050 Building official--Authority generally.
- 15.32.060 Contractor licensing board.
- 15.32.070 Application--Contents.
- 15.32.080 License--Fees--Renewals.
- 15.32.090 Insurance requirements.
- 15.32.100 Fees--No refund.
- 15.32.110 Classification--Upgrading.
- 15.32.120 Validity.
- 15.32.130 Denial or revocation--Reapplication.
- 15.32.140 License responsibility.
- 15.32.150 Suspension, revocation, or denial--When.
- 15.32.155 Suspension, revocation, or denial--Which.
- 15.32.160 Suspension or revocation--Procedure.
- 15.32.170 Contractor licensing board--Hearing and review duties.
- 15.32.180 Emergency suspension.

15.32.010 Required when. Any contractor performing in a business involving the building, construction, alteration, remodeling, repairing, equipping, moving or wrecking of buildings and other structures shall be licensed as a contractor, as required in this chapter. (Ord. 281, Art. 6, S 1, 1977).

15.32.020 Contractor defined. A. "Contractor," within the meaning of this chapter is any person, which also means and includes a firm, co-partnership, corporation, association or other organization, or any combination thereof, who:

1. Undertakes, with or for another within the city, to build, construct, alter, remodel, repair, move or wreck any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage or other compensation;

2. Builds, constructs, alters or adds to another building or structure either upon his own or another's property;

3. A person who holds himself out to perform house-moving or the moving of buildings or structures from one location to another;

4. A person who holds himself out to perform the service of wrecking a building or other structure. (Ord. 281, Art. 6 S2, 1977)

B. The following persons shall not fall within the definition of "contractor":

1. Employees working for and under the supervision of a contractor;

2. Plumbers, electricians or other specialized trades for which another license or registration certificate is required by the city;

3. An owner or occupant making alterations or repairs totalling less than one thousand dollars in any one calendar year to the building he owns or occupies, which repairs do not involve the structure of the building, if the owner or occupant furnishes all the materials.

4. A homeowner who constructs his own residence, or a building or structure accessory thereto, which is intended for his own personal use; however, this will be permitted at only one residence within a period of a year, or such homeowner will be deemed a contractor. (Ord. 445, S1, 1981).

15.32.030 Classification--Fees. A. No person shall perform any work as a contractor within the city without having first obtained a license as provided in this chapter. No permits shall be issued for work to be done by a contractor who does not have a valid license as required in this chapter. No work shall be done during the period a permittee's license is suspended or revoked.

B. The following classes of contractors' licenses are established and the indicated fees shall be required of contractors within the city:

1. Class A. This class license shall entitle the holder to contract for the construction, alteration or repair of any type of structure permitted by this chapter. The annual fee shall be one hundred and fifty dollars. A Class A license is required for all work requiring the supervision of an

architect or structural engineer. Possession of an A license permits the activities authorized by Class B or C licenses.

2. Class B. This license shall entitle the holder to contract for the construction, alteration or repair of one-family and two-family residences of two stories or less. This contractor may not contract for public buildings or places of public assembly. The aforementioned limitations shall not apply to repairs on buildings not involving structural members. The annual fee shall be one hundred dollars. Possession of a B license permits the activities authorized by a Class C license.

3. Class C. This license shall be issued to those engaged in contracting for labor or for labor and material involving specialized trades, such as brick contractors, plastering contractors and framing contractors. Such licenses may include more than one such trade carried on by the licensee. The annual fee shall be fifty dollars. This license shall be issued to wrecking contractors, moving contractors, and mobile home set-up contractors. No wrecking shall be done except by a licensed wrecking contractor, except that a licensed general contractor of the A or B category may wreck minor buildings or remove portions of a building where such wrecking is a portion of a program of alteration or remodeling.

15.32.040 License--Term. A. All contractors' licenses issued from the effective date of this ordinance through December of 1982 will expire on December 31, 1982.

B. All contractors' licenses issued pursuant to any prior ordinances of the city will remain valid until June 30, 1981.

C. All contractors' licenses issued after December 31, 1982 shall expire on the 31st day of December of each year. (Ord. 445, S3, 1981).

15.32.050 Building official-Authority generally. The building official shall have the authority in accordance with the terms of this chapter, to approve, deny, suspend or revoke any license provided for in this chapter. (Ord. 445, S4, 1981).

15.32.060 Contractor licensing board. The city building and construction review board shall be assigned the duties and role of a contractor licensing board. The contractor licensing board shall have the following authority:

- A. To develop rules, regulations, and procedures relating to contractor license applications;
- B. To advise the building official on all matters pertaining to licensing;
- C. To conduct appellate hearings in the event the building official exercises his authority to suspend, revoke or decline to issue a license;
- D. To elect a chairman and vice chairman from among its members;
- E. To adopt reasonable procedural rules and regulations to carry out their responsibilities, as set forth in this chapter. (Ord. 281 Art. 6 S6, 1977).

15.32.070 Application--Contents. Applications for contractor's licenses shall be on such forms and shall contain such information as may be required by the building official. Applicants may at any time, or from time to time, be required to furnish additional information with respect to their qualifications and financial status, or other matters relating to or affecting their licenses, as may be deemed necessary or desirable by the building official or the contractor licensing board. Failure to furnish such information within a reasonable time, or to furnish supplemental information as may be required by the building official or the building and construction review board, shall be grounds for denial or revocation of license. (Ord. 281 Art. 6 S7(A), 1977).

15.32.080 License--Fees--Renewals. Persons required to be licensed under the terms of this chapter shall pay the license fees specified in section 15.32.030 to the city clerk. Renewals may be obtained by submitting an application for renewal, on a form prescribed by the building official, together with the license fee and certificate of insurance to the city clerk within thirty days before or after the expiration date of the previous license. Renewal licenses shall be valid for the term indicated in section 15.32.040. If a license is not renewed as provided in this section, a new application will be required. (Ord. 445, S5, 1981).

15.32.090 Insurance requirements. At the time application is made for a license, the contractor shall file with the building official a certificate of insurance evidencing that a policy of insurance in at least the minimum amount required by this section has been issued to the applicant; the limits of the insurance; the policy number; the name of the insurance company; the effective date of the policy; and an endorsement requiring ten days advance written notice to the building official in the event of cancellation. Such certificate shall be signed by an authorized agent of the issuing company. At the time the licensee seeks renewal of the license, he must submit a new certificate of insurance. A licensee must at all times maintain insurance up to at least the following limits:

A. A Class A or B licensee must have liability limits of at least three hundred thousand dollars per individual, three hundred thousand dollars per occurrence, and fifty thousand dollars for property damage.

B. A Class C licensee must have liability limits of at least fifty thousand dollars per individual, one hundred thousand dollars per occurrence, and twenty-five thousand dollars per property damage. (Ord. 445, S6, 1981).

15.32.100 Fees--No refund. License fees shall not be refunded. However, any fee paid by an applicant who is denied a license shall be refunded. (Ord. 445, S7, 1981).

15.32.110 Classification--Upgrading. Licensees wishing to upgrade their license to a higher classification must submit a new application and the total fee for the new classification. No credit shall accrue toward the new classification fee for the unused term of the original license. (Ord. 445, S8, 1981).

15.32.120 Validity. A. A change of name, business designation or address must be reported to the building inspection office within thirty days after making such a change. Failure of the licensee to report such change within the time limit shall cause the license to expire by force of law and become invalid at the expiration of the thirty-day period.

B. Incorporation or change in incorporation creating a new legal entity shall require a new license for such entity, even though one or more stockholders or directors have a license.

C. The organization of a partnership or the change in a partnership creating a new legal entity shall require a new license, even though one or more of the partners are licensed.

D. The dissolution of a corporation or partnership which has been licensed terminates the license and no individual or firm may operate under such license.

E. Licenses are not transferable. (Ord. 281 Art. 6 S10, 1977).

15.32.130 Denial or revocation--Reapplication. If a license is denied or revoked by the building official, and in case of an appeal, if the denial or revocation has been affirmed by the contractor licensing board, the applicant may reapply, but not sooner than ninety days after the denial or revocation, or in the case of an appeal, ninety days after the order of the board affirming the denial or revocation. (Ord. 445, S9, 1981).

15.32.140 Licensee responsibility. All licensees shall be responsible for work requiring a permit under the provisions of this chapter, without limitation, and for the items listed in this section:

A. To report in writing to the building official any accident occurring in any construction or undertaking which has resulted in lost time, injury or death to any person, or damage to any building or structure within seventy-two hours after such accident;

B. To provide minimum safety measures and equipment to protect workmen and the public, as prescribed by this chapter;

C. To observe any other city ordinances prescribing measures for the safety of workmen and of the public;

D. To present his license card when requested by the building official or his authorized representative;

E. To employ a qualified supervisor and to provide the name of such supervisor on the permit inspection card;

F. To obtain a permit when the same is required;

G. To faithfully construct, without substantial departure from or disregard of drawings and specifications, when such drawings and specifications have been filed and approved by the building official and a permit issued for same, unless such changes are approved by the building official;

H. To complete all work authorized on the permit issued under the authority of this chapter, unless good cause is shown;

I. To obtain inspection services when the same are required by this chapter;

J. To pay any fee assessed under authority of this chapter;

K. To obey any order issued under authority of this chapter. (Ord. 281 Art. 6 S12, 1977).

15.32.150 Suspension, revocation, or denial--When. The building official may suspend, revoke, or deny a license when the licensee or applicant, including partners of a partnership, members of a joint venture, or officers, directors, or holders of ten percent or more of the stock of a corporate licensee or applicant, is responsible for one or more of the following acts or omissions:

A. Failure to comply with any of the licensee responsibilities, as outlined in section 15.32.140, if such failure is not corrected within 10 days of written notification of such failure by the building official;

B. Knowingly combining or conspiring with any other person, firm or corporation to permit or allow the licensee's license to be used by such persons, firms or corporation;

C. By acting as principal agent, partner, associate, or in any other capacity with persons, firms or corporations to evade any provisions of this chapter;

D. Violation of any provision of this Title, chapter 3.04, chapter 3.08, or any violation of the laws of the United States, the state of Colorado, or the ordinances of the city having any bearing upon or relation to the work or services performed under

under the license, or ability to perform the work or services under the license, if such violation is not corrected within 10 days of being notified of such failure by the building official.

E. Any conduct constituting fraud or misrepresentation in or connected with any activity or activities relating to building, or which are licensed or governed by this chapter.

F. Failure to keep and maintain necessary insurance or necessary state licenses. (Ord. 445, S10, 1981).

15.32.155 Suspension, revocation, or denial--Which.
With regard to the acts or omissions listed in section 15.32.150:

A. The first act or omission during a term of a license issued under this chapter shall cause the license to be suspended for a period of 20 days.

B. The second act or omission during a term of a license issued under this chapter shall cause the license to be suspended for a period of 40 days.

C. The third act or omission during the term of a license issued under this chapter shall cause the license to be revoked.

D. Three or more acts or omissions during the preceding year shall be cause for the denial of a license. (Ord. 445, S11, 1981).

15.32.160 Suspension, revocation or denial--Procedures.
When any of the acts or omissions as enumerated in section 15.32.150 are committed by a licensee and the building official deems that such license should be suspended, revoked, or denied, the procedure shall be as follows:

A. The licensee shall be notified, in writing, by certified mail, mailed to the licensee's address of record with the building official, at least ten days prior to suspension, revocation or denial.

B. Upon receipt of the notice, the licensee may request a hearing. Such request shall be in writing to the building official within ten days of mailing of the notice.

C. If a hearing is requested by the licensee, in writing, within the time limit designated above, the building official shall set a time, date and place for the hearing within five days of receipt of the request for a hearing, and so notify the licensee.

D. When a hearing is conducted, the licensee and other interested parties may be in attendance. Upon completion of the hearing, the building official may take all the evidence admitted under advisement, and shall within ten days, notify the licensee of his findings and ruling, in writing, by certified mail. No suspension or revocation shall be effective while the matter is under advisement, except for emergency suspensions under section 15.32.180.

E. If the decision rendered by the building official is adverse to the licensee, the licensee may appeal to the contractor licensing board as an "aggrieved" person, and shall file an application for review by the contractor licensing board within thirty days after mailing of notice of the ruling of the building official. (Ord. 445 S12, 1981).

15.32.170 Contractor licensing board--Hearing and review duties. Should the contractor licensing board be called upon to review an initial decision of the building official, they shall conduct a hearing and set forth their findings and decision in writing. Decision of the contractor licensing board shall be made after notice and a hearing, at which any party or applicant shall be entitled to appear and present evidence and be represented by counsel. A record of the hearings before the contractor licensing board shall be kept, whether by electronic transcription, secretarial minutes or otherwise, and such records shall be kept in the custody of the building official, and shall be made available for transcription as may be required. Both the party affected by the board's decision and the city shall be considered parties to every proceeding of this type before the contractor licensing board. (Ord. 445 S13, 1981).

15.32.180 Emergency suspension. If the building official finds that emergency cause exists for suspension or revocation of a license, he may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation, as provided in this chapter. The licensee may, upon notice of such suspension, request an immediate hearing before the building official. The procedure shall thereafter be as provided in this chapter. (Ord. 445 S14, 1981).

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15.40.010 Definitions. As used in this chapter:

A. "Camper" means any portable structure designed for dwelling or sleeping purposes, and for mounting on a truck chassis of one ton capacity or less.

B. "Court" means mobile home court.

C. "Dependent mobile home" means a mobile home which does not have a flush toilet and a bath or shower.

D. "Independent mobile home" means a mobile home which has a flush toilet and a bath or shower.

E. "Licensee" means any person licensed to operate and maintain a mobile home court under the provisions of this ordinance.

F. "Mobile home" means any vehicle or similar portable structure having no foundation other than wheels, jacks or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

G. "Mobile home court" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

H. "Mobile home space" means a plot of ground within a mobile home court designed for the accommodation of one mobile home.

I. "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, fence or hedge.

J. "Permittee" means any person to whom a temporary permit is issued to maintain or operate a mobile home court under the provisions of this chapter.

K. "Person" means any natural individual, firm, trust, partnership, association or corporation.

L. "Service building" means an enclosed structure of permanent and moisture-free construction to house toilets, bathing and sanitation facilities, and laundry facilities for the common use of all occupants of the mobile home court. (Ord. 50 Art. 1 §1, 1964).

15.40.020 Court--License--Required. It is unlawful for any person to maintain or operate a mobile home court within the limits of the city, unless such person shall first obtain a license therefor. (Ord. 50 Art. 2 §1(1), 1964).

15.40.030 Court--License--Fee. The annual license fee for each mobile home court shall be five hundred dollars for up to and including the first ten mobile home spaces, and thirty-five dollars for each additional mobile home space. (Ord. 50 Art. 2 §1(2), 1964).

15.40.040 Court--License--Application--Contents. Application for an initial mobile home court license shall be filed with the city clerk, and the license shall be issued by the city council. The application shall be in writing, signed by the applicant, and shall include the following:

- A. The name and address of the applicant;
- B. The location and legal description of the mobile home court;
- C. A complete site plan of the court in conformity with the requirements of this chapter;
- D. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home court;
- E. Such further information as may be requested by the city council to enable it to determine if the proposed court will comply with legal requirements. (Ord. 50 Art. 2 §1(3), 1964).

15.40.050 Court--License--Issuance. The application and all accompanying plans and specifications shall be filed in triplicate, and the necessary fee for checking the plans, as provided in the building code, shall be paid at such time. The city council shall investigate the applicant and inspect the application and the proposed plans and specifications. If the applicant is of good moral character, and the proposed mobile home court will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this chapter, and all other applicable ordinances and statutes, the city council shall approve the application, and upon completion of the court according to the plans shall issue the license. (Ord. 50 Art. 2 §1(4), 1964).

15.40.060 Court--License--Renewal. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the city council shall issue a certificate renewing such license for another year. (Ord. 50 Art. 2 §1(5), 1964).

15.40.070 Court--License--Transfer. Upon application, in writing, for transfer of a license, the city council shall issue a transfer if the transferee is of good moral character. (Ord. 50 Art. 2 §1(6), 1964).

15.40.080 Court--License--Revocation. The city council may revoke any license to maintain and operate a court when the licensee has been found guilty of violating any provision of this chapter. After such conviction, the license may be reissued, if the circumstances leading to conviction have been remedied. (Ord. 50 Art. 2 §1(7), 1964).

15.40.090 Court--License--Posting. The license certificate or temporary permit shall be conspicuously posted in the office of, or on the premises of, the mobile home court at all times. (Ord. 50 Art. 2 §1(8), 1964).

15.40.100 Court--Location. Mobile home courts shall be located only in zoning districts in which they are specifically permitted under the zoning ordinance, subject to approval by the planning commission and city council. (Ord. 50 Art. 2 §2, 1964).

15.40.110 Court--Requirements generally. The mobile home court shall conform to the following requirements:

A. The court shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water. Storm sewers may be required if deemed necessary by the city council.

B. Mobile home spaces shall be provided consisting of a minimum of fifteen hundred square feet for each dependent mobile home space, which shall be at least thirty feet wide and clearly defined; and a minimum of twenty-eight hundred square feet for each independent mobile home space, which shall be at least forty feet wide and clearly defined.

C. Mobile homes shall be so harbored on each space that there shall be at least a twenty-foot clearance between mobile homes. No mobile home shall be located closer than twenty feet from any building within the court, or closer than one hundred feet from any property line bounding the court.

D. All mobile home spaces shall abut upon a driveway of not less than thirty feet in width, which shall have unobstructed access to a public street or highway.

E. Walkways not less than three feet wide shall be provided from the mobile home spaces to the service buildings.

F. All driveways and walkways within the court shall be hard-surfaced and illuminated at night with electric lamps with the bulbs covered, spaced at intervals to provide a minimum illumination at ground level of three-tenths foot candles.

G. Each court shall provide service buildings to house such toilet, bathing and other sanitation facilities, and such laundry facilities as are more particularly prescribed in this chapter.

H. Park and recreational area shall be provided and shall be restricted to such use. A minimum of one acre for the first ten mobile homes, plus one thousand square feet for each additional mobile home space, shall be made available in a convenient location or locations. (Ord. 50 Art. 2 §3, 1964).

15.40.120 Court--Water supply. Mobile home courts shall be connected to the public water supply of the city in the manner specified by the water and sanitation department of the city. Each mobile home space shall be provided with a cold water tap capable of furnishing a minimum of two hundred fifty gallons per day. Such tap shall be constructed to provide a frost-free connection to the water system of each individual mobile home. An adequate supply of hot and cold water shall be provided at all times in the service buildings for bathing, washing, cleansing and laundry facilities. The developer of the court shall be responsible for installation of all mains, service lines, valves and appurtenances, in accordance with standards approved by the city. A water meter shall be installed at each mobile home space and water shall be billed to the owner of the court for each space at the end of each month. Water and sewer bills constitute a lien against the property, and service may be denied at any time bills are not paid, as specified in city laws and regulations. Tap fee will be assessed in accordance with policy of the city. Meters, meter boxes and other standard equipment

will be installed by the city at the expense of the owner of the court. Water will be paid for in accordance with rates published by the city. One fire hydrant shall be installed within the court for each one hundred ten thousand square feet of area, or fraction thereof. (Ord. 50 Art. 2 §4, 1964).

15.40.130 Court--Sanitation facilities. Each court accommodating only independent mobile homes shall provide sanitary facilities for emergency use in a service building. These facilities shall consist of at least one flush-type toilet and one lavatory for each sex. Each court accommodating dependent mobile homes shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities, which shall conform to the following requirements:

A. Toilet facilities for males shall consist of not less than one flush toilet and one urinal for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional flush toilet and one additional urinal for each ten additional dependent mobile homes or fractional number thereof.

B. Toilet facilities for females shall consist of not less than one flush toilet for the first five dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of five, not less than one additional flush toilet for every five additional dependent mobile homes or fractional number thereof.

C. Each sex shall be provided with not less than one lavatory and one shower or bathtub with individual dressing accommodations for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten additional dependent mobile homes or fractional number thereof.

D. Each toilet and each shower or bathtub with individual dressing accommodations for which provision is made in subsections A, B and C of this section, shall be in a private compartment or stall.

E. The toilet and other sanitation facilities for males and females shall be either in separate buildings, or shall be separated, if in the same building, by a soundproof wall.

F. There shall be provided, in a separate compartment or stall, not less than one flush-toilet bowl receptacle for emptying bedpans or other containers of human excreta, and an adequate supply of hot running water for cleansing such bedpans or containers. (Ord. 50 Art. 2 §5, 1964).

15.40.140 Court--Laundry facilities. A. Laundry facilities shall be provided in the following ratio: not less than one single laundry tray and one automatic or semi-automatic-type washing machine for the first twenty-five mobile

home spaces or any less number thereof, and for mobile home spaces in excess of twenty-five, not less than one additional single laundry tray and one additional automatic or semi-automatic-type washing machine for every twenty-five additional mobile home spaces or fractional number thereof.

B. Drying spaces and automatic drying equipment shall be provided sufficient to accommodate the laundry of the mobile home occupants.

C. The laundry facilities shall be either in a separate building or, if in the same building where sanitation facilities are housed, shall be separated from the rooms housing the sanitation facilities by a soundproof wall. (Ord. 50 Art. 2 §6, 1964).

15.40.150 Court--Service building. A. Service buildings housing sanitation and laundry facilities, or any of such facilities, shall be permanent, moistureproof structures complying with all applicable city ordinances regulating buildings, electrical installations and plumbing and sanitation systems.

B. The service buildings shall be well lighted at all times of the day and night; shall be well ventilated with screened openings; shall be constructed of moistureproof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty-eight degrees Fahrenheit during the period from September 1st to June 1st. The floors of the service buildings shall be of water-impervious material, i.e., concrete, asphalt, or metal, but not including wood, linoleum or asphalt tile.

C. Service buildings housing sanitation facilities shall be located not closer than forty feet nor farther than two hundred feet from any mobile home space upon which a dependent mobile home is harbored.

D. All service buildings and the grounds of the court shall be maintained in a clean, sightly condition, and kept free of any condition that might menace the health of any occupant or the public, or constitute a nuisance. (Ord. 50 Art. 2 §7, 1964).

15.40.160 Court--Sewage disposal. A. Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the court shall be discharged into the Broomfield sewer system, in compliance with applicable ordinances.

B. Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of

such facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into the Broomfield sewer system, in compliance with applicable ordinances. (Ord. 50 Art. 2 §8, 1964).

15.40.170 Court--Garbage and refuse disposal. A. All paper and other combustible waste material will be disposed of by burning in centrally located incinerators.

B. All domestic garbage shall be disposed of through electrically operated garbage disposal units directly connected to the sanitary sewer system. Such disposal units shall have an adequate supply of cold water to flush all ground garbage and other materials into the sewer main. Disposal units may be located in individual mobile homes. Commercial-type units shall be located in service buildings of a type and quality approved by the city building inspector and capable of handling the potential disposal from the entire court.

C. Noncombustible trash such as food, cans, bottles, and similar items shall be placed in metal garbage cans with tight-fitting covers, which shall be provided in sufficient quantities to contain all such rubbish. Containers will be emptied at least once each week, and material will be disposed of at an approved dump or sanitary fill. (Ord. 50 Art. 6 §9, 1964).

15.40.180 Court--Fire protection. Every court shall be equipped at all times with fire-extinguishing equipment in good working order, of such type, size and number and so located within the court as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any time or place which may endanger life or property. No fires shall be left unattended at any time. One fire hydrant shall be installed within the court for each one hundred ten thousand square feet of area or fraction thereof. (Ord. 50 Art. 6 §10, 1964).

15.40.190 Court--Electrical supply system. All power lines and service lines within the mobile home court shall be located below the surface of the ground. An electrical outlet supplying at least one hundred twenty volts, or one hundred twenty/two hundred forty volts for three-wire meters shall be provided for each mobile home space, with a minimum capacity of fifty amperes. Such electrical outlet shall be weatherproofed. The installation shall comply with applicable regulations of the city and the state, and of the utility company furnishing the service. Bodies of all metal trailers shall be grounded to an approved ground connection installed in the trailer pad. (Ord. 50 Art. 6 §11, 1964).

15.40.200 Court--Fuel storage and use. A. Mobile homes or travel trailers using liquefied petroleum gas for cooking and heating units are subject to inspection for compliance with the state law on liquefied petroleum gasses. These units may be converted to use natural gas. For the safety of occupants, it shall be the responsibility of the park owner or operator to insure that no natural gas units in a mobile home or travel trailer are connected ~~or~~ used until such gas units are inspected and approved by the gas utility company supplying the service. All rules and regulations of the gas utility company, as filed with the Public Utilities Commission, shall be adhered to prior to gas service being provided.

B. All piping from outside oil storage tanks to heating units in mobile homes shall be copper tubing and shall be permanently installed and securely fastened in place. All fuel storage tanks shall be securely fastened in place, and shall not be located inside or beneath the mobile home.

C. Oil storage shall be permitted in approved tanks or containers, not exceeding sixty gallons in capacity, mounted on incombustible, approved frames. Such containers shall be vented and provided with a stopcock at the outlet of the container and another stopcock on the fuel line before it enters the mobile home. (Ord. 50 Art. 6 §12, 1964).

15.40.210 Court--Storage space. Each mobile home space shall be provided with not less than two hundred cubic feet of storage space located in a central building. All such storage units and buildings shall be of at least one-hour fire-resistant construction. No storage shall be permitted underneath any mobile home or vehicle. (Ord. 50 Art. 6 §13, 1964).

15.40.220 Court--Register of occupants. It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the court. The court shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register, and the register shall not be destroyed for a period of three years following the date of departure of the registrant from the court. The register shall contain the following information:

- A. The name and address of each mobile home occupant;
- B. The name and address of the owner of each mobile home and motor vehicle by which the mobile home is towed;
- C. The make, model, year and license number of each mobile home and motor vehicle;
- D. The state, territory or country issuing such licenses;

E. The date of arrival and of departure of each mobile home;

F. Whether or not each mobile home is a dependent or independent mobile home. (Ord. 50 Art. 2 §14, 1964).

15.40.230 Court--Supervision and inspection. The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home court, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this chapter to which the licensee or permittee is subject. The mobile home court shall be subject to inspection by duly authorized health officials and by the city building official, at any reasonable time. (Ord. 50 Art. 2 §15, 1964).

15.40.240 Parking and storage. The parking and/or storage of mobile homes and dismantled campers in the city shall be subject to the following regulations:

A. It is unlawful for any person to use or occupy for living or sleeping purposes any mobile home or camper within the city limits of the city, except in a licensed mobile home court; provided, however, that lawful nonconforming uses existing at the time of enactment of the ordinance codified in this chapter may continue for a period of two years from the effective date of the ordinance codified in this chapter at which time such nonconforming uses shall be discontinued. This section does not make unlawful the occasional use of a mobile home or camper on private residential property for sleeping purposes only.

B. Parking or storing of mobile homes or dismantled campers offered for sale by an authorized dealer shall be permitted in the dealer's lot in any zoning district where such business is authorized.

C. It is unlawful for any person habitually to park or store any mobile home on any public street, public alley or other public right-of-way.

D. The storage of mobile homes or dismantled campers which do not exceed eighteen feet in length, shall be permitted in residential districts; provided, that:

1. Such storage is entirely within a private garage;

or

2. The mobile home or dismantled camper is stored in a location which is as inconspicuous as reasonably possible on the premises occupied by the owner of such mobile home or dismantled camper; and

3. Not more than one mobile home and/or dismantled camper may be stored on any lot.

E. Mobile homes not exceeding twenty-four feet in length may be parked within the city limits at the following locations and for the following purposes:

1. One mobile home for each construction project, to be parked on the site of the construction, for use as an office by the contractor, subject to written approval by the building official. The mobile home shall be removed from the site upon final inspection and issuance of a certificate of occupancy by the building official.

2. In any R5, ED, B1, B2, C2, M1 or M2 zoning district, mobile homes may be used as temporary office space for a period of not more than forty-five days, upon written approval of the city administrator or building official. (Ord. 50 Art. 3 §1, 1964).

15.40.250 Penalty for violation. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted. Upon conviction of any such violation, such person, firm or corporation shall be punishable as provided in Chapter 1.12 of this code. (Ord. 50 Art. 4 §1, 1964).

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- 16.32.010 Installation or guarantee required.
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Appendix A Approved Street Trees

TITLE 16
SUBDIVISIONS

Chapters:

16.04	General Provisions
16.08	Definitions
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16.20	Final Plat
16.22	Minor Subdivision
16.24	Vacation of Plats
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Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Short title.
- 16.04.020 Requirements generally.
- 16.04.030 Interpretation of provisions.

16.04.010 Short title. This title shall be known and may be cited as the "Subdivision Regulations" of the city. (Ord. No. 724, § 1, 1987)

16.04.020 Requirements generally.

A. Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, shall make the transaction subject to the provisions of this title, and a plat therefor must be submitted to and approved by the city according to the terms set forth in this title. This title also applies to any division of land previously subdivided or platted.

B. No plat of a subdivision of land shall be used for purposes of sale or building development, or filed and recorded, until approved by the city council, with such approval entered, in writing, on the plat and signed by the mayor and attested by the city clerk.

C. No building shall be erected on any lot, nor shall a building permit or certificate of occupancy be issued unless the street giving access to the lot upon which such building is proposed to be placed has been dedicated to and accepted by the city, and a final plat for the lot or parcel upon which such building is to be placed has been approved by the city council. (Ord. 724, S 1, 1987)

16.04.030 Interpretation of provisions. In the interpretation and application of the provisions of this title, the following regulations shall govern:

A. Provisions are Minimum Requirements. In their interpretation and application, the provisions of this title shall be regarded as minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This title shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

B. Application of Overlapping Regulations. Whenever both a provision of this title and any other provisions of this title, or any provision in any other law, ordinance, resolution, rule, or regulation of any kind, contain any restriction covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. (Ord. 724, S 1, 1987)

Chapter 16.08

DEFINITIONS

Sections:

16.08.010 Definitions.

16.08.010 Definitions. As used in this title, the following words have the following meanings:

A. "Access control line" means a line designated on a subdivision plat between known points of reference for the purpose of restricting or limiting access.

B. "Block" means a unit of land within a subdivision containing one or more lots which is bounded by public or private streets, highways, railroad rights-of-way, public walks, alleys, parks or open space, rural or vacant land or drainage channels, subdivision boundaries, property boundaries or a combination thereof, and which is customarily further divided into lots.

C. "Drainage easement" means a grant to the city of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris.

D. *Easement* means a grant by a property owner of use of land for designated purposes by another.

E. *Final drainage study* means a study in a form and content satisfactory to the city engineer, including such detailed maps, hydraulic calculations, designs, plans, drawings and analyses as the city engineer shall specify.

F. *Flag lot* means a lot of regular or irregular shape normally situated to the rear of other lots having as its frontage and access a drive connecting it to a street.

G. *Geotechnical studies* means studies in a form and content satisfactory to the city engineer, including such data and recordings as the city engineer shall specify.

H. *Minor subdivision* means a subdivision of five (5) or fewer lots that requires no dedication of streets, easements, rights-of-way or other public uses.

I. *Preliminary drainage report* means a report in a form and content satisfactory to the city engineer, including such preliminary maps, hydraulic calculations, designs, plans, drawings and analyses as the city engineer shall specify.

J. *Street* means a way for vehicular traffic, whether designated as a street, alley, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

K. *Subdivider* or *developer* means any person, partnership, joint venture, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

L. *Subdivision* means the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business or other use. The term shall also include and refer to any division of land previously subdivided or platted.

M. *Through lot* means an interior lot abutting on more than one (1) street or a corner lot abutting more than two (2) streets.

N. *Tract* means a portion of land that is part of a subdivision which is designated for some purpose other than a building site, lot or easement.

O. *Traffic analysis report* means a report in a form and content satisfactory to the city engineer which addresses the traffic impact of the development of the land in question, and which includes such data and analysis as the city engineer shall specify. (Ord. No. 724, § 1, 1987; Ord. No. 933, § 1, 7-28-92)

Chapter 16.12

FEES

Sections:

16.12.010 Fees.

16.12.010 Fees. The fee for each final subdivision plat, which shall be paid prior to city council approval of a final plat, shall consist of the following:

- A. Two hundred dollars per final subdivision plat; and
- B. The costs of recording the plat, subdivision agreement, and other documents. (Ord. 724, S 1, 1987)

Chapter 16.16

PRELIMINARY PLAT

Sections:

- 16.16.010 Preliminary plat optional.
- 16.16.020 Scope.
- 16.16.030 Preliminary plat -- format.
- 16.16.040 Preliminary plat -- contents.
- 16.16.050 Preliminary plat -- accompanying information.
- 16.16.060 Preliminary plat -- hearing and notice -- planning and zoning commission.
- 16.16.070 Preliminary plat -- recommendation -- planning and zoning commission.
- 16.16.080 Preliminary plat -- hearing and notice -- city council.
- 16.16.090 Preliminary plat -- decision -- city council.
- 16.16.100 Preliminary plat -- time limit.
- 16.16.110 Review standards.

16.16.010 Preliminary plat optional. The preliminary platting process set forth in this chapter is optional. The developer or subdivider may omit this step and proceed with preparation of a final plat, provided that the final plat must include all contiguous property in one ownership. (Ord. 724, S 1, 1987)

16.16.020 Scope. A preliminary plat must include all contiguous property in one ownership. (Ord. 724, S 1, 1987)

16.16.030 Preliminary plat -- format.

A. Preliminary plats shall be in black ink or photographic reproduction, on 4 mil thickness mylar (double matted polyester film). The scale shall ordinarily be one inch equals one hundred feet. A larger scale or a smaller scale (not less than one inch equals two hundred feet) may be used with prior approval of the city manager or his designee.

B. The size of the sheets shall ordinarily be 24 inches by 36 inches.

C. Plats of two or more sheets shall be referenced to an index map placed on the first sheet. (Ord. 724, S 1, 1987)

16.16.040 Preliminary plat -- contents. The preliminary plat shall contain the following information:

- A. Proposed name of the subdivision;
- B. Location and boundaries of the subdivision including a legal description;
- C. Names, addresses and signatures of the owner, subdivider and surveyor (who shall be registered by the Colorado State Board of Registration for Professional Engineers and Land Surveyors);
- D. Date of preparation and of any revisions, written and graphic scale, the north arrow (designated as true north);
- E. Total acreage of the subdivision;
- F. Location and principal dimensions for all existing streets (including their names), alleys, easements, watercourses, and other important features within and adjacent to the tract to be subdivided;
- G. Location and dimensions for all proposed arterial and collector streets (including their proposed names) and sites to be reserved or dedicated for parks, schools or other public uses (including the areas thereof);
- H. Topography at two-foot contour intervals, referenced to USGS data;
- I. Base flood elevation data and designation of areas of special flood hazard, as defined in section 17.04.022 of this Code; (Ord. 769, S 1, 1988)
- J. Proposed drainageways;
- K. Proposed sites and areas of residential uses, business uses, industrial uses, churches and other uses;
- L. Existing and proposed zoning on and adjacent to the subdivision;
- M. The names of abutting subdivisions or the names of owners of abutting, unplatted property;
- N. The location of all existing buildings that are to be retained on the site;
- O. A proposed schedule for approval of final plats. (Ord. 724, S 1, 1987)

16.16.050 Preliminary plat--accompanying information. The preliminary plat shall be accompanied by:

- A. A completed development review application form, provided by the City Manager or his designee, signed by the property owner and subdivider; and
- B. Proof of ownership satisfactory to the City Attorney, which may include a recently issued title commitment or title policy; and
- C. Preliminary drainage report;
- D. A report or map showing the location and size of existing utilities within or adjacent to the subdivision (including water, sewer, electricity, and gas), and containing such engineering as is necessary to show generally how water, sewer, electricity, gas, telephone, and cable television services are to be provided; and
- E. Geotechnical studies, as requested by the city. (Ord. 724, S 1, 1987)

16.16.060 Preliminary plat--hearing and notice--Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing on the preliminary plat. Notice shall be given in accordance with the provisions of Chapter 17.52. (Ord. 724, S 1, 1987)

16.16.070 Preliminary plat--recommendation--Planning and Zoning Commission. Within 30 days of the conclusion of its public hearing, the Planning and Zoning Commission shall adopt a resolution of approval, disapproval, or conditional approval. If the recommendation is for conditional approval, the conditions under which the preliminary plat would be acceptable shall be set forth. (Ord. 724, S 1, 1987)

16.16.080 Preliminary plat--hearing and notice--City Council. The City Council shall hold a public hearing on the preliminary plat. Notice shall be given in accordance with the provisions of Chapter 17.52. (Ord. 724, S 1, 1987)

16.16.090 Preliminary plat--decision--City Council. Within 30 days of the conclusion of its public hearing on preliminary plat, the City Council shall adopt a resolution of approval, disapproval, or referral back to the Planning and Zoning Commission for further study. (Ord. 724, S 1, 1987)

16.16.100 Preliminary plat--time limit.

A. The preliminary plat shall be valid for one year from the date of approval, or such longer time as may be indicated in an approved final plat approval schedule.

B. The validity of the preliminary plat may be extended by the Planning and Zoning Commission if they are satisfied that the preliminary plat remains consistent with current standards and specifications and review standards. (Ord. 724, S 1, 1987)

16.16.110 Review standards. The recommendation of the Planning and Zoning Commission and the decision of the City Council shall be based on whether the applicant has demonstrated that the proposed preliminary plat meets the following standards:

A. The project should not create, or should mitigate to the extent possible, negative impacts on the surrounding property.

B. The project should provide desirable settings for buildings, make use of natural contours, protect the view, and afford privacy and protection from noise and traffic for residents and the public.

C. The project should preserve natural features of the site to the extent possible.

D. The proposed traffic flow and street locations should be consistent with the City's Master Plan, should be in accordance with good engineering practice, and should provide for safe and convenient movement.

E. The lots and tracts should be laid out to allow efficient use of the property to be platted.

F. The proposed public facilities and services should be adequate, consistent with the City's utility planning, and capable of being provided in a timely and efficient manner.

G. The proposal should comply with the design standards of Chapter 16.28, the improvement requirements of Chapter 16.32, and the standards and specifications of Chapter 14.04. (Ord. 724, S 1, 1987)

H. The proposal should be consistent with the need to minimize flood damage. (Ord. 769, S 2, 1988)

I. The proposal should have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and designed to minimize flood damage. (Ord. 769, S 2, 1988)

J. The proposal should have adequate drainage provided to reduce exposure to flood damage. (Ord. 769, S 2, 1988)

Chapter 16.20

FINAL PLAT

Sections:

- 16.20.010 Final plat required.
- 16.20.020 Final plat--format.
- 16.20.030 Final plat--contents.
- 16.20.040 Final plat--accompanying information.
- 16.20.050 Final plat--hearing and notice--planning and zoning commission.
- 16.20.060 Final plat--recommendation--planning and zoning commission.
- 16.20.070 Final plat--hearing and notice--city council.
- 16.20.080 Final plat--decision--city council.
- 16.20.090 Review standards.
- 16.20.100 Site specific development plan--vested property rights.

16.20.010 Final plat required. The final platting process set forth in this chapter is required. When satisfactorily completed, this platting process satisfies the requirements of section 16.04.030. A final plat must include all contiguous property in one (1) ownership, unless there is an approved preliminary plat covering all contiguous property in one (1) ownership. Final plats submitted to the city will conform to all applicable laws of the state of Colorado regulating the practice of land surveying and will be prepared by a professional land surveyor registered by the state of Colorado. (Ord. No. 724, § 1, 1987; Ord. No. 934, § 1, 8-11-92)

16.20.020 Final plat--format.

A. Final plats shall be in black ink or photographic reproduction, on four (4) mil thickness mylar (double matted polyester film). The scale shall ordinarily be 1" = 100'. A larger scale or a smaller scale (not less than 1" = 200') may be used with prior approval of the city manager or his designee.

B. The size of the sheets shall be as required by the county where the plat is to be filed.

C. Plats of two (2) or more sheets shall be referenced to an index map placed on the first sheet. (Ord. No. 724, § 1, 1987)

16.20.030 Final plat--contents. The final plat will contain, as a minimum, the following information:

- A. A scaled drawing of the boundaries of the land parcel, including a title description or legal description or reference thereto as required in section 16.20.020. The drawing must show the location, dimensions and centerlines of all existing and proposed streets, including their names, and alleys, and location and dimensions of all lot lines.
- B. Recorded and apparent rights-of-way and easements as follows:

1. When recorded and apparent rights-of-way are shown: If a search for recorded rights-of-way and easements was conducted by someone other than the professional land surveyor who prepared the plat, it must be stated and include the name of the person who conducted the search. It must also state the source from which the recorded rights-of-way and easements were obtained.
 2. When recorded rights-of-way and easements are not shown, the plat must contain a statement that the owner does not desire that the rights-of-way and easements be searched and stated on the plat.
- C. All of the dimensions necessary to establish the boundaries in the field.
- D. A statement signed and sealed by a professional land surveyor that the survey was performed by him or under his direct responsibility, supervision and checking. If bearings are used, a statement explaining how the bearings were established must be included.
- E. Monuments:
1. All monuments that mark the boundaries of the property, both found and set, and all control monuments which were used in conducting the survey will be clearly shown and described. Survey monuments for external boundaries of all platted subdivisions will be set not more than one thousand four hundred (1,400) feet apart along any straight boundary line, at all angle points, at the beginning, end and all points of change of direction or change of radius of any curved boundaries defined by circular arcs, and at the beginning and end of any spiral curve, and at all public land corners.
 2. Proper monuments will be set at section, quarter or sixteenth corners, if applicable, and proper records filed in accordance with section 38-53-103, C.R.S., as amended.
 3. Internal subdivision survey monuments will be established at all road centerline intersections, the center of radius for cul-de-sacs, the road centerline PC's and PT's of curves, or the PI's of curves, and at the end of the centerline for dead end streets.
 4. All monuments will be solidly embedded in the ground. Affixed securely to the top of each monument will be a durable cap bearing the Colorado registration number of the professional land surveyor who sets the monument. Monuments located within a street but under pavement will be installed a minimum of twelve (12) inches below the finished grade of the street. Access to these monuments will be provided by the installation of a range box.
 5. Whenever possible, State plane coordinates will be furnished to the city engineer for all subdivision boundary monuments that are within a reasonable distance of a first or second order monument for which such coordinates are available or can readily be determined by computation.

6. At least one (1) permanent bench mark will be established in all new or replatted subdivisions in the city. The bench marks will be a domed brass cap firmly affixed to a permanent structure, such as a concrete bridge headwall or wingwall, concrete irrigation structures or other sizeable concrete masses. The cap may also be set in a solid rock formation or in the ground in a six (6) inch diameter, thirty-six (36) inch deep concrete monument, provided the cap is not to be set in sidewalks, curbs, driveways, streets, utility poles or trees. Each benchmark will be located with at least two (2) horizontal ties shown on the plat. The elevation datum of the benchmark will be surveyed from monuments acceptable to the city engineer. The elevation and the datum used to establish the benchmark will be recorded on the plat and submitted to the city engineer.
- F. Title block will contain the proposed name of the subdivision and the section, township, range and principal meridian.
- G. Any conflicting boundary evidence must be shown and described.
- H. Names, addresses and signatures of the owner, subdivider and professional land surveyor.
- I. Total acreage of the subdivision.
- J. Written and graphic scale, the north arrow designated as true north.
- K. The names of abutting subdivisions.
- L. Numbers and letters identifying each lot, block and tract.
- M. Statement of land ownership.
- N. Statement by the owner dedicating streets, rights-of-way, easements and other tracts to the city and its assigns. Areas reserved for future public acquisition will also be shown on the plat.
- O. A certificate by an attorney licensed to practice law in the state of Colorado that the person or persons dedicating the streets, easements and rights-of-way own them in fee simple, free and clear of all liens and encumbrances.
- P. Certification and approval by the planning and zoning commission, with signature lines for the chairman and secretary.
- Q. Certification for approval by the city council with signature lines for the mayor and city clerk.
- R. Block for recording information as required by the county clerk of the county where the plat will be filed.
- S. A statement that reads as follows: "Approval of this final plat may create a vested property right pursuant to article 68 of title 24, C.R.S." (Ord. No. 934, § 2, 8-11-92)

16.20.040 Final plat--accompanying information. The final plat shall be accompanied by:

- A. A completed development review application form, provided by the city manager or his designee, signed by the property owner and subdivider;
- B. An executed subdivision agreement;
- C. Perpetual drainage easements for areas affected by the proposed development;
- D. The professional land surveyor will provide a certificate as to the accuracy and conformance of the final plat to all applicable state laws and the requirements set forth herein. The survey of the monumented perimeter must have an error of closure not greater than one (1) part in ten thousand (10,000) parts and must be tied into the state plane coordinates or other permanent marker accepted by the city engineer. The professional land surveyor will provide a computer printout of the mathematical closure of the boundary lines, road rights-of-way, easements and blocks of the final plat for review by the city engineer. Any mathematical closure errors in excess of one-hundredth (0.01) foot must be corrected prior to plat approval;
- E. A technical report showing the location, extent, capacity and nature of all public improvements to be installed and other information as follows:
 1. Proposed name of subdivision;
 2. Outlines of existing and proposed streets, easements, rights-of-way, watercourses, lot lines and other important features;
 3. Two (2) foot interval contours as existing and proposed;
 4. Streets, curbs, gutter and sidewalk improvements;
 5. Traffic control devices;
 6. Water and sanitary sewer lines and appurtenances;
 7. Base flood elevation data and designation of areas of special flood hazard, as defined in section 17.04.022 of this code;
 8. Proposed drainageways;
 9. Storm drainage improvements and appurtenances;
 10. Proposed sites and areas of residential uses, business uses, industrial uses, churches and other nonpublic uses;
 11. Existing and proposed zoning on and adjacent to the tract; and
 12. The location of all existing buildings that are to be retained on the site; and
- F. Agreements made with ditch companies when needed;
- G. A final drainage study;

- H. A traffic analysis report;
- I. Geotechnical studies as requested by the city;
- J. A report or map showing the location and size of existing utilities within or adjacent to the subdivision (including water, sewer, electricity and gas), and containing such engineering as is necessary to show generally how water, sewer, electricity, gas, telephone and cable television services are to be provided;
- K. Proof of ownership satisfactory to the city attorney, which may include a recently issued title commitment or title policy; and
- L. A general warranty deed or other deed satisfactory to the city attorney, title commitment and fee for the title policy for property being dedicated to the city. (Ord. No. 724, § 1, 1987; Ord. No. 934, § 3, 8-11-92)

16.20.050 Final plat--hearing and notice--planning and zoning commission. The planning and zoning commission shall hold a public hearing on the final plat. Notice shall be given in accordance with the provisions of chapter 17.52. (Ord. No. 724, § 1, 1987)

16.20.060 Final plat--recommendation--planning and zoning commission. Within thirty (30) days of the conclusion of its public hearing on the final plat, the planning and zoning commission shall adopt a resolution recommending approval, disapproval or conditional approval. If the approval is conditional, the conditions under which the final plat would be acceptable shall be set forth. (Ord. No. 724, § 1, 1987)

16.20.070 Final plat--hearing and notice--city council. The city council shall hold a public hearing on the final plat. Notice shall be given in accordance with the provisions of Chapter 17.52. (Ord. No. 724, § 1, 1987)

16.20.080 Final plat--decision--city council. Within thirty (30) days of the conclusion of its public hearing on the final plat, the city council shall adopt a resolution of approval, disapproval or referral back to the planning and zoning commission for further study. (Ord. No. 724, § 1, 1987)

16.20.090 Review standards. The recommendation of the planning and zoning commission and the decision of the city council shall be based on whether the applicant has demonstrated that the proposed final plat meets the standards set forth in section 16.16.110 of this code and is generally consistent with an approved preliminary plat, if there is one. No final plat will be recommended by the planning and zoning commission or approved by the city council until such maps, data, surveys, analyses, studies, reports, plans, designs, documents and other supporting materials as may be required herein have been submitted and reviewed, and found to meet the planning, engineering and surveying requirements of the city required; provided, however, the city engineer may waive any final plat requirement for good cause shown. (Ord. No. 724, § 1, 1987; Ord. No. 934, § 4, 8-11-92)

16.20.100 Site specific development plan--vested property rights. As to lot size and layout, the "site specific development plan," as that phrase is used in article 68, title 24, C.R.S., as amended, shall be the final plat. (Ord. No. 750, § 3, 1987)

Chapter 16.22

MINOR SUBDIVISION

Sections:

16.22.010 Application.

16.22.020 Minor subdivision plat requirements.

16.22.010 Application. Any subdivider or developer may apply to the city for a minor subdivision of a tract of land. The city manager, or a designee thereof, must first approve all such applications. At the discretion of the city manager, the city manager may refer the application to the planning and zoning commission for a recommendation. Should any such application be disapproved by the city manager, it may be further processed as provided in chapters 16.16 and 16.20 of this Code. (Ord. No. 933, § 2, 7-28-92)

16.22.020 Minor subdivision plat requirements. Minor subdivision plats will include the following:

- A. The description, location and dimensions of the tract of land and all lots within the tract.
- B. A scale drawing in black permanent ink of the boundaries of the tract, including a statement of the scale, such as 1" = 100', and a graphic scale to permit scaling of reduced or enlarged copies of the original.
- C. Recorded and apparent rights-of-way and easements, including a cross-reference to previously recorded dedications.
- D. All dimensions necessary to establish boundaries in the field.
- E. A statement by a registered land surveyor that he or she surveyed the tract of land.
- F. A statement by a registered land surveyor explaining how bearings, if used, were determined.
- G. A legal description of all monuments, both found and set, which mark the boundaries of the property, and a description of all control monuments used in conducting the survey.
- H. A north arrow.
- I. A subdivision name not duplicating any other subdivision in the city or the county in which the subdivision is located.
- J. The signature and seal of a registered land surveyor.

- K. A small vicinity sketch showing abutting subdivisions and major streets within one-half (½) mile of the proposed minor subdivision.
- L. The format for a minor subdivision plat shall conform to the requirements of section 16.20.020 of this Code.
- M. Approval of the plat by the planning director, city engineer and city manager.
- N. If required, a signed subdivision agreement.
- O. Payment of required fees.
- P. Payment of recording fees for the county in which the minor subdivision plat will be recorded.
- Q. Such drainage and construction plans as may be required by the city engineer.
- R. A certificate on the plat for the county clerk and recorder. (Ord. No. 933, § 2, 7-28-92)

Chapter 16.24

VACATION OF PLATS

Sections:

- 16.24.010 Vacation authorized
- 16.24.020 Vacation by ordinance or resolution

16.24.010 Vacation authorized. The city council is authorized to vacate any preliminary or final plat on application of the owner thereof. (Ord. No. 724, § 1, 1987)

16.24.020 Vacation by ordinance or resolution. A vacation of a preliminary plat or a final plat which includes no dedication of streets, easements, rights-of-way or other interests in real property may be by resolution or ordinance. A vacation of a plat which includes the dedication of any streets, easements, rights-of-way or other interests in real property shall be by ordinance. (Ord. No. 724, § 1, 1987)

Chapter 16.28

DESIGN STANDARDS

Sections:

- 16.28.010 Site requirements.
- 16.28.020 Streets.
- 16.28.030 Adjoining arterial highway.
- 16.28.040 Half streets prohibited; exceptions.
- 16.28.050 Street ending at plat perimeter.
- 16.28.060 Alleys.
- 16.28.070 Easements.
- 16.28.080 Street names.
- 16.28.090 Blocks.
- 16.28.100 Lots.
- 16.28.110 Dedication—Requirements generally.
- 16.28.120 Same—Public land dedication requirements.
- 16.28.130 Same—Alternate parcel; when.
- 16.28.140 Same—Cash in lieu; appraisal procedure.
- 16.28.150 Same—Policy determination considerations.
- 16.28.160 Same—Previous arrangements.
- 16.28.170 Reservation; schools and other public places.

16.28.010. Site requirements.

A. Steep land, unstable land, and areas having inadequate drainage shall be noted, and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such areas shall not be platted for residential occupancy.

B. Any land in a natural drainage channel shall not be platted for occupancy unless adequate provisions to eliminate or control flood hazards are made and approved. These provisions shall be made to protect the health, safety and welfare of the public, as well as to eliminate any flood hazard resulting from the development of the area. Development shall be carried out in conformity with plans as finally approved.

C. Where a residential subdivision borders a railroad right-of-way, either a parallel street, lots with increased setbacks, or a landscaped buffer area shall be required. (Ord. No. 724, § 1, 1987)

16.28.020 Streets.

A. Streets shall be designed to bear a logical relationship to topography.

B. Intersections shall approximate right angles as closely as possible.

C. Deadend streets, with the exceptions of culs-de-sac, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which case a temporary turnaround easement diameter of seventy (70) feet shall be required. (Ord. No. 724, § 1, 1987)

16.28.030 Adjoining arterial highway. Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial street or major collector street. Marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares. (Ord. No. 724, § 1, 1987)

16.28.040 Half streets prohibited; exceptions. Half streets shall be prohibited within the boundaries of a subdivision plat, except as provided for hereinbelow:

- A. Where an arterial street or major collector street is to be located on the perimeter of a subdivision in order to conform to the location of such streets as delineated on the transportation element of the city's master plan or in order to conform to other applicable city policies, the dedication by the subdivider of one-half the width of an arterial or major collector street may be permitted provided:
1. The subdivider shall dedicate sufficient right-of-way to provide an adequate street width for two (2) lanes of traffic in accordance with the city's standards and specifications.
 2. That the subdivider shall cause to be constructed in accordance with the city's standards and specifications the one-half of the street, plus six (6) feet which the subdivider is dedicating or shall provide sufficient funds therefor to the city, all as determined by the city; and
 3. That the subdivider has complied with all other applicable provisions of this Code. (Ord. No. 724, § 1, 1987)

16.28.050 Street ending at plat perimeter. When the plat dedicates a street which ends on the plat or is on the perimeter of the plat, the subdivider shall convey the last foot of the street on the terminal end or outside border of the plat to the City of Broomfield and such area shall be designated an outlot. The city shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable. (Ord. No. 724, § 1, 1987)

16.28.060 Alleys. Alleys may be allowed or required in any subdivision at the discretion of the city council. (Ord. No. 724, § 1, 1987)

16.28.070 Easements.

A. Easements for utilities shall be a minimum of sixteen (16) feet wide, eight (8) feet of which shall be on each side of common rear lot lines where said lines abut. On perimeter rear lots, easement width shall be a minimum of ten (10) feet or more. Side lot easements, where necessary, shall be at least five (5) feet in width.

B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width as may be required for necessary flood control measures. The minimum requirements for such easements shall be based on a one-hundred-year flood.

which case a temporary turnaround easement diameter of 70 feet shall be required. (Ord. 724, S 1, 1987)

16.28.030 Adjoining arterial highway. Restriction of access shall be required when a subdivision or portion thereof adjoins an arterial street or major collector street. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares. (Ord. 724, S 1, 1987)

16.28.040 Half streets prohibited--exceptions. Half streets shall be prohibited within the boundaries of a subdivision plat, except as provided for hereinbelow:

A. Where an arterial street or major collector street is to be located on the perimeter of a subdivision in order to conform to the location of such streets as delineated on the transportation element of the city's master plan or in order to conform to other applicable city policies, the dedication by the subdivider of one-half the width of an arterial or major collector street may be permitted provided:

1. That the subdivider shall dedicate sufficient right-of-way to provide an adequate street width for two lanes of traffic in accordance with the city's standards and specifications.

2. That the subdivider shall cause to be constructed in accordance with the city's standards and specifications the one-half of the street plus six feet which the subdivider is dedicating or shall provide sufficient funds therefor to the city, all as determined by the city; and

3. That the subdivider has complied with all other applicable provisions of this code. (Ord. 724, S 1, 1987)

16.28.050 Street ending at plat perimeter. When the plat dedicates a street which ends on the plat or is on the perimeter of the plat, the subdivider shall convey the last foot of the street on the terminal end or outside border of the plat to the City of Broomfield and such area shall be designated an outlot. The city shall put the same to public use for public road and access purposes when, within its sole and absolute discretion, it deems advisable. (Ord. 724, S 1, 1987)

16.28.060 Alleys. Alleys may be allowed or required in any subdivision at the discretion of the city council. (Ord. 724, S 1, 1987)

16.28.070 Easements.

A. Easements for utilities shall be a minimum of 16 feet wide, 8 feet of which shall be on each side of common rear lot lines where said lines abut. On perimeter rear lots, easement width shall be a minimum of 10 feet or more. Side lot easements, where necessary, shall be at least 5 feet in width.

C. Additional easements for utility, drainage and other public purposes will be provided as required by the city manager or his designee. (Ord. No. 724, § 1, 1987)

16.28.080 Street names. Street names shall be subject to the approval of the planning commission and city council. Street names shall not be used which will duplicate or be confused with the names of existing streets. (Ord. No. 724, § 1, 1987)

16.28.090 Blocks.

A. Block lengths and widths shall be suitable for the uses contemplated, and shall be adequate for requirements pertaining to minimum lot sizes and dimensions.

B. Blocks shall normally be at least four hundred (400) feet in length and not more than one thousand three hundred twenty (1,320) feet in length between street intersections. Long blocks shall be broken by a pedestrian cross-easement through the block, when it is determined by the planning commission or city council that such access is needed to provide adequate safety and convenience. (Ord. No. 724, § 1, 1987)

16.28.100 Lots.

A. Lot dimensions and sizes shall be at least as large as required by applicable zoning requirements.

B. Each lot shall have vehicular access to a public street.

C. Through lots and reverse corner lots are prohibited except where essential for appropriate access. An access control line may be required along one (1) or more streets where a lot abuts two (2) or more streets. Flag lots are prohibited except under an approved PUD plan.

D. Side lot lines shall be substantially at right angles or radial to street lines.

E. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. (Ord. No. 724, § 1, 1987)

16.28.110 Dedication—Requirements generally.

A. Dedication of public streets, and easements for drainage, water, sewer, telephone, electric and gas service, cable television, and other facilities as determined necessary by the city, based on review of the reports submitted in accordance with section 16.20.040 and of the city's master plan, is required.

B. Public land dedication is required in accordance with section 16.28.120 for all land zoned for residential uses. (Ord. No. 724, § 1, 1987; Ord. No. 776, § 1, 1988; Ord. No. 908, § 1, 5-28-91)

16.28.120 Same—Public land dedication requirements.

A. Except for land which is zoned for business, industrial or commercial uses, the amount of land established by this section shall be dedicated as public land for public recreation and open space, location of public facilities, and other public uses as authorized by city council.

B. The following percentage of land zoned for residential uses shall be dedicated at the time of platting:

Gross density (i.e., total number of units divided by total area being subdivided) $\times 2 + 5$
= percent of land to be dedicated.

(Example: 5 units per acre (i.e., 200 units: 40 acres) $\times 2 + 5 = 15$ percent of 40 acres or 6 acres to be dedicated.)

C. In addition to the above, drainage channels as shown in the city's master plan shall be dedicated.

D. Dedication of land for the following purposes shall only be counted to the limited extent specified:

1. Detention ponds and drainage channels: fifty (50) percent of the area dedicated;
2. Lakes, ponds and reservoirs: twenty-five (25) percent of the area dedicated;
3. School sites: fifty (50) percent of the area dedicated, not to exceed five (5) acres per school. (Ord. No. 724, § 1, 1987; Ord. No. 776, § 2, 1988)

16.28.130 Same—Alternate parcel; when. In lieu of dedicating land within the subdivision, the applicant may dedicate an alternate parcel of land consisting of the same number of acres in another area if, in the sole and exclusive opinion of the city council, it is capable of use for public purposes. In any event, the final decision shall be that of the city council. (Ord. No. 724, § 1, 1987)

16.28.140 Same—Cash in lieu; appraisal procedure. If the city council so determines, the subdivider shall pay to the city, in cash, an amount based upon the average market value of the land to be dedicated, as required in section 16.28.120, in lieu of land dedication. The fee shall be negotiated with the subdivider, and if the city and the subdivider fail to agree on the value of the land, such value shall be fixed by a real estate appraisal by one or more qualified appraisers acceptable to both the subdivider and the city. The cost of the appraisals shall be paid by the subdivider. (Ord. No. 724, § 1, 1987)

16.28.150 Same—Policy determination considerations.

A. In determining which of the above policies to implement, the planning commission and the city council will consider the following: the size of the development and its adequacy for accommodating a suitable public use site; the public facility aspects of the city's master plan and the applicable school district's master plan; existing parks and other public uses in the area; the topography, geology, and location of land in the subdivision available for dedication; the needs of the people in the area; and any other appropriate factors.

B. Land dedicated to the city shall be free of liens and encumbrances. (Ord. No. 724, § 1, 1987)

16.28.160 Same—Previous arrangements. The public land dedication requirements shall not apply where satisfactory dedication arrangements were made and approved by the city

16.28.120 Public land dedication requirements.

A. Except for land which is zoned for business or commercial uses, the amount of land established by this section shall be dedicated as public land for public recreation and open space, location of public facilities, and other public uses as authorized by city council.

B. Ten percent of land zoned for industrial uses shall be dedicated at the time of platting.

C. The following percentage of land zoned for residential uses shall be dedicated at the time of platting:

Gross density (i.e., total number of units divided by total area being subdivided) x 2 + 5 = percent of land to be dedicated.

[Example: 5 units per acre (i.e., 200 units ÷ 40 acres) x 2 + 5 = 15 percent of 40 acres or 6 acres to be dedicated.]

D. In addition to the above, drainage channels as shown in the city's master plan shall be dedicated.

E. Dedication of land for the following purposes shall only be counted to the limited extent specified:

1. Detention ponds and drainage channels: 50% of the area dedicated;

2. Lakes, ponds and reservoirs: 25% of the area dedicated;

3. School sites: 50% of the area dedicated, not to exceed five acres per school. (Ord. 724, S 1, 1987)

16.28.130 Dedication--alternate parcel--when. In lieu of dedicating land within the subdivision, the applicant may dedicate an alternate parcel of land consisting of the same number of acres in another area if, in the sole and exclusive opinion of the city council, it is capable of use for public purposes. In any event, the final decision shall be that of the city council. (Ord. 724, S 1, 1987)

16.28.140 Dedication--cash in lieu--appraisal procedure. If the city council so determines, the subdivider shall pay to the city, in cash, an amount based upon the average market value of the land to be dedicated, as required in section 16.28.120, in lieu of land dedication. The fee shall be negotiated with the subdivider, and if the city and the subdivider fail to agree on the value of the land, such value shall be fixed by a real estate appraisal by one or more qualified appraisers acceptable to both the subdivider and the city. The cost of the appraisals shall be paid by the subdivider. (Ord. 724, S 1, 1987)

16.28.150 Dedication--policy determination considerations.

A. In determining which of the above policies to implement, the planning commission and the city council will

council at the time of annexation or previous subdivision of the same property. (Ord. No. 724, § 1, 1987)

16.28.170 Reservation; schools and other public places. Reservation of additional sites for public uses, including schools, shall be mutually agreed upon by the subdivider and the city council following recommendations from public agencies directly involved in the development and service of the area. These reserved sites shall be delineated on the final plat and reserved for public purchase. (Ord. No. 724, § 1, 1987)

Chapter 16.32

IMPROVEMENTS

Sections:

- 16.32.010 Installation or guarantee required.
- 16.32.020 Improvements.
- 16.32.030 Reimbursements and participations.
- 16.32.040 Utilities.
- 16.32.050 Subdivision agreement; terms.

16.32.010 Installation or guarantee required. Before a plat is approved by the city council all required improvements must be installed, or arrangements satisfactory to the city council and city attorney for a bond, letter of credit, or other performance guarantee must have been made. (Ord. No. 724, § 1, 1987)

16.32.020 Improvements. The following improvements shall be installed by the subdivider in conformance with the city's standards and specifications and the approved plat and plans:

- A. Survey monuments.
- B. Curbs, gutters and sidewalks.
- C. Streets and, where approved, alleys.
- D. Street name signs and appurtenances.
- E. Bridges, culverts, storm drainage channels and improvements, and storm sewers.
- F. Street lights.
- G. Trees and landscaping.
- H. Water lines.
- I. Sanitary sewer lines.
- J. Fire hydrants.
- K. Other improvements, both on-site and off-site, not specifically mentioned, but found necessary due to impacts created on existing or proposed public facilities. The need for

16.32.030—16.32.050
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such other facilities shall be determined by review of the reports submitted in accordance with section 16.20.040 along with a review of the city's master plan. (Ord. No. 724, § 1, 1987; Ord. No. 908, § 2, 5-28-91)

16.32.030 Reimbursements and participations. Whenever any of the improvements required by section 16.32.020 shall have been installed by the city or by some third party, reimbursement to the city or to such third party shall be required for the subdivision's pro rata share of such improvements. Such pro rata share shall be determined by a combination of the benefits derived and the impacts created by the subdivision while taking into consideration the date on which the improvements were installed, replacement costs, original construction costs, and interest rates. If the improvements have not been constructed, the subdivider shall be required to participate in or pay for part or all of the cost of such improvements. After the construction of the improvements, the subdivider may be entitled to a reimbursement from other benefitting properties. Notwithstanding the above, the city may fund a portion or all of the improvements.

16.32.040 Utilities. All telephone lines, electric distribution lines, street lighting circuits, gas lines, and cable television lines shall be placed underground. The subdivider shall be responsible for complying with the requirements of this section, and he shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines, and other facilities necessarily appurtenant to such underground utilities may be placed within easements or public rights-of-way provided for particular facilities. The provisions of this subsection shall not apply to existing utility facilities. (Ord. No. 724, § 1, 1987)

16.32.050 Subdivision agreement; terms. No final plat shall be recorded or be effective until the owner of the property has entered into a subdivision agreement with the city in a form and content satisfactory to the city council, obliging the owner to make and install within the period of time determined by the city council all improvements required in this chapter and such other improvements as may be determined to be necessary by the city engineer. The subdivision agreement shall also include any other provisions which the city deems necessary to protect the public's health, safety and welfare. (Ord. No. 724, § 1, 1987)

- F. Street lights
- G. Trees and landscaping
- H. Water lines
- I. Sanitary sewer lines
- J. Fire hydrants
- K. Other improvements not specifically mentioned, but found necessary by the city engineer due to site conditions. (Ord. 724, S 1, 1987)

16.32.030 Reimbursements. Whenever any of the improvements otherwise required by section 16.32.020 shall have been installed by the city or by some third party, reimbursement to the city or to such third party may be required for the subdivision's pro rata share of such improvements, on such equitable basis as may be determined by the city engineer, taking into consideration the date on which the improvements were installed, replacement costs, original construction costs, and interest rates. (Ord. 724, S 1, 1987)

16.32.040 Utilities. All telephone lines, electric distribution lines, street lighting circuits, gas lines, and cable television lines shall be placed underground. The subdivider shall be responsible for complying with the requirements of this section, and he shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines, and other facilities necessarily appurtenant to such underground utilities may be placed within easements or public rights-of-way provided for particular facilities. The provisions of this subsection shall not apply to existing utility facilities. (Ord. 724, S 1, 1987)

16.32.050 Subdivision agreement--terms. No final plat shall be recorded or be effective until the owner of the property has entered into a subdivision agreement with the city in a form and content satisfactory to the city council, obliging the owner to make and install within the period of time determined by the city council all improvements required in this chapter and such other improvements as may be determined to be necessary by the city engineer. The subdivision agreement shall also include any other provisions which the city deems necessary to protect the public's health, safety and welfare. (Ord. 724, S 1, 1987)

Chapter 16.36

VARIANCES

Sections:

16.36.010 Granting when--conditions to be in writing.

16.36.010 Granting when--conditions to be in writing.
The planning and zoning commission and city council may authorize variances from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship is placed on the subdivider. Such variances shall not be granted if it would be detrimental to the public good or impair the intent and purposes of this title. The conditions of any variance authorized shall be stated in writing. The variance shall be in keeping with the intent of the master plan for the city. (Ord. 724, S 1, 1987)

**APPENDIX A APPROVED STREET TREES
IN ACCORDANCE WITH ARTICLE IV, SECTION 1, PARAGRAPH H**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Characteristic</u>
1. Trees with Seasonal Characteristics		
A. Fall Characteristics - Foliage Color		
Norway Maple	Acer Platanoides	Deep green foliage - fall color
Crimson King Maple	Acer Platanoides schwedleri nigra	Foliage deep red throughout summer, darker in fall
Faassen's Redleaf Maple	Acer platanoides faassen	Foliage red throughout summer
Schwedler Maple	Acer platanoides schwedleri	Foliage red in spring turning green in summer
Red or Scarlet Maple	Acer rubrum	Excellent red fall color
Hard Sugar Maple	Acer saccharum	Foliage bright orange in fall
Green Ash	Fraxinus lanceolata	Foliage bright yellow in fall
Green Ash	Fraxinus lanceolata Var: Marshall seedless	Same as common Ash except is seedless
Rosehill Ash	Fraxinus Lanceolata Var: Rosehill	Foliage bronze-red fall color
Autumn Purple Ash	Fraxinus Lanceolata Var: Autumn Purple	Foliage deep purple fall color
Flame Ash	Fraxinus Var: Flame	Fall color red - new variety
White Oak	Quercus alba	Foliage deep red fall color
Northern Red Oak	Quercus borealis	Foliage deep red fall color
Scarlet Oak	Quercus coccinea	Foliage brilliant scarlet fall color
Burr Oak	Quercus macrocarpa	Deep green foliage - no fall color
Pin Oak	Quercus palustris	Foliage orange - scarlet fall color
Mountain Ash	Sorbus aucuparia	Attractive orange-red berries in fall - white flowers late spring
Ginko	Ginko biloba Var: Autumn Gold	Artistic fan shaped leaves - golden yellow fall color
B. Spring Characteristics - Blossom Color		
Washington Hawthorne	Crataegus phaenopyrum	Cream white flowers - coral-red fruit fall color
Western Catalpa	Catalpa speciosa	Large clusters snowy white flowers
Golden Rain Tree	Koelreuteria paniculata	Fern-like leaves - yellow flowers lantern-like seed pods in fall
Newport Plum	Prunus newport	Foliage reddish-purple throughout season
Crabapple:		
Aimey Crab	Malus aimey	Red blossoms
Dolgo Crab	Malus dolgo	White blossoms
Eleyecrab	Malus Eleyi	Purple-maroon foliage - carmine blossoms
Flame Crab	Malus flame	White blossoms resistant to fire blight
Hopa Crab	Malus hopa	Deep pink blossoms
Kiehm's Bechtel Crab	Malus bechtel (improved)	Deep double pink blossoms subject to fire blight
Radiant Crab	Malus radiant	Red blossoms

<u>Common Name</u>	<u>Scientific Name</u>	<u>Characteristic</u>
2. Trees with Good General Characteristics		
European Linden	Tilia europea	Dense headed tree - large leaves
American Linden	Tilia americana	Large open headed tree - large heart-shaped leaves
Redmond Linden	Tilia redmond	Large tree, dark glossy green leaves - red buds and twigs
Littleleaf Linden	Tilia cordata	Dense symmetrical tree, small glossy foliage disease resistant
Ascending Elm	Ulmus americana ascendens	Large dark green leaves - disease resistant
Christine Buisman Elm	Ulmus christine buisman	Dense dark green foliage - highly resistant to both phloem necrosis and dutch elm disease
Sycamore	Platanus occidentalis	Large trees, large smooth textured leaves. White creamy bark
Honey Locust	Gleditsia trizicanthos inermis	Open headed tree, fine foliage, thornless, resistant to disease and insects, seeless
Moraine Locust	Gleditsia morzine	Large tree, fine foliage, deep rooted, resistant to drought, disease, and insect pests
Shade Master Locust	Gleditsia shademaster	Fine textured foliage, strong trunk, ascending branches
Skyline Locust	Gleditsia skyline	Fern-like dark green foliage
Sunburst Locust	Gleditsia sunburst	Distinct type branching habit, tip foliage on branches, bright gold
Ruby Lace Locust	Gleditsia rubylace	New variety - red foliage
Ohio Buckeye	Aesculus glabra	Broad round top tree, creamish yellow spiked flowers, deep roots, hard to transplant
Horsechestnut	Aesculus hippocastanum	Large stately tree, dense head, large white flowers, large leaves, hard to transplant
Hackberry	Celtis occidentalis	Growth similar to American Elm; very strong and durable; free from insects and disease

3. Trees Prohibited for Use as Street Trees

All trees of the willow family:

Salicaceae
Genus Salix & Populus
Willow
Cottonwood
Poplar

Russian Olive

Elaeagnus angustifolia

All Fruit Trees
(except crabapple)

Some are beautiful trees in proper situation; however, all are rank feeders, requiring large amounts of water & space; trees are fast growing, short lived and easily broken, clog sewers, many have suckering root, highly subject to disease and insects

Useful in proper location, but in a street tree situation the material gets straggly with age, drops leaves, twigs and fruit

Trees drop fruit onto streets and sidewalks creating safety hazard; many are highly subject to insect and disease problems, require special maintenance practices

TITLE 17

ZONING*

Chapters:

17.02	General Provisions
17.04	Definitions
17.06	Districts and Map
17.07	OS Open Space District
17.08	A1 Agricultural District
17.10	E1 Estate District
17.12	E2 Estate District
17.14	R1 Low-density Residential District
17.16	R3 Medium-density Residential District
17.18	R5 High-density Residential District
17.20	B1 Limited Business District
17.22	B2 General Business District
17.24	I1 Limited Industrial District
17.26	I2 General Industrial District
17.27	GA General Aviation District
17.28	PUD Planned Unit Development District
17.29	Interchange Influence Area
17.30	Uses Permitted by Special Review
17.31	Temporary Sales Stands
17.32	Accessory Buildings and Uses
17.34	Supplementary Regulations
17.36	Nonconforming Uses
17.38	Planned Unit Development
17.40	Floodplain
17.42	Mobile Home Communities
17.44	Sign Code
17.46	Zoning Board of Adjustment
17.48	Amendments
17.50	Enforcement
17.52	Public Notice Requirements

Chapter 17.02

GENERAL PROVISIONS

Sections:

17.02.010	Purpose.
17.02.020	Authority.
17.02.030	Conformance required.
17.02.040	Additional use.
17.02.050	Interpretation.

***Editor's note**—The zoning map is on file for public inspection in the office of the city clerk.

State law reference—Zoning regulations, CRS 1973 31-32-301–32-32-313 (1975 Supp.).

Sections:

- 17.02.060 Provisions are minimum requirements.
- 17.02.070 Conflict of provisions.
- 17.02.080 Existing permits and agreements--Not to annul.

17.02.010 Purpose. The zoning regulations and districts, as set forth in this title, which have been made in accordance with a comprehensive zoning and land use study, are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. These standards have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. 149 Art. 1, 1973).

17.02.020 Authority. The city zoning ordinance and map is authorized by Title 31, Art. 23, Colorado Revised Statutes 1973 (1975 Supp.), and is declared to be in accordance with all provisions of these statutes. (Ord. 149 Art. 2, 1973).

17.02.030 Conformance required. Except as provided in this title, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, moved or structurally altered except in conformance with the regulations specified in this title for the zoning district in which it is located; nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth in this title. (Ord. 149 Art 3, 1973).

17.02.040 Additional uses. Upon application, or on its own initiative, the city council may, by ordinance, add to the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the following special findings:

A. Such use is more appropriate in the use group to which it is added than in any other use group;

B. Such use conforms to the basic characteristics of the use group to which it is added; and

C. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences, or more traffic hazards than the minimum

amount normally resulting from the other uses listed in the use group to which it is added. (Ord. 149 Art. 18 §1, 1973).

17.02.050 Interpretation. In the interpretation and application of the provisions of this title, the regulations set forth in Sections 17.02.060 through 17.02.080 shall govern. (Ord. 149 Art. 27 (part), 1973).

17.02.060 Provisions are minimum requirements. In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This title shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes. (Ord. 149 Art. 27 §1, 1973).

17.02.070 Conflict of provisions. Whenever both a provision of this title and any other provision of this title, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all area, widths and yards permitted under the terms of this title shall be in conformity with all other provisions of law. (Ord. 149 Art. 27 §2, 1973).

17.02.080 Existing permits and agreements--Not to annul. This title is not intended to abrogate or annul:

A. Any permits issued before the effective date of the ordinance codified in this title; or

B. Any easement, covenant or any other private agreement. (Ord. 149 Art. 27 §3, 1973).

Chapter 17.04DEFINITIONSSections:

17.04.005	Rules of construction.
17.04.010	Definitions generally.
17.04.015	Accessory.
17.04.020	Area of lot.
17.04.022	Area of special flood hazard.
17.04.025	Automobile parking area.
17.04.027	Base flood.
17.04.030	Boardinghouse and roominghouse.
17.04.035	Building.
17.04.040	Building frontage.
17.04.045	Building height.
17.04.050	Building official.
17.04.055	Bulletin board.
17.04.060	Business or use occupied at the street level.
17.04.065	Business sign.
17.04.070	Business unit or use building frontage.
17.04.075	Channel.
17.04.080	Child day care facility.
17.04.085	Construction sign.
17.04.087	Development.
17.04.090	Dwelling, multiple-family.
17.04.095	Dwelling, one-family.
17.04.100	Dwelling unit.
17.04.105	Electric sign.
17.04.110	Employees.
17.04.125	Exterior wall surface.
17.04.130	Family.
17.04.135	Flood.
17.04.137	Flood Insurance Rate Map (FIRM).
17.04.140	Flood insurance study.
17.04.155	Flood profile.
17.04.160	Floodproofing.
17.04.185	Floodway.
17.04.190	Floor area.
17.04.195	Gas station or Service station.
17.04.200	Hotel and motel.
17.04.202	Household group.
17.04.210	Identification sign.
17.04.215	Illumination, direct.
17.04.220	Illumination, indirect.
17.04.225	Illumination, internal.
17.04.230	Joint identification sign.
17.04.235	Junkyard.
17.04.240	Kiosk.
17.04.245	Landscaping or landscaped.
17.04.250	Light source.
17.04.255	Lot.
17.04.260	Lot line, front.

Chapter 17.04

DEFINITIONS

Sections:

- 17.04.005 Rules of construction.
- 17.04.010 Definitions generally.
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17.04.005 Rules of construction.

A. The particular controls the general.

B. In case of any difference of meaning or implication between the text of this title and the captions for each section, the text shall control.

C. The word "shall" is always mandatory and not directory. The word "may" is permissive.

D. Words used in the present tense include the future, unless the context clearly indicates the contrary.

E. Words used in the singular number include the plural, and words used in the plural number include the singular unless the context clearly indicates the contrary.

F. A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.

G. The phrase "used for" includes "arranged for," "designated for," "intended for," "maintained for" and "occupied for." (Ord. 149, Art. 26, S 1, 1973)

17.04.010 Definitions generally. As used in this title, the words defined in this chapter shall be interpreted and defined in accordance with the provisions set forth in this chapter. (Ord. 149, Art. 26 (part), 1973).

17.04.015 Accessory. "Accessory" means subordinate or incidental to, and on the same lot or on a contiguous lot in the same ownership, as the building or use being identified or advertised. (Ord. 249, Art. 4 (1), 1975)

17.04.020 Area of lot. "Area of lot" means the total horizontal area within the lot lines of a lot. (Ord. 149, Art. 26, S 2(1), 1973)

17.04.022 Area of special flood hazard. "Area of special flood hazard" means the land within the 100 year flood boundary as identified in the Flood Insurance Study and the Flood Insurance Rate Map, or any subsequent revision to such study and map. (Ord. 769, S 5, 1988)

17.04.025 Automobile parking area. "Automobile parking area" means a lot or part thereof used for the short term storage of automobiles which meet state inspection standards for travel on public highways, provided such automobiles are not for sale. (Ord. 149, Art. 26, S 2(2), 1973)

17.04.027 Base flood. "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. (Ord. 769, S 6, 1988)

17.04.030 Boardinghouse and roominghouse. "Boardinghouse and roominghouse" means a building or portions thereof which is used to accommodate for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensate"

shall include compensation in money, services or other things of value. (Ord. 149, Art. 26, S 2(3), 1973)

17.04.035 Building. "Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:

- A. Is permanently affixed to the land;
- B. Has one or more floors and a roof; and
- C. Is bounded by either open space or the lot lines of a lot. (Ord. 149, Art. 26, S2(4), 1973).

17.04.040 Building frontage. "Building frontage" means the horizontal lineal dimension on that side of a building which abuts a street, a parking area, a mall, or other circulation area open to the general public and having a public entrance to the building. The public entrance shall be directly adjacent to and shall front on said street, parking area, mall, or other circulation area open to the public. For purposes of this title, any public entrance which is located on the side or back of a building and which does not abut or front on said street, parking area, mall, or other circulation area open to the general public, shall not be considered as building frontage for purposes of determining maximum sign area permitted. (Ord. 249, Art. 4(19), 1975)

17.04.045 Building height. "Building height" means the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface, exclusive of chimneys, ventilators, pipes and similar apparatus. (Ord. 149, Art. 26, S 2(5), 1973)

17.04.050 Building official. "Building official" means the officer or other person charged by the city manager with the administration and enforcement of this title, or his duly authorized representative. (Ord. 249, Art. 4(23), 1975)

17.04.055 Bulletin board. "Bulletin board" means a sign used for the purpose of notification to the public of an event or other occurrence of public interest, such as a church service, political rally, civic meeting, or similar event. (Ord. 249, Art. 4(3.1), 1975)

17.04.060 Business or use occupied at the street level. "Business or use occupied at the street level" means a business or industrial use, as defined by enumerated in this title, located within a building which building has more than one business or industrial use located therein, and which is located, occupied, and operated at the street level, and which has its own public entrance at the street level for its exclusive use. (Ord. 249, Art. 4(20), 1975)

17.04.065 Business sign. "Business sign" means a business, profession, commodities, services, entertainment, or activities

conducted, sold, displayed, offered or stored on the premises where the sign is located. (Ord. 249 Art. 4(3.2), 1975)

17.04.070 Business unit or use building frontage. "Business unit or use building frontage" means the front width of that portion of a building occupied by the business unit or use at the street level. (Ord. 249, Art. 4(21), 1975).

17.04.075 Channel. "Channel" means that area of a water-course where water normally flows and not that area beyond where significant vegetation exists. (Ord. 248 Art. 2(1), 1975; Ord. 149, Art. 26(part), 1973)

17.04.080 Child day care facility. "Child day care facility" means a facility, by whatever name known, which provides less than twenty-four-hour care of five or more children under the age of sixteen years, and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes. The term shall not apply to classes maintained in connection with any public, private or parochial school system of at least six grades. (Ord. 257, Art. 1, S 1(b), 1975; Ord. 149, Art. 26, S 2(21), 1973)

17.04.085 Construction sign. "Construction sign" means a temporary sign announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to said premises and which is erected on the same lot upon which the work is being done. For the purposes of this title a "construction sign" shall not be construed to be a "real estate sign," as defined in this chapter. (Ord. 249, Art. 4(3.3), 1975)

17.04.087 Development. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. (Ord. 769, S 7, 1988)

17.04.090 Dwelling, multiple-family. "Multiple-family dwelling" means a building occupied by two or more families living independently of each other in separate dwelling units with a minimum floor area of five hundred square feet per unit (including balconies), but not including hotels or motels. (Ord. 149, Art. 26(6), 1973)

17.04.095 Dwelling, one-family. "One-family dwelling" means a detached building, arranged and designed as a single dwelling unit, other than a mobile home, and used exclusively by not more than one family or household group, which has not less than one bathroom and a minimum floor area of eight hundred fifty square feet, unless otherwise specified within the appropriate zone district. (Ord. 703, S 2, 1986)

17.04.100 Dwelling unit. "Dwelling unit" means one or more rooms, including at least one single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a one-family or multiple-family dwelling. (Ord. 149, Art. 26(9), 1973)

17.04.105 Electric sign. "Electric sign" means any sign containing electrical wiring, but not including signs illuminated by exterior light sources, such as floodlights. (Ord. 249, Art. 4(24), 1975)

17.04.110 Employees. "Employees" means the gross number of persons to be employed in the building in question during any season of the year at any time of the day or night. (Ord. 149, Art. 26(8), 1973)

17.04.125 Exterior wall surface. "Exterior wall surface" means the most exterior part of a wall, sun screen, or any screening or material covering a building. (Ord. 249, Art. 4(38), 1975)

17.04.130 Family.

A. "Family" means any one of the following:

1. one person living alone; or
2. two or more persons all of whom are related by blood, marriage, or legal adoption, together with up to four children who may not be related to any or all of the other residents but who are under the care and supervision of the adult family head; or
3. a group including not more than two adults, together with any number of children, related by blood or legal adoption to at least one of the adults.

B. As used in this section, an "adult" means a person eighteen or older, and "child" means a person under the age of eighteen. (Ord. 703, S 3, 1986).

17.04.135 Flood. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of streams, rivers, or other inland water;
or

B. The unusual and rapid accumulation or runoff of surface waters from any source. (Ord. 248, Art. 2(4), 1975; Ord. 149, Art. 26(part), 1973)

17.04.137 Flood Insurance Rate Map (FIRM). "Flood Insurance Rate Map (FIRM)" means the official map, dated August 16, 1988, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The term includes any amendments, revisions, or subsequent versions of such map. (Ord. 769, S 8, 1988)

17.04.140 Flood Insurance Study. "Flood Insurance Study" means the official report, dated August 16, 1988, provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood. The term includes any amendments, revisions, or subsequent versions of such study. (Ord. 769, S 9, 1988)

17.04.155 Flood profile. "Flood profile" means a graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river. (Ord. 248, Art. 2(9), 1975; Ord. 149, Art. 26(part), 1973)

17.04.160 Floodproofing. "Floodproofing" means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area. (Ord. 248, Art. 2(10), 1975; Ord. 149, Art. 26(part), 1973)

17.04.185 Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood. (Ord. 769, S 10, 1988)

17.04.190 Floor area. "Floor area" means the gross floor area of the building measured along the outside walls of the building and including each aboveground floor level, but not including basements, open balconies, garages, other enclosed automobile parking area, and not including one-half of all storage and display areas for hard goods. (Ord. 149, Art. 26, S 2(11), 1973)

17.04.195 Gas Station or Service Station. "Gas station or service station" means a building and premises used for the retail sale of gasoline, or other fuels for motor vehicles. The terms also include establishments providing lubrication services, sale and servicing of tires, batteries and other automotive accessories, emissions testing and minor tune-up services and vehicle safety inspection and minor adjustment services, provided that all such uses occur within a building. The terms do not include establishments providing body and fender work, painting, major motor vehicle repairs, or the storage or sale of motor vehicles. (Ord. 681, S 1, 1986)

17.04.200 Hotel and motel. "Hotel and motel" means a building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms. (Ord. 149, Art. 26, S 2(13), 1973)

17.04.202 Household group.

A. "Household group" means any one of the following, provided that there is at least 400 square feet of finished interior space for each resident:

1. A group not exceeding three persons living together as a single housekeeping unit, such group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel; or

2. Two or more persons all of who are related by blood, marriage, or legal adoption, together with not more than one adult boarder or domestic servant; or

3. A group of not more than eight developmentally disabled persons living in a state-licensed group home or community-based residential facility for the developmentally disabled; or

4. A group of not more than eight persons in an owner-occupied or non-profit group home for the exclusive use of persons sixty years of age or older, together with domestic servants; or

5. A group of not more than eight persons with mental illness living in a state-licensed group home for persons with mental illness, subject, however to such limitations on such homes as are provided by state law. (Ord. 741, S 1, 1987)

B. As used in this section, an "adult" means a person eighteen or older, and "child" means a person under the age of eighteen.

C. As used in this section, "finished interior space" includes any room with:

1. Floor completely covered (except for heating, cooling, or ventilation grilles, cabinets, plumbing fixtures, and appliances), with one or more of the following materials: ceramic or vinyl tile, vinyl sheet goods, cork, rock, brick, carpeting, or finished wood flooring; and

2. Walls completely covered (except for doors, windows, cabinets, electrical outlets, plumbing fixtures, appliances, and heating and ventilation grilles) with one or more of the following materials: painted or wall-papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, cork, rock or brick; and

3. Ceiling completely covered (except for light fixtures, skylights, and heating, cooling or ventilation grilles) with one or more of the following materials: painted or wall-papered gypsum board or plaster, stucco, wood or composite panelling, ceramic or vinyl tile, vinyl sheet goods, or acoustical panels.

D. As used in this section "finished interior space" does not include areas with exposed studs, joists, or plain concrete. (Ord. 703, S 4, 1986)

17.04.210 Identification sign.

A. "Identification sign" means and includes the following:

1. A name plate which establishes the identity of an occupant by listing his name and business or professional title;

2. A sign which established the identity of a building or building complex by name or symbol only;

3. A sign which indicates street address or combines name plat and street address;

4. A sign which identifies an area in the city which, by reason of development, natural features, historical occurrences, or common reference, has or will become a landmark in the city; and

5. A commemorative sign, such as a cornerstone, memorial, or plaque, when such is cut into a masonry surface or constructed of bronze or other incombustible material, and is made an integral part of the structure.

B. As used in this title, the term "identification sign" shall not be construed to include a sign identifying a commercial or industrial use of a commodity or service offered on the premises. (Ord. 249, Art. 4(3.4), 1975)

17.04.215 Illumination, direct. "Direct illumination" means lighting by means of an unshielded source, including neon tubing, which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye. (Ord. 249, Art. 4(26), 1975)

17.04.220 Illumination, indirect. "Indirect illumination" means lighting by means of a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the front, or a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the back, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, for example, parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination. (Ord. 249, Art. 4(27), 1975)

17.04.225 Illumination, internal. "Internal illumination" means lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs which are themselves made of translucent material. (Ord. 249, Art. 4(28), 1975)

17.04.230 Joint identification sign. "Joint identification sign" means a sign which serves as a common or collective identification for two or more businesses or industrial uses located within the same building, or for more than one business or industrial building located within a jointly and collectively used area, which buildings are in close proximity with one another. Such signs may contain a directory to said business or industrial uses as an integral but clearly secondary part thereof, or may serve as general identification only for such development as shopping centers, industrial parks, office centers and facilities similar thereto. (Ord. 249, Art. 4(3.5), 1975)

17.04.235 Junkyard. "Junkyard" means an industrial use, not permitted in residential and business areas, contained within a building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other material, and including the sale of whole or parts thereof. (Ord. 149, Art. 26, S 2(14), 1973)

17.04.240 Kiosk. "Kiosk" means a small structure, typically located within a pedestrian walkway, or similar circulation area, and intended for use as a key, magazine, or similar type of small shop, or for use as display space for posters, notices, exhibits, etc. (Ord. 249, Art. 4(29), 1975)

17.04.245 Landscaping or landscaped. "Landscaping" or "landscaped" means any combination of living plant materials, such as trees, shrubs, grass and herbaceous plants, and including, but not limited to, organic decorative materials such as gravel, rock and bark; provided, however, that at least twenty-five percent of the required landscaped area be covered by living plant materials. In addition, at least one tree of a minimum of one-inch trunk caliper be provided for each seven thousand square feet, or major fraction thereof, or required landscaped area. (Ord. 149, Art. 26 S 2(15), 1973)

17.04.250 Light source. "Light source" means and includes neon, fluorescent or similar tube lighting. The incandescent bulbs, including the light-producing elements therein, and any reflecting surface which, by reason of its construction and/or placement, becomes in effect the light source. (Ord. 249, Art. 4(30), 1975)

17.04.255 Lot. "Lot" means a parcel of land occupied or designed to be occupied by one or more buildings, structures or uses, together with such open areas as are required by this title. (Ord. 149, Art. 26, S 2(16), 1973)

17.04.260 Lot line, front. "Front lot line" means the property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line, and the shorter street frontage shall be considered the front line. (Ord. 149, Art. 26, S 2(17), 1973)

17.04.265 Lot line, rear. "Rear lot line" means the line opposite the front lot line. (Ord. 149, Art. 26, S 2(18), 1973)

17.04.270 Lot line, side. "Side lot line" means any lot lines other than front lot lines or rear lines. (Ord. 149, Art. 26, S 2(19), 1973)

17.04.275 Lot, reversed corner. "Reversed corner lot" means a corner lot having its side street line substantially a

continuation of the front lot line of the first lot to its rear.
(Ord. 149, Art. 26, S 2(20), 1973)

17.04.277 Lowest floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the design requirements of Chapter 17.40 (other than elevation requirements). (Ord. 769, S 11, 1988)

17.04.280 Maintenance of signs. "Maintenance of signs" means the replacing, repairing or repainting of a portion of a sign structure; periodic changing of bulletin board panels; or reviewing a copy which has been made unusable by ordinary wear and tear, by weather, or by accident. The replacing or repairing of a sign or sign structure which has been damaged to an extent exceeding fifty percent of the appraised replacement cost, as determined by the building official, shall be considered as "maintenance" only when the sign conforms to all of the applicable provisions of this title, and when the damage has been caused by an act of God or violent accident. (Ord. 249, Art. 4(31), 1975)

17.04.282 Manufactured home. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. (Ord. 769, S 12, 1988)

17.04.285 Marquee. "Marquee" means a permanently-roofed structure attached to and supported by a building, and projecting from the building. (Ord. 249, Art. 4(32), 1975)

17.04.287 New construction. "New construction" for the purposes of Chapter 17.40 means structures for which the "start of construction" commenced on or after the effective date of the ordinance enacting this revised Chapter 17.40. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or

foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. (Ord. No. 769, § 13, 1988)

17.04.288 Nonconforming building or use. “Nonconforming building” or “nonconforming use” means a building or use which was formerly allowed but is now prohibited (except as provided in chapter 17.36) either:

- A. Because annexation has since subjected the involved property to municipal ordinance, or
- B. Because of subsequent changes to municipal ordinances,

provided, however, that the building or use must have been in existence on the date the use was prohibited and must have continued in use since then. (Ord. No. 856, § 1, 10-10-89)

17.04.289 Nonconforming sign. [“Nonconforming sign” means] a sign which was formerly allowed but is now prohibited (except as provided in sections 17.44.470 and 17.44.480) either:

- A. Because annexation has since subjected the sign to municipal ordinances, or
- B. Because of subsequent changes to municipal ordinances,

provided, however, that the sign must have been in its current location and configuration on the date it was prohibited and must have so continued since then. (Ord. No. 856, § 2, 10-10-89)

17.04.290 Obstruction. “Obstruction” means sandbars formed by the natural flow of a watercourse or temporary structures, planks, snags and debris in and along existing channel which cause a flood hazard. (Ord. No. 248, Art. 2(14), 1975; Ord. No. 149, Art. 26(part), 1973)

17.04.295 Off-premises advertising sign. “Off-premises advertising sign” means any off-premises sign, including a billboard or general outdoor advertising device, which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the same lot or within the same building upon which the sign is located, or only incidentally on the lot or within the building, if at all. (Ord. No. 249, Art. 4(3.6), 1975)

17.04.305 Owner. “Owner” means a person, firm, corporation or other legal entity recorded as such on the records of the applicable county clerk and recorder, including a duly authorized agent or attorney, a purchaser, devisee, fiduciary, or a person having a vested or contingent interest in the property in question. (Ord. No. 249, Art. 4(33), 1975)

17.04.310 Political or noncommercial sign. “Political sign” or “noncommercial sign” means a sign, banner, picture or other device, either temporary or permanent in nature, whose principal purpose is the display of an ideological message or which is intended to urge

the voting public to support a candidate, political party or political philosophy, or to urge action on any ballot issue. (Ord. No. 731, § 1, 1987)

17.04.315 Professional office. "Professional office" means an office for professions, such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others, who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. (Ord. No. 149, Art. 26, § 2(22), 1973)

17.04.320 Public entrance. "Public entrance" means an entrance to a building or premises which is customarily used or intended for use by the general public. For the purposes of this title, drive-up customer service windows may be considered as a public entrance; provided, that said customer service areas comply with the definition of "building frontage." Fire exits, special employee entrances, loading dock entrances not generally used by the public, and similar entrances shall not be considered as public entrances. (Ord. No. 24, Art. 4(22), 1975)

17.04.325 Reach. "Reach" means a hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by manmade or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most likely be a reach. (Ord. No. 248, Art. 2(16), 1975; Ord. No. 149, Art. 26 (part), 1973)

17.04.330 Real estate sign. "Real estate sign" means a sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed. (Ord. 249 Art. 4(3.7), 1975).

17.04.335 Roof. "Roof" means the cover of any building, including the eaves and similar projections. (Ord. 249 Art. 4(34), 1975).

17.04.340 Roofline. "Roofline" means the highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment. The term "roofline" shall also include the highest point on any parapet wall, providing the parapet wall extends around the entire perimeter of the building. (Ord. 249 Art. 4(35), 1975).

17.04.345 Sign. A. "Sign" means any device for communication that is used for the purpose of attracting attention to the subject thereof. Consistent therewith, any writing, letters, numerals, figures, emblems, pictures, outlines, characters, flags, banners, pictorial representations, or any other figure or figures of similar character which:

1. Is a structure or any part thereof, including the wall or roof of a building; or

2. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle, or upon any material object or device whatsoever; and

3. Which by reason of its form, color, wording, symbol, design, illumination or otherwise, attracts or is designed to attract attention to the subject thereof, or is used as a means of identification, advertisement, or announcement.

B. For the purposes of this title, the term sign shall not be interpreted to include:

1. Any flag, crest, or insignia of any official governmental agency or of any civic, charitable, religious, or fraternal organization; and

2. Shall not be interpreted to include any item of merchandise normally displayed within the show window of a merchant. If for any reason it cannot be readily determined whether or not a device or an object is a sign, the Department of Planning and Community Development shall make such determination. (Ord. 249 Art. 4(1), 1975).

17.04.350 Sign, animated. "Animated sign" means any sign or part of a sign which changes physical position by any movement or rotation. (Ord. 249 Art. 4(6), 1975).

17.04.355 Sign, arcade. "Arcade sign" means a wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade. (Ord. 249 Art. 4(7), 1975).

17.04.360 Sign area. "Sign area" means the total surface of the entire sign, including any parts and appurtenances thereof, except principal supports, the total cross-sectional area of which supports does not exceed two square feet, and on which there is no display of advertising material or any lighting. In the case of any sign having continuous regularly shaped display surfaces, the sign area shall be measured by determining the perimeter of the surface or surfaces, and all area within the perimeter shall be the sign area. In the case of noncontinuous and/or irregularly shaped display surfaces, the sign area shall be measured by placing the smallest possible imaginary rectangle, triangle or circle over all outside points of the surface and all of the area within the rectangle, triangle or circle shall be included in the sign area. (Ord. 249 Art. 4(4), 1975).

17.04.365 Sign, area identification. "Area identification sign" means a sign for the purpose of identifying an area in the city which, by reason of development, natural features, historic occurrences, or common reference, has or will become a landmark in the city, and which may be desirable to identify formally to the general public. (Ord. 249 Art. 4(5), 1975).

17.04.370 Sign, change-panel. "Change-panel sign" means a sign designed to permit immediate change of copy which may be other than the name of the business, but subject to the specific regulations by the provisions of this title. (Ord. 249 Art. 4(8), 1975).

17.04.375 Sign, combination. "Combination sign" means any sign incorporating any combination of the features of freestanding, projecting, and roof signs. (Ord. 249 Art. 4(12), 1975).

17.04.380 Sign, directional. "Directional sign" means a sign for the purpose of directing the public to a real estate development, a public or semipublic building or facility, or an outstanding landmark within or adjacent to the city. (Ord. 249 Art. 4(9), 1975).

17.04.385 Sign face. "Sign face" means the surface of a sign upon, against or through which the message is displayed or illustrated. (Ord. 249 Art. 4(11), 1975).

17.04.390 Sign, freestanding. "Freestanding sign" means a detached sign which is supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a sign which is erected on the ground; providing, that no part of the sign is attached to any part of any building structure, or other sign. The term "freestanding sign" shall include pole sign, pedestal sign and ground sign. (Ord. 249 Art. 4(2.1), 1975).

17.04.395 Sign height measurement. "Sign height measurement" means the vertical distance measured from the elevation of the nearest sidewalk, or, in the absence of a sidewalk within twenty-five feet, then from the lowest point of finished grade on the lot upon which the sign is located within twenty-five feet of the sign, to the uppermost point on the sign or sign structure. (Ord. 249 Art. 4(25), 1975).

17.04.400 Sign, illegal nonconforming. "Illegal nonconforming sign" means a sign which was in violation of any of the laws of the city governing the erection or construction of such sign at the time of its erection, and which sign has never been erected or displayed in conformance with all such laws, including this title, and which shall include signs which are pasted, nailed, painted on, or otherwise unlawfully displayed upon structures, utility poles, trees, fences or other signs. (Ord. 249 Art. 4(13), 1975).

17.04.405 Sign, legal nonconforming. "Legal nonconforming sign" means any sign which was lawfully erected and maintained prior to the enactment of the ordinance codified in this title, and any amendments thereto, and which does not conform to all the applicable regulations and restrictions of this title. (Ord. 249 Art. 4(14), 1975).

17.04.410 Sign, marquee. "Marquee sign" means a sign which is attached to or suspended from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall or building line. (Ord. 249 Art. 4(2.2), 1975).

17.04.415 Sign, projecting. "Projecting sign" means a sign which is attached directly to the wall of a building and which extends, in whole or in part, fifteen inches or more horizontally from the face of the wall to which the sign is attached, but not including a "marquee sign," as defined in Section 17.04.810. (Ord. 249 Art. 4(2.3), 1975).

17.04.420 Sign, roof. "Roof sign" means a sign which projects above the roofline or which is located on the roof of a building or structure, and/or a sign erected upon or above a parapet wall of a building or structure. (Ord. 249 Art. 4(2.4), 1975).

17.04.425 Signs, number of. Number of Signs. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. (Ord. 249 Art. 4(15), 1975).

17.04.430 Sign structure. "Sign structure" means any supports, uprights, braces or framework of a sign. (Ord. 249 Art. 4(16), 1975).

17.04.435 Sign support. "Sign support" means the portion of the supporting member or members extending from the ground level to the lowest point of the sign. (Ord. 249 Art. 4(10), 1975).

17.04.440 Sign, suspended. "Suspended sign" means a sign suspended from the ceiling of an arcade, marquee or canopy. (Ord. 249 Art. 4(2.5), 1975).

17.04.445 Sign, temporary. "Temporary sign" means a sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board, plywood or other light temporary material, with or without structural frame, intended for a temporary display, such as for the purpose of decorative displays for holidays, announcing a special event, or promoting a political campaign or special election. (Ord. 249 Art. 4(3.8), 1975).

17.04.450 Sign, time-temperature-date. "Time-temperature-date sign" means a sign which displays the current time, outdoor temperature and/or date of the month. (Ord. 249 Art. 4(3.9), 1975).

17.04.455 Sign, wall. "Wall sign" means a sign which is applied to, attached to, or erected against, or otherwise displayed upon or against the wall of an enclosed building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall and extending not more than fifteen inches from the face of the wall. A sign erected upon or against the side of a roof having an angle of forty-five degrees or less from the vertical shall be considered to be a wall sign and shall be regulated as such. (Ord. 249 Art. 4(2.6), 1975).

17.04.460 Sign, window. "Window sign" means a sign painted, attached, glued or otherwise affixed to the interior or exterior of a window. Merchandise which is included in a window display, or a sign which is included in such display as an integral part thereof, shall not be considered as part of a window sign. (Ord. 249, Art. 4(2.7), 1975)

17.04.470 Street frontage. "Street frontage" means the lineal frontage, or frontages, of a lot or parcel abutting on a private or public street which provides principal access to or visibility of the premises. (Ord. 249, Art. 4(36), 1975)

17.04.475 Street level. "Street level" means the elevation of the finished street, parking area, mall, or other circulation area open to the public. For multistory buildings, the floor at street level shall be that floor nearest in elevation to the elevation of that point of the finished street, parking area, mall, or other circulation area open to the general public. (Ord. 249, Art. 4(37), 1975)

17.04.480 Structure.

A. "Structure" means anything constructed or erected with a fixed location on the ground above grade, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

B. "Structure" also means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground, includes, but is not limited to, objects such as buildings, factories, sheds and cabins. (Ord. 249, Art. 4(17), 1975; Ord. 248, Art. 2(18), 1975; Ord. 149, Art. 26(part), 1973)

17.04.485 Structure, permanent. "Permanent structure" means a structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time. (Ord. 248, Art. 2(19), 1975; Ord. 149, Art. 26(part), 1973)

17.04.490 Structure, temporary. "Temporary structure" means a structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short, useful life, or is built for a purpose that would commonly be expected to be relatively short-term. (Ord. 248, Art. 2(20), 1975; Ord. 149, Art. 26(part), 1973)

17.04.495 Substantial improvement. “Substantial improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement has started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences. (Ord. No. 248, Art. 2(21), 1975; Ord. No. 149, Art. 26(part), 1973).

17.04.500 Swimming pool. “Swimming pool” means any water surface which has both a surface area greater than ten (10) square feet and a depth of more than eighteen (18) inches. (Ord. No. 149, Art. 26 2(50), 1973).

17.04.505 Uniform Building Code. “Uniform Building Code” means the latest edition of the Uniform Building Code, published by the International Conference of Building Officials, as amended and adopted by the city council. (Ord. No. 249, Art. 4(40), 1973).

17.04.510 Uniform Building Code Standards. “Uniform Building Code Standards” means the latest edition of the Uniform Building Code Standards, published by the International Conference of Building Officials, as amended and adopted by the city council. (Ord. No. 249, Art. 4(41), 1973).

17.04.515 Watercourse. “Watercourse” means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff. (Ord. No. 248, Art. 2(22), 1975; Ord. No. 149, Art. 26 (part), 1973).

17.04.520 Zoning ordinance. “Zoning ordinance” means the city zoning ordinance, together with all amendments thereto. (Ord. No. 249, Art. 4(42), 1975).

Chapter 17.06

DISTRICTS AND MAP*

Sections:

- 17.06.010 Districts—Established.
- 17.06.020 Same—Boundaries established; map.
- 17.06.030 Divided lots; extension of less-restrictive requirements.
- 17.06.040 District schedule adopted.

17.06.010 Districts—Established.

A. In order to carry out the provisions of this title, the city is divided into the following zoning districts:

1. OS Open space district;
2. A1 Agricultural district;

***Editor's note**—The zoning map is on file in the city clerk's office.

3. E1 Estate district;
4. E2 Estate district;
5. R1 Low-density residential district;
6. R3 Medium-density residential district;
7. R5 High-density residential district;
8. B1 Limited business district;
9. B2 General business district;
10. I1 Limited industrial district;
11. I2 General industrial district;
12. GA General aviation district;
13. PUD Planned unit development district.
14. Interchange influence area district.

B. These districts may also have the following additional classifications:

1. PUD—When attached to one (1) of the base zoning districts, PUD requires conformance to PUD regulations, procedures and reviews for base zone permitted uses;
2. R PUD—Indicates PUD district with only residential uses;
3. B PUD—Indicates PUD district with only business uses;
4. I PUD—Indicates PUD district with only industrial uses. (Ord. No. 149, Art. 4, § 1, 1973; Ord. No. 651, § 1, 1985; Ord. No. 907, § 1, 5-28-91)

17.06.020 Same—Boundaries established; map.

A. The boundaries of the zoning districts established in section 17.06.010 are established as shown on a map entitled “Zoning District Map of the City of Broomfield, Colorado,” dated April, 1973, which map and all future amendments thereto are made a part of this title.

B. The zoning district map shall be kept up to date and on file in the city clerk’s office for the use and benefit of the public. Amendments in zoning district boundary lines or designations shall be made on the map within a reasonable time after the effective date of each ordinance approving such amendments. The city shall not be required to publish the zoning district map after each amendment thereto. Unless otherwise defined on the zoning district map, district boundary lines are lot lines; the centerline of streets, alleys, railroad rights-of-way, or such lines extended; section lines; city limit lines; or, other lines drawn to scale on the zoning district map. (Ord. No. 149, Art. 4, § 2, 1973)

17.06.030 Divided lots--Extension of less-restrictive requirements. When a lot is divided at the time of enactment of the ordinance codified in this title, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than twenty-five feet into the more restrictive zoning district adjacent to the zoning district boundary line. (Ord. 149 Art. 4 S3, 1973).

17.06.040 Districts--Schedule adopted. The schedule of "uses permitted by right," "uses permitted by special review," "minimum area of lots," "minimum width of lot," "minimum front yard," "minimum rear yard," "minimum side yard," "minimum off-street parking area," and other related requirements, being the regulations for the various zoning districts, is adopted and declared to be a part of this title, and may be amended in the same manner as any other part of this title. (Ord. 149 Art. 5, 1973).

Chapter 17.07

OS OPEN SPACE DISTRICT

Sections:

- 17.07.010 Intent.
- 17.07.020 Permitted uses -- By right.
- 17.07.030 Permitted uses -- By special review.
- 17.07.040 Lot and yard requirements.
- 17.07.050 Building height.
- 17.07.060 General provisions.

17.07.010 Intent. The OS Open Space district is intended to provide areas for the conservation of open space. (Ord. 651 S2, 1985)

17.07.020 Permitted uses -- By right. The following uses are permitted by right in the OS district:

- A. Public utilities, structures and buildings including but not limited to water and wastewater facilities;
- B. Natural, native areas;
- C. Water storage reservoirs;
- D. Bird and wildlife sanctuaries
- E. Street, road or highway rights-of-way;
- F. Public parks and recreational facilities.

(Ord. 651 S2, 1985)

17.07.030 Permitted uses -- By special review. The following uses are permitted by special review in the OS district:

- A. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises;

B. The grazing of cattle, sheep, goats, or other agricultural livestock, including supplementary feeding, providing such grazing is not a part of nor conducted in conjunction with, any dairy, feed yard, or livestock sales yard;

C. Barbed wire fences;

D. Municipal cemeteries.

(Ord. 651 S2, 1985)

17.07.040 Lot and yard requirements. The following are minimum lot and yard requirements in the OS district:

Lot area	35 acres
Lot width	1000 feet
Front yard	100 feet
Rear yard	
Principal building	75 feet
Accessory building	25 feet
Side yard	30 feet + 1 foot for each 2 feet of building height

(Ord. 651 S2, 1985)

17.07.050 Building height. Buildings in the OS district shall not be higher than two stories, and in no case higher than 30 feet. (Ord. 651 S2, 1985)

17.07.060 General provisions. Use of land in the OS district shall also conform to the parking, signing, and other provisions of this title. (Ord. 651 S2, 1985)

Chapter 17.08

A1 AGRICULTURAL DISTRICT

Sections:

- 17.08.010 Intent.
- 17.08.020 Permitted uses--By right.
- 17.08.030 Permitted uses--By special review.
- 17.08.040 Lot and yard requirements.
- 17.08.050 Building height.
- 17.08.060 General provisions.

17.08.010 Intent. The A1 Agricultural district is intended to be applied to areas which economically have agricultural value and are not yet ready for urban development. (Ord. 149 Art. 6 S1, 1973).

17.08.020 Permitted uses--By right. The following uses are permitted by right in the A1 district:

- A. One-family dwellings;
- B. Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises;
- C. The grazing of cattle, sheep, goats, or horses, including supplementary feeding, providing such grazing is not a part of, nor conducted in conjunction with, any dairy, feed yard, or livestock sales yard. Concentrations of animals in excess of the following shall not be permitted, except as may be permitted by Section 17.09.030:
 - 1. Cattle, sheep, goats, and horses -- Fifteen thousand square feet per animal. (Ord. 426, S1, 1981).
- D. Cemeteries;
- E. Home occupations as defined in Section 17.32.020;
- F. Aboveground or underground distribution and transmission lines for public utilities when the lines primarily serve the city; and
- G. Public uses as follows:
 - 1. Water facilities, including storage,
 - 2. Wastewater treatment facilities, and
 - 3. Related facilities. (Ord. 149 Art. 6 S2, 1973).
- H. Private poultry house containing not more than four hundred (400) square feet of ground floor area. (Ord. 426, S2, 1981).

17.08.030 Permitted uses--By special review. The following uses are permitted by special review in the A1 district:

- A. Schools, public and private (noncommercial);
- B. Public and private noncommercial recreation areas and facilities;
- C. The keeping of livestock for commercial use or at densities greater than permitted in Section 17.08.020;
- D. Municipal buildings;
- E. Airports;
- F. Public utility substations and major transmission lines when said lines primarily serve areas other than Broomfield. Substations shall not contain major office, repair or storage space; and
- G. Child day care facilities. (Ord. 257 Art. 1 S3 (part), 1975; Ord. 149 Art. 6 S3, 1973).

17.08.040. Lot and yard requirements. The following are minimum lot and yard requirements in the A1 district:

Lot area	5 acres
Lot width	300 feet
Front yard	30 feet
Rear yard	
Principal building	25 feet
Accessory building	5 feet
Side yard	10 feet + 1 foot for each 2 feet of building height.

(Ord. 149 Art. 6 S4, 1973).

17.08.050 Building height. Buildings in the A1 district shall not be higher than two stories, and in no case higher than thirty feet. (Ord. 149 Art. 6 S5, 1973).

17.08.060 General provisions. Use of land in the A1 district shall also conform to the parking, signing and other provisions of this title. (Ord. 149 Art. 6 S6, 1973).

Chapter 17.10EL ESTATE DISTRICTSections:

- 17.10.010 Intent.
- 17.10.020 Permitted uses--By right.
- 17.10.030 Permitted uses--By special review.
- 17.10.040 Lot and yard requirements.
- 17.10.050 Building height.
- 17.10.060 General provisions.

17.10.010 Intent. It is intended that the El district be applied in those areas where large single-family lots are desired to allow a semirural environment. (Ord. 149 Art. 7 §1, 1973).

17.10.020 Permitted uses--By right. The following uses are permitted by right in the El district:

- A. One-family dwellings;
- B. Aboveground or underground distribution and transmission lines for public utilities when said lines primarily serve the city;
- C. The keeping of not more than one horse for the private use of each member of the family living on the premises; provided, that such horses are not kept or housed within fifty feet of any street or highway, and that the lot contains at least fifteen thousand square feet of area for each horse kept on the site. Horses shall be corralled away from the principal building;
- D. Home occupations as defined in Section 17.32.020;
- E. Accessory buildings typically found with the above-permitted uses. (Ord. 149 Art. 7 §2, 1973).

17.10.030 Permitted uses--By special review. The following uses are permitted by special review in the El district:

- A. Schools, public and private (noncommercial);
- B. Public and private noncommercial recreation areas and facilities;
- C. Churches and church facilities;
- D. Residential planned unit developments (PUD);
- E. Public utility substations and major transmission lines when said lines primarily serve areas other than Broomfield. Substations shall not contain major office, repair or storage space;
- F. Municipal buildings;
- G. Public uses as follows:

- 1. Water facilities, including storage,
 - 2. Wastewater treatment facilities, and
 - 3. Related facilities, and
- H. Child day care facilities. (Ord. 257 Art. 1 §3 (part), 1975: Ord. 149 Art. 7 §3, 1973).

17.10.040 Lot and yard requirements. The following are minimum lot and yard requirements in the E1 district:

Lot area	40,000 square feet
Lot width	120 feet
Front yard	30 feet
Rear yard	
Principal building	25 feet
Accessory building	5 feet
Side yard	15 feet
Floor area	1,400 square feet.

(Ord. 149 Art. 7 §4, 1973).

17.10.050 Building height. Buildings in the E1 district shall not be higher than two stories, and in no case higher than thirty feet. (Ord. 149 Art. 7 §5, 1973).

17.10.060 General provisions. Use of land in the E1 district shall also conform to the parking, signing and other provisions of this title. (Ord. 149 Art. 7 §6, 1973).

Chapter 17.12

E2 ESTATE DISTRICT

Sections:

- 17.12.010 Intent.
- 17.12.020 Permitted uses--By right.
- 17.12.030 Permitted uses--By special review.
- 17.12.040 Lot and yard requirements.
- 17.12.050 Building height.
- 17.12.060 General provisions.

17.12.010 Intent. It is intended that the E2 district be applied to areas where a larger than average lot should be established due to topography, neighborhood conditions, or demands of building size. (Ord. 149 Art. 8 §1, 1973).

17.12.020 Permitted uses--By right. The following uses are permitted by right in the E2 district:

- A. One-family dwellings;

- B. Aboveground or underground distribution and transmission lines for public utilities when said lines primarily serve the city;
- C. Home occupations as defined in Section 17.32.020;
- D. Public schools;
- E. Public recreation areas and facilities; and
- F. Accessory buildings and uses. (Ord. 149 Art. 8 §2, 1973).

17.12.030 Permitted uses--By special review. The following uses are permitted by special review in the E2 district:

- A. Churches and church facilities;
- B. Child day care facility;
- C. Noncommercial recreational uses;
- D. Private schools;
- E. Residential planned unit developments (PUD);
- F. Public utility substations and major transmission lines when said lines primarily serve areas other than Broomfield. Substations shall not contain major office, repair or storage space;
- G. Municipal buildings; and
- H. Public uses as follows:
 1. Water facilities, including storage,
 2. Wastewater treatment facilities, and
 3. Related facilities. (Ord. 257 §§2(part), 3(part), 1975; Ord. 149 Art. 8 §3, 1973).

17.12.040 Lot and yard requirements. The following minimum lot and yard requirements in the E2 district:

Lot area	10,000 square feet
Lot width	
Interior lot	80 feet
Corner lot	90 feet
Lot depth	100 feet
Front yard	30 feet
Rear yard	
Principal building	25 feet
Accessory building	5 feet
Side yard	10 feet
Side yard (corner)	20 feet
Floor area	1,200 square feet.

Depth is increased twenty feet when rear lot line is adjacent to a street other than a local street; or if adjacent to a railroad, major utility overhead transmission line or a commercial or industrial zone. (Ord. 149 Art. 8 §4, 1973).

17.12.050 Building height. Buildings in the E2 district shall not be higher than two stories, and in no case higher than thirty feet. (Ord. 149 Art. 8 §5, 1973).

17.12.060 General provisions. Use of land in this district shall also conform to the parking, signing and other provisions of this title. (Ord. 149 Art. 8 §6, 1973).

Chapter 17.14

R1 LOW-DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.14.010 Intent.
- 17.14.020 Permitted uses--By right.
- 17.14.030 Permitted uses--By special review.
- 17.14.040 Lot and yard requirements.
- 17.14.050 Building height.
- 17.14.060 General provisions.

17.14.010 Intent. It is intended that the R1 district be applied in those areas where standard housing concepts are proposed on average-sized lots. (Ord. 149 Art. 9 §1, 1973).

17.14.020 Permitted uses--By right. The following uses are permitted by right in the R1 district:

- A. One-family dwellings;
- B. Public and private schools for elementary, junior and senior high school education;
- C. Churches and church facilities;
- D. Public recreation areas and facilities;
- E. Aboveground or underground distribution and transmission lines for public utilities when said lines primarily serve the city;
- F. Home occupations as defined in Section 17.32.020; and
- G. Accessory buildings and uses. (Ord. 149 Art. 9 §2, 1973).

17.14.030 Permitted uses--By special review. The following uses are permitted by special review in the R1 district:

- A. Child day care facility;
- B. Private noncommercial recreational uses;
- C. Residential planned unit developments (PUD);
- D. Cemeteries;
- E. Mobile home parks subject to the provisions of Chapter 17.42;

F. Public utility substations and major transmission lines when said lines primarily serve areas other than Broomfield. Substations shall not contain major office, repair or storage space;

G. Municipal buildings; and

H. Public uses as follows:

1. Water facilities, including storage,
2. Wastewater treatment facilities, and
3. Related facilities. (Ord. 257 Art. 1 §§2(part), 3(part), 1975; Ord. 149 Art. 9 §3, 1973).

17.14.040 Lot and yard requirements. The following are minimum lot and yard requirements in the R1 district:

Lot area	7,000 square feet
(2 acres for schools, churches, and church facilities)	
Lot width	
Interior lot	70 feet
Corner lot	80 feet
Lot depth	100 feet
Front yard	25 feet
Rear yard	
Principal building	25 feet
Accessory building	5 feet
Side yard	5 feet
Total of both side yards shall not be less than 15 feet with the minimum of one yard of 5 feet	
Side yard (corner)	20 feet
(opposite side not less than 7 feet)	
Floor area	950 square feet.

Depth is increased twenty feet when rear lot line is adjacent to a street other than a local street; or if adjacent to a railroad, major utility overhead transmission line or a commercial or industrial zone. (Ord. 149 Art. 9 §4, 1973).

17.14.050 Building height. Buildings in the R1 district shall not be higher than two stories, and in no case higher than thirty feet.

17.14.060 General provisions. Use of land in the R1 district shall also conform to the parking, signing and other provisions of this title. (Ord. 149 Art. 9 §6, 1973).

Chapter 17.16

R3 MEDIUM-DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.16.010 Intent.
- 17.16.020 Permitted uses--By right.
- 17.16.030 Permitted uses--By special review.
- 17.16.040 Maximum density.
- 17.16.050 Lot and yard requirements.
- 17.16.060 Building height.
- 17.16.070 Open space.
- 17.16.080 General provisions.

17.16.010 Intent. It is intended that the R3 district be applied in those instances where medium-density residential uses such as townhouses, duplexes or triplexes are desired. (Ord. 149 Art. 10 §1, 1973).

17.16.020 Permitted uses--By right. The following uses are permitted by right in the R3 district:

- A. One-family dwellings;
- B. Multiple-family dwellings;
- C. Churches and church facilities;
- D. Public and private schools for elementary, junior and senior high school education;
- E. Public recreation areas and facilities;
- F. Aboveground and underground distribution and transmission lines for public utilities when said lines primarily serve the city;
- G. Home occupations as defined in Section 17.32.020; and
- H. Accessory buildings and uses. (Ord. 149 Art. 10 §2, 1973).

17.16.030 Permitted uses--By special review. The following uses are permitted by special review in the R3 district:

- A. Child day care facility;
- B. Noncommercial recreational uses;
- C. Residential planned unit developments (PUD);
- D. Mobile home communities subject to the provisions of Chapter 17.42;
- E. Public utility substations and major transmission lines when said lines primarily serve areas other than Broomfield. Substations shall not contain major office, repair or storage space;
- F. Municipal buildings; and
- G. Public uses as follows:

1. Water facilities, including storage,
2. Wastewater treatment facilities, and
3. Related facilities. (Ord. 257 Art. 1 §§2(part), 3(part), 1975: Ord. 149 Art. 10 §3, 1973).

17.16.040 Maximum density. Maximum density in the R3 district shall not exceed ten units per gross acre. Under a planned unit development, density may be increased to twelve units per acre. (Ord. 149 Art. 10 §4, 1973).

17.16.050 Lot and yard requirements. The following are minimum lot and yard requirements in the R3 district:

Lot area	8,000 square feet
(2 acres for schools, churches and church facilities)	
Lot width	
Interior lot	75 feet
Corner lot	85 feet
Lot depth	100 feet
Front yard	25 feet
Rear yard	
Principal building	20 feet
Accessory building	5 feet
Side yard	10 feet
	for residential uses
	25 feet
	for other permitted principal buildings
Side yard (corner)	20 feet
	for residential uses
	25 feet
	for other permitted principal buildings
Rear and side yard when adjacent to an A, E1, E2, or R1 district -- Yard shall be two times the height of the adjacent building.	

Depth is increased twenty feet when rear lot line is adjacent to a street other than a local street; or if adjacent to a railroad, major utility overhead transmission line or a commercial or industrial zone. (Ord. 149 Art. 10 §5, 1973).

17.16.060 Building height. Buildings in the R3 district shall not be higher than two stories, and in no case higher than thirty feet. (Ord. 149 Art. 10 §6, 1973).

17.16.070 Open space. In the R3 district, a minimum of forty percent of the site shall be developed and maintained as private open space and recreational use for the occupants of the project. If user facilities are provided, the required area shall be calculated as defined in Section 17.38.230. (Ord. 149, Art. 10, S 7, 1973)

17.16.080 General provisions. Use of land in the R3 district shall also conform to the parking, signing and other provisions of this title. (Ord. 149, Art. 10, S 8, 1973)

Chapter 17.18

R5 HIGH-DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.18.010 Intent
- 17.18.020 Permitted uses--By right
- 17.18.030 Permitted uses--By special review
- 17.18.040 Maximum density
- 17.18.050 Lot and yard requirements
- 17.18.060 Building height
- 17.18.070 Open space
- 17.18.080 General provisions

17.18.010 Intent. The demand for multiple-family housing should be accommodated primarily through this district. The location of this zone should occur in areas where intense urban development can assist in providing convenience to its occupants without negatively affecting the environment and safety of the neighborhood. (Ord. 149, Art. 11, S 1, 1973)

17.18.020 Permitted uses--By right. The following uses are permitted by right in the R5 district:

- A. One-family dwellings;
- B. Multiple-family dwellings;
- C. Boardinghouses and roominghouses;
- D. Fraternity and sorority houses;
- E. Churches and church facilities;
- F. Public and private schools, including child day care facilities;
- G. Public recreation areas and facilities;
- H. Aboveground or underground distribution and transmission lines for public utilities when said lines primarily serve the City;
- I. Automobile parking areas for permitted uses;
- J. Home occupations as defined in Section 12.32.020; and
- K. Accessory buildings and uses (Ord. 744, S 1, 1987)

17.18.030 Permitted uses--By special review. The following uses are permitted by special review in the R5 district:

- A. Noncommercial recreational uses;
- B. Residential planned unit developments (PUD);
- C. Colleges and universities;
- D. Mobile home communities, subject to the provisions of Chapter 17.42;
- E. Hospitals, nursing homes and sanitariums;
- F. Medical and dental clinics;
- G. Offices;
- H. Public utility substations and major transmission lines when said lines primarily serve areas other than Broomfield. Substations shall not contain major office, repair or storage space;
- I. Municipal buildings;
- J. Public uses as follows:
 - 1. Water facilities, including storage,
 - 2. Wastewater treatment facilities, and
 - 3. Related facilities;
- K. Child day care facilities. (Ord. 257 Art. 1 §3, 1975; Ord. 149 Art. 11 §3, 1973).

17.18.040 Maximum density. Maximum density in the R5 district shall not exceed twenty units per gross acre. Under a planned unit development, density may increase to twenty-five units per acre. (Ord. 149 Art. 11 §4, 1973).

17.18.050 Lot and yard requirements. The following are minimum lot and yard requirements in the R5 district:

Lot area		
Residential	10,000 square feet	
Churches	2 acres	
Other nonresidential	20,000 square feet	
Lot width		
Interior lot	100 feet	
Corner lot	100 feet	
Lot depth	100 feet	
Front yard	25 feet	
Rear yard		
Principal building	20 feet	
Accessory building	5 feet	
Side yard	10 feet	
	for residential uses	
	25 feet	
	for other permitted principal buildings	

Side yard (corner) 20 feet
 for residential uses
 25 feet
 for other permitted principal
 buildings

Rear and side yard when adjacent to A, E1, E2, or R1
 district -- Yard shall be twice the height of the adja-
 cent building.

Depth is increased twenty feet when rear lot line is
 adjacent to a street other than a local street; or if adja-
 cent to a railroad, major utility overhead transmission line
 or commercial or industrial zone. (Ord. 149 Art. 11 §5,
 1973).

17.18.060 Building height. Maximum building height in
 the R5 district shall not exceed two stories or thirty feet
 within one hundred feet of the boundary of an E1, E2 or R1
 district. Beyond that distance, the building height may be
 greater, if approved by the city in accordance with Chapter
 17.30. (Ord. 149 Art. 11 §6, 1973).

17.18.070 Open space. A minimum of forty percent of
 the site shall be developed and maintained as private open
 space and recreational use for the occupants of the project.
 If user facilities are provided, the requested area shall
 be calculated as defined in Section 17.38.230. (Ord. 149
 Art. 11 §7, 1973).

17.18.080 General provisions. Use of land in the R5
 district shall also conform to the parking, signing and other
 provisions of this title. (Ord. 149 Art. 11 §8, 1973).

Chapter 17.20

B1 LIMITED BUSINESS DISTRICT

Sections:

- 17.20.010 Intent.
- 17.20.020 Permitted uses--By right.
- 17.20.030 Permitted uses--By special review.
- 17.20.040 Lot, yard and related requirements.
- 17.20.050 Building height.
- 17.20.060 General provisions.

17.20.010 Intent. It is the purpose of the B1 district
 to provide for convenience business services, sales and

related uses. It is further intended that this district will be located in such a manner that it can conveniently serve the market area for which it was designed and so that it is compatible with adjacent neighborhoods. (Ord. 149 Art. 12 S1, 1973).

17.20.020 Permitted uses--By right. The following uses are permitted by right in the B1 district: Limited business uses, including but not limited to the following:

- A. Banks, savings and loan, and finance companies;
- B. Churches and church facilities;
- C. Medical and dental laboratories;
- D. Offices and clinics;
- E. Municipal buildings;
- F. Parking lots and parking garages;
- G. Personal service shops;
- H. Public and private schools;
- I. Public utility installations excluding repair, storage and production facilities;
- J. Commercial recreational uses and theaters, indoor;
- K. Restaurants and other eating and drinking places where food is primarily consumed indoors or at outdoor tables. Drive-ins where food is consumed primarily in autos or off-premises are not included.
- L. Retail stores; and
- M. Accessory buildings and uses. (Ord. 149 Art. 12 S2, 1973).

17.20.030 Permitted uses--By special review. The following uses are permitted by special review in the B-1 district: Special business uses, such as the following, which might involve unusual environmental problems:

- A. Gas stations;
- B. Commercial recreational uses, outdoor;
- C. Restaurants and other eating and drinking places, outdoor, including drive-in restaurants;
- D. Undertaking establishments;
- E. Planned unit developments (PUD). Commercial and multifamily residential planned unit developments where there is residential use on second or higher floors with the ground floor being a business use;
- F. Hotels and motels;
- G. Membership clubs;
- H. Hospitals;
- I. Printing and newspaper offices;
- J. Public uses as follows:
 - 1. Water facilities, including storage,
 - 2. Wastewater treatment facilities, and
 - 3. Related facilities; and
- K. Child day care facilities. (Ord. 257 Art. 1 S3(part), 1975; Ord. 149 Art. 12 S3, 1973).

17.20.040 Lot, yard and related requirements. The following lot, yard and related requirements shall be minimum requirements in the B1 district:

A. Twenty-five feet from any street right-of-way and twenty-five feet from any alley centerline;

B. A landscaped area of at least ten feet in width shall be provided adjacent to any street abutting the commercial site;

C. If across the street from a residential district, a landscaped area not less than twenty-five feet in width shall be provided paralleling the right-of-way.

D. Curb cuts may be permitted through the landscaped area;

E. When abutting a residential district, the yard between the zone district boundary and any building shall be not less than three times the height of the proposed building. In addition, a solid fence six feet high shall be constructed on the zone district boundary. The city manager or his designee may require an eight foot high solid fence if there is at least a 2 foot difference in the average elevation of the lots on either side of the district boundary between the B-1 district and the residential district; (Ord. 669 S1, 1986)

F. Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not viewable from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than five percent of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. (Ord. 149 Art. 12 S4, 1973).

17.20.050 Building height. Buildings in the B1 district shall not exceed a height of forty feet unless approved by the city in accordance with Chapter 17.30. (Ord. 149 Art. 12 S5, 1973).

17.20.060 General provisions. Use of land in the B1 district shall also conform to the parking, loading, signing and other provisions of this title. (Ord. 149 Art. 12 S6, 1973).

Chapter 17.22

B2 GENERAL BUSINESS DISTRICT

Sections:

17.22.010 Intent.

17.22.020 Permitted uses--By right.

Sections: (Continued)

- 17.22.030 Permitted uses--By special review.
- 17.22.040 Lot, yard and related requirements.
- 17.22.050 Building height.
- 17.22.060 General provisions.

17.22.010 Intent. It is the purpose of the B2 district to contain those more intensive commercial uses which are frequently related to highway users or which, due to their nature, require outdoor operations. (Ord. 149 Art. 13 §1, 1973).

17.22.020 Permitted uses--By right. The following uses are permitted by right in the B2 district:

A. General business uses, including but not limited to the following:

1. Automobile sales and services;
2. Banks, savings and loan, and finance companies;
3. Churches and church facilities;
4. Hotels and motels;
5. Membership clubs;
6. Offices and clinics;
7. Municipal buildings;
8. Parking lots and parking garages;
9. Public recreation areas and facilities;
10. Personal service shops;
11. Printing and newspaper offices;
12. Private schools;
13. Commercial recreational uses;
14. Restaurants and other eating and drinking places;
15. Retail and wholesale stores;
16. Accessory buildings and uses;
17. Pet shops;
18. Drive-in restaurants;
19. Bakery, when products are sold at retail on the premises.

(Ord. 149 Art. 13 §2, 1973).

17.22.030 Permitted uses--By special review. The following uses are permitted by special review in the B2 district:

- A. Multiple-family dwellings when located on second and higher floors when processed as a Planned Unit Development;
- B. Dairy processing and distribution;
- C. Laundries and drycleaning plants;
- D. Small animal veterinary hospitals;
- E. Plumbing, electrical and carpenter shops;
- F. Truck, trailer, mobile home and farm equipment sales and services;
- G. Building supply yards;

- H. Retail uses requiring limited manufacturing or processing on the premises of items to be sold;
- I. Commercial Planned Unit Developments;
- J. Carwash facilities;
- K. Gas stations;
- L. Storage of oil, gasoline and petroleum products, subject to all requirements of the Colorado Industrial Commission and limited to twenty thousand gallons maximum storage;
- M. Public uses as follows:
 - 1. Water facilities, including storage,
 - 2. Wastewater treatment facilities, and
 - 3. Related facilities; and
- N. Child day care facilities. (Ord. 257 Art. 1 S3, 1975; Ord. 259 Art. 13 S3, 1975).

17.22.040 Lot, yard and related requirements. The following are minimum lot, yard and related requirements in the B2 district:

- A. Twenty-five feet from any street right-of-way and twenty-five feet from any alley centerline;
- B. A landscaped area of at least ten feet in width shall be provided adjacent to any street abutting the commercial site;
- C. If across the street from a residential district, a landscaped area not less than twenty-five feet in width shall be provided paralleling the right-of-way;
- D. Curb cuts may be permitted through the landscaped area;
- E. When abutting a residential district, the yard between the zone district boundary and any building shall be not less than three times the height of the proposed building. In addition, a solid fence six feet high shall be constructed on the zone district boundary. The city manager or his designee may require an eight foot high solid fence if there is at least a 2 foot difference in the average elevation of the lots on either side of the district boundary between the B-2 district and the residential district; (Ord. 669 S2, 1986)
- F. Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height, or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not visible from the street. Landscaping shall also be provided within these parking areas. This landscaped area shall represent not less than five percent of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. (Ord. 149 Art. 13 S4, 1973).

17.22.050 Building height. Buildings in the B2 district shall not exceed the height of forty feet unless approved by the city in accordance with Chapter 17.30. (Ord. 149 Art. 13 S5, 1973).

17.22.060 General provisions. Use of land in the B2 district shall also conform to the parking, signing, loading and other provisions of this title. (Ord. 149 Art. 13 S6, 1973).

Chapter 17.24

11 LIMITED INDUSTRIAL DISTRICT

Sections:

- 17.24.010 Intent.
- 17.24.020 Permitted uses--By right.
- 17.24.030 Permitted uses--By special review.
- 17.24.040 Lot, yard and related requirements.
- 17.24.050 Building height.
- 17.24.060 General provisions.

17.24.010 Intent. The intent of the 11 district is to accommodate limited or light industrial uses which by their nature and manner of development have no detrimental effect on their neighboring uses within or adjacent to the industrial area. Said uses are normally set within landscaped environments with well designed buildings and totally enclosed operations. (Ord. 586 S1, 1984)

17.24.020 Permitted uses--By right. The following uses are permitted by right in the 11 district provided that they are conducted entirely within an enclosed structure and that all dust, fumes, odors, smoke, vapor, noise, lights, glare and vibrations are confined to the lot on which the use is located:

- A. Administrative, office, insurance and research facilities;
- B. Experimental or testing laboratories;
- C. Assembly or packaging of products from previously prepared materials;
- D. Manufacture of precision or electronic instruments, parts or tools;
- E. Automobile parking areas;
- F. Vocational schools;
- G. Municipal facilities such as, but not limited to, water and wastewater treatment plants, police station, street and parks maintenance shops and yards (these uses are not required to be conducted entirely within an enclosed structure);
- H. Repair, maintenance, sales and service of commodities manufactured, assembled, packaged as the primary permitted use;
- I. Manufacture, processing, and packaging of medical and pharmaceutical supplies;
- J. Food service when secondary to the primary permitted use;
- K. Railroad facilities;
- L. Printing;
- M. Indoor entertainment and sports arenas;
- N. Warehouse, distribution and wholesale uses when such uses are accessory to a permitted use; and
- O. Accessory buildings and uses. (Ord. 586 S2, 1984)

17.24.030 Permitted uses--By special review. The following uses are permitted by special review in the I1 district:

- A. Warehouses, distribution and wholesale uses of materials or products which are not manufactured, assembled or packaged as the principal use;
- B. Commercial, business, retail sales and other services;
- C. Planned industrial developments;
- D. Public and private utilities and facilities such as, but not limited to fire stations; ambulance service; and private security guard facilities as the principal use;
- E. Child day care facilities;
- F. Household and commercial mini-storage facilities;
- G. Helipads;
- H. Outdoor vehicle storage;
- I. Animal hospitals and/or kennels;
- J. Medical clinics;
- K. Gasoline sales; and
- L. Retail sales, service, rental, repair and manufacture of vehicles and machinery. (Ord. 586 S3, 1984)

17.24.040 Lot, yard and related requirements. The following are minimum lot, yard and related requirements in the I1 district:

- A. Twenty-five feet from any street right-of-way and twenty-five feet from any alley centerline;
- B. A landscaped area of at least ten feet in width shall be provided adjacent to any street abutting the commercial site;
- C. If across the street from a residential district, a landscaped area not less than twenty-five feet in width shall be provided paralleling the right-of-way;
- D. Curb cuts may be permitted through the landscaped area;
- E. When abutting a residential district, the yard between the zone district boundary and any building shall be not less than three times the height of the proposed building. In addition, a solid fence six feet high shall be constructed on the zone district boundary. The city manager or his designee may require an eight foot high solid fence if there is at least a 2 foot difference in the average elevation of the lots on either side of the district boundary between the I-1 district and the residential district; (Ord. 669 S3, 1986)
- F. Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped. Said screening to occur between the parking area and the street, unless the parking lot is not visible from the street. Landscaping shall also be provided within these large parking areas. This landscaped area shall represent not less than five percent of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. (Ord. 149 Art. 14 S4, 1973).

17.24.050 Building height. Buildings in the I1 district shall not exceed a height of forty feet unless approved by the city in accordance with Chapter 17.30. (Ord. 149 Art. 14 S5, 1973).

17.24.060 General provisions. Use of land in the I1 district shall also conform to the parking, loading, signing and other provisions of planned industrial developments. (Ord. 149 Art. 14 S6, 1973).

Chapter 17.26

I2 GENERAL INDUSTRIAL DISTRICT

Sections:

- 17.26.010 Intent.
- 17.26.020 Permitted uses--By right.
- 17.26.030 Permitted uses--By special review.
- 17.26.040 Lot, yard and related requirements.
- 17.26.050 Building height.
- 17.26.060 General provisions.

17.26.010 Intent. The intent of the I2 district is to accommodate general industrial uses, developed in such a manner that these uses have no detrimental effects beyond the zone district in which they are located. (Ord. 149 Art. 15 S1, 1973).

17.26.020 Permitted uses--By right. The following uses are permitted by right in the I2 district provided that they are conducted in a manner which confines all dust, fumes, odors, refuse matter, smoke, vapor, noise, lights, glare and vibrations within the boundaries of the I2 district in which they are located:

- A. Uses permitted by right in the I1 district (Section 17.24.020);
- B. Manufacture, assembly, packaging, processing, storage and distribution of any commodity except as provided in section 17.26.030;
- C. Warehouses;
- D. Wholesale centers;
- E. Retail sales, service, rental, or repair of products related to the permitted uses;
- F. Retail sales, service, rental, repair and manufacture of vehicles and machinery; and
- G. Household and commercial mini-storage facilities, and outdoor vehicle storage. (Ord. 587 S1, 1984)

17.26.030 Permitted uses--By special review. The following uses are permitted by special review in the I2 district:

- A. Cement, concrete, lime or gypsum manufacturing;
- B. Chemical plants;
- C. Fertilizer manufacturing;
- D. Public and private utilities and facilities such as, but not limited to fire stations; ambulance service; and private security guard facilities as the principal use;

- E. Commercial, business, retail sales, manufacturing, processing, storage, and other service uses;
- F. Planned industrial development;
- G. Aggregate plants and related uses;
- H. The manufacturing or storage of hazardous materials including, but not limited to, gasoline, flammable liquids and gases, industrial waste products;
- I. Manufacture, assembly, packaging, processing, storage, and distribution of raw vegetable and animal products;
- J. Sewage treatment facilities;
- K. Helipad;
- L. Temporary outdoor storage of rubbish, refuse, waste, junk vehicles, except vegetable and animal by-products, and only in conjunction with an approved plan for the screening and recycling or removal of these materials;
- M. Gasoline sales;
- N. Animal hospitals or kennels;
- O. Child day care facilities; and
- P. Any other use not specifically permitted by right or by special review in any other zone district. (Ord. 587 S2, 1984)

17.26.040 Lot, yard and related requirements. The following are minimum lot, yard and related requirements in the I2 district:

- A. Twenty-five feet from any street right-of-way and twenty-five feet from any alley centerline;
- B. A landscaped area of at least ten feet in width shall be provided adjacent to any street abutting the commercial site;
- C. If across the street from a residential district, a landscaped area not less than twenty-five feet in width shall be provided paralleling the right-of-way;
- D. Curb cuts may be permitted through the landscaped area;
- E. When abutting a residential district, the yard between the zone district boundary and any building shall be not less than three times the height of the proposed building. In addition, a solid fence six feet high shall be constructed on the zone district boundary. The city manager or his designee may require an eight foot high solid fence if there is at least a 2 foot difference in the average elevation of the lots on either side of the district boundary between the I-2 district and the residential district; (Ord. 669 S4, 1986)
- F. Large parking areas in excess of fifty spaces shall, in addition to the landscaping required along the street in the setback area, also be screened by a low, decorative masonry wall of three to four feet in height or earth mounds of an equal height that are landscaped, said screening to occur between the parking area and the street, unless the parking lot is not visible from the street. Landscaping shall also be provided within these large parking areas. The landscaped area shall represent not less than five percent of the total asphalted or paved parking area. The required setback landscaping shall not be considered as a part of the required parking area landscaping. (Ord. 149 Art. 15 S4, 1973).

17.26.050 Building height. Buildings in the I2 district shall not exceed a height of forty feet unless approved by the city in accordance with Chapter 17.30. (Ord. 149 Art. 15 S5, 1973).

17.26.060 General provisions. Use of land in the I2 district shall also conform to the parking, loading, signing and other provisions of this title. (Ord. 149 Art. 15 S6, 1973).

Chapter 17.27

GA GENERAL AVIATION DISTRICT

Sections:

- 17.27.010 Intent
- 17.27.020 Permitted uses--By right
- 17.27.030 General provisions

17.27.010 Intent. It is the intent of the GA district to accommodate land uses which are customary to and promote an airport purpose. Said uses are normally associated with the storage, maintenance, function, sales and service of aircraft, air transportation and the control of aircraft in all phases of their operation. (Ord. 507 Sl, 1983)

17.27.020 Permitted uses--By right. The following uses are permitted by right in the GA district:

- A. Airport administrative offices;
 - B. Air traffic control facilities, lights, towers, buildings, equipment and instrumentation;
 - C. Airport facilities, runways, taxiways, aircraft parking and storage, hangars;
 - D. Automobile parking areas;
 - E. Aircraft sales, service, maintenance;
 - F. Aircraft fueling stations;
 - G. Aircraft training schools and facilities;
 - H. Aircraft communications equipment, transmitters, receivers, navigational aids, radar facilities;
 - I. Air freight facilities and storage;
 - J. Air passenger terminals and related retail and service uses;
 - K. Manufacture of aircraft and airport related products;
 - L. Accessory buildings and uses; and
 - M. Other such uses which are normally considered ancillary to aircraft and airport purposes.
- (Ord. 507 Sl, 1983)

17.27.030 General provisions. Use of land in the GA district shall also conform to the parking, loading, signing and other provisions of this title. (Ord. 507 Sl, 1983)

Chapter 17.28

PUD PLANNED UNIT DEVELOPMENT DISTRICT

Sections:

- 17.28.010 Intent.
- 17.28.020 Permitted uses—By right.
- 17.28.030 Same—By special review.
- 17.28.040 General provisions.
- 17.28.050 Map designations.

17.28.010 Intent. It is intended that the PUD district be applied primarily on undeveloped land and that it be utilized to permit various land uses to develop in a compatible manner, to encourage innovations in design, and to meet the intent of the PUD as set forth in section 17.38.020. It is further intended that detail plans will be developed in conformance with Chapter 17.38 prior to development of the site. (Ord. No. 149, Art. 16, § 1, 1973).

17.28.020 Permitted uses—By right. Until and unless a final plan for property in a PUD district has been approved by city council under the provisions of Chapter 17.38 of this Code, the uses permitted by right in any PUD district shall be the uses permitted by right in an A-1 district. (Ord. No. 425, § 1, 1981).

17.28.030 Same—By special review. The following uses are permitted by special review in the PUD district: Any use agreed upon by the planning and zoning commission and by the city council, and defined on the recorded plat. (Ord. No. 149, Art. 10 § 3, 1973; Ord. No. 257, Art. 1, § 3, 1975)

17.28.040 General provisions. The reviews, procedures, submittal requirements, recording requirements and other requirements of Chapter 17.38, Planned Unit Development, shall apply to all requests for changes of use within the PUD district. (Ord. No. 149, Art. 16, § 4, 1973).

17.28.050 Map designations. The following map designations shall be shown on the zoning map when not specifically attached to a base zone. Other notations may also be used to describe the approved plan:

- A. R-PUD indicates a PUD zone for residential use only;
 - B. B-PUD indicates a PUD zone for business use only; and
 - C. I-PUD indicates a PUD zone for industrial use only.
- (Ord. No. 149, Art. 16, § 5, 1973).

Chapter 17.29

INTERCHANGE INFLUENCE AREA

Sections:

- 17.29.010 Intent.
- 17.29.020 General provisions.
- 17.29.030 Map designation.
- 17.29.040 Relationship to underlying zone district.
- 17.29.050 Review criteria.

17.29.010 Intent. It is intended that the interchange influence area designation be applied primarily to undeveloped and underdeveloped lands which may be subject to increased growth and development pressures due to the construction of new interchanges on limited access highways. It is further intended that the said designation will encourage and foster high quality development in the area of a proposed interchange. (Ord. No. 907, § 2, 5-28-91)

17.29.020 General provisions. The reviews, procedures, submittal requirements, recording requirements and other requirements of Title 17 shall apply to all properties designated as lying within the Interchange Influence Area except as modified herein. (Ord. No. 907, § 2, 5-28-91)

17.29.030 Map designation. Any area within the city limits designated as lying within an interchange influence area shall be so indicated on the zoning map in addition to its respective zone district. Any unincorporated area not included within the city limits but designated as lying within an interchange influence area shall be included as such within the city's master plan. (Ord. No. 907, § 2, 5-28-91)

17.29.040 Relationship to underlying zone district. The provisions of the interchange influence area are in addition to the requirements of the underlying zone district of a subject property and may supersede the zone district requirements. (Ord. No. 907, § 2, 5-28-91)

17.29.050 Review criteria. The following review criteria shall be applied to all proposed development in an Interchange Influence Area:

A. *Development Standards:*

1. *Setback Requirements.* All building and parking shall be setback a minimum of seventy-five (75) feet from limited access highways and a minimum of thirty (30) feet or a distance equal to the building height, whichever is greater, from arterials unless otherwise modified by site plan or PUD plan approval.
2. *Landscaping and Sidewalks.*
 - a. All right of ways and setbacks are to be landscaped and maintained by property owners; at least thirty (30) percent of the site shall be irrigated.
 - b. Detached six-foot walks along arterial roads are required.
3. *Access points.* Access points along arterial roads are to be minimized.

4. *Building height.* Maximum of forty (40) feet unless otherwise modified by site plan or PUD plan approval.
 5. *Parking lots.* Lots are to be screened by landscaping and berms. Landscaped islands are required.
 6. *Building design and materials.* Each development shall present a consistent theme or style to promote visual identity.
 - a. Building materials should be of high quality and attractive appearance using matte texture earth tones.
 - b. The use of reflective glass should be minimized and any use of highly reflective glass is discouraged.
 - c. Unpainted or untextured concrete or masonry, metal buildings or unpainted metal are prohibited.
 - d. The use of roof or facade offsets or breaks is encouraged.
 - e. All mechanical equipment to be screened from view.
 - f. All service areas to be screened.
 7. *Fencing.* Shall be a maximum of six (6) feet and shall be constructed of brick, masonry, stone, or coated wire. Wood may be used only with masonry pillars.
 8. *Signs.* A sign plan is required for all development.
 - a. Only monument signs are allowed freestanding.
 - b. Wall signs may not extend above roofline and shall be consistent throughout the project.
 - c. Billboards are prohibited.
 - d. Only one (1) sign at street access points.
 - e. Illumination. Internally lit signs may only illuminate text and logos. External illumination shall be from a concealed source.
 9. *Glare.* Offsite glare from lighting is prohibited.
- B. *Prohibited Uses:*
1. Mobile homes or modular housing.
 2. Commercial outdoor recreational uses, amusement parks or sports arenas not including golf courses or country clubs.
 3. Truck, trailer, heavy machinery, farm equipment, storage or service.
 4. Building or construction supply, sales or storage yards.
 5. Car wash facilities except as an accessory use.
 6. Manufacture or storage of oil, gasoline or petroleum products for distribution (not including gasoline service stations).
 7. Automobile sales or storage.
 8. Mini-storage of warehousing facilities.
 9. Animal kennels.
 10. Chemical manufacturing plants.
 11. Cement, concrete, lime or gypsum manufacturing.

12. Fertilizer manufacturing.
13. Aggregate plants.
14. Commercial manufacturing or storage of hazardous materials such as gasoline, flammable liquids and gases, industrial waste products.
15. Outdoor storage of rubbish, refuse, wastes, junk or salvage yards, automobile or truck or machinery storage, shipping containers, vegetable or animal by-products.
16. Landfills or recycling facilities. (Ord. No. 907, § 2, 5-28-91)

Chapter 17.30

USES PERMITTED BY SPECIAL REVIEW

Sections:

- 17.30.010 Approval required
- 17.30.020 Request--Submittal when
- 17.30.030 Application--Contents
- 17.30.040 Request--Review
- 17.30.050 Request--Recommendation--Conditions.
- 17.30.060 Request--Approval, conditional approval--Denial
- 17.30.070 Decisions to be stated in official minutes
- 17.30.080 Site specific development plan--Vested property rights
- 17.30.090 Approval--Period--Void when
- 17.30.100 Special considerations

17.30.010 Approval required. Uses permitted by special review may be allowed in the designated districts upon approval by the City Council following recommendations by the Planning and Zoning Commission. (Ord. 149, Art. 17 (part), 1973)

17.30.020 Request--Submittal when. All requests for a use permitted by special review shall be submitted in writing, to the secretary of the Planning and Zoning Commission meeting. (Ord. 149, Art.17, S 1(1), 1973)

17.30.030 Application--Contents. The application shall contain a site plan containing a statement which reads as follows: "Approval of this special review request may create a vested property right pursuant to Article 68, Title 24, C.R.S.," showing, when applicable, the location of the buildings(s), off-street parking areas, off-street loading areas, service and refuse areas, ingress and egress to the property; major landscaping or other screening proposals, signs, pedestrian areas, a time schedule for development, and any other items which may help the Planning and Zoning Commission to make a reasonable recommendation. (Ord. 149, Art. 17, S 1(2), 1973; Ord. 750, S 4, 1987)

17.30.040 Request--Review. The Planning and Zoning Commission shall hold a public hearing on the request. Notice shall be given in accordance with the provisions of Chapter 17.52. Factors to be considered are the relation of the requested uses to the character of the surrounding neighborhood, the desirability and need for such a use in the specific area of the community, adverse environmental influence that might result from its location, and, in general, compliance with the intent of this title. (Ord. 516, S 6, 1983)

17.30.050 Request--Recommendation--Conditions. After completing its review of a special review request, the Planning and Zoning Commission shall submit its written report and recommendation to the City Council. The recommendation shall

either be a recommendation to approve, to approve with conditions, or to deny the request. If the recommendation is to approve with conditions, the recommendation shall set forth the conditions and those requirements as deemed necessary to protect the health, safety and welfare of the community. (Ord. 149, Art. 17, S 1(4), 1973)

17.30.060 Request--Approval, conditional approval--Denial. The City Council shall consider the request and the Planning and Zoning Commission's recommendation and shall make a final decision of approval, or approval with conditions, or of denial. Factors to be considered are those specified in Section 17.30.040. The City Council shall hold a public hearing prior to making its final decision. Notice shall be given in accordance with Chapter 17.52. (Ord. 516, S 7, 1983)

17.30.070 Decisions to be stated in official minutes. Any decision of the Planning Commission or City Council on special reviews shall state in the official minutes the reasons for such decision. (Ord. 149, Art. 17, S 1(6), 1973)

17.30.080 Site specific development plan--vested property rights. As to uses permitted by special review, the "site specific development plan," as that phrase is used in Article 68, Title 24, C.R.S., shall be the special review request. (Ord. 750, S 5, 1987)

17.30.090 Approval--Period--Void when. All special review requests approved by City Council prior to January 1, 1988, shall be valid for one year from the approval date. All special review requests approved by City Council after January 1, 1988, shall be valid for three years from the approval date. If the approved use is in operation by the end of the specified period, the approval shall remain valid so long as the use continues. If the approved use is not in operation at the end of the specified period, or if it thereafter ceases, the approval shall be deemed void, and of no further force and effect, and no building or other construction permits shall be issued until and unless the special review request is reapproved by the City Council. (Ord. 750, S 6, 1987)

17.30.100 Special considerations. The following additional requirements or considerations for uses permitted by special review shall be met as described in this section. Conditions in addition to those set forth below may also be applied by the City Council:

A. Churches in the E2 district, provided the minimum area of the lot is at least three times the total floor area of the church building.

B. Child day care facilities; provided that:

1. For child day care facilities providing care for five through twelve children (a) At least fifty square feet per child of usable indoor floor area; and (b) At least two hundred square feet per child or 1,500 square feet of outdoor fenced play area is provided, whichever is greater.

2. For child day care facilities providing care for thirteen or more children (a) A minimum of 30 square feet per child or 600 square feet of usable indoor floor area, whichever is greater, and a minimum of 50 square feet of usable indoor floor area per child for nursery care; and (b) a minimum of 75 square feet per child or 2,400 square feet of outdoor fenced play area, whichever is greater.

3. The child day care facilities are properly licensed by the Colorado State Department of Social Services, as required by statute. (Ord. 468, S1, 1982).

C. Noncommercial recreational uses, including swimming pools, community buildings, tennis courts and similar uses as a principal use in the E1, E2, R1, R3 and R5 districts; provided that lighting of outside areas is controlled and that all buildings and active play areas are located at least two hundred twenty-five feet from all lot lines.

D. Planned unit developments if the requirements and procedures and approvals of Chapter 17.38 are met.

E. Colleges and universities in the R5 district; provided, that the total area is at least forty acres and that buildings are located at least one hundred feet from all lot lines.

F. Mobile home communities in the R1, R3 and R5 districts; provided that each mobile home community complies with the requirements of Chapter 17.42.

G. All gas stations, outdoor recreational uses, outdoor restaurants and other outdoor eating and drinking places in the B1 and B2 districts, provided:

1. Access locations are approved by the city engineer;
2. Lights and signs are controlled to protect adjacent residential areas;

3. Landscaping or solid fencing capable of screening the adjacent property is provided whenever such uses abut residential zoning district lines.

H. Undertaking establishments in the B1 district; provided, that special provisions are made for off-street parking and for screening from any adjoining residential zoning district.

I. Warehouse, distribution and wholesale uses in the I1 district; provided, that truck traffic serving such uses would not be detrimental or hazardous to other existing or future limited industrial uses in the same zoning district or to uses in other adjoining zoning districts. (Ord. 257 Art. 1 S5, 1975; Ord. 149 Art. 17 S2, 1973).

Chapter 17.31

Temporary Sales Stands

Sections:

- 17.31.010 Approval required.
- 17.31.020 Application requirements.
- 17.31.030 Conditions for approval.
- 17.31.040 Time limits.
- 17.31.050 Maintenance standards.

17.31.010 Approval required. Temporary retail sales uses and structures are allowed in the B-1 and B-2 zone districts upon approval by the city manager or his designee. (Ord. 768, S 1, 1988)

17.31.020 Application requirements. The application shall be submitted in written and graphic form and shall include the following items:

- A. Name, address and telephone number of applicant;
- B. Consent of the property owner for the uses and structures proposed;
- C. A plan of the property to be occupied which shows the location of existing and proposed structures, access and parking;
- D. Written description of proposed business operation;
- E. Written or graphic description of proposed structures including size, materials, and signs; and
- F. For food sales, evidence of health department approval. (Ord. 768, S 1, 1988)

17.31.030 Conditions for Approval. If the city manager or his designee finds that all of the following conditions are met, approval should be given for the temporary use:

- A. The applicant must have all licenses and permits required by Title 15 of the Broomfield Municipal Code.
- B. The applicant must have a sales tax license.
- C. The proposed use must be set back at least 30 feet from the curb of a public street and at least 150 feet from dwellings.
- D. If located at a street corner or driveway entrance, the use shall not obstruct visibility of motorists.
- E. Access to public streets must be limited to existing driveways or as approved by the city engineer. If the use is located on property which abuts a state or federal highway, access shall be limited to existing driveways or new driveways approved by both the city engineer and the Colorado Department of Highways.
- F. The proposed use and vehicle or structure shall have a neat appearance. Structures shall not be built out of used lumber or rusty metal.
- G. Proposed lighting shall not glare onto adjoining properties or onto public streets.
- H. Signage shall be limited to the walls or sides of a vehicle or structure or to a single freestanding sign which is not more than 10 square feet in area per sign face. Signs

specifically approved as part of a temporary retail sales use shall be exempt from the regulations of Chapter 17.44 of the Broomfield Municipal Code.

I. Adequate off-street parking shall be provided for employees and customers so as not to reduce required parking for adjoining businesses or interfere with the flow of traffic. Parking for temporary uses approved under this chapter need not be paved.

J. Food service uses shall provide functional, attractive, and adequate trash containers. (Ord. 768, S 1, 1988)

17.31.040 Time limits. A temporary use permit shall be valid for a maximum time period of ten calendar days. The permit may be renewed up to three times in any twelve-month period. The following uses may be granted permits for longer time periods, but may not be renewed:

Christmas tree sales	30 days
Produce sales	90 days
Nursery stock sales	90 days
Retail (ready-to-eat) food sales	60 days

(Ord. 768, S 1, 1988)

17.31.050 Maintenance standards.

A. The use and any associated structures shall be maintained at all times in a clean and neat condition. Deteriorated and shabby structures are prohibited.

B. Parking shall be limited to areas shown on the approved application.

C. Trash and rubbish resulting from the use shall be completely contained on the approved site and shall be disposed of daily. (Ord. 768, S 1, 1988)

Chapter 17.32

ACCESSORY BUILDINGS AND USES

Sections:

- 17.32.010 Accessory building and use defined.
- 17.32.020 Home occupation.
- 17.32.030 Household pets.
- 17.32.040 Off-street parking--Required spaces.
- 17.32.050 Off-street parking--Off premises.
- 17.32.060 Off-street parking--To be unobstructed.
- 17.32.070 Off-street parking--Access requirements.
- 17.32.080 Off-street parking--Paving required.
- 17.32.090 Off-street parking--Screening requirements.
- 17.32.100 Off-street parking--Lighting requirements.
- 17.32.110 Off-street parking--Prohibited where.
- 17.32.120 Off-street parking--Joint use permitted when.
- 17.32.130 Off-street parking--Other use--Replacement space required.
- 17.32.140 Fences, hedges and walls.
- 17.32.150 Outside storage--Inoperative automobiles.

17.32.010 Accessory building and use defined. A. "Accessory building and use" means a subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure:

1. Which is clearly incidental to the use of the principal building;
2. Which is customary in connection with the principal building;
3. Which is ordinarily located on the same lot with the principal building, other structure or use of land.

B. "Accessory building and use" may include, but is not limited to, the following:

1. Home occupations;
2. Household pets;
3. Signs;
4. Off-street parking areas;
5. Off-street loading areas;
6. Fences, hedges and walls;
7. Private greenhouse;
8. Private swimming pool;
9. Storage of merchandise in business and industrial districts;
10. Fallout shelters;
11. Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises; and
12. Detached garages. (Ord. 149 Art. 18 S2, 1973).

17.32.020 Home occupations. A home occupation shall be allowed as a permitted accessory use, provided all of the following conditions are met:

A. Such use shall be conducted entirely within a dwelling and carried on by the inhabitants living there and no others;

B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and shall not change the character thereof;

C. The total area used for such purposes shall not exceed one-half the first floor area of the user's dwelling unit;

D. There shall be no exterior signs or advertising;

E. There shall be only incidental sale of stocks, supplies, or products conducted on the premises;

F. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation;

G. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line; (Ord. 149 Art. 18 S3, 1973)

H. All parking needs created by the home occupation shall be accommodated off-street and shall not exceed the parking capacity of the existing and available parking facilities located on the property. No more than two vehicles which are associated with a home occupation and which are not owned by the resident operating the home occupation may be parked on-site at any one time. (Ord. 433 S2, 1981).

17.32.030 Household pets. Pets, such as dogs and cats which are generally kept within a dwelling, shall be considered as a permitted accessory use, provided the conditions of all other applicable city ordinances are met. (Ord. 149 Art. 18 S4, 1973).

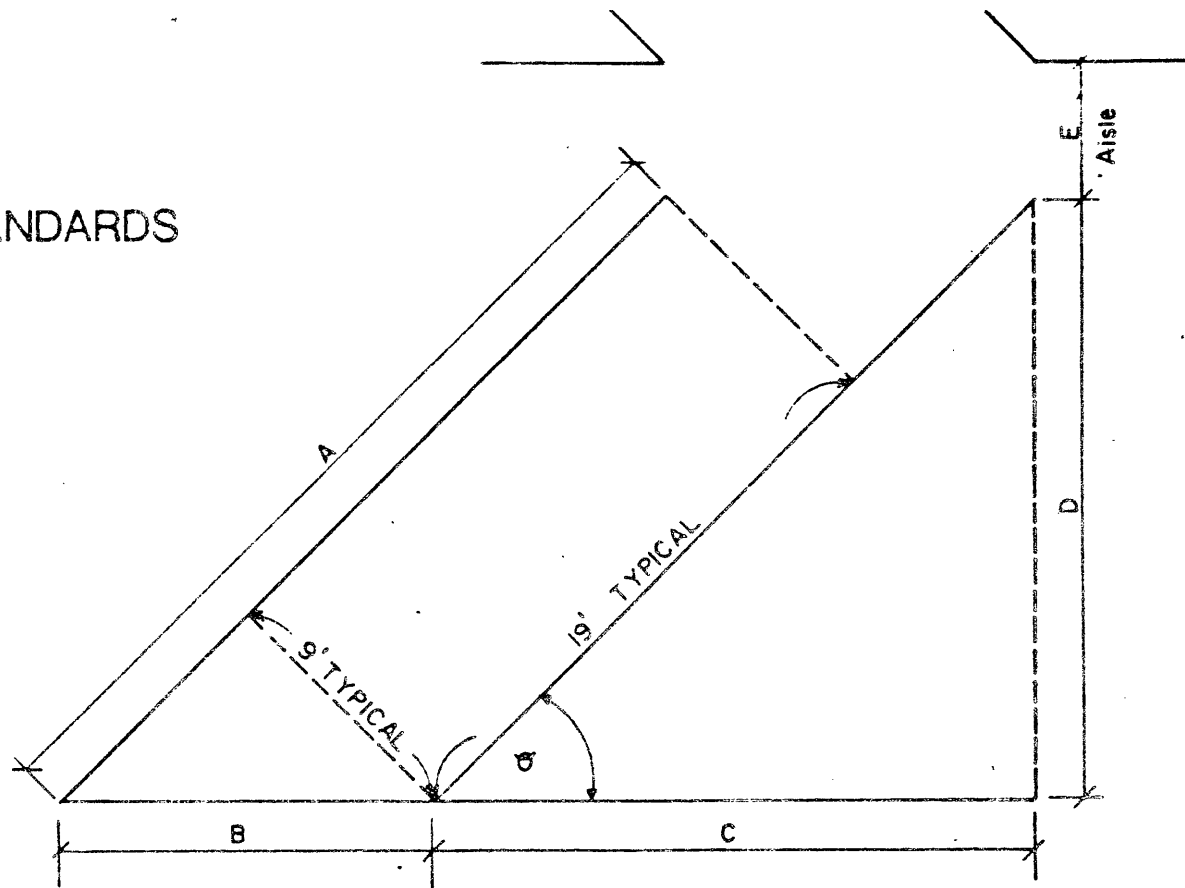
17.32.040 Off-street parking--Required spaces. A. Each new building or change of use, or addition to any use, shall provide off-street parking spaces as designated in this section:

<u>Building Type</u>	<u>Spaces Required</u>
Auto repair shop	1 for each 150 sq. ft. of gross floor or each employee
Auto or truck implement and mobile home sales	1 for each employee
Animal hospital or kennel	1 for each employee
Boardinghouse or lodginghouse or tourist home	1 for each guest bedroom and resident family
Commercial recreation (not specifically mentioned)	1 for each 200 sq. ft. of gross floor space for each employee
Car wash	1 for each employee
Single-family and two-family residential dwelling	2 per dwelling unit
Multiple dwellings	
1 bedroom	1.5 per unit
2 bedroom	2 per unit
3 bedroom	2.5 per unit
4 bedroom	3 per unit
each additional bedroom over 4	3 (plus 1/2 space per additional bedroom)
Gas station	1 for each 150 sq. ft. of gross floor space
Hotel, motel	1 per guest bedroom plus 1 space for each 3 employees
Membership building	1 for each 6 members
Mobile home park	2.2 per mobile home
Professional office in a residential building	1 per 100 sq. ft. floor space used by such office
Auditorium, stadium, theater, convention hall, or similar place of public use	1 for each 4 seats (bench capacity computed at 1 seat for each 20 inches)
Bowling alley	3 for each lane
Churches	1 for each 7 seats in principal place of assembly
Drive-in restaurant or stand	1 for each 25 sq. ft. of floor space

<u>Building Type</u>	<u>Spaces Required</u>
Funeral home	1 for each 175 sq. ft. of assembly room
Hospital	1 per bed
Manufacturing, processing or bottling	1 for each 2 employees on maximum shift or not less than 1 for each 500 sq. ft. of gross floor area
Medical office or clinic	1 for each 150 sq. ft. gross floor space
Offices and office buildings	1 for each 300 sq. ft. gross floor space
Private schools (commercial)	1 for each 50 sq. ft. of gross floor space
Public library, gallery, museum	1 for each 300 sq. ft. gross floor space
Research institute or laboratory	1 for each 2 employees per maximum shift, or 1 for each 500 sq. ft. gross floor area, whichever is greater
Restaurants, cafe and drinking places	1 for each 150 sq. ft. gross floor space
Retail store, shop, bank	1 for each 200 sq. ft. gross floor space
Elementary, junior high school and private schools (noncommercial)	1 for each 1/2 classroom or parking required for auditorium, whichever is greater
Senior high school	1 for each 1/4 classroom, and parking required for auditorium
Warehouses and storage buildings	1 for each employee or 1 for each 800 sq. ft. gross floor area, whichever is greater
Child day care facility	1 per 2 staff employees or staff volunteers 1 per 8 children 1 per each child day care facility vehicle

EXHIBIT A

OFF STREET PARKING STANDARDS



θ	0°	30°	35°	40°	45°	50°	55°	60°	65°	70°	80°	90°
A	23'	34.59'	31.85'	29.73'	28.00'	26.55'	25.30'	24.20'	23.20'	22.20'	20.59'	19'
B	0'	18.00'	15.69'	14.00'	12.73'	11.75'	10.99'	10.39'	9.93'	9.58'	9.14'	9'
C	23'	29.96'	26.09'	22.77'	19.80'	17.07'	14.51'	12.10'	9.80'	7.62'	3.58'	0'
D	9'	17.30'	18.27'	19.11'	19.60'	20.34'	20.72'	20.96'	21.03'	20.94'	20.28'	19'
E	12' MIN		14' MIN			18' MIN			25' MIN			
Two-way AISLE	18' MIN					18' MIN			25' MIN			

B. Parking requirements for buildings containing more than one use shall be established by determining the required number of spaces for each separate use. (Ord. 257 Art. 1 S5, 1975; Ord. 235 S1, 1974; Ord. 149 Art. 18 S5(part), 1973).

17.32.050 Off-street parking--Off premises. In lieu of locating parking spaces required by this chapter on the lot which generates the parking requirements, such parking spaces may be provided on any lot or premises owned by the owner of the parking generator, within three hundred feet of the property generating such parking requirements, for any business, commercial or industrial use. Ownership in this regard may include participation in a parking district or other joint venture to provide off-street parking areas to the extent that each zoning requirement can be met by a proportionate or greater number of off-street parking spaces in the lot held in joint ownership. (Ord. 149 Art. 18 S5(1), 1973).

17.32.060 Off-street parking--To be unobstructed. All area counted as off-street parking space shall be unobstructed and free of other uses. (Ord. 149 Art. 18 S5(2), 1973).

17.32.070 Off-street parking--Access requirements. Unobstructed access to and from a street shall be provided for all off-street parking spaces. Space size and aisle widths shall meet the standards of Exhibit A. (Ord. 149 Art. 18 S5(3), 1973).

17.32.080 Off-street parking--Paving required. All open off-street parking spaces and access to such spaces from the street shall be surfaced with asphalt or concrete. (Ord. 149 Art. 18 S5(4), 1973).

17.32.090 Off-street parking--Screening requirements. All off-street parking areas with more than ten spaces shall screen said spaces in part from view from adjacent streets by providing either:

A. A low three-foot to four-foot decorative fence or wall between the required landscaped area and the parking area; or

B. Earth mounds of three to four feet in height, which shall be landscaped and placed between the street and the parking area. (Ord. 149 Art. 18 S5(5), 1973).

17.32.100 Off-street parking--Lighting requirements. Parking lot lighting shall be reflected away from residential areas. (Ord. 149 Art. 18 S5(6), 1973).

17.32.110 Off-street parking--Prohibited where. Parking lots shall not be located in front yards in any R3 or R5 residential district. (Ord. 149 Art. 18 S5(7), 1973).

17.32.120 Off-street parking--Joint use permitted when. Off-street parking spaces may be provided in areas designated to serve jointly two or more buildings or users; provided, that the total number of off-street parking spaces shall not be less than that required by this chapter for the total combined number of buildings or uses. (Ord. 149 Art. 18 S5(8), 1973).

17.32.130 Off-street parking--Other use--Replacement space required. No part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this chapter shall be included as a part of an off-street parking space similarly required for another building or use, and no part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this chapter shall be converted to any use other than parking, unless additional parking space is provided to replace such converted parking space and to meet the requirements of any use to which such parking space is converted. (Ord. 149 Art. 18 S5(9), 1973).

17.32.140 Fences, Hedges and Walls. Fences, hedges, and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:

A. No fence in any district shall exceed six feet in height, except:

1. As necessary to comply with subsection F of this section concerning the enclosure of outdoor swimming pools; and

2. Fences adjacent to the state highways may be up to eight feet in height; and

3. Fences in the B-1, B-2, I-1 and I-2 districts may be up to eight feet in height.

B. No fence, hedge, wall, shrubbery or sign shall interfere with the vision of motorists at any intersection. Signs, when permitted, shall be set back a minimum of fifty feet from any intersecting right-of-way lines of two streets;

C. Only ornamental fences and hedges not more than two and one-half feet in height shall be permitted in the front yard in any E-1, E-2, R-1, R-3, or R-5 district;

D. All fences and walls located in a required front yard in any other district shall be set back from the front lot line two feet for each foot of fence height;

E. Fences installed within street rights-of-way shall comply with Chapter 12.08.

F. All outdoor swimming pools shall be enclosed by a fence or wall at least six feet but not more than eight feet in height, with a gate or gates which can be securely locked. (Ord. 669 S5, 1986)

G. Electrified, razor wire, and barbed wire fences are prohibited in all zone districts, except as provided in subsection H below.

H. Fences in an I-1 or I-2 district, or along the boundary of such a district, may include up to four strands of barbed wire. This barbed wire must be a minimum of six feet and a maximum of eight feet from the ground. The barbed wire segment may be placed at a 45 degree angle. (Ord. 678 S2, 1986)

17.32.150 Outside storage--Inoperative automobiles.

A. All outdoor storage areas shall be enclosed by a solid fence or wall at least six feet in height.

B. Automobiles which cannot meet state inspection standards for travel on public highways shall not be permitted as an accessory use in any zoning district. (Ord. 235 S2, 1974; Ord. 149 Art. 18 S7, 1973).

Chapter 17.34

SUPPLEMENTARY REGULATIONS

Sections:

- 17.34.010 Lot area and width--Sewage system required when.
- 17.34.020 Yards.
- 17.34.030 Building height.
- 17.34.040 Radio antennae and towers.
- 17.34.050 Wind powered mechanical and electrical equipment.

17.34.010 Lot area and width--Sewage system required.

A. Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of the ordinance codified in this title in a recorded subdivision and has less area or less width than required in other sections of this title, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located; provided, that no lot area or lot width is reduced more than one-third of the zoning requirements otherwise specified by this title.

B. For the purpose of complying with the provisions of this title, no part of an area or width of a lot shall be included as an area or width required for another lot.

C. Every principal building hereinafter erected upon a tract of ground not served by a public sanitary sewage system shall be served by a private sanitary sewage system which complies with all state and county regulations.

D. No lot shall have a front lot line or street frontage of less than forty feet. (Ord. 149 Art. 18 S8, 1973).

17.34.020 Yards. A. Major Highway Setback. The setback for any yard adjacent to a major highway as designated on the zoning district map shall be one hundred ten feet from the centerline of the right-of-way; except that where more than fifty percent of the block is developed with buildings having less setback, the average front line of such buildings shall be the minimum setback requirement for all new construction in such developed block.

B. Developed Areas. In any district where lots comprising fifty percent or more of the frontage on one side of a street between intersecting streets have been improved

with buildings at the time of passage of the ordinance codified in this title, the average front yard or setback of such buildings shall be the minimum front yard or setback required for all new construction in such block. Vacant lots shall be calculated at the present setback requirement to determine the block average. In no instance shall the setback be less than ten feet.

C. Reduction. No part of a yard required for any building for the purpose of complying with the provisions of this title shall be included as a yard for another building, and all yards shall be open and unobstructed except as otherwise provided in this title.

D. Architectural Features. Cornices, canopies, eaves or similar architectural features may extend into a required yard not more than two feet.

E. Fire Escapes. Fire escapes may extend into a required yard not more than six feet.

F. Patios and Uncovered Porches. Patios and uncovered, unenclosed porches with three feet of ground level may extend into a required front or rear yard not more than six feet and into a side yard not more than three feet.

G. Reversed Corner Lots. The side yard along the street side of a reversed corner lot shall be not less than the required front yard for principal buildings along such a side street.

H. Accessory Buildings. Permitted accessory buildings may be located in the required side or rear yard of a principal building, provided such accessory buildings are located at least seven and one-half feet from any principal building or from another accessory building and not located in any side yard adjacent to a street. (Ord. 149 Art. 18 S9, 1973).

17.34.030 Building height. A. All dwellings shall be constructed with at least fifty percent of the roof surface higher than seven feet from grade.

B. It shall be unlawful to construct, build, or establish any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing, and take-off of aircraft at a publicly-used airport.

C. Approvals of buildings of a height greater than permitted in this title may occur when approved by the city in accordance with Chapter 17.30. (Ord. 149 Art. 18 S10, 1973).

17.34.040 Radio antennae and towers. The height above grade of all privately owned and operated radio towers shall not exceed fifty feet, with a maximum of an additional two feet for the antenna. Approvals of antennae higher than permitted in this section may occur when approved by the city in accordance with Chapter 17.30. Privately owned and operated radio towers or antennae shall be set back at least ten feet from any lot line, and shall not be located in any front yard. (Ord. 250 Art. 1, 1975: Ord. 149 Art. 18 S11, 1973).

17.34.050 Wind-powered mechanical and electrical equipment. Devices for the conversion of wind energy to mechanical or electrical energy are not a use by right in any zoning district. Such devices are a use permitted by special review in accordance with chapter 17.30 of this Code. (Ord. No. 495, § 1, 1982)

Chapter 17.36

NONCONFORMING USES*

Sections:

- 17.36.010 Intent.
- 17.36.020 Nonconforming uses and buildings.
- 17.36.030 Abandonment, termination or destruction.
- 17.36.040 Utility distribution stations excepted.
- 17.36.050 Off-street parking and loading; compliance required.

17.36.010 Intent. The intent of this chapter is to specify the conditions upon which certain nonconforming buildings or uses may be continued or altered, and the conditions upon which said uses shall be terminated. This chapter shall not apply to signs, which are subject to Chapter 17.44. (Ord. No. 856, § 3, 10-10-89)

17.36.020 Nonconforming uses and buildings. Nonconforming uses and buildings may be continued or altered, subject to the following conditions:

- A. A nonconforming use or building shall not be expanded, enlarged or relocated.
- B. Whenever less than fifty (50) percent of a nonconforming use or building has been destroyed for any reason, such use or building may be restored to its former condition, provided that such work is started within twelve (12) months and completed within twenty-four (24) months of the event destroying part of the use. For purposes of this chapter, less than fifty (50) percent of a nonconforming building shall be deemed destroyed if the cost of restoring the building to its predestruction condition is less than fifty (50) percent of the fair market value of the building (as determined by an appraiser acceptable to the city manager or his designee) immediately prior to such destruction. For purposes of this chapter, less than fifty (50) percent of a nonconforming use (other than a building) shall be deemed destroyed if the remaining area occupied by the use is fifty (50) percent or more of the area occupied immediately prior to such destruction.

***Editor's note**—Section 3 of Ord. No. 856, adopted Oct. 10, 1989, repealed former Ch. 17.36 in its entirety and enacted a new Ch. 17.36 in lieu thereof to read as set out herein. Former Ch. 17.36 pertained to similar provisions, contained §§ 17.36.010—17.36.260, and derived from Ord. No. 149, Art. 19, 1973; Ord. No. 248, Art. 5, 1975; and Ord. No. 249, Art. 2, 1975.

- C. Nonconforming uses and buildings may be repaired and maintained, but not expanded.
- D. A nonconforming building or use may not be altered except upon grant of a variance by the zoning board of adjustment as provided in Chapter 17.46 of this Code. (Ord. No. 856, § 3, 10-10-89)

17.36.030 Abandonment, termination of destruction. A nonconforming building or use shall be deemed abandoned and shall thereafter be occupied and used only for a conforming use if any of the following occur:

- A. The nonconforming use is discontinued for a period of one (1) year.
- B. A nonconforming use is altered or changed to a conforming use.
- C. Fifty (50) percent or more of the nonconforming use is destroyed. For purposes of this chapter, destruction may be by natural causes, human causes, or operation or enforcement of law. (Ord. No. 856, § 3, 10-10-89)

17.36.040 Utility distribution stations excepted. Nothing in this chapter pertaining to nonconforming buildings and uses shall be construed or applied so as to require the termination, discontinuance or removal, or so as to prevent the modernization, replacement, repair, maintenance, alteration, reconstruction or rebuilding of public utility distribution stations, buildings, structures, uses, equipment and facilities; provided, that there is no change of use or increase of areas so used. (Ord. No. 856, § 3, 10-10-89)

17.36.050 Off-street parking and loading; compliance required. Where off-street parking or loading facilities for buildings do not conform to the provisions of this title, such buildings shall not be expanded, unless all requirements for off-street parking and loading space for the expansion are satisfied. (Ord. No. 856, § 3, 10-10-89)

Chapter 17.38

PLANNED UNIT DEVELOPMENT

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ARTICLE I. GENERAL

17.38.010 Intent. The purpose of this chapter is as follows:

- A. To provide for necessary commercial recreational and educational facilities conveniently located to housing;
- B. To provide for well-located, clean, safe and pleasant industrial sites involving a minimum of strain on transportation facilities;
- C. To insure that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws;
- D. To encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings, and by the conservation and more efficient use of open space ancillary to said buildings;
- E. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economics may enure to the benefit of those who need homes;
- F. To lessen the burden of traffic on streets and highways;
- G. To encourage the building of new neighborhoods incorporating the best features of modern design;
- H. To conserve the value of the land;
- I. To provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and
- J. To encourage integrated planning in order to achieve the above purposes and the directives of the current master plan. (Ord. No. 725, § 1, 1987)

17.38.020 Coordination with subdivision and other regulations.

A. Review of a preliminary plat under Title 16 (if there is one) shall be carried out simultaneously with the review of a PUD plan under this chapter. The PUD plan and any preliminary plat shall cover the same area.

B. Review of a final plat under Title 16 shall be carried out simultaneously with or prior to review of a site development plan under this chapter. The site development plan may include some or all of a final plat.

C. A PUD plan or a site development may vary the provisions of Titles 14, 16, and 17 of the Broomfield Municipal

Code but only to the extent specifically shown on an approved P.U.D. plan or site development plan.

D. In a P.U.D. zone district, no building shall be erected nor shall a building permit or certificate of occupancy be issued unless a site development plan has been approved by the city council. (Ord. 725, S 1, 1987)

17.38.030 Concept plan review. Prior to any official submittal, the applicant may submit a concept plan to the planning and zoning commission for initial concept review. It is intended that the planning and zoning commission discuss with the applicant any significant concern about the plan. No official action is taken at this stage. (Ord. 725, S 1, 1987)

II. P.U.D. plan.

17.38.040 P.U.D. plan -- scope. A P.U.D. plan must include all contiguous property in one ownership. (Ord. 725, S 1, 1987)

17.38.050 P.U.D. plan -- format.

A. P.U.D. plans shall be in black ink or photographic reproduction, on 4 mil thickness mylar (double matted polyester film). The scale shall ordinarily be one inch equals one hundred feet. A larger scale or a smaller scale (not less than one inch equals two hundred feet) may be used with prior approval of the City Manager or his designee.

B. The size of the sheets shall be as required by the county where the P.U.D. plan is to be filed.

C. Plans of two or more sheets shall be referenced to an index map placed on the first sheet. (Ord. 725, S 1, 1987)

17.38.060 P.U.D. plan -- contents. The P.U.D. plan shall contain the following information:

A. All information listed in section 16.16.040 of the Broomfield Municipal Code.

B. Identification of all proposed land uses by area, type, location, and size.

C. Statement of project intent including the following information:

1. Overall design concept;
2. Design concept for each type of residential layout or lot size;

3. Type and style of dwellings or buildings;
4. If project is a deviation from Master Plan:
a. Detailed description of architecture and site design;

b. Lot sizes and distribution within project;
c. Residential dwelling size according to lot size;

d. Percentage distribution of residential dwelling size and lot size.

D. Project phasing plan showing projected build-out dates for each area.

E. Statement of methods for addressing unique features of the site.

F. Chart with each land use area listed showing the following information:

1. Gross acreage;
2. Floor area ratios (for commercial and industrial);
3. Number of dwellings units (for residential);
4. Dwelling units per acre (for residential);
5. Minimum lot sizes;
6. Minimum setbacks of principal, accessory buildings;
7. Minimum floor areas (for residential);
8. Maximum building height;
9. Principal and accessory uses.

G. A list of any proposed deviations from the provisions of chapters 14, 16, or 17 of the Broomfield Municipal Code.

H. Certification for approval by the planning and zoning commission with signature lines for the chairman and secretary.

I. Certification for approval by the city council with signature lines for the mayor and city clerk.

J. Block for recording information.
(Ord. 725, S 1, 1987)

17.38.070 P.U.D. plan -- accompanying information. The P.U.D. plan shall be accompanied by all information required in section 16.16.050 of the Broomfield Municipal Code. (Ord. 725, S 1, 1987)

17.38.080 P.U.D. plan -- hearing and notice -- planning and zoning commission. The planning and zoning commission shall hold a public hearing on the P.U.D. plan. Notice shall be given in accordance with the provisions of chapter 17.52. (Ord. 725, S 1, 1987)

17.38.090 P.U.D. plan -- recommendation -- planning and zoning commission. Within 30 days of the conclusion of its public hearing, the planning and zoning commission shall adopt a resolution of approval, disapproval, or conditional approval. If the recommendation is for conditional approval, the conditions under which the P.U.D. plan would be acceptable shall be set forth. (Ord. 725, S 1, 1987)

17.38.100 P.U.D. plan -- hearing and notice -- city council. The city council shall hold a public hearing on the P.U.D. plan. Notice shall be given in accordance with the provisions of chapter 17.52. (Ord. 725, S 1, 1987)

17.38.110 P.U.D. plan -- decision -- city council. Within 30 days of the conclusion of its public hearing on P.U.D. plan, the city council shall adopt a resolution of approval, disapproval, or referral back to the planning and zoning commission for further study. (Ord. 725, S 1, 1987)

17.38.120 P.U.D. plan -- review standards. The recommendation of the planning and zoning commission and the decision of the city council shall be based on whether the applicant has demonstrated that the proposed P.U.D. plan meets the following standards:

A. The proposal should be consistent with the intent of this chapter as set forth in section 17.38.010.

B. The proposal should be consistent with the master plan.

C. The proposal should identify and mitigate potential negative impacts on nearby properties, other areas of the city, and the city as a whole.

D. The proposal should identify and maximize potential positive impacts on nearby properties, other areas of the City, and the City as a whole.

E. The proposal should include adequate facilities for pedestrians, bicyclists, and motorists.

F. The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.

G. The proposal should optimize conservation of energy, water and other resources on a broad scale.

H. The land uses within the plan should be compatible with one another and with nearby properties.

I. The proposal should provide for open space at a rate of not less than forty percent of the developable site in residential areas and 25% in other areas as provided in section 17.38.240, below.

J. The proposal should adequately provide for an organization for ownership and maintenance of any common areas.

K. The proposal should justify any proposed deviations from the Broomfield Municipal Code in terms of the overall quality of the plan. (Ord. 725, S 1, 1987)

17.38.130 P.U.D. plan -- modification. Any modification to an approved P.U.D. plan requires the same review by the planning and zoning commission and the city council as the original P.U.D. plan. (Ord. 725, S 1, 1987)

III. Site development plan.

17.38.140 Site development plan -- scope. A site development plan may include one or more platted lots. A P.U.D. plan and a final subdivision plat must be approved before, or together with, a site development plan. (Ord. 725, S 1, 1987)

17.38.150 Site development plan -- format.

A. Site development plans shall be in black ink or photographic reproduction, on 4 mil thickness mylar (double matted polyester film). The scale shall ordinarily be one inch equals fifty feet. A larger scale or a smaller scale (not less than one inch equals two hundred feet) may be used with prior approval of the city manager or his designee.

B. The size of the sheets shall be as required by the county where the site development plan is to be filed.

C. Plans of two or more sheets shall be referenced to an index map placed on the first sheet. (Ord. 725, S 1, 1987)

17.38.160 Site development plan--contents. The site development plan shall contain the following information:

- A. Site plan showing the following:
1. Name of project;
 2. Location and boundaries of site development plan, including a legal description;
 3. Names, addresses, and signatures of the owner, subdivider and surveyor (who shall be registered by the Colorado State Board of Registration for Professional Engineers and Land Surveyors);
 4. Date of preparation and of any revisions, written and graphic scale, the north arrow (designated as true north);
 5. Chart with each land use area listed showing the following information:
 - a. Gross acreage;
 - b. Floor area ratios (for commercial and industrial);
 - c. Number of dwelling units (for residential);
 - d. Dwelling units per acre (for residential);
 - e. Minimum lot sizes;
 - f. Building coverage, parking and drive coverage, and open space area (all expressed in square feet);
 - g. Minimum setbacks of principal, accessory buildings;
 - h. Minimum floor areas (for residential);
 - i. Maximum building height;
 - j. Principal and accessory uses;
 - k. A statement that any element of the construction, location, design, use or operation of land or buildings not specifically shown on the approved site development plan in graphic or written form shall conform to the requirements of a specified zone district (e.g., R-1, B-1, I-1).
 6. Location and dimensions of all existing and proposed streets and alleys (showing curb, gutter, and sidewalk location) and location and dimensions of all easements, rights-of-way, and lot lines;
 7. Location and dimension of walks, trails, parking spaces, curb islands, and driveways (with direction of travel shown);
 8. A list of any proposed deviations from the provisions of Chapters 14, 16, or 17 of the Broomfield Municipal Code;
 9. A statement which reads as follows: "Approval of this site development plan may create a vested property right pursuant to Article 68, Title 24, C.R.S." (Ord. 750, S 7, 1987)
- B. Architectural elevations for each structure showing the following:
1. Overall exterior dimensions;
 2. Materials;
 3. Color Scheme;
 4. Signs;

5. All faces of the structure, clearly labeled;
 - C. Landscape plan showing the following:
 1. Location, species and size of existing trees;
 2. Trees to be retained;
 3. Location, species and size of new trees and shrubs;
 4. Location and type of turf, ground cover and planting areas;
 5. Type and extent of irrigation; and
 6. Retaining and decorative walls, fences, and similar structures.
 - D. Grading plan showing the following:
 1. Existing and proposed topography at two-foot contour intervals, referenced to U.S.G.S. data;
 2. Outline drawings of major structures and improvements (existing and proposed);
 3. Storm drainage improvements and appurtenances.
- (Ord. 725, S 1, 1987)

17.38.170 Site development plan -- accompanying information. The site development plan shall be accompanied by:

A. Evidence of the existence and status of an organization for ownership and maintenance of any common areas; and

B. Proof of ownership satisfactory to the city attorney, which may include a recently issued title commitment or title policy. (Ord. 725, S 1, 1987)

17.38.180 Site development plan -- hearing and notice -- planning and zoning commission. The planning and zoning commission shall hold a public hearing on the site development plan. Notice shall be given in accordance with the provisions of chapter 17.52. (Ord. 725, S 1, 1987)

17.38.190 Site development plan -- recommendation -- planning and zoning commission. Within 30 days of the conclusion of its public hearing, the planning and zoning commission shall adopt a resolution of approval, disapproval, or conditional approval. If the recommendation is for conditional approval, the conditions under which the site development plan would be acceptable shall be set forth. (Ord. 725, S 1, 1987)

17.38.200 Site development plan -- hearing and notice -- city council. The city council shall hold a public hearing on the site development plan. Notice shall be given in accordance with the provisions of chapter 17.52. (Ord. 725, S 1, 1987)

17.38.210 Site development plan -- decision -- city council. Within 30 days of the conclusion of its public hearing on the site development plan, the city council shall adopt a resolution of approval, disapproval, or referral back to the planning and zoning commission for further study. (Ord. 725, S 1, 1987)

17.38.220 Review standards. The recommendation of the planning and zoning commission and the decision of the city council shall be based on whether the applicant has demonstrated that the proposed site development plan meets the following standards:

- A. The proposal should be consistent with the intent of this chapter as set forth in section 17.38.010.
- B. The proposal should identify and mitigate potential negative impacts on nearby properties.
- C. The proposal should identify and maximize potential positive impacts on nearby properties.
- D. The proposal should include adequate facilities for pedestrians, bicyclists, and motorists.
- E. The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.
- F. The proposal should optimize conservation of energy, water and other resources on a site-specific scale.
- G. The land uses within the plan should be compatible with one another and with nearby properties.
- H. The proposal should provide for open space at a rate of not less than forty (40) percent of the developable site in residential areas and twenty-five (25) percent in other areas as provided in section 17.38.240, below.
- I. The proposal should include any common areas serving the site, and adequate provisions should be made for the ownership and maintenance of such areas.
- J. The proposal should justify any proposed deviations from the Broomfield Municipal Code in terms of the overall quality of the plan.
- K. The proposal should be consistent with the approved PUD plan. (Ord. No. 725, § 1, 1987)

17.38.225 Site-specific development plan; vested property rights. Except as to lot size and layout, the "site specific development plan," as that phrase is used in Article 68, Title 24, C.R.S., shall be the site development plan. (Ord. No. 750, § 8, 1987)

17.38.230 Modification.

A. The city manager, or his designee, may approve modifications to the site development plan if he or she determines the modifications are generally consistent with the approved PUD plan and site development plan. Such modifications are also restricted to the following categories and limits:

- 1. Floor area ratios, number and density of dwelling units, building coverage, and overall exterior dimensions may be decreased by any amount or may be increased by not more than ten (10) percent.

2. Minimum lot sizes and open space area may be increased by any amount or may be decreased by not more than ten (10) percent.
3. Parking and drive coverage may be changed by not more than ten (10) percent.
4. Location, species and size of new trees and shrubs and location and type of turf, ground cover, planting areas, retaining and decorative walls, fences and similar structures can be changed, provided materials remain equivalent and locations remain appropriate.
5. The grading plan may be changed provided the city engineer determines there is a sound engineering basis for such change.
6. Other modifications may be made if, in the opinion of the city manager or his designee, they are minor in scope, will not have a detrimental effect on the neighborhood or the project, and satisfy the review standards of section 17.38.220.

B. Except as provided in subsection A of this section, any modification to an approved site development plan requires the same review by the planning and zoning commission and the city council as the original site development plan.

C. At the discretion of the city manager or his designee, a formal or informal hearing may be conducted to assist in making findings relevant to modifications permitted by this section. All costs of notification and hearing shall be borne by the proponent of, or applicant for, the modification. (Ord. No. 725, § 1, 1987; Ord. No. 849, § 1, 8-22-89)

ARTICLE IV. OPEN SPACE

17.38.240 Required.

A. In residential areas of a PUD plan, at least forty (40) percent of the developable site shall be open space.

B. In commercial and industrial areas of a PUD plan, at least twenty-five (25) percent of the developable site shall be open space.

C. For the purpose of this section, the "developable site" does not include areas to be dedicated to the city for streets, parks or other purposes.

D. For the purpose of this section, open space may be private open space, common open space, or any portion of the site not developed or intended as public (dedicated) open space, building, parks, storage areas, streets, driveways, or parking areas. (Ord. No. 725, § 1, 1987)

17.38.250 Maintenance. It shall be unlawful for any owner to fail to maintain any common area in good condition, and as shown on the approved site development plan. (Ord. No. 725, § 1, 1987)

ARTICLE V. FEES

17.38.260 Established. The fee for each PUD plan and for each site development plan, which shall be paid prior to city council approval of the plan, shall consist of the following:

- A. One hundred dollars (\$100.00) per PUD plan or site development plan; and
- B. The costs of recording the PUD plan, site development plan, and other documents. (Ord. No. 725, § 1, 1987)

ARTICLE VI. ENFORCEMENT**17.38.270 Procedure; penalties for violations.**

- A. The city may record any PUD plan or site development plan with the office of the clerk and recorder of any county in which the property is located.
- B. It shall be unlawful to violate any provision of this chapter or to violate any restriction or to fail to comply with any requirement of an approved PUD plan or site development plan. Violators shall be subject to the penalties provided in Chapter 1.12 of this code.
- C. The city may maintain an action for declaratory, injunctive, or other legal or equitable relief to enforce the provisions of this chapter, of an approved PUD plan, or of an approved site development plan.
- D. The city may withhold issuance of building permits, certificates of occupancy, and water and sewer licenses and services for any lot in violation of this chapter or of an approved PUD plan or site development plan.
- E. All penalties and remedies provided for herein are cumulative. No one enforcement action shall preclude or limit any other enforcement action. (Ord. No. 725, § 1, 1987)

ARTICLE VII. TRANSITIONAL PROVISIONS**17.38.280 Transitional provisions.**

A. All preliminary and final PUD plans approved prior to the effective date of the ordinance repealing and reenacting this chapter shall remain valid and in full force and effect.

B. A site development plan is required for an area covered by an approved preliminary PUD plan (under prior versions of this chapter), provided that the site development plan must include identification of land uses by area, type, location, and size, and must also include a project phasing plan showing projected build-out dates for each area.

C. Final PUD plans approved under prior versions of this chapter may be modified in the manner provided in this chapter for site development plans. (Ord. No. 725, § 1, 1987)

Chapter 17.40

FLOODPLAIN

Sections:

I. General Provisions

- 17.40.010 Short title
- 17.40.020 Findings
- 17.40.030 Purpose
- 17.40.040 Warning and disclaimer of liability
- 17.40.050 Adoption and applicability
- 17.40.060 Compliance
- 17.40.070 Non-abrogation and greater restrictions

II. Administration

- 17.40.080 Flood area development permit required
- 17.40.090 City engineer as administrator
- 17.40.100 Variance procedure

III. Flood Hazard Reduction

- 17.40.110 General standards
- 17.40.120 Specific standards
- 17.40.130 Floodways

I. General Provisions

17.40.010 Short title. This chapter shall be known and may be cited as the "Broomfield Floodplain Regulations." (Ord. 769, S 14, 1988)

17.40.020 Findings.

A. The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which could adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 769, S 14, 1988)

17.40.030 Purpose. The purpose of this chapter is to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 769, S 14, 1988)

17.40.040 Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision made hereunder. (Ord. 769, S 14, 1988)

17.40.050 Adoption and applicability. The Flood Insurance Study and Flood Insurance Rate Map (FIRM) are hereby adopted by this reference and declared to be a part of this chapter. Said study and map are on file in the City Clerk's Office. This chapter shall apply to all areas of special flood hazard, as defined in section 17.04.022. (Ord. 769, S 14, 1988)

17.40.060 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations; provided, however that all special exception permits, approved pursuant to the provisions of the prior version of this chapter, shall remain valid and in full force and effect. (Ord. 769, S 14, 1988)

17.40.070 Non-abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or zoning restrictions. However, where this chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 769, S 14, 1988)

II. Administration

17.40.080 Flood area development permit required.

A. A flood area development permit shall be obtained before construction or development begins within any area of special flood hazard.

B. Application for a flood area development permit shall be made on forms furnished by the city engineer or his designee and shall include:

1. Two sets of plans showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Plans shall be in black ink or photographic reproduction, on 4 mil thickness mylar (double matted polyester film). The scale shall ordinarily be one inch equals fifty feet. A larger scale or a smaller scale (not less than one inch equals two hundred feet) may be used with prior approval of the city engineer or his designee. The following information is required:

a. Elevation in relation to mean sea level (keyed to city-approved U.S.G.S. benchmarks) of the lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level (keyed to city-approved U.S.G.S. benchmarks) to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in subsection B of section 17.40.120; and,

d. Description of the extent to which any watercourse will be altered and relocated as a result of proposed development. Such description shall be supported by a floodplain analysis by a registered professional engineer of the flood profile, elevation, and velocity, using methodology acceptable to the Federal Emergency Management Agency, including existing and anticipated uses.

2. Such further information as the city engineer or his designee may require. (Ord. 769, S 14, 1988)

17.40.090 City engineer as administrator. This chapter shall be administered by the city engineer or his designee, who shall:

A. Review all flood area development permit applications to determine:

1. That the permit requirements of this chapter have been satisfied,

2. That all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required, and

3. If the proposed development is located in the floodway, to assure that the encroachment provisions of subsection A of section 17.40.130 are met.

B. When base flood elevation data is not provided in the study and map referred to in section 17.04.022, obtain, review,

and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in areas of special flood hazard are administered in accordance with section 17.40.120.

C. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

D. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

2. Maintain the floodproofing certifications required in subparagraph a of paragraph 1 of subsection B of section 17.40.080.

E. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

F. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

G. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 17.40.100. (Ord. 769, S 14, 1988)

17.40.100 Variance procedure.

A. Appeal Board

1. The zoning board of adjustment, as established by Chapter 17.46 of this Code, shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city engineer in the enforcement or administration of this chapter.

3. The decision of the Zoning Board of Adjustment shall be final, subject only to judicial review.

4. In passing upon such applications, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location where applicable;

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. The compatibility of the proposed use with the existing and anticipated development;

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

5. Upon consideration of the factors set forth in paragraph 4 above and the purposes of this chapter, the zoning board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

6. The city engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for variances

1. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a through k in paragraph 4 of subsection A above have been fully considered.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to

public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

C. Hearing and Notice. The Zoning Board of Adjustment shall hold a public hearing on any appeal or request for a variance. Notice shall be given in accordance with the provisions of Chapter 17.52. (Ord. 769, S 14, 1988)

III. Flood Hazard Reduction

17.40.110 General standards. In all areas of special flood hazard, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to the ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements, unless the city engineer approves alternative anchoring, are:

a. Over-the-top ties must be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.

b. Frame ties must be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

c. All components of the anchoring system must be capable of carrying a force of 4,800 pounds; and,

d. Any additions to the manufactured home must be similarly anchored.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent

water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 769, S 14, 1988)

17.40.120 Specific standards. In all areas of special flood hazard where base flood elevation data has been provided in the study and map referred to in section 17.04.022 or pursuant to subsection B of section 17.40.090, the following provisions shall apply, in addition to the standards set forth in section 17.40.110:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in subsection D of section 17.40.090.

C. Manufactured Homes. New manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. (Ord. 769, S 14, 1988)

Section 17.40.130 Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments (including fill, new construction, substantial improvements, and other development) are prohibited

unless a registered professional engineer or architect certifies that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A is satisfied, all new construction and substantial improvements shall comply with the provisions of sections 17.40.110 and 17.40.120. (Ord. 769, S 14, 1988)

Chapter 17.42

MOBILE HOME COMMUNITIES

Sections:

- 17.42.010 Intent.
- 17.42.020 Development standards generally.
- 17.42.030 Density.
- 17.42.040 Lot--Size.
- 17.42.050 Lot--Width.
- 17.42.060 Separation between homes.
- 17.42.070 Off-street parking.
- 17.42.080 Street--Width.
- 17.42.090 Street--Access.
- 17.42.100 Lighting.
- 17.42.110 Walkways.
- 17.42.120 Park space.
- 17.42.130 Footings, foundations and tiedowns.
- 17.42.140 Architecture.
- 17.42.150 Landscaping.
- 17.42.160 Floor level--Exception.
- 17.42.170 Fencing.
- 17.42.180 Setback--Street.
- 17.42.190 Setback--Boundary.
- 17.42.200 Storage units.
- 17.42.210 Utilities.
- 17.42.220 Trash receptacles.
- 17.42.230 Camper and boat storage.
- 17.42.240 Bonding.
- 17.42.250 Application procedure.
- 17.42.260 Subdivision--Standards generally.
- 17.42.270 Density.
- 17.42.280 Total area.
- 17.42.290 Footings, foundations and tiedowns.
- 17.42.300 Home owner's organization.
- 17.42.310 Recreation facilities.
- 17.42.320 General provisions.
- 17.42.330 Parking not in approved mobile home community--
Prohibited--Exception.
- 17.42.340 Mobile home community--Housing travel trailers
prohibited.
- 17.42.350 Storing travel trailers permitted--Conditions.
- 17.42.360 Definitions.
- 17.42.370 Court--License--Required.
- 17.42.380 Court--License--Fee.
- 17.42.390 Court--License--Application--Contents.
- 17.42.400 Court--License--Issuance.
- 17.42.410 Court--License--Renewal.
- 17.42.420 Court--License--Transfer.
- 17.42.430 Court--License--Revocation.
- 17.42.440 Court--License--Posting.
- 17.42.450 Court--Location.

17.42.010 Intent. A. It is intended that the requirements for mobile home parks and communities should be such that the quality of a neighborhood is not detrimentally affected by the adjacent location of a mobile home park. The mobile home park is basically a low-density to medium-density residential use and should be treated as such.

B. The requirements set forth in this chapter are intended to supplement other requirements pertaining to mobile home developments which the city council adopts by ordinance. If the provisions of this chapter conflict with those of other ordinances regulating mobile home developments, the provisions of the chapter shall apply. (Ord. 149 Art. 21 S1, 1973).

17.42.020 Development standards generally. In those zones where mobile home communities are indicated as being permitted subject to special review, an application shall be submitted to the planning commission for a planned unit development (PUD) in accordance with Chapter 17.38. The standards in Sections 17.42.030 through 17.42.240 shall become part of the PUD design of the mobile home community. (Ord. 149 Art. 21 S2(part), 1973).

17.42.030 Density. Density shall not exceed five units per acre, unless part of an approved PUD plan which includes other land uses, and where a transfer of density has been approved in the PUD plan. (Ord. 149 Art. 21 S2(1), 1973).

17.42.040 Lot--Size. Minimum lot size shall be three thousand square feet. (Ord. 149 Art. 21 S2(2), 1973).

17.42.050 Lot--Width. The average lot width shall not be less than forty feet. (Ord. 149 Art. 21 S2(3), 1973).

17.42.060 Separation between homes. Minimum separation between homes shall be fifteen feet. (Ord. 149 Art. 21 S2(4), 1973).

17.42.070 Off-street parking. Two off-street parking spaces per unit shall be provided plus one guest space for each five units. (Ord. 149 Art. 21 S2(5), 1973).

17.42.080 Street--Width. Street widths shall be in accordance with the following table:

<u>Parking</u>	<u>Minimum Paved Street Width</u>
No parking	25 feet
One side only	30 feet
Both sides	36 feet

(Ord. 149 Art. 21 S2(6), 1973).

17.42.090 Street--Access. A minimum of two means of access to a dedicated street shall be provided per mobile home park. (Ord. 149 Art. 21 S2(7), 1973).

17.42.100 Lighting. A minimum of 0.3 footcandles shall be provided on all driveways and walks. (Ord. 149 Art. 21 S2(8), 1973).

17.42.110 Walkways. Walkways shall be provided adjacent to streets, or on an interior system. (Ord. 149 Art. 21 S2(9), 1973).

17.42.120 Park space. Park space shall be provided in the following percentages of the total dedicated area:
A. Fifteen percent dedicated area or equal in park fee;
B. Thirty percent common private open space as defined in Chapter 17.38 of this title. (Ord. 149 Art. 21 S2(10), 1973).

17.42.130 Footings, foundations and tiedowns. All mobile homes shall have footings, foundations and tiedowns in accordance with the applicable provisions of the Uniform Building Code, as adopted by the city, to provide soil bearing, loading and wind pressures. Each mobile home development shall submit engineered footings, foundations and tie-down design for approval by the city engineer. Wheels shall not be used for bearing pressures, and shall be removed prior to occupancy. (Ord. 149 Art. 2 S21(11), 1973).

17.42.140 Architecture. Architectural standards shall be set for a mobile home park, including requirements for wood siding or other similar design features. (Ord. 149 Art. 21 S2(12), 1973).

17.42.150 Landscaping. A landscaping plan shall be submitted for review and approval. (Ord. 149 Art. 21 S2(13), 1973).

17.42.160 Floor level--Exception. Excavation shall occur to lower the profile of the units so the floor level of the units is not higher than ten inches from the ground level. This requirement may be altered if in the opinion of the city engineer the requirement would not be in the interests of the health, safety and welfare of the residents of the park due to any unusual topographic or geological conditions of the mobile home site. (Ord. 149 Art. 21 S2(14), 1973).

17.42.170 Fencing. A decorative fence or wall shall be provided around the perimeter of the site, or landscaping or earth mounds of six feet in height to screen the park from view when adjacent or across the street from a residential use other than a mobile home park. (Ord. 149 Art. 21 S2(15), 1973).

17.42.180 Setback--Street. No mobile home unit shall be located closer than ten feet to a private street. (Ord. 149 Art. 21 S2(16), 1973).

17.42.190 Setback--Boundary. Mobile homes shall be placed no nearer than twenty feet from any boundary that is not a street, and twenty-five feet from any boundary adjacent to a street. (Ord. 149 Art. 21 S2(17), 1973).

17.42.200 Storage units. Storage units shall be designed as an integral part of the site and shall be screened from normal view. (Ord. 149 Art. 21 S2(18), 1973).

17.42.210 Utilities. All utilities shall be placed underground. City sewer and water shall be provided in accordance with city standards. (Ord. 149 Art. 21 S2(19), 1973).

17.42.220 Trash receptacles. Trash receptacles shall be provided and properly screened from view. (Ord. 149 Art. 21 S2(20), 1973).

17.42.230 Camper and boat storage. Provisions shall be made for camper and boat storage either adjacent to the mobile homes or in a central location(s). One hundred square feet for each mobile home space shall be provided. (Ord. 149 Art. 21 S2(21), 1973).

17.42.240 Bonding. Bonding or some guarantee in a form acceptable to the city attorney shall be provided to guarantee performance of plans. (Ord. 149 Art. 21 S2(22), 1973).

17.42.250 Application procedure. Application procedures shall conform to the planned unit development procedures defined in Chapter 17.38, including processing hearings and final recording of approved plans. (Ord. 149 Art. 21 S2(23), 1973).

17.42.260 Subdivision--Standards generally. The division of land for the purpose of resale of sites for mobile home units shall only be permitted via the PUD review and recording process. In addition to the standards for mobile home parks, the standards in Sections 17.42.270 through 17.42.310 shall also be applicable. (Ord. 149 Art. 21 S3 (part), 1973).

17.42.270 Density. Density shall not exceed five units per acre. (Ord. 149 Art. 21 S3(1), 1973).

17.42.280 Total area. Minimum total area shall be forty acres. (Ord. 149 Art. 21 S3(2), 1973).

17.42.290 Footing, foundations and tiedowns. All mobile homes shall have footings, foundations and tiedowns in accordance with applicable provisions of the Uniform Building Code as adopted by the city, to provide soil bearing, loading and wind pressures. Each mobile home development shall submit engineered footings, foundations and tiedown designs for approval by the city engineer. Wheels shall not be used for bearing pressures, and shall be removed prior to occupancy. (Ord. 149 Art. 21 S3(3), 1973).

17.42.300 Home owners' organization. A legally authorized home owners' organization shall be formed to maintain all common facilities. (Ord. 149 Art. 21 S3(4), 1973).

17.42.310 Recreation facilities. A swimming pool and clubhouse shall be provided. Facilities of equal importance and investment may be substituted if approved by the planning and zoning commission and the city council. (Ord. 149 Art. 21 S3(5), 1973).

17.42.320 General provisions. The general provisions in Sections 17.42.330 through 17.32.350 shall apply to the use of mobile homes or travel trailers. (Ord. 149 Art. 21 S4(part), 1973).

17.42.330 Parking not in approved mobile home community--Prohibited--Exception. The parking of a mobile home on a lot not located within an approved mobile home community is prohibited unless the unit totally meets the provisions of the Uniform Building Code, sits on a permanent foundation, and has a wood or masonry siding covering seventy percent of the exterior walls. (Ord. 149 Art. 21 S4(1), 1973).

17.42.340 Mobile home community--Housing travel trailers prohibited. The overnight housing and occupancy of travel trailers within a mobile home community is prohibited. (Ord. 149 Art. 21 S4(2), 1973).

17.42.350 Storing travel trailers permitted--Conditions. Vacant travel trailers are permitted to be stored in any zone provided they are not occupied or do not sit within the required front yard. (Ord. 149 Art. 21 S4(3), 1973).

17.42.360 Definitions. A. "Mobile home" means any vehicle or similar portable structure having no foundation other than wheels, jacks or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

B. "Mobile home court" means any plot or ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

C. "Mobile home space" means a plot of ground within a mobile home court designed for the accommodation of one mobile home. (Ord. 388 S2, 1980).

17.42.370 Court--License--Required. It is unlawful for any person to maintain or operate a mobile home court within the limits of the city, unless such person shall first obtain a license therefor. (Ord. 388 S2, 1980).

17.42.380 Court--License--Fee. The annual license fee for each mobile home court shall be fifty dollars for up to and including the first five hundred platted mobile home spaces, and ten dollars for each additional one hundred platted spaces or fraction thereof. (Ord. 388 S2, 1980).

17.42.390 Court--License--Application--Contents. Application for an initial mobile home court license for mobile home courts not previously licensed by the city shall be filed with the city clerk, and the license shall be issued by the city council. The application shall be in writing, signed by the applicant, and shall include the following:

- A. The name and address of the applicant;
 - B. The location and legal description of the mobile home court.
 - C. A complete site plan of the court in conformity with the requirements of this chapter;
 - D. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home court;
 - E. Such further information as may be required by the city council to enable it to determine if the proposed court will comply with legal requirements.
- (Ord. 388 S2, 1980).

17.42.400 Court--License--Issuance. The application and all accompanying plans and specifications shall be filed in triplicate, and the necessary fee for checking the plans, as provided in the building code, shall be paid at such time. The city council shall investigate the applicant and inspect the application and the proposed plans and specifications. Upon determination that the proposed mobile home court will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this chapter, and all other applicable ordinances and statutes, the city council shall approve the application, and upon completion of the court according to the plans shall issue the license. (Ord. 388 S2, 1980).

17.42.410 Court--License--Renewal. Upon application in writing by a licensee for renewal of a license by any licensed mobile home court and upon payment of the annual license fee, the city council shall issue a certificate renewing such license for another year. (Ord. 388 S2, 1980).

17.42.420 Court--License--Transfer. Upon application, in writing, for transfer of a license, the city council shall issue a transfer, upon determination that the proposed mobile home court is in compliance with all provisions of this chapter and all other applicable ordinances and statutes. (Ord. 388 S2, 1980).

17.42.430 Court--License--Revocation. The city council may revoke any license to maintain and operate a court when the licensee has been found guilty of violating any provision of this chapter. After such conviction, the license may be re-issued, if the circumstances leading to conviction have been remedied. (Ord. 388 S2, 1980).

17.42.440 Court--License--Posting. The license certificate or temporary permit shall be conspicuously posted in the office of, or on the premises of, the mobile home court at all times. (Ord. 388 S2, 1980).

17.42.450 Court--Location. Mobile home courts shall be located only in zoning districts in which they are specifically permitted under the zoning ordinance, subject to approval by the planning commission and city council. (Ord. 388 S2, 1980).

Chapter 17.44

SIGN CODE

Sections:

- 17.44.010 Short title.
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- 17.44.030 Applicability; conflict of provisions.
- 17.44.040 Scope.
- 17.44.050 Signs—Permitted—Permit not required.
- 17.44.060 Prohibited signs.
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- 17.44.080 Sign—Freestanding signs; setback.
- 17.44.090 Signs at street intersection.
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- 17.44.210 Low-density residential districts; requirements.
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- 17.44.430 Same—Fees.
- 17.44.440 Identification and marking of signs.
- 17.44.450 Inspection of signs.
- 17.44.460 Registration of existing signs.
- 17.44.470 Nonconforming signs; continuation; conditions.
- 17.44.480 Repair or removal of signs; notice; lien.

17.44.010 Short title. This chapter may be known and cited as the “City of Broomfield Sign Code.” (Ord. No. 149 Art. 22, § 1, 1973; Ord. No. 249, Art. 1, § 1, 1975)

17.44.020 Legislative declaration. The city council declares that in addition to the purpose stated in section 17.02.010, and in order to achieve a cumulative purpose in relationship thereto, it is the intent and purpose of this chapter to:

- A. Recognize that the use of signs constitutes a use of the land;
- B. Assist and be an integral factor in helping to assure the implementation of the goals and policies of the comprehensive plan;
- C. Recognize that signs are a necessary means of visual communication for the convenience of the public;
- D. Recognize and insure the right of those concerned to identify businesses, services and other activities by the use of signs;
- E. Provide a reasonable balance between the right of an individual to identify his business by the use of signs and the right of the public to be protected against visual discord resulting from the unrestricted proliferation of signs and similar devices;
- F. Insure that signs are limited to those which are accessory and incidental to the use on the premises where such signs are located.
- G. Insure that signs are compatible with adjacent land uses and with the total visual environment of the community;
- H. Protect the public from hazardous conditions that result from signs which are structurally unsafe, or which obscure the vision of motorists and/or the view of warning signs;
- I. Promote an overall visual effect which has a minimum of overhead clutter;
- J. Encourage signs which are well designed and compatible with their surroundings and with the buildings to which they are appurtenant;
- K. Recognize that the elimination, as expeditiously and reasonably as is possible, of existing signs that are not in conformance with the provisions of this chapter is as necessary to the public safety and welfare and to the protection of the visual environment as is the prohibition of new signs which would violate the provisions of this chapter; and

L. Recognize that instances may occur where technical review of determinations made by the Building Official may for good cause be necessary, and to provide a procedure for such review. (Ord. 249, Art. 1, S 2, 1975; Ord. 149, Art. 22, S 2, 1973)

M. Recognize the right of residents of the City to exercise their right to free speech by the use of signs containing non-commercial messages that are subject to minimum regulation regarding structural safety and visual setbacks. (Ord. 731, S 2, 1987)

17.44.030 Applicability--Conflict of provisions.

A. The provisions of this chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the City, and it shall be unlawful to display, construct, erect, alter, use or maintain any sign except in conformance with the provisions of this chapter.

B. Nonconforming signs existing at the time of enactment of the ordinance codified in this chapter shall be subject to the provisions of Sections 17.36.060 through 17.36.180.

C. Except as specifically provided in this chapter, the following shall be exempt from the provisions of this chapter:

1. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger. Identification or bulletin board signs accessory to governmental buildings or facilities shall not be exempt from the provisions of this chapter;

2. The flag, pennant or insignia of any nation, organization of nations, state, county, city, religious, civic or educational institution, except when such are used in connection with a commercial promotion, or as an advertising device;

3. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration; provided, that such signs are not displayed for a period of more than sixty consecutive days, nor more than sixty days in any one year;

4. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or parked in the normal course of business, such as signs which are located on moving vans, delivery trucks, rental trucks, and trailers; provided, that the primary purpose of such vehicles is not for the display of signs; provided further, that said vehicles are parked in areas appropriate to their use as operational vehicles; and (Ord. 731, S 3, 1987)

5. Temporary or permanent signs erected by public utility companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

D. If any of the provisions of this chapter are inconsistent with the provisions of any other law or laws presently existing or enacted in the future, of the city regarding requirements for signs, the provisions containing the more restrictive requirements shall apply. (Ord. 249 Art. 1 §3, 1975: Ord. 149 Art. 22 §3, 1973).

17.44.040 Scope. The provisions and requirements of this chapter shall apply to all signs erected or maintained in the city, unless specifically modified, excepted or otherwise provided for by the specific provisions for any zoning district. (Ord. 249 Art. 1 §4(1), 1975: Ord. 149 Art. 22 §4(1), 1973).

17.44.050 Signs--Permitted--Permit not required.

A. The following signs shall be permitted in all zoning districts, and all provisions of this chapter shall apply, except that a sign permit and sign permit fee shall not be required:

1. Street Address of Identification Signs. Signs limited in content to name or occupant and address of premises, and signs advising of danger or caution which are nonilluminated, internally illuminated or indirectly illuminated, and which are limited to wall, window and freestanding signs; which do not exceed two square feet per face of four square feet in total surface area; which are limited to six feet in height; and which are limited to one such sign per each use or building, whichever is the greater number;

2. Real Estate Signs. Temporary nonilluminated real estate signs which do not exceed six square feet per face and six feet in height in residential areas, and twelve feet per face and six feet in height in business and industrial areas. Such signs shall be limited to one sign per street frontage of the lot. Such signs shall be limited to one sign per street frontage of the lot. Such signs shall not remain in place more than seven days after sale or rental of the subject property;

3. Memorial Signs. Signs in the nature of cornerstones, commemorative tablets and historical signs which do not exceed four square feet per face in area and six feet in height, and which are nonilluminated or indirectly illuminated;

4. Private Traffic Directional Signs. Private traffic directional signs guiding or directing vehicular traffic onto or off of a lot or within a lot, when such signs do not exceed six square feet per sign per face in area and eight feet in height, do not contain any advertising or trade name identification, and which are nonilluminated, internally illuminated, or indirectly illuminated. Private traffic-control signs which conform to the standards of the Colorado Manual of Uniform Traffic Control Devices may exceed six square feet per face in area, but shall not exceed seven

square feet per face, and such signs shall not exceed eight feet in height;

5. Public Purpose Signs. Signs required or authorized for a public purpose by any law, statute or ordinance. Such signs may be of any type, number, area, height above grade, location or illumination, as authorized by the applicable law, statute or ordinance. No such sign shall be placed in the public right-of-way, unless specifically authorized or required by the law, statute or ordinance, and, except for warning signs or barricades of a temporary nature, such signs shall be permanently attached to the ground, a building or other structure;

6. Nonilluminated Window Signs. Nonilluminated window signs when the following conditions are met:

a. The total area of such signs does not exceed twenty-five percent of the total window area in the same vertical plane at the ground floor level on the side of the building or business unit upon which the signs are displayed, and does not exceed twenty-five percent of the total allowable sign area for the premises,

b. Whenever such signs are combined to achieve a single sign, such aggregate signs shall not exceed twenty square feet in area,

c. Such signs must be placed behind a glass surface, and shall not be placed in unglazed openings, and

d. No such sign shall be placed in windows above the ground-floor level;

7. Political or non-commercial signs. Political or non-commercial signs which do not exceed six square feet per face and six feet in height in residential areas, and twelve square feet per face and six feet in height in business and industrial areas, subject to the following regulations:

a. Such signs shall be limited to one sign per street frontage of the lot.

b. No such signs shall be located within, on or over any public right-of-way or other public property or within, on or over private property without the consent of the owner.

c. Neither any person or organization responsible for the erection or distribution of any sign which is intended to urge the voting public to support a candidate, political party or political philosophy, or to urge action on any ballot issue, nor the owner of the property upon which such signs are located, shall fail to remove such signs within fifteen days after the election to which the signs pertain, unless such signs continue to be pertinent to another election to be held within ninety days, in which case such signs shall be removed within fifteen days thereafter. (Ord. 731, S 4, 1987)

8. Informational and Directional Signs. Signs commonly associated with and limited to information and directions and related to the permitted use on the lot on which the sign is located; provided, that each such sign does not exceed one hundred fifty square inches in total area and is nonilluminated, internally illuminated, or indirectly illuminated. This category shall be interpreted to include such signs as "no smoking,"

"restroom," "no solicitors," "self-service," "vacancy," and similar information signs;

9. Customer Information Signs. Nonilluminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as "credit cards accepted," "redemption stamps offered," "menus," or "prices." Such signs shall be limited to one sign for each use and shall not exceed four square feet per face or eight square feet per face or eight square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy, or included as an integral part of a freestanding sign. If any such sign is located in the area described in Section 17.44.090, it shall be subject to the requirements of that section;

10. Copy Changes. In addition to the above, no permit shall be required for copy changes on a conforming bulletin board, poster board, display case or marquee; nor for maintenance where no structural changes are made; nor for copy changes on signs using interchangeable letters. (Ord. 731, S 4, 1987)

B. The signs permitted in paragraphs 1 through 7 of subsection A shall be permitted in addition to the signs permitted by Sections 17.44.200 through 17.44.240, and shall not be counted against the total allowable sign area or total number of signs permitted on the premises, unless such signs exceed the limitations specified in paragraphs 1 through 7 of subsection A. (Ord. 249, Art. 1, S 4(2), 1975; Ord. 149, Art. 22, S 4(2), 1973; Ord. 731, S 5, 1987)

17.44.060 Signs--Prohibited. The following signs shall not be permitted, erected or maintained in the City:

A. Signs with visible moving, revolving or rotating parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or mechanical means, except for time-temperature-date signs;

B. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy;

C. Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electric pulsations;

D. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations;

E. Signs which incorporate projected images, emit any sound which is intended to attract attention, or involve the use of live animals;

F. Any sign, together with its supporting structure, now or hereafter existing which, ninety days or more after the premises has been vacated, advertises an activity, business, product or service no longer produced or conducted on the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Building Official upon good cause for such extension being shown. In no event shall such an extension exceed thirty days. This provision shall not

apply to signs accessory to businesses which are open only on a seasonal basis, provided there is clear intent to continue operation of the business;

- G. Any sign or structure which:
1. Is structurally unsafe,
 2. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation,
 3. Is not kept in good repair and maintenance,
 4. Is capable of causing electrical shocks to persons likely to come into contact with it,
 5. In any way interferes with the clear and unobstructed view of any sign or device used for the control of traffic,
 6. In any way interferes with the clear and unobstructed view of traffic on any street,
 7. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare, or
 8. Creates in any other way an unsafe distraction for motor vehicle operators;

H. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway;

I. Illegal nonconforming signs as defined by this chapter;

J. Roof signs; and

K. Off-premises advertising signs, or any other signs not pertinent and clearly incidental to the permitted use of the property where located, except for political or non-commercial signs as permitted and regulated by Section 17.44.050, temporary subdivision directional signs as permitted and regulated by Section 17.44.130 and except for signs permitted under the provisions of Sections 17.44.320 through 17.44.370. (Ord. 249, Art. 1, S 4(3), 1975; Ord. 149, Art. 22, S 4(3), 1973; Ord. 731, S 6, 1987)

17.44.070 Area computation. The area of a sign shall be measured in conformance with the following regulations:

A. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used;

B. In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous rectilinear perimeter or not more than eight straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of a similar character, together with any material or color forming an integral part or background of the display, or used to differentiate such sign from the backdrop or structure against which it is placed;

C. That portion of the sign structure which is visible and viewed in the same plane as the sign face which either exceeds fifty percent of the area of the sign face, or is made an integral part or background of the display shall be included in computing the total sign area;

D. Where a sign has two or more display faces, the area of all faces shall be included in determining sign area;

E. The total surface area of multiple unit signs shall include the vertical and horizontal spacing between the letters which comprise the word or words that convey the sign's message;

F. Where three-dimensional figures are used as signs, the area shall be the total area, as projected on a vertical plane, of each side of the figure which is visible beyond the boundaries of the lot upon which the figure is located. For purposes of this regulation, a figure shall be considered to have not less than nor more than four sides, and the number of sides to be measured shall be determined by the intended location and visibility of the figure;

G. Street or building frontage used as the basis of determining the permitted sign area for one building or use shall not be used again as the basis for determining the permitted sign area for another building or use. Nothing in this chapter shall be construed to prohibit the additional building or use from erecting a sign which would otherwise be authorized by the provisions of this chapter; and

H. All riders and attachments to signs or sign structures, whether temporary or permanent, shall be included as part of the total sign area for the sign to which they are attached. (Ord. 249, Art. 1, S 4(4), 1975; Ord. 149, Art. 22, S 4(4), 1973)

17.44.080 Sign--Freestanding--Setback. Freestanding signs in any zoning district shall be set back the following distances, and no point of any such sign shall extend beyond the required setback line:

A. Signs up to and including seven feet in height shall be set back ten feet from any property line adjacent to a street;

B. Signs over seven feet in height shall be set back from any property line adjacent to a street equal to the required setback line as required by this title for the district in which the sign is located;

C. Signs in business and industrial districts shall not be located less than twenty-five feet from any adjacent residential zoning district line; and

D. In planned unit developments, a lesser setback may be permitted where deemed necessary and desirable, if specifically approved by the City Council as a part of the PUD plan approval. (Ord. 249, Art. 1, S4(5), 1975; Ord. 149, Art. 22, S 4(5), 1973).

17.44.090 Sign--At street intersection. On corner lots, no sign or sign structure between a height of two and one-half feet and seven feet above the street elevation, other than a pole twelve inches or less in cross-sectional area, shall be erected within the following described area: The interior triangle formed by the right-of-way lines at such corner lots and a straight line joining said right-of-way lines at points which are fifty-five feet from the intersection of the right-of-way lines measured along said right-of-way lines, unless otherwise approved by the City Engineer. This regulation shall apply to all signs

except wall signs. (Ord. 249, Art. 1, S 4(6), 1975; Ord. 149, Art. 22, S 4(6), 1973)

17.44.100 Sign--Illuminated. Illuminated signs shall be subject to the following conditions:

A. Any light used for the illumination of a sign shall be shielded so that the beams or rays of light will not shine directly onto surrounding areas; and

B. Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares. (Ord. 249, Art. 1, S 4(7), 1975; Ord. 149, Art. 22, S 4(7), 1973)

17.44.110 Sign--On fence or wall. Signs displayed upon fences or upon walls which are not an integral part of a building or which are used as fences, shall be erected or mounted in a plane parallel to the fence or wall, shall not extend above the top of the fence or wall, and shall not project more than fifteen inches from the face of the fence or wall. Such signs shall be subject to all regulations of this title applicable to freestanding signs, including, but not limited to regulations concerning maximum area per sign, maximum sign height, minimum setback from property lines, and number of signs permitted per lot or per premises. (Ord. 249, Art. 1, S 4(8), 1975; Ord. 149, Art. 22, S 4(8), 1973)

17.44.120 Sign--Window. When permanent or temporary nonilluminated window signs are displayed in a window so as to be visible beyond the boundaries of the lot upon which such signs are displayed, the area of all such window signs in excess of twenty-five percent of the total window area in the same vertical plane at the ground floor level on the side of the building or business unit upon which such signs are displayed and/or twenty-five percent of the total allowable sign area for the premises shall be included in the total allowable sign area for the premises. All illuminated window signs shall be included in the total allowable sign area for the premises. No window sign shall be placed in windows above the groundfloor level. Temporary posters announcing or advertising events sponsored by noncommercial organizations shall be exempt from the limitations on window signs. (Ord. 249, Art. 1, S 4(9), 1975; Ord. 149, Art. 22, S 4(9), 1973)

17.44.130 Sign--Temporary. Temporary signs in all zoning districts shall be subject to the following specific requirements:

A. Construction Signs. Nonilluminated signs advertising subdivision, development, construction or other improvements of a property shall be permitted in any zoning district and shall comply with the following:

1. Such signs shall be limited to freestanding, wall or window signs; shall not exceed sixty-four square feet in total area nor thirty-two square feet per face, and shall not exceed eight feet in height. No riders or attachments to such signs

shall be permitted. For residential developments consisting of five dwelling units or less, the maximum area permitted for a construction sign shall be six square feet per face for each dwelling unit being constructed.

2. Construction signs shall be displayed only on the property to which the sign pertains. One such sign shall be permitted per street upon which the property either has frontage or has an entrance from a major thoroughfare; provided, that the minimum distance between signs on any single development shall be one thousand feet.

3. In the case of a subdivision, construction signs shall not be displayed prior to the date a final subdivision plat for the involved area has been officially approved by the City Council. Said signs may be displayed for the duration of the subdivision and shall be removed upon completion of the project. If, for any reason, it cannot readily be determined if the project is completed or terminated, the Building Official shall make such determination. In other cases, such signs may be displayed for the duration of construction until issuance of a Certificate of Occupancy.

4. In addition to a construction sign advertising a subdivision, there shall be permitted one model home sign identifying each different model, not to exceed six square feet in total area, on each lot upon which a model home is located. Such model home sign shall be removed at the time the unit ceases to be a model home.

B. Subdivision directional signs. Subdivision directional signs are defined as nonilluminated signs informing the public as to routes or changes in direction of travel in order to arrive at a subdivision or similar development on which a construction sign is permitted by the terms of section 17.44.130, paragraph A. Subdivision directional signs shall be allowed in any zoning district, and shall comply with the following:

1. If such signs contain advertising for only one development, subdivision, or builder, such signs shall be known as "single tenant signs" and shall not exceed fifteen square feet per sign in total area or ten square feet per sign face, and shall not exceed eight feet in height;

2. If such sign contains advertising for two or more developments, subdivisions, or builders, such signs shall be known as "multi-tenant signs." Multi-tenant signs shall not exceed fifty square feet in total sign face, and shall not exceed eight feet in height, provided that the amount of sign area devoted to one development, subdivision, or builder on a multi-tenant sign shall not exceed fifteen square feet per multi-tenant sign in total area or ten square feet per sign face. At no time may a multi-tenant sign have fewer than two tenant advertisements. If a multi-tenant sign has fewer than two tenant advertisements, then said sign shall be removed within five working days following notice of removal by the Building Official.

3. Copy on such signs shall be limited to the name of the developer, the name of the development or project, and the characteristic insignia or trademark, and necessary travel

directions. Advertisements for any development, subdivision, or builder must face the traffic in the normal direction of travel to that subdivision or development advertised. No riders or attachments to such signs shall be permitted.

4. Subdivision directional signs shall be located only on undeveloped land adjacent to arterial streets, which land may be property other than the subdivision or development to which the sign refers. Subdivision directional signs shall not be located any closer than 250 feet from a driveway or street intersection unless set back from any public right-of-way line more than 25 feet. The minimum distance between signs located on the same arterial street and referring to the same subdivision shall be one mile.

5. Subdivision directional signs shall not be displayed prior to the date a final subdivision plat for the involved area has been officially approved by the City Council. Such signs may be displayed for the duration of construction within the subdivision, and shall be removed upon completion of the project. If, for any reason, it cannot be readily determined if the project is completed or terminated, the Building Official shall make such determination.

6. Applications for permits for subdivision directional signs shall be accompanied by a statement, signed by the owner of the property on which the sign is to be placed, indicating his consent to erect the sign and assuming the responsibility for its removal. (Ord. 404, S 1, 1980)

C. Other temporary signs. Temporary signs not specifically regulated by the preceding subsections shall be displayed only in accordance with the following conditions:

1. Such signs shall be limited to freestanding, window or wall signs only, shall not exceed seventy-five square feet in total surface area per use, and shall comply with the applicable height and setback regulations for the zoning district in which they are located.

2. Such signs shall not remain in place for more than thirty days, except that the Building Official may, for good cause, extend the time period for an additional thirty days. (Ord. 249, Art. 1, S 4(10), 1975; Ord. 149, Art. 22, S 4(10), 1973; Ord. 731, S 7, 1987)

17.44.140 Sign--subdivision entrance. Entry signs used for the purpose of identifying the entrance to a subdivision, planned unit development (PUD), or mobile home park shall be permitted in any zoning district, subject to the following conditions:

A. Such signs shall be limited to:

1. Individual letters on a building or freestanding wall;

2. A maximum of two signs per entry, one on each side of the street entering the premises;

3. Fifty square feet of sign area per entry for subdivisions and mobile home parks, and one hundred square feet per entry for planned unit developments, if specifically approved by the City Council.

B. Such signs shall be used for the sole and exclusive purpose of identifying the entrance to the subdivision, mobile home park or PUD, and the signs shall contain no copy other than the name of the subdivision, mobile home park or PUD.

C. The average letter height on any entrance sign shall not exceed eighteen inches.

D. Such signs shall be set back a distance of fifteen feet from any property line, and shall not exceed five feet in height.

E. Such signs may have indirect or internal-indirect lighting.

F. Such signs shall be located in a setting of landscaped open space having a minimum size of four square feet for each one square foot of sign area.

G. Such signs shall be placed and installed in such a manner as to not confuse or in any way interfere with traffic, or present any traffic hazard.

H. The specific location of any design of such signs shall be approved by the department of planning and community development. (Ord. 249, Art. 1, S 4(11), 1975; Ord. 149, Art. 22, S 4(11), 1973)

17.44.150 Maintenance. Every sign, including those specifically exempt from this chapter in respect to permits

and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant metals. The building official or his authorized representative shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. (Ord. 249 Art. 1 S4(12), 1975: Ord. 149 Art. 22 S4(12), 1973).

17.44.160 Sign--Accessory to nonconforming use. Signs accessory to legal nonconforming uses shall be permitted, subject to all regulations of the zoning district wherein such signs are located, as set forth in Sections 17.44.200 through 17.44.240. (Ord. 249 Art. 1 S4(13), 1975: Ord. 149 Art. 22 S4(13), 1973).

17.44.170 Signs--Accessory to use permitted by special review. Signs which are accessory to those uses specified in the ordinance codified in this chapter as "Special Review Uses," shall conform to all regulations of this title, including those of the zoning district in which the use is to be located. As set forth in Chapter 17.30, signs shall be subject to the review process set forth in that section. (Ord. 249 Art. 1 S4(14), 1975: Ord. 149 Art. 22 S4(14), 1973).

17.44.180 Sign--Planned unit development. Signs located in planned unit developments shall conform to all regulations of this title including those of the zoning district in which the PUD is located, unless specifically exempted therefrom by the city council as a part of the PUD review and approval process, as set forth in Chapter 17.38. (Ord. 249 Art. 1 S4(15), 1975: Ord. 149 Art. 22 S4(15), 1973).

17.44.190 Uniform Building Code--Applicability. All signs must meet the applicable design, construction and related standards specified in the Uniform Building Code. (Ord. 249 Art. 1 S4(16), 1975: Ord. 149 Art. 22 S4(16), 1973).

17.44.200 District regulations established. The type of signs permitted and the regulation of the number, placement, area and use of signs is established. No sign shall be erected except as provided in the district in which it is permitted, nor shall any sign be used for any purpose or in any manner, except as allowed by the regulations of the zoning district in which the sign is proposed or maintained. Upon application to and issuance by the building official of a permit therefor, the signs enumerated in Sections 17.44.210 through 17.44.240 may be erected and maintained in the enumerated zoning districts. (Ord. 249 Art. 1 S5(1), 1975: Ord. 149 Art. 22 S5(1), 1973).

17.44.210 Low-density residential districts--Requirements. The following requirements apply to signs in low-density residential districts:

A. Zoning districts OS, A, E1, E2, R1, R-PUD, and other such open space, agricultural or low-density residential districts as may be established pursuant to the provisions of this title; (Ord. 651 S3, 1985)

B. General. Signs shall be located on the same lot as the permitted use to which the signs are accessory, and shall be clearly incidental, customary and commonly associated with the operation of the permitted use;

C. Class of Sign Permitted. Freestanding, wall and window;

D. Type of Sign Permitted. Identification sign, and bulletin board for nonresidential uses only, such as churches and schools;

E. The following are the maximum permitted sign areas for the uses indicated:

1. Identification sign for single-family residential uses, not to exceed four square feet per lot;

2. Identification sign and bulletin board for nonresidential uses, not to exceed a combined total sign area of twenty-five square feet per building or lot, whichever the case may be;

F. The following are the maximum permitted sign area per face for the uses indicated:

1. Identification sign for single-family residential uses, two square feet;

2. Identification sign, bulletin board of any combination thereof for nonresidential uses, fifteen square feet;

G. The following are the maximum number of signs permitted for the uses indicated:

1. Identification sign for single-family residential uses, one per lot;

2. Identification sign for nonresidential uses, one per building;

3. Bulletin board for nonresidential uses, one per building;

H. The following are the permitted locations, minimum setbacks and related requirements for signs in the uses indicated:

1. Freestanding signs shall be set back a minimum of ten feet from any property line;

2. Wall and window signs shall be set back from the boundary line of the lot on which such sign is located the same distance as the structure containing the permitted use;

3. No sign shall project into any public right-of-way;

I. Permitted Maximum Height Above Grade. Signs permitted by this section shall not exceed six feet in height above grade level;

J. Permitted Illumination and Animation. Signs permitted in this section shall be nonilluminated, internally illuminated or indirectly illuminated, subject to the requirements set forth in Section 17.44.100. If illuminated, such

illumination shall be turned off between the hours of eleven p.m. and seven a.m., unless illumination is clearly required for safety purposes. Signs shall not be animated. (Ord. 249 Art. 1 §5(2), 1975: Ord. 149 Art. 22 §5(2), 1973).

17.44.220 Medium-density and high-density residential districts--Requirements. The following requirements apply to signs in medium-density and high-density residential districts:

A. Zoning Districts. R3, R3 (PUD), R5, R5 (PUD), and such other medium-density and high-density residential zoning districts as may be established pursuant to the procedures of this title;

B. General. Signs shall be located on the same lot as the permitted use to which the signs are accessory, and shall be clearly incidental, customary and commonly associated with the operation of the permitted use;

C. Class of Sign Permitted. Freestanding, wall and window;

D. Type of Sign Permitted. Identification sign, bulletin board for nonresidential uses only, such as churches and schools, and business sign only for uses permitted by special review;

E. The following are the maximum permitted sign areas for the uses indicated:

1. For multiple-family residential uses, identification sign of two square feet per dwelling unit, not to exceed a total of thirty-two square feet per multiple-family building,

2. For nonresidential uses, identification sign and bulletin board not to exceed a combined total sign area of twenty-five square feet,

3. For uses permitted by special review, the total area of the business sign shall be the lesser of fifty square feet, or the maximum sign area permitted for the use in the schedule of requirements for the business zoning districts. The sign area shall not be in addition to any identification sign or bulletin board permitted by this section;

F. The following are the maximum permitted areas per sign face for the uses indicated:

1. Identification sign for multiple-family uses, sixteen square feet,

2. Identification sign, bulletin board, or any combination thereof for nonresidential uses, fifteen square feet,

3. Business sign for uses permitted by special review, fifteen square feet;

G. The following are the maximum numbers of signs permitted for the uses indicated:

1. Identification sign for multiple-family uses, one sign per building frontage,

2. Identification sign for nonresidential uses, one sign per lot,

3. Bulletin board for nonresidential uses, one per building,

4. Business sign for uses permitted by special review, one per building;

H. The following are the permitted locations, minimum setbacks and related requirements for signs in the uses indicated:

1. Freestanding signs shall be set back a minimum of ten feet from any property line,

2. Wall and window signs shall be set back from the boundary line of the lot on which such sign is located the same distance as the structure containing the permitted use; provided, however, that wall signs may project into the required setback space eighteen inches,

3. No sign shall project into any public right-of-way;

I. The following are the maximum permitted heights for signs for the uses indicated:

1. Freestanding signs shall not exceed seven feet in height above grade level,

2. The maximum height for wall signs shall be the lesser of the height of the building to which such sign is attached or fifteen feet;

J. Permitted Illumination and Animation. Signs permitted by this section shall be nonilluminated, internally illuminated or indirectly illuminated, subject to the requirements of Section 17.44.100. (Ord. 249 Art. 1 §5(3), 1975; Ord. 149 Art. 22 §5(3), 1973).

17.44.230 Business districts--Requirements. The following requirements apply to signs in business districts:

A. Zoning Districts. B1, B1 (PUD), B2, B2 (PUD), B-PUD, and such other business zoning districts as may be established pursuant to the procedures of this title;

B. General. Signs shall be located on the same lot as the permitted use to which they are accessory and shall be clearly incidental, customary, and commonly associated with the operation of said permitted use;

C. Class of Sign Permitted. Freestanding marquee, projecting, suspended, wall and window;

D. Type of Sign Permitted. Identification sign and bulletin board for any use permitted in residential zones as regulated by the residential zoning districts; business signs; joint identification sign; political sign; time-temperature-date sign; and temporary sign.

E. Maximum Sign Area Permitted. The maximum sign area permitted shall be determined in accordance with one of the following provisions:

1. For a building having but one business or use located therein, the greater of twenty-five square feet, or one and one-half square feet of sign area for each horizontal lineal foot of building frontage at the street level; provided, however, that the maximum total sign area for any such building shall not exceed three hundred square feet,

2. For a building having more than one business or use located therein, for each business or use occupied at the street level, one square foot of sign area for each horizontal lineal foot of building frontage of said business or use at the street level for the first two hundred feet of building frontage, plus one-half square foot of sign area for each horizontal lineal foot of frontage thereafter, subject to the following adjustment factor and subject to the following limitations:

a. Adjustment Factor. Where the sign area, as based upon the provisions of subsection E 2, for a business or use occupied at the street level does not result in twenty-five square feet, then the sign area for that business or use may be increased to, but shall not exceed, twenty-five square feet.

b. Limitations. The maximum total sign area for any one business or use occupied at the street level shall not exceed three hundred square feet.

3. For the purpose of determining the total allowable sign area for buildings with more than one building frontage, the following criteria shall apply:

a. Where the building has more than one building frontage, as defined in this chapter, the maximum sign area for that building shall be based upon the total horizontal length of not more than two contiguous frontages, and

b. Signs may be located on any side of the building involved; provided, however, that the total sign area for any one side of the building shall not exceed the sign area permitted on the basis of that building frontage considered independently of other frontages;

F. The following are the maximum sign surface areas for the uses indicated:

1. Freestanding Sign. One square foot of sign area for each horizontal lineal foot of building frontage; provided, however, that the maximum total surface area of any freestanding sign shall not exceed one hundred square feet, and the maximum surface area of any one face of a freestanding sign shall not exceed fifty square feet,

2. Marquee Sign. The maximum surface area of any one face of a marquee sign shall not exceed ten square feet,

3. Projecting Sign. The maximum surface area of a projecting sign shall be the lesser of:

a. One square foot of sign area for each horizontal lineal foot of frontage of the building or business unit upon which such sign is displayed, or

b. Twenty square feet per sign.

The maximum surface of any one face of a projecting sign shall not exceed ten square feet. Any end panel on a projecting sign shall be counted as a face of the sign and shall be included in the area of that sign if the end panel is twelve inches or more in width,

4. Suspended Sign. The maximum total surface area of a suspended sign shall not exceed ten square feet, and the maximum surface area of any one face of such a sign shall not exceed five square feet,

5. Wall Signs. The total area of all wall signs on any face of a building shall not exceed twenty-five percent of the area of that portion of the building facade, between ground level and the roof-line, or a line twenty-five feet above grade level, whichever is the lesser, upon which said signs are attached. The maximum surface area of the face of any wall sign shall be related to the size of the wall surface upon which the sign is attached. The wall surface shall be determined by taking the product of the building frontage of the building, measured along the wall upon which the sign is attached, times the height of the roof-line of the building to which the sign is affixed. The maximum allowable surface area of the face of any wall sign shall be determined in accordance with the following table:

<u>Wall Surface (Building Frontage Times Height of Roof-line)</u>	<u>Maximum Permitted Surface Area of the Face of Any Wall Sign</u>
0-- 999 square feet	50 square feet
1,000--1,999 square feet	60 square feet
2,000--2,999 square feet	70 square feet
3,000--3,999 square feet	80 square feet
4,000--4,999 square feet	90 square feet
5,000 square feet and above	100 square feet,

6. Window Sign. See Sections 17.44.050 and 17.44.060;

G. Maximum Number of Signs Permitted. The maximum number of signs permitted shall be determined in accordance with one of the following provisions:

1. For a building having but one business or use located therein, three signs per building frontage, not to exceed a total of five signs per building. Signs may be placed on any side of the building consistent with this provision; provided, that the total combined area of all such signs shall not, in any event, exceed the maximum total sign area permitted for that building pursuant to the provisions of this chapter,

2. For a building having more than one business or use located therein, the maximum number of signs for that

building shall not exceed two signs for each business at the street level for its exclusive use,

3. One freestanding sign shall be permitted for each frontage of the building involved. Where a building has more than one building frontage, as defined in this chapter, the freestanding sign permitted for each frontage shall be located adjacent to that frontage, and the minimum horizontal distance between such signs on the same lot shall be seventy-five feet,

4. Not more than one projecting sign shall be permitted on each face of a building;

H. The following are the permitted locations, minimum setbacks and related requirements for signs for the uses indicated:

1. Freestanding Sign. Signs up to and including seven feet in height shall be set back ten feet from any street right-of-way line; provided, that a clear area be maintained to a height of six feet within fifty-five feet of the intersection of two streets, or a railroad right-of-way and a street, or a driveway and a street; unless otherwise approved by the city engineer, freestanding signs over seven feet in height shall be set back from the street right-of-way the same distance as the structure containing the permitted use.

Freestanding signs shall not be located less than twenty-five feet from any residential district.

The horizontal distance between freestanding signs on adjacent lots shall not be less than the height of a taller sign.

No freestanding sign shall project into a public right-of-way.

2. Marquee Sign. Marquee signs shall be set back from the boundary line of the lot on which they are located the same distance as the structure containing the permitted use; provided, however, that such signs may project into the required setback space eighteen inches, but shall not project into a public right-of-way. No marquee sign shall project more than two feet from the principal building to which such sign is attached.

3. Projecting Sign. Projecting signs shall be set back from the boundary line of the lot on which they are located the same distance as the structure containing the permitted use; provided, however, that such signs may project into the required setback space eighteen inches, but shall not project into a public right-of-way. Such signs shall not project more than two feet from the face of any building, and shall have a minimum clearance above ground level of eight feet. No projecting sign shall project more than two feet from the building to which such sign is attached.

4. Suspended Sign. Suspended signs shall be set back from the boundary line of the lot on which they are

located the same distance as the structure containing the permitted use; provided, however, that such signs may project into the required setback space eighteen inches but shall not project into any public right-of-way. Such signs shall have a minimum clearance above ground level of eight feet. The minimum horizontal distance between suspended signs shall be fifteen feet, and such signs shall not project beyond the outside limits of the arcade, canopy or marquee to which they are attached. Such signs shall be subject to the safety standards of this title.

5. Wall Sign. Wall signs shall be set back from the boundary lines of the lot the same distance as the structure containing the permitted use; provided, however, that such signs may project into the required setback space eighteen inches, but shall not project into any public right-of-way. No wall sign shall be attached to or displayed against any parapet wall which does not extend around the entire perimeter of the building;

I. The following are the maximum heights permitted for signs for the uses indicated:

1. Freestanding Sign. Seven feet at the minimum setback. Otherwise, the maximum height of a freestanding sign shall be the lesser of the height of the principal building on the lot where the sign is located or twenty-five feet above grade level,

2. Marquee, Projecting and Suspended Signs. The maximum height for such signs shall be the lesser of the height of the building to which such signs are attached or fifteen feet above grade level,

3. Wall Sign. The maximum height for a wall sign shall be the lesser of the height of the building to which the sign is attached or twenty-five feet above grade level,

4. Requirements Applicable to All Signs. No point on any marquee, projecting, suspended or wall sign shall project above the roof structure to which it is attached. Signs attached to parapet walls shall not project above the highest point of the parapet wall;

J. Permitted Illumination and Animation. Signs permitted in this section may be internally or indirectly illuminated, subject to the requirements of Section 17.44.100. No sign shall be animated;

K. Joint Identification Signs. Subject to the conditions set forth in this chapter, and upon application to and issuance by the building official of a permit therefor, joint identification signs are permitted for two or more businesses within the same building, or for more than one building within a collectively and jointly used area, excluding parking, where such building has at least five hundred horizontal lineal feet of building frontage at the street level, or where such buildings within a collectively and jointly used

area have at least a combined total of five hundred horizontal lineal feet of building frontage at the street level. The following joint identification signs and requirements are in addition to all other permitted signs and requirements:

1. Class of Joint Identification Signs Permitted. Freestanding and wall,

2. Maximum Sign Area Permitted. One-half square foot of sign area for each horizontal lineal foot of building frontage at the street level for the building or buildings involved,

3. Maximum Sign Surface Area Permitted. The total surface area of any joint identification sign shall not exceed two hundred square feet, and the surface area of any one face of a joint identification sign shall not exceed one hundred square feet,

4. Maximum Number of Joint Identification Signs Permitted. One joint identification sign shall be permitted for each five hundred horizontal lineal feet of building frontage at the street level,

5. General Location and Review. The location of all joint identification signs shall be subject to the review and approval of the department of planning and community development. Said review shall be consistent with the provisions of this chapter,

6. Freestanding Joint Identification Signs.

a. Signs up to and including seven feet in height shall be set back ten feet from any street right-of-way line; provided, that a clear area be maintained to a height of six feet within fifty-five feet of the intersection of two streets, or a railroad right-of-way and a street, or a driveway and a street, unless otherwise approved by the city engineer.

b. Freestanding joint identification signs over seven feet in height may be set back fifteen feet from any street right-of-way line, if approved by the department of planning and community development consistent with the applicable provisions of this chapter. Otherwise, said signs shall have a minimum setback of twenty-five feet from any street right-of-way line.

c. All freestanding joint identification signs shall not be located less than twenty-five feet from any residential zoning district.

d. The horizontal distance between freestanding joint identification signs on the same lot or within the same jointly identified area shall not be less than five hundred feet.

e. The horizontal distance between freestanding joint identification signs on adjacent lots shall not be less than the height of the taller sign.

f. No freestanding joint identification sign shall project into any public right-of-way.

7. Other Requirements for Freestanding Joint Identification Signs.

a. There shall be a minimum of one square foot of landscaped area at the base of freestanding joint identification signs per each one square foot total sign area of such signs. All landscaped areas shall be properly maintained at all times.

b. Consistent with subdivision K 7 a design, location and landscape treatment shall be subject to site plan review and approval by the department of planning and community development. If such matters are not shown in detail on the original site development plan, then a separate site plan application shall be required.

c. Masonry and landscaping incorporated as an integral part of a joint identification sign will not be counted as a part of such sign for the purpose of sign area measurement.

8. Wall Joint Identification Sign.

a. Wall joint identification signs shall be set back from the boundary lines of the lot the same distance as the structure containing the permitted uses; provided, however, that such signs may project eighteen inches into the required setback space.

b. No wall joint identification sign shall project into any public right-of-way.

c. No wall joint identification sign shall be attached to or displayed against any parapet wall which does not extend around the entire perimeter of the building.

9. Permitted Maximum Height Above Grade.

a. Freestanding joint identification signs shall be seven feet at the minimum setback. Otherwise, the maximum height of freestanding joint identification signs shall be the lesser of the height of the principal building within the jointly identified area or twenty-five feet above grade level.

b. The maximum height of a wall joint identification sign shall be the lesser of the height of the building to which said sign is attached or twenty-five feet above grade level.

10. Permitted Illumination and Animation. Joint identification signs may be internally or indirectly illuminated, subject to the requirements of Section 17.44.100. No joint identification sign shall be animated;

L. Time-Temperature-Date Signs. Time-temperature-date signs which do not exceed twenty-five square feet per face shall not be required to be included in the allowable sign area permitted for the building; provided, however, that any identification or advertising which is attached to or made a part of the same sign structure shall be included in the

allowable sign area for the premises. It shall be the responsibility of the owner of such signs to maintain them and insure that they are kept accurate. If these conditions are not met, then the time-temperature-date sign shall be repaired or removed by the city.

M. Buildings Which Constitute Signs. Any building or portion of a building which is proposed to be erected in a business or industrial district and which is classified as a sign, as defined in this chapter, shall be permitted only upon application for, and approval of, a special review, in accordance with the procedure set forth in Sections 17.44.320 through 17.44.370.

It shall be the responsibility of the building official to determine whether or not a proposed building, or portion thereof, will be classified as a sign prior to issuance of a building permit, and to notify the owner or builder of the proposed building of such findings and of the provisions of this subsection. No building permit shall be issued for any such building until approval of the building has been given in accordance with the provisions of Sections 17.44.320 through 17.44.370.

The owner or builder shall furnish, at the time of application for a building permit, building plans, elevations and details which are adequate to enable the building official to make the necessary determination as to whether or not the building should be classified as a sign.

The owner or builder of any building which is classified as a sign by the building official shall have the right to appeal such interpretation to the board of zoning adjustment in the manner provided for in Chapter 17.36. (Ord. 266 §1(a), 1976; Ord. 249 Art. 1 §5(4), 1975; Ord. 149 Art. 22 §5(4), 1973).

17.44.240 Industrial districts--Requirements. The following requirements apply to signs in the industrial districts:

A. Zoning Districts. I1, I1 (PUD), I2, I2 (PUD), and such other industrial districts as may be established pursuant to the procedures found in this title;

B. General. Signs shall be located on the same lot as the permitted use to which they are accessory, and shall be clearly incidental, customary and commonly associated with the operation of the use.

C. Class of Sign Permitted. Freestanding marquee, projecting, suspended, wall and window;

D. Type of Sign Permitted. Identification sign and bulletin board for any use permitted in residential zones as regulated by the residential zoning districts; business signs; joint identification sign; political sign; time-temperature-date sign; and temporary sign;

E. The following shall be the maximum permitted sign areas for the uses indicated:

1. The total sign area permitted per industrial building shall be determined as follows: the greater of twenty-five square feet, or one square foot of sign area for each horizontal lineal foot of building frontage; provided, however, that the total sign area for any one building shall not exceed three hundred square feet,

2. For the purpose of determining the total allowable sign area for buildings with more than one building frontage, the following criteria shall apply:

a. Where a building has more than one building frontage, as defined in this chapter, the maximum sign area for that building shall be based upon the total horizontal length of not more than two contiguous frontages, and

b. Signs may be located on any side of the building involved; provided, however, that the total sign area for any one side of the building shall not exceed the sign area permitted on the basis of that building frontage considered independently of other frontages.

F. Applicability of Schedule of Requirements for Business Districts to Industrial Districts. The requirements of subsection F of Section 17.44.230, excluding subdivision 5, shall apply in their entirety to signs permitted in the industrial districts. That section and subsections set forth the requirements for the following:

1. Maximum sign surface area permitted,
2. Maximum number of signs permitted,
3. Permitted location, minimum setbacks and related requirements,
4. Permitted maximum height above grade,
5. Permitted illumination and animation,
6. Joint identification signs,
7. Time-temperature-date signs, and
8. Buildings which constitute signs;

G. Wall Signs. The total area of all wall signs on any face of a building shall not exceed twenty-five percent of the area of that portion of the building facade between ground level and the roof-line, or a line twenty-five feet above grade level, whichever is the lesser, upon which the signs are attached. The surface area of the face of any wall sign shall not exceed fifty square feet. The addition required in that increase in maximum permitted wall signs for business districts does not apply to industrial zoning districts. (Ord. 266 §1(f, g), 1976; Ord. 249 Art. 1 §5(5), 1975; Ord. 149 Art. 22 §5(5), 1973).

17.44.250 Structural requirements--Design. A. General. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section.

All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof. The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

B. Wind Loads. Signs and sign structures shall be designed and constructed to resist wind forces, as specified in the latest edition of the Uniform Building Code.

C. Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces, as specified in the latest edition of the Uniform Building Code.

D. Combined Loads. Wind loads and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses shall be used. Vertical design loads, except roof-line loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

E. Allowable Stresses. The design of wood, concrete or steel members shall conform to the requirements of the latest edition of the Uniform Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the latest edition of the Uniform Building Code. The working stresses of wire rope and its fastenings shall not exceed twenty-five percent of the ultimate strength of the rope or fasteners. Working stresses for wind loads combined with dead loads may be increased as specified in the latest edition of the Uniform Building Code. (Ord. 249 Art. 1 §6(1), 1975: Ord. 149 Art. 22 §6(1), 1973).

17.44.260 Structural requirements--Construction.

A. General. Signs and sign structures shall be securely built, constructed and erected in conformance with the requirements of this section.

B. Location. Supports for signs or sign structures shall not be placed in or upon public rights-of-way or public easements.

C. Materials. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the latest edition of the Uniform Building Code. Plastic materials shall be those specified in the Uniform Building Code standards, which have a flame spread rating of two hundred twenty-five or less, and a smoke density not greater than that obtained from burning of untreated wood

under similar conditions when tested in accordance with Uniform Building Code standards in the way intended for use. The products of combustion shall be no more toxic than the burning of untreated wood under similar conditions. (See Chapter 4, Uniform Building Code.)

D. Restrictions on Combustible Materials. All sign structures, except for construction signs, those signs specifically excepted in Section 17.44.050, window signs and signs located inside buildings which are erected in business and industrial zoning districts, shall have structural members of heavy timber or incombustible material. Wall signs, projecting signs and signs on arcades and marquees shall be constructed of incombustible material, except as provided in subsection E of this section, or as specifically approved by the building official. No combustible materials other than approved plastic shall be used in the construction of electric signs.

E. Nonstructural Trim. Nonstructural trim may be of wood, metal, approved plastic or any combination thereof.

F. Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, vertical or horizontal, shall not exceed safe values. Braced ground signs shall be anchored to resist specified wind or seismic loads acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil for effective resistance to pullout amounting to a force twenty-five percent greater than the required resistance, to a depth of not less than three feet. Anchors and supports shall be guarded and protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall.

G. Display Surfaces. Display surfaces in all types of signs may be made of metal or other approved materials.

H. Approved Materials. The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any materials; and if it is determined that the evidence is satisfactory for the use intended, he shall approve its use. (Ord. 249 Art. 1 §6(2), 1975: Ord. 149 Art. 22 §6(2), 1973).

17.44.270 Structural requirements--Clearance. Signs shall not be located with less than three feet horizontal nor eight feet vertical clearance from overhead electric conductors which are energized in excess of seven hundred fifty volts.

No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance of the city. (Ord. 249 Art. 1 S6(3), 1975: Ord. 149 Art. 22 S6(3), 1973).

17.44.280 Structural requirements--Freestanding signs. Freestanding signs may be constructed of any material meeting the requirements of this chapter.

Supports for freestanding signs shall not be placed upon public rights-of-way or public easements, and shall be designed in accordance with the requirements of this chapter. Where such signs are located in vehicular parking and circulation areas, a base or barrier of concrete or steel not less than thirty inches high shall be provided to protect the base of the sign from possible damage by vehicles.

Where any freestanding sign has a clearance of less than eight feet from the ground, there shall be provided a barrier or other adequate protection to prevent hazard to pedestrians and motorists. (Ord. 249 Art. 1 S6(4), 1975: Ord. 149 Art. 22 S6(4), 1973).

17.44.290 Structural requirements--Wall signs. Wall signs shall be constructed of incombustible material meeting the requirements of this chapter.

Projecting wall signs shall be designed in accordance with the requirements of this chapter. (Ord. 249 Art. 1 S6(5), 1975: Ord. 149 Art. 22 S6(5), 1973).

17.44.300 Structural requirements--Marquee signs. Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and materials, be considered a part of and shall meet the requirements for a marquee, as specified in Chapter 45 of the Uniform Building Code. (Ord. 249 Art. 1 S6(6), 1975: Ord. 149 Art. 22 S6(6), 1973).

17.44.310 Structural requirements--Electric signs.
A. General. Electric signs shall be constructed of incombustible material meeting the requirements of this chapter. Electric signs shall be rain-tight, except that service holes fitted with waterproof covers shall be provided to each compartment of such signs. All electric signs hereafter installed or erected in the city shall bear the label of Underwriters' Laboratories, Inc.

B. Installation. No electrical sign shall be erected or maintained which does not comply with the electrical code of the city.

C. Interference with Radio or Television. No electric equipment or electrical apparatus of any kind which causes interference with radio or television reception shall be used in the operation of illuminated signs. Whenever interference is caused by an unfiltered or improperly filtered or otherwise defective sign, or by any other electrical device or apparatus connected to the sign, the building official shall order the sign disconnected until repairs are made. (Ord. 249 Art. 1 S6(7), 1975: Ord. 149 Art. 22 S6(7), 1973).

17.44.320 Special exceptions--Intent. One of the stated intents of Sections 17.44.320 through 17.44.370 is to encourage signs which are well designed and compatible and consistent with their surroundings, to encourage the use of freestanding identification signs which are of a low profile, planter-type design when such signs are designed to complement the architectural style and design of the building or subdivision to which they are appurtenant, and to be compatible with the general area where the sign is to be located.

Additionally, it is recognized that signs are a necessary means of communication for the convenience of the public. There are certain types of signs which are not in common use throughout the city or are peculiar to a particular type of activity and which are deemed to be desirable, under controlled circumstances, for the public convenience. The general regulations of this chapter, however, are such that these signs, signs on theater marquees, collective identification or directory signs showing the names of various civic or religious organizations, signs which identify large commercial or industrial developments, and kiosks located within pedestrian areas for the purpose of displaying posters and similar signs, are not generally permitted or are restricted in such a manner as to affect the utility of such signs.

Therefore, it is the intent of Sections 17.44.320 through 17.44.370 to provide a means of review and approval of special exceptions to the provisions of this chapter whereby specified deviations from the general sign regulations may be allowed to permit the aforementioned types of signs, without need for proof of hardship; provided, that the proposed size, location and design of such signs are compatible with their surroundings and consistent with the general intent of this chapter.

Furthermore, there may be occasions when a building or portion of a building proposed to be built in the city will, by virtue of its design, decoration, illumination, or otherwise, be classified as a sign, as defined in this chapter, and, as a result, will exceed the maximum sign area permitted by this chapter. Therefore, it is the further intent of Sections 17.44.320 through 17.44.370 to provide a means for review and evaluation of such proposals in order to insure that the resulting construction is compatible with the general intent of this chapter. (Ord. 521 S2, 1983)

17.44.330 Special exceptions--Scope. Special exceptions pursuant to Sections 17.44.320 through 17.44.370 may be made only for the following:

A. Exceptions to the maximum allowable sign area for the freestanding identification signs of a low profile, planter-type design when such signs:

1. Are located in business and industrial districts, and
2. Are designed to complement the architectural style of buildings to which they are appurtenant, and
3. Contain no copy other than a name, street address, and a logotype or trademark. However, such exceptions shall not increase the sign area in an amount greater than twenty-five percent of the maximum allowable sign area for freestanding identification signs as provided for in the scheduled requirements for the business and industrial districts; or

B. Exceptions to the maximum sign area for signs which identify developments provided that:

1. The development is zoned to permit commercial or industrial uses; and
2. The development is at least 50 acres in size; and
3. The development fronts on an arterial street or highway; and
4. A preliminary plat has been approved for the entire development; and
5. A final plat has been approved for at least part of the development; and
6. The sign contains no copy other than a name, street address, and a logotype or trademark; and
7. No sign face is bigger than one square foot for each acre included in the preliminary plat; and
8. The total sign area is no more than two square feet for each acre included in the preliminary plat; or

C. Exceptions to the maximum sign area permitted on theater marquees in cases where necessary copy and standard changeable letter sizes clearly necessitate such an exception; or

D. Exceptions to general sign regulations to permit the erection of collective identification or directory signs showing the names and locations of various civic or religious organizations in the community when such signs are not located on the premises of the uses being named, but rather are located in business or industrial districts, and are placed adjacent to an arterial street or highway near entrances to the city; or

E. Exceptions to general sign regulations to permit the erection of kiosks or similar structures, and the display thereon of signs, posters, notices, etc., when such structures are located within primarily pedestrian oriented circulation areas, and when such structures have little or no building frontage upon which basis permitted sign areas can be calculated. Such structures shall be permitted only in business or industrial districts, or within planned unit developments in residential districts; or

F. Proposals to erect buildings in business or industrial districts which, by reason of design, decoration, illumination or otherwise, may be interpreted by the building official to be signs. (Ord. 521 S3, 1983)

17.44.335 Jurisdiction of Planning and Zoning Commission.
Jurisdiction is expressly conferred upon the planning and zoning commission only for the review of those matters specifically enumerated in subsections A through F of Section 17.44.330, and in the manner provided in this section. This section shall not be construed nor interpreted as granting the planning and zoning commission any powers to vary the terms of this chapter in any way other than as specifically enumerated in this chapter. (Ord. 521 S4, 1983)

17.44.340 Special exceptions--Application--Contents.
Application for approval of a sign permitted as a special exception shall be filed by the owner of the sign for which the new approval is requested. Such application may be submitted for review and approval concurrently with application for a planned unit development or a use permitted by special review under this title, if the sign is to be a part thereof. The application shall be submitted in writing to the department of planning and community development, and shall include the following plans and information:

A. The name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector;

B. The location by street address of the proposed sign structure;

C. A site plan, drawn to scale, showing the location of the proposed sign, the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed signs on the premises, the location of public rights-of-way on or adjacent to the property, and the location of vehicular entrances and exits on the property;

D. Elevation drawings of the proposed sign, drawn to scale, showing major dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building, proposed sign copy, and pertinent architectural details and location of any landscaping to be provided in connection with the sign;

E. Type and location of proposed illumination;

F. Elevation or perspective drawings, or photographs, showing the architectural design and construction materials of existing proposed buildings on the lot, when such information is pertinent to the application;

G. Any additional information which the applicant feels may support the request;

H. Such additional information which the department of planning and community development and/or the planning and zoning commission determine necessary to adequately review the request;

I. Each application shall be accompanied by an application fee of twenty-five dollars to cover the costs of processing and publication. The fee shall be in addition to the required sign permit fees. (Ord. 249 Art. 1 S7(3), 1975: Ord. 149 Art. 22 S7(3), 1973).

17.44.350 Special exceptions--Jurisdiction. The planning and zoning commission shall have jurisdiction to hear all applications for special exceptions. No special exception shall be granted unless the proposed sign and/or structure meets each and every one of the following requirements:

A. The proposed sign will not be contrary to the intent of this chapter, as declared in Section 17.44.020;

B. The proposed sign will be in accordance with the intent of Sections 17.44.320 through 17.44.370;

C. The proposed sign will comply with all applicable provisions of this chapter unless any such provisions are expressly permitted to be varied by the special exception procedure;

D. The proposed sign is reasonably necessary, and the degree of the exception is the minimum necessary to accomplish the purpose of the sign itself; and

E. The proposed sign will not result in adverse effects upon neighboring properties, or the health, safety and general welfare of the public. (Ord. 249 Art. 1 S7(4), 1975: Ord. 149 Art. 22 S7(4), 1973).

17.44.360 Special exceptions--Approval procedure. The following procedure shall be required in connection with any application for a special exception;

A. Within forty-five days after the receipt of an application, or as soon thereafter as possible, the planning and zoning commission, after giving notice, shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17.52.

B. After hearing the application, the planning and zoning commission shall make its findings, which shall be recorded in the official minutes of the meeting, either:

1. Granting the proposal application in whole or in part, with or without modifications or conditions; or

2. Denying the application.

C. The decision of the planning and zoning commission shall not become effective until thirty days after the date the commission renders its decision.

D. The city council shall retain the right, on its own initiative, to review, approve, disapprove, change, alter, or in any other way amend the decision of the planning and zoning commission. In such event, the city council shall, within thirty days from the date of the planning and zoning commission's decision, notify the commission and the applicant that the city council has exercised its right to hear the application and to review the commissioner's decision. In such event, the following procedures shall apply:

1. Within ten days of receipt of notification, the chairman of the planning and zoning commission shall submit to the city clerk the application and all supporting materials and documentation pertaining thereto, and a written report of the commission's findings, decisions and reasons therefor.

2. Within thirty days after issuing notification, the city council shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17.52.

3. After hearing the application, the city council shall make its findings pursuant to the criteria set forth in Section 17.44.350 either:

a. Granting the application in whole or in part with or without modifications; or

b. Denying the application. The findings and decisions shall be recorded in the official minutes of the city council meeting.

E. All approved plans for the proposed sign shall be endorsed by the chairman of the planning and zoning commission or by the mayor, as the case may be, and shall be filed with the building official, who shall then issue a permit for the sign as approved.

F. Any modification of the proposed sign or sign structure after approval has been granted by the planning and zoning commission, or by the city council in the event the city council exercises its right of review, shall not be permitted unless specifically approved in accordance with all of the procedures applicable to the initial approval of the sign. If approval has been granted by the city council, any modification shall need to be approved by the city council. Nothing in this section shall be construed as preventing the city council from exercising its right of review for requested modifications for signs which the city council did not exercise said right for an initial approval granted by the planning and zoning commission. (Ord. 516 S14, 1983).

17.44.370 Special exceptions--Existing signs. Any existing sign which does not conform to the regulations of this chapter but which may be permitted as a special exception pursuant to the provisions of Sections 17.44.320 through 17.44.370 shall be subject to review of its nonconforming status, according to the following:

A. At any time after the effective date of the ordinance codified in this chapter, and at least ninety days prior to the expiration of the amortization period for the sign, as established in Sections 17.36.070 through 17.36.180, the owner of the sign may make application for a special exception according to the requirements of Section 17.44.340.

B. The application shall be processed and reviewed in the manner provided for in Sections 17.44.350 and 17.44.360. The planning and zoning commission shall either:

1. Grant the application, as requested by the applicant, and confirm that the existing sign will thereafter be considered as a conforming sign;

2. Require any modifications or conditions which it deems necessary to insure that the sign is in compliance with the intent of this chapter and the intent of Sections 17.36.070 through 17.36.180, and establish the conforming status of the sign according to the required modifications or conditions; or

3. Deny the application.

C. If the owner of the sign fails to make application for a special exception within the specified time period, or if the planning and zoning commission denies the application, the sign shall be considered a nonconforming sign and shall be subject to the amortization requirements of Sections 17.36.070 through 17.36.180. (Ord. 249 Art. 1 §7(6), 1975; Ord. 149 Art. 22 §7(6), 1973).

17.44.380 Permit--Application--Approval. A. Except as provided in Section 17.44.050, it shall be unlawful to display, erect, relocate or alter any sign without first filing with the building official an application, in writing, and obtaining a sign permit therefor. When a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official.

B. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent. Such application shall be made, in writing, on forms furnished by the department of planning and community development, and shall be signed by the applicant.

C. The building official shall, within five working days of the date of the application, either approve or deny the application, or refer the application back to the applicant in any instance where insufficient information has been furnished. (Ord. 249 Art. 1 §8(1), (2), 1975; Ord. 149 Art. 22 §8(1), (2), 1973).

17.44.390 Permit--Revocation--Appeal. A. If the building official finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinance, or should he find that there has been any misrepresentation in connection with the application for the permit, he shall notify the sign owner or erector of such findings and that the violation must be corrected without delay. If such correction is not made, the building official shall revoke the permit and serve written notice thereof upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received.

B. The owner shall have the right to appeal the decision of the building official in the manner provided for in Chapter 17.46. (Ord. 249 Art. 1 §8(3), 1975: Ord. 149 Art. 22 §8(3), 1973).

17.44.400 Permit--Nonuse--Revocation when. A. If actual work either on or off the site is not commenced under any permit issued within sixty days from the date of such permit, and/or if substantial building operations under any permit issued under this chapter are suspended for a period of sixty consecutive days, the permit shall automatically become null and void.

B. Delays which are not a result of wilful acts or neglect of the contractor, owner or person obtaining the permit shall be excluded from the terms of subsection A, and the building official may grant an extension of time in which to start or resume operations. All requests for extension and approval thereof shall be in writing. (Ord. 249 Art. 1 §8(4), 1975: Ord. 149 Art. 22 §8(4), 1973).

17.44.410 Permit--Revocation--Forfeiture of fees when. When any permit has been revoked under the terms and provisions of Sections 17.44.390 through 17.44.400, permit fees shall not be refunded. (Ord. 249 Art. 1 §8(5), 1975: Ord. 149 Art. 22 §8(5), 1973).

17.44.420 Permit--Plans, specifications and other data. The application for a sign permit shall be accompanied by the following plans and other information:

A. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the names, addresses and telephone numbers of the sign contractor or erector;

B. The location by street address of the proposed sign structure;

C. Complete information as required on the application forms provided by the building official, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as is pertinent to the application;

- D. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used;
- E. Application, and required information for such application, for an electrical permit for all electric signs if the person building the sign is to make the electrical connection; and
- F. A statement of valuation. (Ord. No. 149, Art. 22, § 8(6), 1973; Ord. No. 249, Art. 1, § 8(6), 1975)

17.44.430 Same—Fees. A permit fee shall be paid to the department of planning and community development for each sign permit issued under this chapter; provided, however, that a fee shall not be charged for putting a sign in conformance with this chapter when such action is taken voluntarily within six (6) months prior to the expiration of the applicable amortization period, or for a copy change when no change in business name is involved. The permit fee shall be in accordance with the applicable schedule of fees set forth in the applicable ordinance of the city. (Ord. No. 149, Art. 22, § 8(7), 1973; Ord. No. 249, Art. 1, § 8(7), 1975)

17.44.440 Identification and marking of signs. Each sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate not exceeding fifteen (15) square inches in area, stating the name of the person, firm or corporation responsible for its construction and erection, with installation date and permit number thereon. Electrical signs shall be marked with input amperes at full load input. (Ord. No. 149, Art. 22, § 8(8), 1973; Ord. No. 249, Art. 1, § 8(8), 1975)

17.44.450 Inspection of signs. All signs shall be subject to inspections by the building official. Footing inspections may be required on the day of excavation for all freestanding signs. The building official may, within forty-eight (48) hours after being notified that the sign is ready for inspection, also require inspection of electrical signs before erection. The permit holder or his agent shall notify the building official when signs are complete and ready for final inspection. (Ord. No. 149, Art. 22, § 8(9), 1973; Ord. No. 249, Art. 1, § 8(9), 1975)

17.44.460 Registration of existing signs. In order to facilitate the administration and enforcement of the provisions of this chapter, the building official may require the registration of all signs or of all signs in certain categories, which exist in the city, together with information relating to date of construction, cost, and similar information. Such registration, if required, shall be made by the owner of the sign or the owner of the property upon which the sign is located, on forms provided by the building official. No fee shall be required for such registration. (Ord. No. 149, Art. 22, § 8(10), 1973; Ord. No. 249, Art. 1, § 8(10), 1975)

17.44.470 Nonconforming signs; continuation; conditions. A nonconforming sign may be continued and shall be maintained in good condition; provided, however, that such sign shall not be:

- A. Changed to another nonconforming sign;

- B. Structurally altered, except to meet safety requirements;
- C. Expanded;
- D. Reestablished after its discontinuance for ninety (90) days;
- E. Continued in use after cessation or change of the business or activity to which the sign pertains; or
- F. Reestablished after damage, if repair or reconstruction costs exceed fifty (50) percent of the sign's replacement cost, as determined by the building official. (Ord. No. 856, § 4, 10-10-89)

17.44.480 Repair or removal of signs; notice; lien.

A. If the building official finds that any sign is maintained in violation of the provisions of this chapter, he shall give written notice to the owner or person entitled to possession of the sign or the owner of the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this chapter within thirty (30) days after receipt of such notice, the building official may cause such sign to be altered or removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon the determination of such expenses, certify same to the director of finance.

B. The director of finance shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for such alteration or removal of the sign, and if that person fails within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, then such costs and expenses shall become a lien against and running with the property, and the director of finance shall certify the same to the applicable county treasurer for collection in the same manner as general property taxes are collected.

C. The amount certified by the director of finance to the county treasurer for collection shall include the actual cost of repair or removal of the sign, plus fifteen (15) percent to defray the city's costs and expenses, and any charges of the county treasurer for such collection. (Ord. No. 856, § 5, 10-10-89)

Chapter 17.46

ZONING BOARD OF ADJUSTMENT*

Sections:

- 17.46.010 Membership.
- 17.46.020 Powers and duties generally.
- 17.46.030 Procedures.
- 17.46.040 Appeal procedure.
- 17.46.050 Final decision; judicial review.
- 17.46.060 Failure to appeal; effect.

17.46.010 Membership.

A. The zoning board of adjustment shall consist of five (5) members, who shall be appointed by the city council. Pursuant to the city Charter, no member of the city council, the mayor, city employees, nor any appointed city official shall serve on the board. The term of each appointed member to the zoning board of adjustment shall be three (3) years, or until his or her successor takes office. Any appointments made to fill unexpired terms shall be for the balance of the term of the member being replaced, and shall be made in the manner as described in this section. The current members of the zoning board of adjustment shall remain in office for the remainder of their current terms.

B. All members of the zoning board of adjustment shall serve as such without compensation, and shall be residents of the city. If any member ceases to reside in the city, his membership shall immediately terminate.

C. In addition to the five (5) regular members provided for in subsection A of this section, the city council may appoint one (1) or more alternate members. In case any regular member is absent from any meeting of the board, an alternate member may serve in such member's place with all of the powers, duties, functions, and responsibilities of such regular member. An alternate member shall be appointed for an indefinite term and shall serve at the pleasure of council.

D. The zoning board of adjustment shall elect a chairman from among its 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. The board shall hold such meetings as may be required to fulfill its purposes, and it shall adopt rules for the transaction of business. The

***Editor's note**—Section 2 of Ord. No. 855, adopted Oct. 10, 1989, repealed former Ch. 17.46 and enacted a new Ch. 17.46 in lieu thereof. The repealed chapter contained §§ 17.46.010—17.46.080 which pertained to similar provisions and derived from Ord. No. 149, Art. 23, §§ 2, 4, 1973; Ord. No. 249, Art. 3, 1975; Ord. No. 278, § 2, 1976; Ord. No. 457, § 1, 1981; and Ord. No. 516, § 15, 1983.

board shall keep a record of its resolutions, transactions, findings and determinations, which record shall be public record.

E. Pursuant to city charter, appointees to the board may be removed by the city council for just cause by majority vote of the entire council in office at the time vote is taken. (Ord. No. 855, § 2, 10-10-89)

17.46.020 Powers and duties generally. The zoning board of adjustment shall have the following powers and duties:

- A. To hear and decide appeals from, and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the regulations established by this title.
- B. To authorize variances from the terms of this title, where, by reason of exceptional conditions, the strict application of any regulation enacted in this title would result in peculiar and exceptional practical difficulties to, or undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the neighborhood or to the public good and without substantially impairing the intent and purposes of this title, and provided no variance shall authorize any use other than the use permitted in the zoning district, except as authorized in subsection C below.
- C. To authorize, as variances, alterations in nonconforming buildings or uses, provided the zoning board of adjustment determines:
 1. That the total area (and volume in the case of buildings) devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use, and
 2. The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use. The factors which the board may consider include, but shall not be limited to:
 - a. The purpose of this Title 17;
 - b. Noise;
 - c. Visual impact;
 - d. Dust;
 - e. Odors;
 - f. Traffic; and
 - g. Impact on public services.
- D. To perform each and all of the duties specified in section 31-23-307 C.R.S., together with all other duties or authority which may hereafter be conferred upon it by the laws of the state or ordinances of the city.
- E. The zoning board of adjustment shall not be authorized to vary the terms of the sign code. (Ord. No. 855, § 2, 10-10-89)

17.46.030 Procedures generally. The zoning board of adjustment shall hold a public hearing on all applications and appeals, subject to the following:

- A. Notice shall be given in accordance with the provisions of Chapter 17.52.
- B. Unless otherwise stated in the zoning board of adjustment's minutes, all uses permitted by variance pursuant to sections 17.46.020 B and C shall be commenced within six (6) months of the time such variance is granted, otherwise the variance shall be null and void.
- C. A fee of twenty-five dollars (\$25.00) shall be charged for all appeals and variance requests, which fee shall be paid by the applicant or appellant in addition to the notice fees required by Chapter 17.52.
- D. The concurring vote of four (4) members of the zoning board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant in order to effect any variance. (Ord. No. 855, § 2, 10-10-89)

17.46.040 Appeal procedure. Every appeal to the zoning board of adjustment shall be filed not later than thirty (30) days from the date of the order, requirement, decision, or determination being appealed. The board shall have no jurisdiction to hear any appeal not brought within thirty (30) days from the date of such order, requirement, decision or determination. (Ord. No. 855, § 2, 10-10-89)

17.46.050 Final decision; judicial review. Any person aggrieved by a final decision of the board may seek review to the district court pursuant to rule 106(a)(4) CRCP. (Ord. No. 855, § 2, 10-10-89)

17.46.060 Failure to appeal; effect. The order, requirement, decision or determination by an administrative official shall become a final order of the board upon the happening of any one of the following events:

- A. The failure of the applicant to appeal the order requirement, decision or determination of the administrative official to the board within the time period prescribed in section 17.46.040.
- B. The failure of the applicant to appeal the order of the board to the district court in accordance with Colorado law. (Ord. No. 855, § 2, 10-10-89)

Chapter 17.48

AMENDMENTS

Sections:

- 17.48.010 Amendments to this title.
- 17.48.020 Procedure for rezoning.
- 17.48.030 Reconsideration; time limit.

17.48.040 Reclassification; development; time limit.

17.48.050 Floodplain district; authority.

17.48.010 Amendments to this title. Amendments to this title may be accomplished by ordinance adopted in accordance with the requirements of the city charter relating to ordinances. (Ord. No. 516, § 16, 1983)

17.48.020 Procedure for rezoning.

A. The owner of any property may apply to the planning and zoning commission for rezoning of his property. The applicant shall pay an application fee of one hundred dollars (\$100.00).

B. The planning and zoning commission shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of Chapter 17.52. Following the hearing, the planning and zoning commission shall make recommendations to the city council concerning the application.

C. The city council shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of Chapter 17.52. Following the hearing, the city council shall either deny the application or shall approve it by ordinance. An ordinance may impose conditions on rezoning. (Ord. No. 516, § 17, 1983)

17.48.030 Reconsideration; time limit. A proposed rezoning request for a similar classification and/or area to one already denied by the city council shall not be reconsidered by the city council within twelve (12) months of the date of such city council action. Submission by a different applicant or minor changes in boundaries shall not be adequate reason to circumvent this requirement. (Ord. No. 149, Art. 24, § 3, 1973)

17.48.040 Reclassification; development; time limit. At the time the planning and zoning commission and the city council consider an initial zoning request, a rezoning request, and/or any amendments to the zoning district map, the applicant shall be advised that the land must be developed in accordance with the designated zoning classification within two (2) years after the date of granting same, and that in the event such development is not completed or substantially commenced within the two-year period, the city may, at its sole and exclusive option, review the zoning classification and initiate proceedings to rezone the land to the classification the land held immediately prior thereto, or to such other zoning classification as may determined by the city council. (Ord. No. 149, Art. 24, § 4, 1973)

17.48.050 Floodplain district; authority. The city council may alter, supplement or change the flood regulatory, floodway and flood storage district boundaries consistent with the provisions of this title. (Ord. No. 149, Art. 24, § 5, 1973; Ord. No. 248, Art. 4, § 1975)

Chapter 17.50

ENFORCEMENT

Sections:

- 17.50.010 Methods.
- 17.50.020 Building permit--Required when.
- 17.50.030 Certificate of occupancy--Required--Issuance when.
- 17.50.040 Right of inspection--Compliance required.
- 17.50.050 Criminal liability.
- 17.50.060 Injunction.
- 17.50.070 Penalty for violation
- 17.50.080 City nonliability.
- 17.50.090 Minor variations.

17.50.010 Methods. The provisions of this title shall be enforced by the following methods:

- A. Requirement of building permit;
- B. Requirement of a certificate of occupancy;
- C. Inspection and ordering removal of violations;
- D. Criminal liability; and
- E. Injunction. (Ord. 149 Art. 25 §1, 1973).

17.50.020 Building permit--Required when. No building shall be erected, constructed, reconstructed, altered, moved or structurally altered unless a building permit therefor has been issued by the building official or his authorized representative. All permits shall be issued in conformance with the provisions of this title. (Ord. 149 Art. 25 §2, 1973).

17.50.030 Certificate of occupancy--Required--Issuance when. A. No building shall hereafter be changed to a business, commercial or industrial use, nor shall any new structure, building or land be occupied for a business, commercial or industrial use unless the owner has first obtained a certificate of occupancy from the building official; provided, that the use shall be in conformance with the provisions of this title. A certificate of occupancy shall be issued within three days of the time of notification that the building is completed and ready for occupancy. A copy of all certificates of occupancy shall be filed by the city building official, and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

B. The building official shall request the applicant, when applicable, to submit a certification by a registered

professional engineer that the finished fill and building floor elevations, floodproofing measures or other flood protection factors were accomplished in compliance with the provisions of this title. The building official shall, within three days after receipt of such certification from the applicant, issue a certificate of occupancy only if the building or premises and the proposed use thereof conform with all the requirements of this title. (Ord. 248 Art. 3, 1975; Ord. 149 Art. 25 §3, 1973).

17.50.040 Right of inspection--Compliance required. The building official and his authorized representatives are empowered to cause any building, other structure or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of this title. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such order. (Ord. 149 Art. 25 §4, 1973).

17.50.050 Criminal liability. A person shall be guilty of a misdemeanor in any case where:

A. Any violation of any of the provisions of this title exists in any building, other structure or tract of land;

B. An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land, or any part thereof, or upon the architect, builder, contractor, or any other person who commits or assists in any such violation; and

C. Such person fails to comply with such order within ten days after the service thereof. (Ord. 149 Art. 25 §5, 1973).

17.50.080 Injunction. In addition to any of the foregoing remedies, the city attorney, acting in behalf of the city council, may maintain an action for an injunction to restrain any violation of this title. (Ord. 149 Art. 25 §6, 1973).

17.50.070 Penalty for violation. Any person, firm or corporation violating any provisions of this title, upon conviction thereof, shall be punished as provided in Chapter 1.12 of this code. (Ord. 149 Art. 25 §7, 1973).

17.50.080 City nonliability. This title shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or reinspection authorized in this title, or failure to inspect or reinspect, or by reason of issuing a building permit as provided in this title. (Ord. 149 Art. 25 §8, 1973).

17.50.090 Minor variations.

A. When in the public interest, the city manager or his authorized representative, without publishing, posting or mailing of notice and without public hearing, may consider and render decisions on minor variances involving slight modification to the provisions of this title, but being limited to the following:

1. Reduction of lot area and/or minimum floor area by not more than the following amounts:
 - a. Maximum lot area reduction of ten (10) percent.
 - b. Maximum floor area reduction of five (5) percent;
2. Reduction of yards and open areas by permitting portions of a building to extend into and occupy not more than ten (10) percent of the distance of a required yard.

B. In granting a minor variance, the city manager or his authorized representative shall make a finding that the granting of this variance conforms to the intent of section 17.46.020 B, which sets forth the criteria for the granting of variances. (Ord. No. 149, Art. 25, § 9, 1973)

Chapter 17.52

PUBLIC NOTICE REQUIREMENTS*

Sections:

- 17.52.010 Uniform notice requirement established.
- 17.52.020 Notice—Contents.
- 17.52.030 Same—Publication.
- 17.52.040 Same—Mail.
- 17.52.050 Same—Posting.
- 17.52.060 Same—Computation of time.
- 17.52.070 Same—Fees.
- 17.52.080 Continuation of hearing.
- 17.52.090 Notice of creation of a vested right.

17.52.010 Uniform notice requirement established. Whenever, pursuant to this Title 17 or pursuant to Title 16, a public hearing before the city council, the planning and zoning commission or the zoning board of adjustment is held, public notice shall first be given as provided in this chapter. Failure to give full notice as required by the terms of this chapter due to a clerical or administrative oversight or omission shall not affect the validity of any hearing or decision. The provisions of this chapter shall not apply to amendments to Title 16 or Title 17. (Ord. No. 516, § 3, 1983; Ord. No. 769, § 15, 1988)

17.52.020 Notice—Contents. At a minimum, every type of notice required by this chapter shall contain the following information:

*Cross reference—Subdivisions, Title 16.

- A. The name of the body before which the hearing is to be held.
- B. The date, time, and place that the hearing will be held.
- C. The legal description of the property with regard to which the hearing will be held.
- D. The action or decision which is requested or proposed. (Ord. No. 516, § 3, 1983)

17.52.030 Same—Publication. Notice shall be given by publication one (1) time in a newspaper of general circulation in the city at least seven (7) days before the hearing. (Ord. No. 516, § 3, 1983)

17.52.040 Same—Mail. Notice shall be given by first-class mail to the record owners of the property with regard to which the action or decision is proposed or requested and to the record owners of property within five hundred (500) feet thereof. The record owners must be determined as of not more than sixty (60) days prior to the date notice is sent. The notices shall be sent at least ten (10) days before the hearing. The applicant shall obtain and submit to the city the names and addresses of the record owners of the property with regard to which the action or decision is proposed or requested and of property within five hundred (500) feet thereof. (Ord. No. 516, § 3, 1983)

17.52.050 Same—Posting. Notice shall be given by posting on the property or on a public right-of-way abutting the property. Each sign shall be at least twenty-two (22) inches by twenty-eight (28) inches in size. Posting shall be in at least one (1) location, but the city manager or the director of planning and community development may require such additional posting as they deem desirable. Posting shall be complete at least ten (10) days before the hearing. Posting shall be the responsibility of the applicant, who shall submit an affidavit of posting immediately after posting the notice. All notices posted pursuant to this chapter shall be removed by the applicant within forty-eight (48) hours after the hearing. (Ord. No. 516, § 3, 1983)

17.52.060 Same—Computation of time. In computing any period of time prescribed for the giving of notice, the day of the hearing shall not be included. The day of the publication, mailing, or posting shall be included. Saturdays, Sundays, and legal holidays shall be counted as any other day. (Ord. No. 516, § 3, 1983)

17.52.070 Same—Fees. Fees for giving public notice as required by this chapter shall be one hundred dollars (\$100.00) per application or proposal and shall be paid by the applicant for, or proponent of, the action being requested or proposed. These fees are in addition to any application fees, and shall be paid at the time the application is presented to the city. (Ord. No. 812, § 1, 1-28-89)

Editor's note—Section 1 of Ord. No. 812, adopted Jan. 28, 1989, repealed former § 17.52.070 and enacted new provisions in lieu thereof to read as set out herein. The repealed section pertained to the cost of giving public notice and derived from Ord. No. 516, § 3, adopted in 1983.

17.52.090 Notice of creation of a vested right. In addition to other notice requirements set forth in this chapter, a notice advising the general public of the approval of a "site specific development plan," as that phrase is used in Article 68, Title 24, C.R.S., and of the creation of a vested property right shall be published in a newspaper of general circulation in the city, not more than fourteen (14) days after the approval of the site specific development plan. The plans which constitute "site specific development plans" are final plats (Chapter 16.20), special review requests (Chapter 17.30), and site development plans (Chapter 17.38). The applicant shall pay all costs associated with the notice. (Ord. No. 750, § 9, 1987)

CODE COMPARATIVE TABLE
(Beginning with Rev. 4-89)

This table lists the ordinances enacted by the city. Ordinances included in this Code contain an indication in the disposition column as to their location within the Code. A blank in the disposition column indicates the ordinance is not included in the Code.

Ordinance Number	Adoption Date	Subject	Section	Disposition
807	2-28-89	Annexation		
808	2-14-89	Proceeds from sale of surplus property	1	3.12.070
809	1-24-89	Alternate member, personnel merit commission	1 2	2.12.010 2.12.030
810	2-14-89	Electrical contractors registration certificate fee	1	Rpld 15.14.090
811	2-14-89	Possession, use of weapons in designated areas	1	9.72.020(E)(7)
812	2-28-89	Public notice costs	1	Rpld 17.52.070 Added 17.52.070
814	4-11-89	Annexation		
815	4-11-89	Annexation		
816	4-11-89	Annexation		
817	4-11-89	Annexation		
818	4-11-89	Annexation		
819	4-11-89	Zone to PUD		
822	3-28-89	Repeals Ord. No. 797, annexation		
823	4-11-89	City ward boundaries	1	Rpld 4.04.010— 4.04.040 Added 4.04.010— 4.04.040
824	4-11-89	Rezone to PUD		
825	4-11-89	Water and sewer service	1 2 3, 4	13.12.035 13.12.040 13.12.045, 13.12.046
826	5- 9-89	Dangerous buildings code	1	15.06.010— 15.06.050
827	5- 9-89	Housing code	1	15.08.010— 15.08.050
828	5- 9-89	Mechanical code	1	15.10.010— 15.10.060
829	5- 9-89	Fire code	1	15.16.010— 15.16.060

Ordinance Number	Adoption Date	Subject	Section	Disposition
830	5- 9-89	Elevator code	1	15.18.010— 15.18.060
831	5- 9-89	Plumbing code	1	15.24.010— 15.24.060
832	5- 9-89	Energy conservation	1 Rpld 2 Rpld	1.01.090 (F), (G) 15.28.010— 15.28.060
833	5- 9-89	Building code	1	15.04.010— 15.04.060
834	4-25-89	Division of municipal court administration, reorganization	1	2.28.150
835	5-23-89	Annexation		
836	5-23-89	Zone to PUD		
840	6-27-89	Annexation		
841	6-27-89	Zone to PUD		
842	6-13-89	Contract		
843	6- 3-89	Hotel, restaurant license	1 2 3 4	5.28.030(12.5) 5.28.135 5.28.150(A) 5.32.150(A)
844	7-25-89	Annexation		
845	7-25-89	Annexation		
846	7-25-89	Zoning to PUD		
847	7-11-89	1989 Medical care expense plan		
848	7-11-89	Funding for health care plans	1	2.26.140
849	8-22-89	Site development plan modifications	1	17.38.230
850	8- 8-89	Annexation		
851	8- 8-89	Zoning to PUD		
852	7-25-89	Poisoning of rodents	1 2 3	6.08.145 6.32.020 12.28.250
853	8- 8-89	Amends Ord. No. 590		
854	8-22-89	Painting addresses on curbs	1	12.20.090
855	10-10-89	Zoning board of adjustment	1 Rpld 2 Rpld Added	2.44.010— 2.44.050 17.46.010— 17.46.080 17.46.010—

CODE COMPARATIVE TABLE

(Rev. 10-89, 12-89, 2-90,
8-90, 10-90, 12-90, 8-91)

Ordinance Number	Adoption Date	Subject	Section	Disposition		
856	10-10-89	Nonconforming uses	1, 2	17.46.060 17.04.288. 17.04.289		
			3 Rpld	17.36.010— 17.36.260		
			Added	17.36.010— 17.36.050		
			4, 5	17.44.470, 17.44.080		
			857	10-24-89	Sales tax rate	4 3.04.020 5 3.04.055 6 3.04.090
			858	10-24-89	Use tax rate	4 3.08.030 5 3.08.050(F) 6 3.08.180
859	10-24-89	Inclusion of city in municipal subdistrict of North Colorado water conservancy district				
860	10-24-89	Sewer refunding bonds				
861	10-24-89	Sales and use tax refunding bonds				
862	10-24-89	Noise	1 Rpld	9.36.010— 9.36.050		
			Added	9.36.010— 9.36.070		
863	10-24-89	Weed removal on various properties				
864	1- 9-90	Special Improvement District No. 1989-1				
865	2-13-90	Annexation				
866	2-13-90	Zoning to PUD				
868	10-23-90	Costs of weed mowing on private properties				
869	1-23-90	Vicious animals	1 6.08.180			
870	11- 6-90	General obligation bonds				
871	12-27-89	Water and sewer license fees	1 13.02.020 2 13.08.020			
872	12-27-89	Water and sewer service charges	1	13.12.010		
			2	13.12.020(A)		
			3	13.12.020(B)2.a.		
			4	13.12.020(B)3., 4.		

(Rev. 3-90, 8-90, 10-90,
12-90, 2-91, 8-91)

BROOMFIELD CODE

Ordinance Number	Adoption Date	Subject	Section	Disposition
873	1-23-90	Rezoning to PUD		
874	1-23-90	Vacates a portion of Interlocken Parkway		
875	1-23-90	Membership of board of trustees of the city employees' medical care ex- pense plan	1	2.26.040(A)
876	1-23-90	Special assessment bonds		
877	1-23-90	Approving cost of im- provements in Spe- cial Improvement District No. 1989-1		
878	11-27-90	Snow removal	1	12.04.020(C)
879	7-24-90	Municipal court costs	1 Rpld Added	2.28.120 2.28.120
880	5- 8-90	Rezoning to PUD		
881	7-10-90	Partial assignment of franchise by Public Service Company of Colorado to United Power, Inc.	2 3 4	5.03.010-- 5.03.030 5.04.020 5.04.120
884	10- 9-90	Alcoholic liquor code	1 Rpld Added	5.28.010-- 5.28.630 5.28.010-- 5.28.200
885	10- 9-90	Fermented malt bev- erage code	1 Rpld Added	5.32.010-- 5.32.630 5.32.010-- 5.32.200
886	11-27-90	Write-in candidate af- fidavits	1	4.06.010
887	12-11-90	Water and sewer li- cense fees	1 2	13.02.020 13.08.020
888	12-11-90	Water and sewer ser- vice charges	1 2 3, 4 5	13.12.010 13.12.020(A) 13.12.020(B) (2),(3) 13.16.040(C)
889	2-26-91	Annexation		
890	2-26-91	Zoning to B (PUD)		

CODE COMPARATIVE TABLE

(Rev. 2-91, 8-91, 10-91, 12-91, 4-92, 7-92)

Ordinance Number	Adoption Date	Subject	Section	Disposition
891	12-10-91	Confirmation of costs of mowing of weeds on various properties and assessment of charges therefor against the properties		
892	2-26-91	Temporary water permits	1 Rpld Added	13.16.010-- 13.16.070 13.16.010-- 13.16.080
893	3-14-91	Municipal court holidays	1	2.28.100(C)
894	2-26-91	Temporary sewer permits	1	13.18.010-- 13.18.070
895	1-22-91	Encroachments	1 Rpld Added	12.08.010-- 12.08.120 12.08.010-- 12.08.030
896	2-26-91	Employee disciplinary actions	1	2.14.290(Y),(Z)
897	2-26-91	Public library fines	1	2.52.080
898	3-14-91	Returned check charges	1 Rpld 2 Added	13.12.050 3.22.010
899	4-23-91	Annexation		
900	4-23-91	Zoning to PUD		
901	9-24-91	Regulation of hazardous materials, hazardous wastes and hazardous substances	1	10.26.010-- 10.26.090
903	5-14-91	Inclusion in NCWCD		
904	5-14-91	Petition for water allotment		
905	6-13-91	Franchise agreement		
906	5-28-91	Line of credit		
907	5-28-91	Interchange influence area	1 2	17.06.010(4) 17.29.010-- 17.29.050
908	5-28-91	Land dedication requirements	1 2 3	16.28.110(A) 16.32.020(K) 16.32.030
909	5-28-91	Wastewater	1	13.28.010-- 13.28.110
910	8-13-91	Amends Ord. Nos. 882, 883		
911	8-27-91	Creates SID No. 1991-1		

Ordinance Number	Adoption Date	Subject	Section	Disposition
912	9-24-91	Adopts by reference the Standards and Specifications for Design and Construction of Public Improvements, 1991 edition	1	14.04.010-- 14.04.030
913	8-27-91	Authorizes issuance of water bonds		
914	9-24-91	Penalties for ordinance violations		1.12.030
917	12-1-91	Authorizes grant notes re Windy Gap water		
918	12-10-91	Water license fees and sewer license fees	1 2	13.02.020 13.08.020
919	12-10-91	Monthly water service charges and monthly sewer service charges	1 2 3 4 5	13.12.010 13.12.020(A)(1)--(3) 13.12.020(B)(2)(a) 13.12.020(B)(3) 13.16.040(C)
920	12-10-91	City employees' medical care expense plan		
921	6-9-92	Personnel merit system	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	2.14.005 2.14.020(D)(I)(M)(MM) 2.14.020(DD)(1) 2.14.050 2.14.060(B)(2) 2.14.080 2.14.090(A) 2.14.130 2.14.140 2.14.160(B)(2) 2.14.190 2.14.200 2.14.210 2.14.220(A) 2.14.230 2.14.240 2.14.250(C) 2.14.250(D)(2) 2.14.260(A) 2.14.290(G) 2.14.290(AA) 2.14.300(F) 2.14.305 2.14.350(C)

CODE COMPARATIVE TABLE

(Rev. 7-92, 10-92)

Ordinance Number	Adoption Date	Subject	Section	Disposition
922	12-10-91	Execution and delivery by the city of a first supplemental indenture of trust		
923	2-25-92	Minors and alcohol	1	9.64.010
			2	9.64.050
924	3-10-92	Animals disturbing the peace	1	6.12.060
925	2-25-92	Use of safety belts and child restraint systems	1	10.04.180
			2	10.04.190
926	3-10-92	Municipal Court costs	1	2.28.120(A)
928	3-24-92	Handicapped parking	1	10.04.200
929	4-14-92	Rezoning to PUD		
930	4-14-92	Municipal Court costs	1	2.28.120(A)
931	7-28-92	Weeds and Rubbish	1 Rpld	8.08.010--
				8.08.110
			Added	8.08.010--
				8.08.090
932	6-9-92	Disposition of unclaimed intangible property	1	3.25.010--
				3.25.030
933	7-28-92	Minor subdivisions of land	1	16.08.010(G)(1)
			2	16.22.010--
				16.22.020
934	8-11-92	Final plats	1	16.20.010
			2	16.20.030
			3	16.20.040(D)
			4	16.20.090
935	8-11-92	Vacates streets within Lake View Cemetery		
936	8-11-92	Reimbursement assessment districts	1	14.06.010--
				14.06.100
937	8-25-92	Lake View Cemetery	1	12.29.010--
				12.29.030

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance
Number

- 1 Traffic code adoption (Repealed by 30)
- 2 Electric and gas franchise (Special)
- 3 Fiscal year established, accounting, financial provisions (Repealed by 298)
- 4 City planning commission, zoning commission, board of adjustment created (2.20)
- 5 Public library established (2.40)
- 6 Uniform Building Code adoption, fire districts established (Repealed by 106, 281)
- 7 National Electrical Code adoption (Repealed by 104, 282)
- 8 Technical Plumbing Code adoption (Repealed by 105, 283)
- 9 Budget adopted (Special)
- 10 Tax levy (Special)
- 11 Appropriation of funds (Special)
- 12 Residential route deliveries tax (5.24)
- 13 Municipal court (Repealed by 298)
- 14 Streets and sidewalks (12.04, 12.08, 12.12, 12.16, 12.20, 12.24, 12.32)
- 15 Offenses (6.24, 6.28, 6.32, 9.14, 9.28, 9.31, 9.36, 9.46, 9.48, 9.50, 9.62, 9.64, 9.66, 9.72, 9.74, 9.78, 9.84)
- 16 City employees' social security (2.28)
- 17 Dogs (Repealed by 233)
- 18 Garbage (8.04)
- 19 Waterworks system bonds (Special)
- 20 Sanitary sewage system, plan for purchase (Special)
- 21 Election (Special)
- 22 Weeds, brush and rubbish removal (Repealed by 294)
- 23 Budget (Special)
- 24 Tax levy (Special)
- 25 Zoning (Repealed by 298)
- 26 Amends §§1, 4, 5, 6, 8, 10 and 12--26 of Ord. 17, rabies inoculation (Repealed by 233)
- 27 Appropriation of funds (Special)
- 28 Civil defense council (2.44)
- 29 Salaries (Repealed by 298)
- 30 Model Traffic Code adoption, repeals Ord. 1 (Repealed by 68)
- 31 Purchase of sanitary sewage system (Special)
- 32 Waterworks system bonds (Special)
- 33 Appropriation of funds (Special)
- 34 Budget (Special)

Ordinance
Number

- 35 Business license tax for peddlers, solicitors,
itinerant merchants (5.20)
- 36 Sewer acquisition revenue bonds (Special)
- 37 City administrator (Repealed by 298)
- 38 Budget (Special)
- 39 Tax levy (Special)
- 40 Occupational tax on cigarettes and tobacco (Re-
pealed by 168)
- 41 Administrative organization adopted (Repealed
by 298)
- 42 Appropriation of funds (Special)
- 43 Appropriation of funds (Special)
- 44 Traffic regulations (Repealed by 118, 199)
- 45 Amends Art. IV; repeals and replaces §1 of Ord. 6,
fire zones (Repealed by 106)
- 46 Repeals §1 of Ord. 40, occupational tax on ciga-
rettes and tobacco (Repealed by 168)
- 47 Obscene matter and demonstrations, repeals §39 of
Ord. 15, sale of obscene matter (Repealed by 293,
298)
- 48 Budget (Special)
- 49 Tax levy (Special)
- 50 Mobile homes and mobile home courts (15.40)
- 51 Appropriation of funds (Special)
- 52 Waterworks system bonds (Special)
- 53 Parking large vehicles (10.12)
- 54 Signs, repeals Art. 5 of Ord. 25 (Repealed by 298)
- 55 Repeals and reenacts §8 of Ord. 44, speed limits
(Repealed by 118, 199)
- 56 Amends §3 of Ord. 51, appropriation (Special)
- 57 State highways (Repealed by 118, 199)
- 58 Annexation (Special)
- 59 Budget (Special)
- 60 Tax levy (Special)
- 61 Appropriation of funds (Special)
- 62 Subdivisions (Repealed by 298)
- 63 Annexation (Special)
- 64 Amends Art. II §1 and Art. VII §7 of Ord. 25,
zoning (Repealed by 298)
- 65 Amends Art. 1 §1 of Ord. 7, National Electrical
Code (Repealed by 104)
- 66 Amends §§1 and 2 of Ord. 22, weeds, brush and
rubbish (Repealed by 294)
- 67 Annexation (Special)
- 68 Traffic code adoption, repeals Ord. 30 (Repealed
by 118, 199)

Ordinance
Number

69 Budget (Special)
70 Tax levy (Special)
71 Annexation (Special)
72 Appropriation of funds (Special)
73 Amends §3 of Ord. 61, appropriation (Special)
74 Street vacation (Special)
75 (Not passed)
76 Election (Special)
77 Amends §3 of Ord. 72, appropriation (Special)
78 Utilities tax (5.04)
79 Budget (Special)
80 Tax levy (Special)
81 Amends §21 of Ord. 17, impounded dogs (Repealed
by 233)
82 Appropriation of funds (Special)
83 County air pollution regulation adoption (8.12)
84 Sanitary sewer improvement bonds (Special)
85 Adds §12, amends §§2, 3, 4, 7 to Ord. 18, trash
deposit (8.04)
86 Zoning regulations (Repealed by 298)
87 Budget (Special)
88 Tax levy (Special)
89 Salaries (Repealed by 298)
90 Appropriation of funds (Special)
91 Annexation (Special)
92 Annexation (Special)
93 Annexation (Special)
94 Street vacation (Special)
95 Zone classification (Special)
96 Budget (Special)
97 Tax levy (Special)
98 Appropriation of funds (Special)
99 Amends §3(c) of Ord. 40, tax on cigarettes (Re-
pealed by 168)
100 Salary (Repealed by 298)
101 Utility easement vacation (Special)
102 Annexation (Special)
103 Water bonds (Special)
104 National Electrical Code adoption, repeals Ord. 7
(Repealed by 150, 256, 298)
105 Uniform Plumbing Code adoption, repeals Ord. 8
(Repealed by 255)
106 Uniform Building Code, repeals Ords. 6 and 45
(Repealed by 139, 281)
107 Amends §2 of Art. XVI of, and adds §2, subsection
5 of Art. XXII to, Ord. 86, zoning (Repealed by
298)

Ordinance
Number

108 Annexation (Special)
109 Zone classification (Special)
110 Zone classification (Special)
111 Ambulance service licensing (5.08)
112 Budget (Special)
113 Tax levy (Special)
114 Zone classification (Special)
115 Appropriation of funds (Special)
116 Annexation (Special)
117 Annexation (Special)
118 Traffic code adoption, repeals Ords. 44, 55, 57
and 68 (Repealed by 199)
119 Waterworks system bonds (Special)
120 Annexation (Special)
121 Community antenna television (5.12)
122 Adds \$4 to Art. XX of Ord. 86, zoning (Repealed
by 298)
123 Zone classification (Special)
124 Zone classification (Special)
125 Cable television system agreement with city
(Special)
126 Storm sewer bonds (Special)
127 Parks and recreation areas closing hours (2.48)
128 Zone classification (Special)
129 Zone classification (Special)
130 Annexation (Special)
131 Zone classification (Special)
132 Zone classification (Special)
133 Sales tax (3.04)
134 Easement vacation (Special)
135 Budget (Special)
136 Tax levy (Special)
137 Appropriation of funds (Special)
138 Annexation (Special)
139 Uniform Building Code, repeals Ord. 106 (Repealed
by 220, 281)
140 Annexation (Special)
141 Zone classification (Special)
142 (Not passed)
143 Fireworks (Repealed by 297)
144 Bonds (Special)
145 Amends §3 of Ord. 133 (3.04)
146 Budget (Special)
147 Tax levy (Special)
148 Appropriation of funds (Special)

Ordinance
Number

- 149 Zoning regulations and map (17.02, 17.04, 17.06, 17.08, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50)
- 150 Electrical codes adopted, repeals Ord. 104 (Repealed by 282, 283, 298)
- 151 Water pension (Special)
- 152 Policemen's pension fund (2.32)
- 153 Annexation (Special)
- 154 Salaries (Repealed by 298)
- 155 Annexation (Special)
- 156 Annexation (Special)
- 157 Zone classification (Special)
- 158 Annexation (Special)
- 159 Annexation (Special)
- 160 Amends §2(3) of Ord. 105, plumbing (Repealed by 255)
- 161 Annexation (Special)
- 162 Subdivision (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32)
- 163 Zone classification (Special)
- 164 Zone classification (Special)
- 165 Zone classification (Special)
- 166 Annexation (Special)
- 167 Zone classification (Special)
- 168 Repeals Ords. 40, 46 and 99 (Repealer)
- 169 (Not passed)
- 170 Annexation (Special)
- 171 (Not passed)
- 172 Annexation (Special)
- 173 (Not passed)
- 174 Budget revision (Special)
- 175 Amends Ord. 148, appropriations (Special)
- 176 Special revenue sharing fund (Special)
- 177 Rezone (Special)
- 178 Rezone (Special)
- 179 Rezone (Special)
- 180 Rezone (Special)
- 181 Rezone (Special)
- 182 Rezone (Special)
- 183 Rezone (Special)
- 184 Rezone (Special)
- 185 Rezone (Special)
- 186 Rezone (Special)
- 187 Rezone (Special)
- 188 Rezone (Special)

Ordinance
Number

189 Rezone (Special)
190 Rezone (Special)
191 Rezone (Special)
192 Rezone (Special)
193 Rezone (Special)
194 Rezone (Special)
195 Rezone (Special)
196 Rezone (Special)
197 Zone classification (Special)
198 Home rule question for voting (Special)
199 Traffic code adopted, repeals Ords. 44, 55, 57,
68 and 118 (Repealed by 251)
200 Use tax (3.08)
201 Annexation (Special)
202 Zone classification (Special)
203 Tax levy (Special)
204 Appropriation of funds (Special)
205 Appropriation of funds (Special)
206 Fees for inspection of public facilities (15.36)
207 Budget (Special)
208 (Not passed)
209 (Not passed)
210 (Not passed)
211 Municipal services expansion fee (Repealed by 231)
212 Park and recreation bonds (Special)
213 Planning and zoning commission membership, amends
§2 of Art. 1 of Ord. 4 (2.20)
214 Annexation (Special)
215 Zone classification (Special)
216 Annexation (Special)
217 Zone classification (Special)
218 Licensing merchant patrol businesses and industrial
guards (5.16)
219 Amends §13 of Art. I of Ord. 15, equestrian trails
(6.24)
220 Building code adopted, repeals Ord. 139 (Repealed
by 281)
221 Rezone (Special)
222 (Not passed)
223 Amends §§2 and 10; repeals and replaces §1 of
Ord. 199, traffic code (Repealed by 251)
224 Annexation (Special)
225 Zone classification (Special)
226 Amends §3 of Ord. 14, streets and sidewalks (12.08)
227 Uniform Fire Code adoption (15.16)
228 Fire lanes and fire safety areas (15.20)
229 Sewer revenue bonds (Special)

Ordinance
Number

- 230 Industrial revenue bonds (Special)
231 Repeals Ord. 211, municipal service fees (Repealer)
232 Rezone (Special)
233 Animals; repeals Ords. 17, 26 and 81 (6.04, 6.08,
6.12, 6.16, 6.20, 6.24, 6.28, 6.32, 6.36, 6.40,
6.44, 6.52)
234 (Not passed)
235 Amends §5 of Art. 18; §§3(5)(b), (c) and 6(1)(part)
of Art. 20; §2(2) of Art. 22; and §2(3) of Art. 24;
adds §7 of Art. 18; §§3(3) and 3(5)(d) to Art. 20;
§§2(1), 2(3) and 2(5) of Art. 24; and deletes
§§2(3) and 2(5)(d) of Art. 22 of Ord. 149, zoning
(17.32, 17.38, 17.44, 17.48)
236 Budget (Special)
237 Tax levy (Special)
238 Appropriation of funds (Special)
239 (Not passed)
240 (Not passed)
241 Street names (Special)
242 Annexation (Special)
243 Rezone (Repealed by 258)
244 (Not passed)
245 Municipal court (2.36)
246 Zone classification (Special)
247 Miscellaneous traffic regulations (10.08)
248 Adds Art. 30; amends Arts. 19, 24, 25, 26 of Ord.
149, zoning (17.04, 17.36, 17.40, 17.48, 17.50)
249 Amends Arts. 19 §3; 22, 23, 25 and 26 of Ord. 149,
signs (17.04, 17.36, 17.44, 17.46)
250 Amends Arts. 18, 19, 25 of Ord. 149, radio towers
(17.34, 17.36)
251 Traffic code adoption; repeals Ords. 199, 223
(Repealed by 309)
252 Industrial development revenue bonds (Special)
253 Municipal building bonds (Special)
254 Water refunding bonds (Special)
255 Uniform Plumbing Code adoption; repeals Ords. 105,
160 (15.24)
256 National Electrical Code adoption; repeals Ord.
104 (15.12)
257 Amends §21(a) and (b) of Art. 26; §3 of Art. 8;
Arts. 9 and 10; §3 of Arts. 6, 7, 8, 9, 10, 11,
12, 13, 14, 15 and 16; §5 of Art. 18 and §2 of
Art. 17 of Ord. 149, zoning (17.04, 17.08, 17.10,
17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24,
17.26, 17.28, 17.30, 17.32)

Ordinance
Number

258 Rezone; repeals Ord. 243 (Special)
259 (Not passed)
260 (Not passed)
261 Street vacation (Special)
262 Street vacation (Special)
263 Rezone (Special)
264 Personnel merit commission (2.12)
265 Street name change (Special)
266 Amends Art. 22 of Ord. 149, sign code (17.44)
267 Rezone (Special)
268 (Not passed)
269 Amends Ord. 256, electrical contractors (15.12)
270 Revenue bonds (Special)
271 Amends §4 of Ord. 200, use tax (3.08)
272 (Not passed)
273 Easement vacation (Special)
274 Purchase agreement (Special)
275 (Not passed)
276 Charter amendment proposed (Special)
277 Rezone, amends Ord. 258 (Repealed by 299)
278 Zoning board of adjustment membership, repeals
paragraph (1) of §1 of Art. 23 of Ord. 149 (17.46)
279 City employees' pension plan (2.20)
280 Rezoning; amends part of Ord. 149 (Special)
281 Building and construction codes; repeals Ords.
6, 106, 139 and 220 (2.12, 2.16, 5.12, 15.04,
15.08)
282 Adds §1.1 to Ord. 256, powers and duties of the
building official pertaining to electrical provi-
sions; repeals Ords. 7, 104 and 150, electrical
codes (15.12)
283 Adds §1.1 to Ord. 255, powers and duties of building
official pertaining to plumbing provisions; repeals
Ords. 8 and 150, plumbing codes (15.24)
284 General provisions (1.04)
285 General penalty (1.12)
286 Right of entry (1.08)
287 Water user fees (Special)
288 Ward boundaries (Not codified)
289 Water restriction (Special)
290 Offenses against the person, repeals Art. X §§57
and 58 of Ord. 15 (9.08)
291 Interference with public officials; repeals Art.
XI, §§66, 67 and 68; and Art. XIV §90 of Ord. 15
(9.02)

(Rev. 1-78)
(Rev. 2-78)
(Rev. 3-78)

Ordinance
Number

- 292 Offenses against public order and safety; repeals Art. II S16(b), Art. VI S40, Art. VII SS42 and 43, Art. IX SS52, 53, 54, 55 and 56, Art. X SS59 and 60 of Ord. 15 (9.10, 9.28, 9.30, 9.32, 9.34, 9.38, 9.40, 9.52, 9.54, 9.58) (Effec. 6-22-77)
- 293 Offenses against public decency; repeals Art. VI SS33, 34, 35, 36, 37 and 38 of Ord. 15 and Ord. 47 (9.16, 9.18) (Effec. 6-22-77)
- 294 Weed regulations; repeals Ords. 22 and 66 (8.08) (Effec. 6-22-77)
- 295 Annexation - Western Ventures (Special) (Effec. 8-10-77)
- 296 Zoning of annexed territory (Special) (Effec. 8-10-77)
- 297 Fireworks regulations; repeals Art. XIV of Ord. 15, Ord. 143 and Art. 12 of the Uniform Fire Code (9.76) (Effec. 8-17-77)
- 298 Repeals Ords. 3, 13; SS10, 13, 14, 15, 19, 22, 23 and 44-51 of Ord. 15; Ords. 25, 29, 37, 41, 54, 62, 64, 86, 89, 100, 104, 107, 122, 150 and 154 (Repealer) (Effec. 8-17-77)
- 299 Repeals and reenacts Ord. 227, rezone (Special) (Effec. 9-21-77)
- 300 Amends Schedule XVI of Model Traffic Code (Repealed by 309) (Effec. 9-21-77)
- 301 Water bond (Special) (Effec. 10-12-77)
- 302 Parks (12.28) (Effec. 11-16-77)
- 303 Amends Art. 20 S4 of Ord. 149, planned unit development (17.38) (Effec. 10-19-77)
- 304 Animals; repeals and reenacts S6(a)(1), (2) of Art. XI of Ord. 233 (6.48) (Effec. 10-19-77)
- 305 Electrical permits, repeals and reenacts S2(A) of Art. 90.10 of Ord. 256 (15.12) (Effec. 10-19-77)
- 306 Water bond (Special) (Effec. 11-16-77)
- 307 PUD (Special) (Effec. 11-16-77)
- 308 Plat vacation (Special) (Effec. 11-16-77)
- 309 Model Traffic Code, repeals Ords. 251, 300 (10.04) (Effec. 2-1-78)
- 310 Alcoholic liquor (5.28) (Effec. 2-22-78)
- 311 Fermented malt beverages (5.32) (Effec. 2-22-78)
- 312 Sanitary Sewage (8.28) (Effec. 3-22-78)
- 313 Amends Ord. 309 Re: Penalties, Traffic Code (Special) (Effec. 3-8-78)
- 314 Availability of Water Service Fees (Special) (Effec. 5-3-78)
- 315 Annexation - Broomfield Country Club Swimming Pool (Special) (Effec. 5-31-78)

(Rev. 2-78)

(Rev. 3-78)

Ordinance
Number

316 Municipal Water Use Limitations (Special)
(Effec. 5-17-78)

317 Zoning of Annexed Territory (Special) (Effec.
8-16-78)

318 Rezoning; Amends Part of Ord. 149 (Special)
(Effec. 7-19-78)

319 Energy Conservation Codes, repeals Art. V of Ord.
281 (15.28) (Effec. 3-5-78)

320 Rezoning; Amends Part of Ord. 149 (Special)
(Effec. 8-23-78)

321 Electrical Code, repeals Ords. 256, 269, 282 and 305
(15.12) (Effec. 7-21-78)

322 Occupation Tax on Telephone Utilities (Special)
(Effec. 8-16-78)

323 Business Occupation Tax on Telephone Companies
(5.05) (Effec. 8-16-78)

324 Junk Vehicles, Repair of Vehicles (8.20)
(Effec. 9-20-78)

325 Parking of Oversized & Commercial Vehicles, repealing
Ord. 53 (10.12) (Effec. 9-20-78)

326 Repeals and reenacts Ord. 299, rezone (Special)
(Effec. 8-30-78)

327 Rezones; amends part of Ord. 149 (Special)
(Effec. 9-20-78)

328 Not passed

329 Not passed

330 Merging library and general funds, establishing
library board, repeals Ord. 5 (2.52) (Effec. 1-1-79)

331 Sale of lost, abandoned and confiscated property
(8.24) (Effec. 10-4-78)

332 Regulating off-road operation of motorized vehicles
(10.16) (Effec. 10-4-78)

333 Municipal code (1.01) (Effec. 10-4-78)

334 Inspection fees, public and common facilities
(15.36) (Effec. 10-4-78)

335 Not passed

336 Repeals 16.24.030 through 16.24.110, Ord. 162
(16.24) (Effec. 10-4-78)

337 Repeals and reenacts Sl.12.030 of Ord. 333 (1.12)
(Effec. 10-18-78)

338 Street Name Change-Lac Amora (Special) (Effec. 11-22-78)

339 Availability of Water Service Fees (Special)
(Effec. 1-17-79)

340 Animals - Repeals & reenacts Sl of Art. XI of Ord.
233 (6.48) (Effec. 1-4-79)

(Rev. 2-79)
(Rev. 3-79)
(Rev. 1-80)
(Rev. 2-80)

Ordinance
Number

- 341 Amending Code Re: Water Allocation Policy (13.04)
(Effec. 2-21-79)
- 342 Water and Sewer User Fees (Special) (Effec. 3-7-79)
- 343 Pertaining to Marijuana (9.19) (Effec. 3-21-79)
- 344 Prohibition of Shoplifting and Price Switching
(9.42) (Effec. 3-21-79)
- 345 Prohibition of Petty Theft (9.44) (Effec. 3-21-79)
- 346 Amending Code Regarding Source of Contributions
to Police Pension Fund (2.24) (Effec. 4-4-79)
- 347 Amending Zoning Ordinance to Rezone 0.275+ Tract
of Land on North Side of West 120th and East
of Railroad Tracks (Special) (Effec. 5-16-79)
- 348 Amending Chapter 2.20 Re: Definition of Employees
Eligible for Employees Pension Plan (2.20)
(Effec. 5-16-79)
- 349 Establishing Limitations for Use of Municipal
Water - June 1 to Sept. 30, 1979 (Special)
(Effec. 5-30-79)
- 350 Annexing 78.12+ A - Jefferson County Airport
Authority (Special) (Effec. 7-11-79)
- 351 Zoning of Annexed Property - (Special)
(Effec. 7-11-79)
- 352 Amending Code Re: Investment Employee Pension
Funds (2.20) (Effec. 7-4-79)
- 353 Amending Code Re: Building Code (15.04)
(Effec. 7-18-79)
- 354 Amending Code Re: Water Allocation Policy
(13.04) (Effec. 7-18-79)
- 355 Amendment to Preliminary PUD Plan for Broomfield
Country Club (Special) (Effec. 8-1-79)
- 356 Amending Code Regarding Prohibiting Unauthorized
Entry or Presence on Private Property (9.52.010)
(Effec. 8-22-79)
- 357 Amending Title 9 Re: Chapter 9.80 Relating to
Open Containers and Amending 12.28 Re: Alcoholic
Beverage Permits in Parks (9.80 & 12.28)
(Effec. 9-7-79)
- 358 Repealing and Re-enacting Code Re: Sales Tax
(3.04) (Effec. 9-7-79)
- 359 Annexing 32.44+ A - Jefferson County Airport
Authority (Special) (Effec. 11-1-79)
- 360 Zoning 32.44+ A - Jefferson County Airport
Authority (Special) (Effec. 11-1-79)
- 361 Issuance of Permits to Consume Alcoholic Beverages
in Public Areas (9.80) (Effec. 12-13-79)
- 362 Adopting Maps Delineating Flood Plain and Flood
Profiles (Special) (Effec. 10-25-79)

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363 Pending
364 Vacation, Easement, Broomfield Industrial Park
(Special) (Effec. 11-1-79)
365 Rezoning - U.S. 287 and Tennyson (Special)
(Effec. 11-29-79)
366 Vacating Subdivision Plat - Hensley Mobile Home
Court (Special) (Effec. 11-29-79)
367 Vacating Portion Tennyson St. Right of Way (Special)
(Effec. 11-29-79)
368 Vacating Certain Streets - Continental Estates
(Special) (Effec. 12-13-79)
369 Uniform Building Code Adoption; One and Two Family
Dwelling Code Adoption; Chimney, Vent, Fireplace,
Incinerator and Gas Fitting Code (15.04) (Effec.
2-7-80)
370 Amending Subdivision Regulation (16.04) (Effec.
3-13-80)
371 New Water Taps and Connections Policy (13.08)
(Effec. 1-24-80)
372 Pending
373 Water and Sewer Availability of Service Fees
(13.16) (Effec. 2-1-80)
374 Repealing Use Tax (3.08) (Effec. 1-17-80)
375 Obsolete
376 Sub-Contractor Licensing (15.34) (Effec. 1-17-80)
377 Pending
378 Vacating Water Line Easement - Country Estates #1
(Special) (Effec. 2-21-80)
379 Vacating two Water Line Easements - Ridgeview
Heights (Special) (Effec. 2-21-80)
380 Vacating Sewer Line Easement - Highland Park South
(Special) (Effec. 2-21-80)
381 Adding Sec. 13.08.040 Re: Non-Residential Allocation
Procedure for New Water Taps - 1980 (13.08)
(Effec. 3-6-80)
382 Adding Sec. 301(d) to Sec. 15.04.060B. requiring
list of Contractors and Subcontractors (15.04)
(Effec. 3-6-80)
383 Requiring Control of Construction Materials and
Debris (8.10.010) (Effec. 3-13-80)
384 Amending Use Tax Regulations (3.08) (Effec. 3-13-80)
385 Uniform Fire Code Adoption, Repeals Ord. 227
(Effec. 3-27-80)
386 Amending Chapter 2.36 Re: Powers & Duties, Building
& Construction Review Board (Effec. 3-27-80)
387 Amending Chapter 2.24 Re: Sources of Contributions
to Police Pension Fund (Effec. 3-27-80)
388 Repealing Ord. 50, Mobile Home Courts (Effec. 4-10-80)

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- 389 Vacation Portion Jeffco Airport Industrial
Park (Special) (Effec. 4-10-80)
- 390 Amending Title 17, Rezoning (Special) (Effec.
4-10-80)
- 391 Amending Title 17, Rezoning (Special) (Effec.
4-10-80)
- 392 Annexation-RTD Park 'N Ride (Special) (Effec.
4-24-80)
- 393 Zoning-RTD Park 'N Ride (Special) (Effec.
4-24-80)
- 394 Amending Title 13, Forfeiture of Water Availability
of Service Fees (Effec. 4-24-80)
- 395 Repealing Sec. 8.16.040 Re: Trash Burning
Regulations (Effec. 5-8-80)
- 396 Establishing Limitations for Use of Municipal
Water June 1 to September 30, 1980 (Special)
(Effec. 5-29-80)
- 397 Repealing Ord. 342 and Increasing Water and
Sewer Service Charges (Effec. 6-5-80)
- 398 \$300,000 General Obligation Various Bonds
(Special) (Effec. 5-23-80)
- 399 Revisions to Weed and Rubbish Control-Repealing
8.08.010 Through 8.08.060 (Effec. 7-3-80)
- 400 Amending Legal Description - Ord. 392 and Ord. 393 -
Park 'N Ride (Special) (Effec. 7-17-80)
- 401 Void
- 402 Amending Sub-section 13.16.030 C.2 Re: Collection
Schedule for Water Availability of Service Fees
(Effec. 9-11-80)
- 403 Prohibiting Harassment - Repealing 9.10 (Effec.
9-11-80)
- 404 Amending Sec. 17.44.130B Re: Temporary Off-Site,
Multi-Tenant Subdivision Directional Signs
(Effec. 10-30-80)
- 405 Vacation Portion Ash Street Right-of-Way, Greenway
Park (Special) (Effec. 9-18-80)
- 406 Repealing Portions Ord. 125 Re: Cable TV System
Permit Granted Mountain States Video (Special)
(Effec. 9-18-80)
- 407 Authorizing Transfer of Cable TV System Permit or
Franchise to Jones Tri-City Intercable From Mountain
States Video (Special) (Effec. 9-18-80)
- 408 Enacting Chapter 5.14 of Ord. 408 Re: Cable
Television Systems and Imposing a Business Tax
(Effec. 9-25-80)
- 409 Void
- 410 Annexing 58.423+ A, SW 1/4, Sec. 33 and W 1/2,
Sec. 34, Boulder County (Special) (Effec. 11-11-80)

(Rev. 3-80) (3-81)
(Rev. 1-81)
(Rev. 2-81)

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- 411 Annexing 500.056+ A, Sec. 33 and SW 1/4, Sec.34,
Boulder County (Special) (Effec. 1-1-81)
- 412 Zoning 548.9+ A, Sec. 33 and SW 1/4, Sec. 34, Boulder
County (Special) (Effec. 1-1-81)
- 413 Rezoning South Side Industrial Lane (21.075+ A),
SE 1/4, Sec. 34, Boulder County (Special) (Effec. 11-11-80)
- 414 Issuing \$900,000 Industrial Revenue Bonds - The Allen Co.
(Special) (Effec. 12-11-80)
- 415 Amending Sec. 3.08.050, Exempting From Use Tax Certain
Provisions (Effec. 12-25-80)
- 416 Repealing and Re-Enacting Sec. 6.48.060 and 6.48.070
Re: Animal Impoundment Fees, Etc. (Effec. 12-25-80)
- 417 Rezoning 175.387+ A, Sec. 36, Western Electric, Inc. to
PUD, B-1 and B (PUD) (Special) (Effec. 1-1-81)
- 418 Rejected
- 419 Amending 13.08 Extending Policy for New Water Taps Through
12-31-81 (Effec. 1-1-81)
- 420 Amending 13.08.050 and 13.08.060 Re: Residential Prior-
ities and Residential Allocation Procedures (Effec. 2-12-81)
- 421 Annexing 5.14+ A, Sec. 34, Boulder County (Special)
(Effec. 3-26-81)
- 422 Zoning 5.14+ A, Sec. 34, Boulder County (Special)
(Effec. 3-26-81)
- 423 Authorizing City Manager to Acquire Water Rights - Add
Section 13.20 (Effec. 3-26-81)
- 424 Amending Sec. 16.28.030 and 16.28.040 Re: Improvements
Required in Subdivisions (Effec. 5-14-81)
- 425 Amending Sec. 17.28.020 Re: Permitted Uses by Right in
PUD Districts (Effec. 4-9-81)
- 426 Amending Sec. 17.08.020 Re: Permitted Uses in A-1
District (Effec. 4-9-81)
- 427 New Title 4 - Re: Elections and Voting - Changing
Ward Boundaries (Effec. 4-30-81)
- 428 Amending Sec. 13.12.040 Re: Schedule for Collection
of Water and Sewer User Charges (Effec. 4-30-81)
- 429 Rezoning parcel NE corner, Main & 287, 10.001+ A, (Special)
(Effec. 5-14-81)
- 430 Limitations Denver Service Area May 1, 1981 through
September 30, 1981 (Special) (Effec. 5-9-81)
- 431 Imposing Water Conservation Surcharge on Broomfield
Service Area until September 30, 1981 (Special)
(Effec. 5-9-81)
- 432 Rejected
- 433 Amending 17.32.020 Re: Prohibited and Permitted Home
Occupations (Effec. 5-28-81)

(Rev. 3-80) (Rev. 3-81)
(Rev. 1-81) (Rev. 1-82)
(Rev. 2-81) (Rev. 2-82)

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434 Add 8.14 Re: Vehicle Emissions (Effec. 5-28-81)
435 Adopting Uniform Plumbing Code, 1979 Ed., (Effec. 5-21-81)
436 Providing for Plumbing Contractor's Licenses and Fees
(Effec. 5-21-81)
437 Adopting Uniform Code for Abatement of Dangerous
Buildings, 1979 (Effec. 5-21-81)
438 Adopting Uniform Housing Code, 1979, (Effec. 5-21-81)
439 Prescribing Powers and Duties, Building and Construction
Review Board (Effec. 5-21-81)
440 Amending 2.32 Re: Building Official (Effec. 5-21-81)
441 Adopting Uniform Mechanical Code, 1979 (Effec. 5-28-81)
442 Repealing Sections of Code Re: Out-dated Reference to
Certain Uniform Codes (Effec. 5-21-81)
443 Repealing 15.34 Re: Subcontractor Licenses (Effec. 5-21-81)
444 Repealing One and Two Family Dwelling Code (Effec. 5-21-81)
445 Amending 15.32 Re: Contractor Licensing (Effec. 5-21-81)
446 Rejected
447 Providing for Water Emergencies in Event of Serious
Water Shortage (Effec. 5-28-81)
448 Regulating Use, Storage and Transportation of Hazardous
Materials in City (Effec. 7-9-81)
449 Providing Designation of Emergency Response Authority for
Hazardous Material Incidents (Effec. 7-9-81)
450 Prohibiting Misuse or Waste of Treated Water (Effec. 7-9-81)
451 Rejected
452 Adopting National Electrical Code, 1981 (Effec. 7-30-81)
453 Providing for Electrical Contractors' Registrations
(Effec. 7-23-81)
454 Amending 13.08.030 Re: Imposing Water Tap Limitations
in Broomfield Service Area (Effec. 7-23-81)
455 Amending 13.20 Re: Expanding City Manager's Authority
Re: Acquisition of Water Rights (Effec. 9-3-81)
456 Rezoning Parcel North of U.S. 287, East of Main, South
of Community Park from R-PUD to B-1(PUD) and B-2(PUD)
(Special) (Effec. 9-24-81)
457 Providing Alternate Members, Zoning Board of Adjustment
(Effec. 9-17-81)
458 Repealing Ord. 431 Imposing Water Conservation Surcharges
(Special) (Effec. 9-30-81)
459 Amending 13.12.020 RE: Sewer Service Charges (Effec. 12-10-81)
460 Authorizing Public Works Director to Administer State
Highway Access Code (Effec. 11-5-81)
461 Rezoning Parcels at W. 128th & Lowell to B-1(PUD)
(Effec. 3-11-82) (Special)

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- 462 Repealing & Re-enacting Chapter 13.16 - Increasing Water & Sewer Availability of Service Fees (Effec. 12-10-81)
- 463 Adding New Chapter 13.28 Regulating Wastewater Disposal in City (Effec. 12-24-81)
- 464 Amending Section 2.24.070 Re: Sources and Amounts of Contributions to Police Pension Fund (Effec. 1-1-82)
- 465 Adding Chapter 2.26 Establishing Medical Care Expense Plan for Permanent, Full-Time Employees (Effec. 1-1-82)
- 466 Amending Chapter 13.12 Increasing Water and Sewer Service Charges (Effec. 1-7-82)
- 467 Amending Chapter 8.20 Relating to Definition, Storage Requirements, Notice Requirements for Junk Vehicles (Effec. 3-11-82)
- 468 Amending Section 17.30.100(B) Re: Indoor/Outdoor Spatial Requirements for Certain Types of Child Day Care Centers (Effec. 2-25-82)
- 469 Extending Water Tap Allocation Policy Through December 31, 1982 (Effec. 2-11-82)
- 470 Repealing Section 9.36.060 Relating to Noisy Animals (Effec. 2-4-82)
- 471 Adopting New Chapter 10.20 Relating to Wrecker and Towing Services (Effec. 2-25-82)
- 472 Annexing 5.00+ A, 136th & Main Street (Effec. 3-25-82)
- 473 Correcting Numbering Error from 10.20 (See Ord. 471) to 10.24 (Effec. 4-8-82)
- 474 Re-enacting Chapter 8.24 Relating to Lost, Abandoned, Stolen and Confiscated Property (Effec. 4-29-82)
- 475 Adding New Chapter 3.12 Relating to Disposition of Surplus Property by City (Effec. 4-29-82)
- 476 Annexing 0.002+ A, Adams County, Sec. 32, Wastewater Plant (Effec. 5-13-82) (Special)
- 477 Annexing 0.024+ A, Adams County, Sec. 32, Wastewater Plant (Effec. 5-14-82) (Special)
- 478 Annexing 0.184+ A, Adams County, Sec. 32, Wastewater Plant (Effec. 5-15-82) (Special)
- 479 Annexing 11.847+ A, Adams County, Sec. 32, Wastewater Plant (Effec. 5-16-82) (Special)
- 480 Annexing 80.5294+ A, Jefferson County, Sec. 3, Jensen-Jeffco Airport Authority (Effec. 5-13-82) (Special)
- 481 Rezoning 46.8812+ A, Jefferson County, Sec. 3, Jensen (Effec. 5-13-82) (Special)
- 482 Establishing Water Limitations, Denver Service Area, 6-1 to 9-30-82 (Effec. 6-3-82)
- 483 Rezoning 0.89+ A, Boulder County (Church of Christ) (Effec. 6-24-82) (Special)
- 484 Pertaining to Broomfield Country Club Property Re: Golf Course (Effec. 6-24-82) (Special)

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- 485 Amending Chapter 2.52 Re: Public Library (Effec. 8-12-82)
- 486 Rezoning 17.591+ A, Jefferson County (Jeffco Airport Authority) (Effec. 7-29-82) (Special)
- 487 Rezoning 12.057+ A, Adams County, Wastewater Plant, (Effec. 7-29-82) (Special)
- 488 Rezoning 5.00 A, Boulder County, Water Booster Station (Effec. 7-29-82) (Special)
- 489 Amending Chapter 12.28 Re: Parks & Recreational Facilities (Effec. 7-22-82)
- 490 Amending 15.12.060 Re: Low Voltage Wiring (Effec. 8-12-82)
- 491 Amending 13.12.020 Relating to Sewer Service Charges (Effec. 8-12-82)
- 492 Rezoning 7.6 A, Boulder County (Senior Housing) (Effec. 9-2-82) (Special)
- 493 Amending Code Re: Kennels (Effec. 9-9-82)
- 494 Annexing 16.6469+ A, Jefferson County-Baptist Church-Moles (Effec. 9-1-82) (Special)
- 495 Amending 17.34 Re: Wind Powered Mechanical and Electrical Equipment (Effec. 10-28-82)
- 496 Vacation Rights-of-Way and Easements, Foster Industrial Park (Effec. 10-28-82) (Special)
- 497 Amending 15.36.020 Re: Payment of Public and Common Facility Inspection Fees (Effec. 10-28-82)
- 498 Amending 5.05.010 Re: Business Occupation Tax Levied on Telephone Companies (Effec. 11-9-82)
- 499 Repealing and Re-Enacting 13.12.010 Re: Increasing Water Service Charges (Effec. 11-9-82)
- 500 Issuing General Obligation Bonds Re: Street, Sewer, Water - \$2,295,000 (Effec. 12-2-82) (Special)
- 501 Vacating Portion of E. 12th Avenue Right-of-Way Adjoining Broomfield Country Club Estates (Effec. 12-30-82) (Special)
- 502 Rezoning 16.6469 A, Jefferson County, South Side U.S. 287 to B-2 (Effec. 12-23-82) (Special)
- 503 Vacating Right-of-Way and Easements in Block 7, Highland Park South Filing 2 (Effec. 12-23-82) (Special)
- 504 Amending 13.08.010 and 13.08.030 Re: Extending Water Tap Allocation Policy Through 12-31-83 (Effec. 1-6-83)
- 505 Amending 2.24.070 Re: Sources and Amounts of Contributions to the Policemen's Pension Fund (Effec. 1-1-83)
- 506 Issuing Industrial Development Revenue Bonds Re: Albertson's, Inc. Project - \$2,500,000 (Effec. 2-10-83) (Special)

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- 507 Adopting New Chapter 17.27 Re: Establishing
the GA General Aviation Zone District (Effec.
2-24-83)
- 508 Annexing 72.799+ A, Boulder County - Interlocken,
Ltd. (Effec. 4-7-83) (Special)
- 509 Rezoning 72.799+ A, Boulder County - Interlocken,
Ltd. (Effec. 4-7-83) (Special)
- 510 Approving Lease and Use Agreement With Boulder
Valley School District RE-2 Re: Broomfield
Heights Middle School Athletic Fields (Effec.
3-10-83) (Special)
- 511 Vacating Easements Within Broomfield Professional
Park and Broomfield Professional Park Replat C
(Effec. 4-28-83) (Special)
- 512 Industrial Revenue Bonds - Greenway Plaza (Effec. 5-26-83)
- 513 Amending 13.16.010 Re: Water Availability of
Service Fees for Condominium Units (Effec.
5-26-83)
- 514 Issuing Industrial Development Revenue Bonds Re:
American Stores Project - \$2,550,000 (Effec. 5-26-83)
(Special)
- 515 Amending 2.36 Re: Terms of Membership of and Meetings
of Building and Construction Review Board (Effec.
6-30-83)
- 516 Amending Titles 16 and 17 Establishing Uniform Notice
Requirements for Public Hearings (Effec. 6-30-83)
- 517 Annexing 155.1347+ A, Boulder County (Effec. 9-8-83)
(Special)
- 518 Rezoning 155.1347+ A, Boulder County, to R(PUD) (Effec.
9-8-83) (Special)
- 519 Amending Sec. 13.08.030 Re: Revising City's Water Tap
Allocation (Effec. 8-11-83)
- 520 OUT
- 521 Amending 17.44 Re: Special Exceptions to City's Sign
Code (Effec. 9-8-83)
- 522 Annexing 8.731+ A, Adams County, City-Owned Property
(Effec. 9-8-83) (Special)
- 523 Authorizing Creation of Interlocken Metropolitan District
(Effec. 9-8-83) (Special)
- 524 Annexing 79.397+ A, Adams County, Ciccarelli, (Effec.
9-8-83) (Special)
- 525 Rezoning 79.397+ A, Adams County, Ciccarelli, to B-2
(PUD) and R(PUD) (Special)

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- 526 Annexing 172.40+ Acres (Boulder County Sec. 24 - Adams County Sec. 19) (Effec. 9-29-83) (Special)
- 527 Rezoning Newly Annexed 172.40+ Acres, Boulder-Adams Counties to R-PUD (Effec. 9-29-83) (Special)
- 528 Approving Lease Agreement with Boulder Valley RE-2 School District Re: Lac Amora School Site (Effec. 11-24-83) (Special)
- 529 Approving Lease Agreement with Boulder Valley RE-2 School District Re: Northmoor School Site (Effec. 11-24-83) (Special)
- 530 Amending 13.16.010 Increasing Water Meter Fees (Effec. 10-27-83)
- 531 Amending 6.48.060 Re: Animal Impoundment Fees and Animal Boarding Fees (Effec. 12-8-83)
- 532 Authorizing Issuance of \$1,250,000 Industrial Development Revenue Bonds, Television Technology Corp. Project (Effec. 12-8-83) (Special)
- 533 Approving Lease Agreement with Boulder Valley RE-2 School District Re: Broomfield Heights Middle School Site (Effec. 11-24-83)
- 534 Rezoning 8.731+ Acres, Adams County, Wastewater Treatment Plant, to A-1 (Effec. 11-17-83) (Special)
- 535 Approving Lease Agreement with Boulder Valley Re-2 School District Re: Birch Elementary School Park Site (Effec. 12-8-83) (Special)
- 536 Re-Enacting Portions of 13.16.010 Re: Water Availability of Service Fees, Stub-in Fees and Out-of-City Service (Effec. 12-29-83)
- 537 Enacting New Chapter 13.10 Re: Water License Requirements (Effec. 1-6-84)
- 538 OUT
- 539 Amending Section 13.12.020, Increasing Sewer Service Charges (Effec. 1-5-84)
- 540 Amending 2.26.050 Re: Employees' Medical Care Expense Plan (Effec. 4-26-84)
- 541 Repealing and Re-Enacting Employees' Medical Care Expense Plan (Effec. 4-26-84)
- 542 Rezoning 6.203+ Acres, Adams County, Jensen Property (Special) (Effec. 5-10-84)
- 543 Annexing 1,073,918+ Acres, Adams County, Moore Property (Special) (Effec. 5-10-84)
- 544 Zoning 1,073,918+ Acres, Adams County, Moore Property (Special) (Effec. 5-10-84)
- 545 Annexing 8.215+ Acres, Boulder-Jefferson Counties, Jeffco Airport Authority (Special) (Effec. 5-10-84)
- 546 Enacting New Chapters 13.02, 13.06 and 13.08 Re: Water Licenses and Water and Sewer Fees (Effec. 4-26-84)
- 547 Issuing \$12,530,000 General Obligation Water Bonds (Special) (Effec. 4-24-84)
- 548 Zoning 8.215+ Acres, Jefferson - Boulder Counties, Jeffco Airport Authority (Special) (Effec. 4-24-84)

Ordinance
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- 549 Repealing and Re-Enacting Sec. 3.04.020 Re: Raising City's Sales Tax to 3% (Effec. 7-1-84)
- 550 Repealing and Re-Enacting Sec. 3.08.030 Re: Raising City's Use Tax to 3% (Effec. 7-1-84)
- 551 Adopting Uniform Plumbing Code, 1982, (Effec. 6-7-84)
- 552 Adopting Uniform Code for Abatement of Dangerous Buildings, 1982 (Effec. 6-7-84)
- 553 Adopting Uniform Housing Code, 1982 (Effec. 6-7-84)
- 554 Adopting Uniform Building Code, 1982 (Effec. 6-7-84)
- 555 Adopting Uniform Mechanical Code, 1982 (Effec. 6-7-84)
- 556 Adopting Uniform Fire Code, 1982 (Effec. 6-7-84)
- 557 Amending Chapter 8.36 Re: Reporting Requirements, Use, Storage and Transportation of Hazardous Substances (Effec. 5-24-84)
- 558 Amending Chapter 8.40 Re: Hazardous Substances and Designated Emergency Response Authority (Effec. 5-24-84)
- 559 Amending Sec. 9.76.010 Relating to Fireworks (Effec. 6-7-84)
- 560 Amending Sec. 5.28.150 and 5.32.150 Increasing Liquor and Beer Fees (Effec. 7-1-84)
- 561 Repealing and Re-Enacting Sec. 8.04 Re: Trash and Garbage and Receptacles (Effec. 7-26-84)
- 562 Amending Chapters 5.28 and 5.32 Re: Composition of Local Licensing Authority (Effec. 7-12-84)
- 563 Enacting New Chapter 3.10, Creating Sales and Use Tax Capital Improvements Fund (Effec. 7-1-84)
- 564 Annexing 4.23+ Acres, (Donelson) Jefferson County (Effec. 7-26-84) (Special)
- 565 Zoning 4.23+ Acres, (Donelson), Jefferson County (Effec. 7-26-84) (Special)
- 566 Amending Sec. 5.16.110 and 5.16.180 Re: Company and Individual Merchant/Industrial Guards (Effec. 8-9-84)
- 567 Amending Chapter 13.28 Re: Wastewater Requirements and Restrictions (Effec. 8-9-84)
- 568 Vacating Easement, Broomfield Professional Park, Replat E (Effec. 8-9-84)
- 569 Adopting New Chapter 14.04 Re: Standards & Specifications; Amending 12.04, 12.12, 12.16, 13.02, 15.04, 15.24, 15.36, 16.20, 16.24, 16.28 and 17.40 (Effec. 9-27-84)
- 570 Amending 12.08 Re: Term "Obstruction" (Effec. 9-13-84)
- 571 Annexing 28.45A (Blair) Boulder County (Effec. 9-13-84) (Special)
- 572 Repealing Portion of Chapter 16.24 Re: Reserve Strips (Effec. 9-27-84)
- 573 O U T
- 574 O U T
- 575 Enacting New Chapter 13.16 Re: Water Use Permits and Amending 13.06 (Effec. 9-27-84)

Ordinance
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- 576 Approving Lease/Use Agreement With Jefferson R-1 School District Re: School Sites Greenway Park (Effec. 9-27-84)
- 577 Enacting New Chapter 2.56 Re: Criminal Justice Records Fees (Effec. 11-22-84)
- 578 Annexing 12.672A (Petebelis) Boulder County (Effec. 10-18-84) (Special)
- 579 Annexing 94.524A (Jeffco Airport Authority) (Effec. 11-8-84) (Special)
- 580 Zoning 94.524A (Jeffco Airport Authority) (Effec. 11-8-84) (Special)
- 581 Vacating Portion of Coalton Drive (Effec. 11-1-84) (Special)
- 582 Vacating Portion of Coalton Drive (Effec. 11-1-84) (Special)
- 583 Enacting New Chapter 3.16 Imposing Emergency Telephone Charge (Effec. 11-1-84)
- 584 Vacating Utility and Drainage Easements Within Interlocken Filing #1 (Effec. 11-8-84) (Special)
- 585 Rezoning 2.827A NW Corner 120th & Main Street (Effec. 11-22-84) (Special)
- 586 Amending Sections 17.24.010, 17.24.020 and 17.24.030 Re: Uses Permitted in I-1 District (Effec. 11-29-84)
- 587 Amending Sections 17.26.020 and 17.26.030 Re: Uses Permitted in I2 District (Effec. 11-29-84)
- 588 Annexing 10.592A (Petebelis) Boulder County, (Effec. 11-22-84) (Special)
- 589 Annexing 79.54A (Minais-Sobanet-Pope) Jefferson County (Effec. 11-22-84) (Special)
- 590 Annexing 154.5A (Lien) Jefferson County (Effec. 11-22-84) (Special)
- 591 Annexing 54.33A (Pope, Jefferson County) (Effec. 11-22-84) (Special)
- 592 O U T
- 593 Enacting New Chapter 15.18 Re: Escalators and Elevators (Effec. 12-13-84)
- 594 O U T
- 595 O U T
- 596 Authorizing Issuance of Industrial Development Revenue Bonds, \$2,300,000 - Beacon Properties (Effec. 12-6-84) (Special)
- 597 Authorizing Issuance of Industrial Development Revenue Bonds, \$2,000,000 - Buckeye Investments (Effec. 12-6-84) (Special)
- 598 Adding New Sections 2.28.140 and 2.28.150 Establishing Court Administrator and Establishing Division of Municipal Court Administration within Support Services Department (Effec. 12-13-84)

Ordinance
Number

599 Annexing 446.944A (Petebelis-Varra) Boulder County
(Effec. 12-20-84) (Special)

600 Zoning Newly Annexed Land, 28.451A, Boulder County
(Effec. 12-20-84) (Special)

601 Annexing 336.15A (Great Western Reservoir) Jefferson
County (Effec. 1-3-85) (Special)

602 O U T

603 O U T

604 Repealing and Reenacting Chapter 13.10 Re: Sewer
Licenses and Sewer Taps and Sewer Inspection Fees
(Effec. 1-3-85) (Special)

605 Enacting New Chapter 2.02 Re: City Council Compensation
(Effec. 1-24-85)

606 O U T

607 O U T

608 O U T

609 O U T

610 O U T

611 Repealing and Reenacting Section 13.12.020 Re: Sewer
Service Charges (Effec. 2-21-85)

612 Zoning 157.8+ Acres, Pierce & W. 112th, Jefferson
County to B-2(PUD), I-2(PUD) and I-1(PUD) (Effec.
3-28-85) (Special)

613 Rezoning 2.8 Acres, Pierce & W. 117th, Jefferson
County, to I-2(PUD) Effec. 3-28-85 (Special)

614 O U T

615 Lease/Maintenance Agreement Re: Secondary State
Computer Access System for Police Communications
(Effec. 4-11-85) (Special)

616 Rezoning 1.0+ Acres, 580 Alter Street, to B-2
(Effec. 4-11-85) (Special)

617 Annexing 1.8+ Acres, (Rocky Flats Credit Union),
Pierce & W. 119th (Effec. 4-11-85) (Special)

618 Zoning 1.8+ Acres (Rocky Flats Credit Union), Pierce
& W. 119th (Effec. 4-11-85) (Special)

619 Issuing \$4,700,000 Sales & Use Tax Revenue Bonds
(Effec. 4-25-85) (Special)

620 Issuing \$5,450,000 G.O. Sewer Bonds (Effec. 4-25-85)
(Special)

621 Lease Agreement Between City and Chester L. Thomas
(Effec. 4-11-85) (Special)

622 Annexing 41+ Acres (Thomas), Jefferson County
(Effec. 4-11-85) (Special)

623 Zoning 336.14+ Acres, (Great Western Reservoir),
Jefferson County (Effec. 4-25-85) (Special)

624 Annexing 39.91+ Acres (Moormeier) Adams County
(Effec. 4-25-85) (Special)

625 Zoning 39.91+ Acres (Moormeier) Adams County to
R(PUD) (Effec. 4-25-85) (Special)

Ordinance
Number

- 626 Changing City's Ward Boundaries (Effec. 4-25-85)
627 Annexing 86.02+ Acres (R.B. Development) Adams
County (Effec. 4-25-85) (Special)
628 Zoning 86.02+ Acres (R.B. Development) Adams
County (Effec. 4-25-85) (Special)
629 Rezoning 8.51+ Acres (R.B. Development) Adams
County (Effec. 4-25-85) (Special)
630 Rezoning 8.51+ Acres (R.B. Development) Adams
County (Effec. 4-25-85) (Special)
631 Zoning a Recently Annexed 311.785+ Acres
(Varra-Peteblis) Boulder County (Effec. 6-13-85)
(Special)
632 Repealing Chapter 5.08 of Code Re:
Ambulance Service (Effec. 7-10-85)
633 Annexing 6.0+ Acres (Matt-Picraux) Adams
County (Effec. 6-27-85) (Special)
634 Zoning 6.0+ Acres (Matt-Picraux) Adams
County (Effec. 6-27-85) (Special)
635 Annexing 27+ Acres (Kelly-Arnold) Adams
County (Effec. 6-27-85) (Special)
636 Zoning 27+ Acres (Kelly-Arnold) Adams
County (Effec. 6-27-85) (Special)
637 Annexing 20.16+ Acres (Calvary Free Church)
Adams County (Effec. 8-1-85) (Special)
638 Zoning 20.16+ Acres to PUD (Calvary Free Church)
Adams County (Effec. 8-1-85) (Special)
639 Amending Sections 17.38.010, 17.38.210, 17.38.270,
17.38.280, 17.38.290, and 17.38.320 and Repealing
Section 17.38.330 re: Open Space & Density Require-
ments in PUD Zone District (Effec. 8-8-85)
640 Vacating Certain Utility & Drainage Easements
Within Interlocken #1 (Effec. 8-1-85) (Special)
641 Annexing 137.856+ Acres (The Willows) Adams County
(Effec. 8-1-85) (Special)
642 Zoning 137.856+ Acres (The Willows) Adams County
(Effective 8-1-85) (Special)
643 Adopting National Electrical Code, 1984 Edition
(Effective 8-29-85)
644 Repealing Chapters 9.42, 9.44, 9.46, 9.50; Reenacting
Chapters 9.42, 9.44, 9.46, 9.50; Enacting New Chapters
9.43, 9.45, 9.47, and 9.49 re: Offenses against
Property (Effec. 8-8-85)
645 Amending Chapter 2.52 of Code, Relating to Public
Library Fees and Fines (Effec. 8-29-85)

Ordinance
Number

- 646 Annexing 7.0+ Acres (Brachle/Shurtz) Adams County (Effec. 10-3-85) (Special)
- 647 Zoning to PUD 7.0+ Acres (Brachle/Shurtz) Adams County (Effec. 10-3-85) (Special)
- 648 Zoning to PUD Four Recently Annexed Lands, 174.6+ Acres, Jefferson County (Effec. 9-26-85) (Special)
- 649 Annexing 151.99+ Acres (Bethlehem Fathers) Adams County (Effec. 10-24-85) (Special)
- 650 Zoning to PUD 151.99+ Acres (Bethlehem Fathers) Adams County (Effec. 10-24-85) (Special)
- 651 Repealing, Re-Enacting Sec. 17.06.010; Enacting New Chapter 17.07 and Amending Sec. 17.44.210 Re: Open Space District (Effec. 10-24-85)
- 652 Vacating Streets in Brandywine Subdivision (Effec. 11-28-85) (Special)
- 653 Amending Sec. 6.48.060 Increasing Animal Impoundment Fees (Effec. 12-26-85)
- 654 Annexing 5.99+ Acres (Cottonwood Creek) Jefferson County (Special)
- 655 Zoning to PUD 5.99+ Acres (Cottonwood Creek) Jefferson County (Special)
- 656 Annexing 337.2+ Acres (Adjacent to Great Western Reservoir) Jefferson County (Effec. 12-26-85) (Special)
- 657 Zoning to OS 337.2+ Acres (Adjacent to Great Western Reservoir) Jefferson County (Effec. 12-26-85) (Special)
- 658 Amending Sec. 13.12.010 and 13.12.020 Re: Monthly Water and Sewer Service Charges (Effec. 12-12-85)
- 659 Adopting New Chapter 2.14 Re: Personnel Merit System (Effec. 12-26-85)
- 660 Adopting New Chapter 2.10 Re: Employees Review Committee (Effec. 12-26-85)
- 661 OUT
- 662 OUT
- 663 OUT
- 664 OUT
- 665 Amending 2.52.020 Re: Terms of Membership, Library Board (Effec. 1-30-86)
- 666 Repealing and Re-Enacting 3.16.010 Re: Jefferson County Emergency Telephone Service Authority Re: Charges (Effec. 1-30-86)
- 667 Amending, Repealing, Re-Enacting and Adding Sections to Chapter 3.08 Re: Local Sales and Use Tax - Emergency (Effec. 12-25-85)
- 668 Adding Two New Sections to Chapter 3.04 Re: Local Sales and Use Tax - Emergency (Effec. 12-25-85)
- 669 Amending 17.20.040, 17.22.040 and 17.24.040 and Re-Enacting 17.32.140 Re: Fences (Effec. 2-13-86)
- 670 OUT

Ordinance
Number

671 OUT
672 Amending Portions of Chapter 2.20 Re: Employees Pension
Plan (Effec. 5-1-86)
673 Adding New Chapter 2.22 Re: Employees Deferred
Compensation Pension Plan (Effec. 5-1-86)
674 Annexing 408.973+ Acres (Westech - Boulder County)
(Special)
675 Zoning 408.973+ Acres to I-2 and B-2 (Westech, Boulder
County) (Special)
676 Authorizing Creation of Westech Metro District (Special)
677 Approving Lease Agreements Pope/Minaise (Special)
678 Repealing 8.16.120 and Amending 17.32.140 Re: Fences
(Effec. 4-10-86)
679 Annexing 11.77+ Acres (111th Street Partners, Ltd.)
(Special)
680 Zoning PUD 11.77+ Acres (111th Street Partners, Ltd.)
(Special)
681 Amending 17.04.195 Re: Definition Gas Station (Effec.
4-10-86)
682 Amending 2.26.020 and 2.26.040 Re: Employees' Medical
Care Expense Plan (Effec. 4-10-86)
683 Repealing and Re-enacting Employees; Medical Care
Expense Plan (Effec. 4-10-86)
684 OUT
685 OUT
686 Correction Legal Description - Theodore Carlson
Annexation (Special)
687 Issuing \$17,265,000 General Obligation Water Refunding
Bonds (Special)
688 OUT
689 Providing for Partial Vacation, Lot 30, Block 3,
Highland Park South (Special)
690 Amending Ord. 687 Re: \$17,265,000 General Obligation
Water Refunding Bonds (Special)
691 Adding Sec. 5.32.125 Prohibiting 3.2% Licenses Within
500 Feet of Schools (Effec. 5-29-86)
692 OUT
693 Adding Chapter 12.30 Re: Vacation of Easements (Effec.
6-26-86)
694 Providing for Vacation of Easement Lot 1, Block 1,
Broomfield Country Club #1 (Special)
695 Repealing Sec. 5.14.220 Re: Tampering With Cable
Television (Effec. 7-3-86)
696 OUT
697 OUT
698 Enacting New Chapter 13.22 Re: Groundwater
699 OUT
700 OUT
701
702

ORDINANCE
NUMBER

- 703 Revising Broomfield Municipal Code Definitions Related To Zoning; Amending Sections 17.04.095 Regarding The Definition Of "One Family Dwelling"; Repealing And Re-enacting Section 17.04.130 Regarding The Definition Of "Family"; And Adding A New Section 17.04.202 Defining "Household Group" (9-25-86)
- 704 Repealing And Re-enacting Chapter 9.44 Of The Broomfield Municipal Code Regarding Theft (10-9-86)
- 705 Claiming A Parcel Of Land Abandoned By The Colorado State Highway Commission As A City Street (10-30-86)
- 706 Vacating Portions Of Former 120th Avenue Located In The City Of Broomfield, Colorado (10-30-86)
- 707 Repealing And Re-enacting Section 9.10.010 Of The Broomfield Municipal Code Regarding Harassment (10-30-86)
- 708 Repealing Ordinance No. 326 Which Pertains To The Use Of The Property At 1200 Miramonte Street Formerly Used As A Baptist Bible College (11-04-86)
- 709 Amending Section 13.12.010 Of The Broomfield Municipal Code, Relating To Monthly Water Service Charges (11-27-86)
- 710 Amending Sections 13.02.020 and 13.08.020 Of The Broomfield Municipal Code, Relating To Water License Fees And Sewer License Fees (11-27-86)
- 711 Adopting The Uniform Building Code, 1985 Edition, With Certain Appendices And Amendments Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 712 Adopting The Uniform Code For The Abatement Of Dangerous Buildings, 1985 Edition, And Providing Penalties For Violation Thereof (1-29-87)
- 713 Adopting The Uniform Housing Code, 1985 Edition, With An Amendment Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 714 Adopting The Uniform Mechanical Code, 1985 Edition, With Appendices And Amendments Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 715 Adopting The Uniform Fire Code, 1985 Edition, With Certain Appendices And Amendments Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 716 Adopting The ANSI/ASME A17.1-1984 Safety Code For Elevators And Escalators With Certain Appendices And Amendments Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 717 Adopting The Uniform Plumbing Code, 1985 Edition, With Appendices, Installation Standards, And Amendments Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 718 Adopting The Model Energy Code, 1986 Edition, With Certain Appendices And An Amendment Thereto, And Providing Penalties For Violation Thereof (1-29-87)
- 719 Revising Chapter 9.76 Of The Broomfield Municipal Code To Prohibit Sales Of Fireworks, Sparklers, Fountains And Cones (1-29-87)

ORDINANCE

NUMBER

- 720 Repealing And Re-enacting Section 9.64.050 Of The Broomfield Municipal Code Regarding Use Of Alcoholic Beverages By Minors (2-5-87)
- 721 Extending The Franchise Granted To Public Service Company Of Colorado For A Period Of Five Months During The Pendency Of Negotiations For A New Franchise (2-5-87)
- 722 Repealing Sections 5.28.280 and 5.32.280 Of The Broomfield Municipal Code To Eliminate Requirement For Investigation Of Credit History Of Liquor And 3.2% Beer License Applicants (2-26-87)
- 723 OUT
- 724 Repealing And Re-enacting Title 16 Of The Broomfield Municipal Code, The City's Subdivision Regulations (2-2-87)
- 725 Repealing and Re-enacting Chapter 17.38 Of The Broomfield Municipal Code Regarding Planned Unit Developments (2-2-87)
- 726 Rezoning From E-2 to PUD 109+ Acres In The SW 1/4 Of Section 24, T1S R69W Of The 6th P.M., Boulder County, Colorado (5-28-87)
- 727 Enacting A New Chapter 5.04 Of The Broomfield Municipal Code Which Grants A Gas And Electric Franchise To Public Service Company Of Colorado And Fixes The Terms And Conditions Thereof (6-16-87)
- 728 Repealing And Re-enacting The City Of Broomfield Employees' Medical Care Expense Plan And Making Certain Changes Therein (3-26-87)
- 729 Repealing Chapters 9.72, 9.74 And 9.78 Of The Broomfield Municipal Code And Re-enacting Chapter 9.72 Of The Broomfield Municipal Code Regarding Weapons (8-13-87)
- 730 Amending Ordinance No. 94 Relating To Vacation Of Opal Street South Of 4th Avenue (5-28-87)
- 731 Amending Section 17.04.310 And Chapter 17.44 Of The Broomfield Municipal Code Regarding Political And Non-commercial Signs (6-11-87)
- 732 Authorizing Certain Amendments To The Loan Agreement Dated As Of December 1, 1983 Between The City Of Broomfield, Colorado And Television Technology Corporation Relating To The \$1,250,000 City Of Broomfield, Colorado, Industrial Development Revenue Bonds (Television Technology Corporation Project) Series 1983; Authorizing The Execution, Delivery And Performance By The City Of Broomfield Of A First Amendment To The Loan Agreement And A Consent To Assignment And Other Documents In Connection Therewith; And Repealing Action Heretofore Taken In Conflict Herewith (6-11-87)
- 733 Amending Section 15.04.050 Of The Broomfield Municipal Code And Revising Section 7016 Of The Uniform Building Code As Set Forth Therein, Related To Site Grading And Plans And Certificates Therefor (6-25-87)

ORDINANCE
NUMBER

- 734 Enacting A New Chapter 8.02 Of The Broomfield Municipal Code Regulating Smoking In Public Places (7-9-87)
- 735 Amending Portions Of Chapter 2.20 Of The Broomfield Municipal Code, Regarding The City Of Broomfield Employees' Pension Plan, To Conform To Changes In The Internal Revenue Code (8-13-87)
- 736 Repealing And Reenacting Section 10.04.140 Of The Broomfield Municipal Code Which Amends Section 23-8 Of The Model Traffic Code, Designating The Traffic Engineer And Section 10.04.150 Of The Broomfield Municipal Code, Which Amends Section 23-9 Of The Model Traffic Code, Specifying The Duties And Powers Of The Traffic Engineer (9-10-87)
- 737 Amending Ordinance No. 543 Which Annexed Certain Property In Adams County And Approving An Affidavit Of Correction Relating To The Annexation (10-8-87)
- 738 Annexing .884+ Acres Located In The NW 1/4 Of Section 34, T1S, R69W, Of The 6th P.M., County Of Boulder, State Of Colorado (9-24-87)
- 739 Zoning To I-2, .884+ Acres Located In The NW 1/4 Of Section 34, T1S, R69W, Of The 6th P.M., County Of Boulder, State Of Colorado (9-24-87)
- 740 Rezoning From B-2 To I-1 43.33+ Acres In The N 1/2 Of Section 3, T2S, R69W Of The 6th P.M., County Of Jefferson, State Of Colorado (9-10-87)
- 741 Amending Subsection A Of Section 17.04.202 Of The Broomfield Municipal Code By Adding Group Homes For Persons With Mental Illness To The Definition Of Household Group (9-24-87)
- 742 Zoning To B-2, 47.86+ Acres Located In The SW 1/4 Of Section 28, T1S, R69W Of The 6th P.M., County Of Boulder, State Of Colorado (10-29-87)
- 743 Annexing 47.86+ Acres Located In The SW 1/4 Of Section 28, T1S, R69W, Of The 6th P.M., County Of Boulder, State Of Colorado (10-29-87)
- 744 Repealing And Reenacting Section 17.18.020 Of The Broomfield Municipal Code To Permit Boardinghouses As A Use By Right In R5 High-Density Residential Districts (10-29-87)
- 745 Adding A New Chapter 2.25 To The Broomfield Municipal Code Establishing A Money Purchase Plan And Trust For City Of Broomfield Police Officers Hired On Or After April 8, 1978 (1-1-88)
- 746 Amending Section 2.52.040 Of The Broomfield Municipal Code Regarding Library Funding (11-12-87)
- 747 Amending Section 900 Of The Standards And Specifications For Design And Construction Of Public Improvements, 1984 Edition, As Adopted By Reference In Chapter 14.04 Of The Broomfield Municipal Code, Which Section Pertains To Acceptance And Inspection Procedures For Public Improvements (12-24-87)

**Ordinance
Number**

- 748 Repealing and reenacting subsection A of section 2.40.020 of the Broomfield Municipal Code regarding appointments to the planning and zoning commission (7-14-88)
- 749 OUT
- 750 Amending sections of Titles 16 and 17 of the Broomfield Municipal Code relating to vested property rights (1-1-88)
- 751 Amending the City of Broomfield Employees' Medical Care Expense Plan regarding physical examinations, cost containment, and a "wellness" program (1-1-88)
- 752 Amending sections 13.02.020 and 13.08.020 of the Broomfield Municipal Code, relating to water license fees and sewer license fees (1-1-88)
- 753 Annexing 415± acres located in Section 8, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (1-26-88)
- 754 Annexing 48± acres located in Section 6, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (1-26-88)
- 755 Annexing 40± acres located in Section 6, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (1-26-88)
- 756 Zoning three parcels PUD, said parcels being located in Sections 6 and 8, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (1-26-88)
- 757 Annexing .824± acres located in NW¼ of Section 2, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (5-5-88)
- 758 OUT
- 759 Authorizing the transfer of the cable television system permit or franchise of Jones Tri-City Intercable, Inc. to Jones Cable Income Fund 1-B/C (1-21-88)
- 760 Annexing 11.351± acres located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (4-7-88)
- 761 Zoning an 11.351± acre parcel PUD, said parcel being located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado (4-7-88)
- 762 Amending section 2.52.020 of the Broomfield Municipal Code to provide for an alternate member to the library board (4-28-88)
- 763 Zoning .834± acres located in the NW¼ of Section 2, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, to the PUD zone district (5-12-88)
- 764 Rezoning certain platted lots located in the SW¼ of Section 35, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, to the PUD zone district (5-12-88)
- 765 Adopting the National Electrical Code, 1987 Edition, and amendments thereto, and providing penalties for violation thereof (6-9-88)
- 766 Amending section 15.24.050 of the Broomfield Municipal Code and revising section 802 and 1004 of the Uniform Plumbing Code as set forth therein, to prohibit use of lead pipe, lead pipe fittings, and solder or flux containing more than 0.2 percent lead in potable water systems (6-9-88)

**Ordinance
Number**

- 767 Adding a new Chapter 3.18 and amending portions of Chapter 2.20 of the Broomfield Municipal Code regarding investment of municipal funds (10-13-88)
- 768 Enacting a new Chapter 17.31 of the Broomfield Municipal Code regarding temporary sales stands (8-11-88)
- 769 Amending the city's floodplain regulations by revising sections 16.16.040, 16.16.110 and 16.20.040, Chapter 17.04, Chapter 17.40 and section 17.52.010 of the Broomfield Municipal Code (8-25-88)
- 770 Imposing a residency requirement for membership on the city's library board (8-25-88)
- 771 Annexing 154.35± acres located in Sections 17 and 18, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (8-25-88)
- 772 Annexing 486.85± acres located in Sections 7, 17, and 18, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (8-25-88)
- 773 Annexing 793.55± acres located in Sections 7 and 8, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (8-25-88)
- 774 Annexing 1,635.86± acres located in Sections 4, 5, 6, and 9, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (8-25-88)
- 775 Authorizing the issuance and sale of \$2,270,000 City of Broomfield, Colorado, industrial development revenue refunding bonds (Beacon Properties Project) Series 1988 (9-1-88)
- 776 Amending section 16.28.110B and section 16.28.120 of the Broomfield Municipal Code regarding public land dedication (10-13-88)
- 777 Zoning to PUD, 3070.6± acres located in Sections 4, 5, 6, 7, 8, 9, 17 and 18, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (8-25-88)
- 778 Annexing 77.16± acres located in the N½ of Section 6, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (10-13-88)
- 779 Zoning to PUD, 77.16± acres located in the N½ of Section 6, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (10-13-88)
- 780 Adding a new Chapter 3.20 to the Broomfield Municipal Code establishing procurement procedures for the city (10-13-88)
- 781 Annexing 162.92± acres located in Sections 3, 4, 9 and 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (11-24-88)
- 782 Annexing 56.17± acres located in Section 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (11-24-88)
- 783 Zoning to PUD, 219.09± acres located in Section 3, 4, 9 and 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (11-24-88)
- 784 Annexing 4.05± acres located in Sections 9 and 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)

**Ordinance
Number**

- 785 Annexing 2.25± acres located in Sections 9 and 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 786 Annexing 10.20± acres located in Sections 9 and 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 787 Zoning to PUD, 16.50± acres located in Sections 9 and 10, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 788 Annexing 1.43± acres located in Sections 9, 10, 15 and 16, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 789 Annexing 0.86± acres located in Sections 15 and 16, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 790 Annexing 3.95± acres located in Sections 15 and 16, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 791 Annexing 34.82± acres located in Sections 15 and 16, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 792 Zoning to PUD, 41.06± acres located in Sections 9, 10, 15 and 16, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-8-88)
- 793 Amending section 2.52.080 of the Broomfield Municipal Code regarding library fines (11-24-88)
- 794 Adding a new Chapter 8.15 to the Broomfield Municipal Code regarding restrictions on woodburning (11-24-88)
- 795 OUT
- 796 OUT
- 797 Annexing 43.52± acres located in Sections 10 and 15, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-29-88)
- 798 Zoning to PUD, 43.52± acres located in Sections 10 and 15, T1S, R68W of the 6th P.M., County of Adams, State of Colorado (12-29-88)
- 799 OUT
- 800 OUT
- 801 OUT
- 802 Amending sections 6.16.040, 6.16.070 and 6.16.150 of the Broomfield Municipal Code to allow veterinarians maintaining practices outside the city to issue rabies vaccination tags (12-8-88)
- 803 Annexing 188.00± acres located in Sections 4, 5, and 6, T1S, R68W of the 6th P.M., County of Adams, and Sections 31, 32 and 33, T1N, R68W of the 6th P.M., County of Weld, State of Colorado (12-29-88)
- 804 Zoning to PUD, 188.00± acres located in Sections 4, 5, and 6, T1S, R68W of the 6th P.M., County of Adams, and Sections 31, 32, and 33, T1N, R68W of the 6th P.M., County of Weld, State of Colorado (12-29-88)
- 805 Amending 13.02.020 and 13.08.020 of the Broomfield Municipal Code, relating to water license fees and sewer license fees (1-15-89)

(Rev. 1-89, 4-89)

**Ordinance
Number**

806 Approving an addendum to the memorandum of agreement approved by Resolution No. 84-88, which addendum provides for the execution of promissory notes by the city for land and water acquisition and for the leaseback of acquired property for agricultural purposes (1-12-89)

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ORDINANCE NO. 707

AN ORDINANCE REPEALING AND RE-ENACTING
SECTION 9.10.010 OF THE BROOMFIELD
MUNICIPAL CODE REGARDING HARASSMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOMFIELD,
COLORADO:

Section 1. Section 9.10.010 of the Broomfield Municipal Code is hereby repealed and re-enacted to read as follows:

9.10.010 Harassment prohibited.

A. It shall be unlawful to commit harassment. A person commits harassment if, with intent to harass, annoy, or alarm another person, he:

1. Strikes, shoves, kicks, or otherwise touches a person or subjects him to physical contact; or
2. In a public place directs obscene language or makes an obscene gesture to or at another person; or
3. Follows a person in or about a public place; or
4. Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone which is obscene; or
5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
6. Repeatedly insults, taunts, or challenges another in a manner calculated to or likely to provoke a violent or disorderly response.

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

C. Any act prohibited by paragraph (4) or (5) of subsection (A) of this section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

Section 2. Penalty clause. The penalties for violation of this ordinance shall be as prescribed in Chapter 1.12 of the Broomfield Municipal Code.

Section 3. Severance clause. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section 4. Safety clause. The City Council hereby finds, determines, and declares that this ordinance is necessary for the preservation of the public health, safety and welfare.

Section 5. Effective date. This ordinance shall become effective seven (7) days after public notice following final passage.

INTRODUCED, READ AND ADOPTED on first reading and ordered published in full this 23rd day of September, 1986.


FINALLY ADOPTED AND ORDERED PUBLISHED by title only this 14th day of October, 1986.


Walter P. Spader
Mayor

ATTEST:


Lucy Brown
City Clerk

APPROVED AS TO FORM:


Matthew D. Glasser
City Attorney

Effective Date: October 30, 1986