

**DATE:** April 17, 2012  
**STAFF:** Ann Turnquist  
Rita Harris

**AGENDA ITEM SUMMARY**  
FORT COLLINS CITY COUNCIL

**11**

**SUBJECT**

Second Reading of Ordinance No. 030, 2012, Amending Chapters 2 Through 27 of the City Code to Update Terminology and Titles Used in Various Code Provisions and to Eliminate Outdated References.

**EXECUTIVE SUMMARY**

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This Ordinance, unanimously adopted on First Reading on April 3, 2012, updates titles and terminology used in the City Code to correspond with current City organizational titles and department names. No substantive changes are included in the Ordinance. In addition, certain terminology used in the Code, such as the term "boarding house," is no longer consistent with corresponding references in other portions of the Code. These terms are updated in the Ordinance.

**STAFF RECOMMENDATION**

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Staff recommends adoption of the Ordinance on Second Reading.

**ATTACHMENTS**

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1. Copy of First Reading Agenda Item Summary - April 3, 2012  
(w/o attachments)

**DATE:** April 3, 2012  
**STAFF:** Ann Turnquist  
 Rita Harris

**AGENDA ITEM SUMMARY**  
 FORT COLLINS CITY COUNCIL

**13**

**SUBJECT**

First Reading of Ordinance No. 030, 2012, Amending Chapters 2 Through 27 of the City Code to Update Terminology and Titles Used in Various Code Provisions and to Eliminate Outdated References.

**EXECUTIVE SUMMARY**

Over the years, portions of the City Code have not kept pace with the changing City organizational titles and department names that are included in the Code. Changes in the titles of individuals who have responsibilities outlined in the Code, as well as various department names have changed, but not been reflected in relevant Code sections. This Ordinance makes these housekeeping changes. No substantive changes are included in the Ordinance.

In addition, certain terminology used in the Code, such as the term “boarding house,” is no longer consistent with corresponding references in other portions of the Code. These terms are updated in the Ordinance.

**BACKGROUND / DISCUSSION**

Staff has conducted a complete review of the City Code to identify Code language which is inconsistent with the City's current organizational structure or position titles. Throughout the 1,002 printed pages of Code in 29 Chapters, staff has identified over 150 items that should be corrected. These changes represent “housekeeping” items, rather than substantive changes to the Code.

Changes included in this Ordinance can be separated into several categories:

| Type                                | Example  | Occurrences |
|-------------------------------------|--|-------------|
| Staff Title Change                  | “Director of Building and Zoning” should be “Building Official” or “General Manager” should be “Utilities Executive Director”        | 75          |
| Department Name Change              | “Department of Building and Zoning” should be “Department of Community Development and Neighborhood Services”                        | 61          |
| Name Changes in Other Organizations | “Division of Wildlife” should be “Division of Parks and Wildlife” or “Poudre R-1 School District” should be “Poudre School District” | 12          |
| Miscellaneous and Grammar Changes   | “Boarding house” should be “Extra Occupancy Rental House”  | 15          |
| Total                               |  | 163         |

The proposed Code changes do not alter the intent or operations of the ordinances, but are “housekeeping” items which keep the Code current.

**STAFF RECOMMENDATION**

Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 030, 2012  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTERS 2 THROUGH 27 OF THE CODE OF THE  
CITY OF FORT COLLINS TO UPDATE TERMINOLOGY AND TITLES  
USED IN VARIOUS CODE PROVISIONS  
AND TO ELIMINATE OUTDATED REFERENCES

WHEREAS, over the years, portions of the City Code have not kept pace with the changing City organizational titles and department names; and

WHEREAS, changes in the titles of individuals who have responsibilities outlined in the City Code, as well as various department names have changed, but those changes have not been reflected in the City Code; and

WHEREAS, staff recommends that the City Code be amended to reflect the appropriate updated titles and departments; and

WHEREAS, staff further recommends that outdated and obsolete references in Chapters 2 through 27 of the City Code be amended so as to correct and update the terminology used where appropriate; and

WHEREAS, City Council agrees that all such amendments are in the best interest of the City.

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

Section 1. That Section 2-31(a)(1)a. of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-31. Executive sessions.**

...

a. Matters involving the hiring, appointment, dismissal, demotion, promotion, assignment and discipline of City personnel, and the review and discussion of the performance and proposed compensation and benefits of the City Manager, City Attorney and Municipal Judge.

Section 2. That Section 2-103(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-103. Functions.**

...

(3) To advise and make recommendations to the Director of Community Services and the City Council as to rules, regulations, guidelines, policy,

administrative and budgetary matters pertaining to the art in public places program.

Section 3. That Section 2-138(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-138. Membership; terms; training; subcommittees.**

...

(c) Those persons appointed to the Board shall attend and complete such training as may be developed by the City Manager, upon consultation with the Chief of Police.

Section 4. That Section 2-140(g) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-140. Review procedure.**

...

(g) A complainant may file a written complaint at Police Services, the City Manager's Office, or at a Board meeting. Upon receipt of a written complaint at a location other than Police Services, the Board or receiving office shall forward the complaint to Police Services as soon as reasonably practical. In the event that a complainant is unable to complete any written complaint or request form, the Board, a citizen liaison, the City Manager's Office or Police Services shall, upon the complainant's verbal request, assist the complainant in reducing the complaint or request to writing. However, all complaint or request forms must be signed by the complainant.

Section 5. That Section 2-238(1) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-238. Functions.**

...

(1) To advise and make recommendations to the Director of Community Services (the "Director") and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the operation and maintenance of all City-owned golf courses;

Section 6. That Section 2-308(4) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-308. Functions.**

...

- (4) To be aware of and coordinate with the various Office of Sustainability Services technical advisory committees;

Section 7. That Section 2-338 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-338. Functions.**

The Board shall act as an advisory board and shall have the following functions:

- (1) To advise and make recommendations to the Director of Community Services and the City Council for their approval as to rules, regulations, policies, administrative and budgetary matters pertaining to the Department, excluding matters relating to the operation and maintenance of City-owned golf courses and cemeteries;
- (2) To assist the City in cooperating with the Poudre School District and other organizations and individuals interested in the City's parks and recreation programs.

...

Section 8. That Section 2-428 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-428. Functions; Bicycle Advisory Committee.**

(a) The duties and functions of the Board shall be to advise the City Council on matters pertaining to the City's transportation policies and system, including but not limited to transportation planning, alternative modes planning (including bikeways, pedestrian facilities, transit, air transportation and van- and car-pooling), capital improvement projects, downtown parking management and other transportation issues as identified in the Board work plan. Additionally, the Board shall review the City's interaction with federal, state and county government, as well as North Front Range Transportation and Air Quality Planning Council, Colorado State University and Poudre School District on transportation-related issues.

(b) The Board shall also establish and keep in place a committee to be known as the "Bicycle Advisory Committee," the purpose of which shall be to advise the Board with regard to bicycling-related issues. Said Committee shall consist of sixteen (16) members, one (1) of whom shall be a member of the Board, and fifteen (15) of whom shall be appointed by the City Manager. The City Manager appointees

shall consist of three (3) "at large" members of the community plus one (1) member of each of the following City boards and commissions and other civic organizations:

- Air Quality Advisory Board
- Parks and Recreation Board
- Natural Resources Advisory Board
- Land Conservation and Stewardship Board
- Senior Advisory Board
- Economic Advisory Commission
- Downtown Development Authority
- Bike Fort Collins
- Fort Collins Bike Co-op
- Poudre School District
- Colorado State University
- University Connections

In addition to the foregoing sixteen (16) voting members, the Committee shall also include four (4) nonvoting members, with one (1) such member each representing the City's Traffic Operations Department, Engineering Department, Transportation Planning Division, and Police Services. The Bicycle Advisory Committee may establish bylaws, rules and regulations for its own organization and procedures in accordance with the City's policies for boards and commissions, and all voting members of the Committee shall be governed by said policies. Each member of the Bicycle Advisory Committee shall serve for a term of two (2) years.

Section 9. That Section 3-81(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 3-81. Report of disturbances.**

...

(b) Each licensee and permit holder shall post and keep at all times visible to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

"WARNING: Fort Collins Police Services must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment."

...

Section 10. That Section 4-73(a) and (e) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-73. Limitation on possession and feeding of wild or exotic animals.**

(a) No person shall own, feed or possess any animal for which a state license is required unless such person possesses the appropriate license from the Colorado Division of Parks and Wildlife.

...

(e) No person shall be subject to prosecution under Paragraph 4-73(b)(9) above unless, within one (1) year immediately preceding the date of the alleged violation, such person has been issued a written warning stating that the feeding of wild geese or ducks at the same approximate location of the alleged offense has been determined by the Natural Areas Department to constitute a public health and safety concern and that such feeding is prohibited by the provisions of said Paragraph.

Section 11. That Section 4-117(b)(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-117. Sale of chickens and ducklings; quantity restricted; keeping of chickens.**

...

(2) Any person keeping chicken hens pursuant to this provision must first have been issued a permit by the Humane Society and have received such information or training pertaining to the keeping of chicken hens as said agency deems appropriate;

Section 12. That Section 4-120 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-120. Trapping restricted.**

(a) No person shall use, set, place, maintain or tend any trap in the City, except that live traps may be set for the purpose of: (1) trapping animals which are at large in violation of this Chapter, so long as any animals trapped are turned over to the Humane Society as soon as possible upon discovery, or (2) trapping wild animals including but not limited to skunks, squirrels, raccoons and prairie dogs, provided that any animals trapped are released or disposed of in the manner required by the Humane Society and the Colorado Division of Parks and Wildlife. Any traps found in violation of this Subsection shall be confiscated and destroyed by an animal control officer or peace officer.

...

(c) In the event that the presence of a wild or domestic animal within the City creates an imminent threat of injury to persons or serious damage to property, the

Chief of Police, after consultation with the Humane Society and, in the case of a wild animal, the Colorado Division of Parks and Wildlife, may authorize the capture and disposition of said animal by such means as he or she may consider reasonably necessary; provided, however, that no firearm may be utilized in the capture or disposition of such animal except by a peace officer trained in the use of the same under such circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of others.

Section 13. That Section 4-157 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 4-157. Killing or capturing wild birds restricted.**

It shall be unlawful for any person at any time in the City to shoot at, wound, kill, capture, ensnare, net, trap or in any other manner molest or injure any wild bird or in any manner molest or injure the nest, eggs or young of any such bird. The Chief of Police shall have authority to grant or deny a permit for the killing, capturing or molestation of nuisance birds with the consent or approval of the Colorado Division of Parks and Wildlife when it is shown that the birds are, or may become, a nuisance or health hazard in any particular location in the City. The permit shall be granted or denied within five (5) working days of the date the request is made.

Section 14. That Section 5-1 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-1. Solar notification service.**

(a) Upon issuance of a building permit for a solar energy system, the solar owner may register for a solar notification service with the Department of Community Development and Neighborhood Services. Solar owners who have been issued building permits for solar energy systems prior to the enactment of this service may also register for the service.

(b) If the issuance of a building permit allows construction which would extend into the solar protection area described for a registered solar energy system, the Building Official may place a hold of not more than ten (10) working days on the issuance of the permit. If any such hold is imposed, the Director may immediately notify the builder and the affected solar owner of the reasons.

(c) The builder and the solar owner shall have ten (10) working days to voluntarily negotiate a solar access agreement.

(d) Failure of the Building Official to perform any of the services herein provided shall not affect the validity of issuing a building permit by the Building Official.



(e) Following the ten-day negotiating period or upon sooner resolution by the parties, the Building Official shall issue the building permit if all other requirements of this Code have been met.

Section 15. That Section 5-28 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-28. Definitions.**

The following words, terms and phrases, when used in Article II of this Chapter and in any code adopted by reference therein, shall have the meanings ascribed to them in this Section:

Whenever the word *municipality*, *jurisdiction* or *city* is used, it shall mean the City of Fort Collins.

Whenever the term *Building Official*, *Building-Code Official* or *Code Official* is used, the term shall be synonymous with Director of Community Development and Neighborhood Services or authorized representative.

Section 16. That Section 5-47(4), 104.1 General, of the Code of the City of Fort Collins is hereby amended to read as follows:

(4) *Sections 104.1, 104.2, 104.3 and 104.4* are hereby amended to read as follows:

**"104.1 General.** The Building Official or such other official as may be appointed by the City Manager shall serve as the executive code official responsible for supervising the administration, compliance and enforcement of this Article. In the performance of said duties, such official may delegate authority to the appropriate technical, administrative and compliance staff under the supervision of said official as he or she deems necessary. The code official is hereby authorized to, and shall, enforce the provisions of this code.

Section 17. That Section 5-47(17), Rental Dwelling Unit, of the Code of the City of Fort Collins is hereby amended to read as follows:

(17) *Section 202* is amended by the addition of thirty-three (33) new definitions to the list of terms therein in alphabetical sequence of such list to read as follows:

**"RENTAL DWELLING UNIT.** One (1) or more rooms occupied or intended to be occupied as a unit exclusively for residential purposes that is leased, rented or sublet for compensation (including money or services

or the sharing of expenses) and that is located in an extra occupancy rental house or a single-family, two-family or multi-family dwelling.

Section 18. That Section 5-83 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-83. Use of approved materials; electrical signs.**

Where the use of approved materials, equipment or devices is required by the National Electrical Code, adopted in § 5-80, the label of or listing by the Underwriters' Laboratories, Inc., will be accepted as an approval. Alternate materials may be approved by the Building Official. All electrical signs shall be approved before any permit for the installation or erection of such sign is granted.

Section 19. That Section 5-108 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-108. Definitions.**

The following words, terms and phrases, when used in this Article and the code adopted in § 5-106, shall have the meanings ascribed to them in this Section:

Whenever the word *municipality*, *jurisdiction* or *City* is used it shall mean the City of Fort Collins.

Whenever the term *Building Official* is used it shall be synonymous with Director of Community Development and Neighborhood Services or authorized representative.

Section 20. That Section 5-141 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-141. Duties of Building Official.**

The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this Article and the code adopted hereby and shall perform the following duties:

...

Section 21. That Section 5-264(a) and (b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-264. Certificate required for occupancy of dwelling units contained in single-family or two-family dwellings in excess of limit; conditions; revocation or suspension.**

(a) No dwelling unit contained in a single-family or two-family dwelling shall be occupied by more persons than the number of persons permitted under Section 3.8.16 of the Land Use Code unless a certificate of occupancy for an extra-occupancy rental house has been issued for such dwelling by the Building Official.

(b) Terms and conditions imposed upon a certificate of occupancy as an extra occupancy rental house may include, but are not limited to, compliance with all state laws, City ordinances, rules and regulations, and court or administrative orders.

Section 22. That Section 7.5-19 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-19. Imposition, computation and collection of fees.**

Payment of the fees imposed under the provisions of this Article shall be required as a condition of approval of all development in the City for which a building permit is required. The amount of such fees has been calculated using current levels of service and the data and methodologies described in *Capital Improvement Expansion Cost Study*, dated May 21, 1996, as amended; the City's *Street Oversizing Impact Fee Study*, dated July 15, 1997, and *Street Oversizing Impact Fee Study Update*, dated November 28, 2000, as amended; and *The ITE Trip Generation Manual, 6th Edition*, 1997, published by the Institute of Traffic Engineers, as amended. The fees due for such development shall be payable by the feepayer to the Building Official prior to or at the time of issuance of the first building permit for the property to be developed, except to the extent that an agreement deferring all or any portion of such payment has been executed by the City providing for a different time of payment approved by the City Council by resolution. If, during the period of any such deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of payment shall apply. If the building permit for which a fee has been paid has expired, and an application for a new building permit is thereafter filed, any amount previously paid for a capital improvement expansion fee and not refunded by the City shall be credited against any additional amount due under the provisions of this Article at the time of application for the new building permit.

Section 23. That Section 7.5-48 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-48. Land dedication or in-lieu fees imposed.**

(a) The owner or developer of every land development project in the City ("applicant") must file with the Building Official of the City, prior to the issuance of a building permit for any residential structure in such project, proof that the appropriate land reservation for future dedication has been made to the school district, or that the applicant has paid an in-lieu fee, in accordance with the provisions of this Article.

(b) Prior to or at the time that any proposed land development project is submitted to the City for review, the superintendent of the school district, or his or her designee, shall meet with the applicant for the purpose of determining whether the school district desires the reservation of any land for future dedication as a school site within the land development project. Any such dedication or in-lieu fee requirement shall be consistent with school district planning standards established by the school district. Said standards shall reflect, without limitation:

...

Any reservation of sites or land areas required under the provisions of this Article shall occur in the following fashion. At or before the time of final approval of any land development project by the City, the sites or land areas to be dedicated to the school district shall be reserved by designation on the plat submitted to the City for approval in connection with the land development project. On or before the date that the first building permit for the project is issued by the City, such reserved site or land area shall be dedicated to the school district. In the event that the school district determines, in its sole discretion, that the dedication of a reserved site is necessary prior to the issuance of any building permit for the project within which such site is located, the school district shall so notify the person(s) shown by the records of the County Assessor as being the then current owner(s) of such site. Said notice shall be sent by certified mail, return receipt requested, and a copy of said notice shall be provided to the City's Director of Community Development and Neighborhood Services. Within sixty (60) days of the mailing of said notice, the reserved property that is the subject of the mailing shall be dedicated to the school district by the owner(s) thereof.

...

(d) In the event that the dedication of sites or land areas for school site purposes within a particular land development project is not deemed feasible or in the best interests of the school district as determined by the superintendent, or his or her designee, the school district shall so notify the City's Director of Community Development and Neighborhood Services in writing, and the City shall require the applicant to pay the in-lieu fees as provided in this Article. The amount of the in-lieu fees to be paid under the provisions of this Article shall be established by agreement with the school district and shall be equal to the full market value of the sites or land areas within a land development project that could be required to be reserved for future dedication for school site purposes under Subsection (b) above. Said fair market value shall be determined on the basis of the average value of developed sites for residential uses in the City as approved for development by the City, with curb, gutter, streets and utilities to the site, according to City engineering standards.

Section 24. That Section 7.5-71(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-71. Collection of neighborhood parkland fee.**

(a) Hereafter, payment of a neighborhood parkland fee in accordance with this Section shall be required as a condition of approval of all residential development for which a building permit is required, as those terms are defined in § 7.5-17 of this Code. The fees due for such development shall be payable by the fee payer to the Building Official prior to or at the time of issuance of the first building permit for the property to be developed, unless an agreement has been executed by the City which provides for a different time of payment. All such payments shall be deposited by the Financial Officer in the fund created in § 8-80. Only one (1) fee shall be charged for any dwelling unit. No additional fee for acquisition and development of neighborhood parks shall be charged for the same dwelling unit. If the building permit for which a fee has been paid has expired, and an application for a new building permit is thereafter filed, any amount previously paid for a capital expansion fee and not refunded by the City shall be credited against any additional amount due under the provisions of this Article at the time of application for the new building permit.

Section 25. That the definition of “*Building permit*” contained in Section 7.5-81 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Building permit* shall mean any development permit issued by the Department of Community Development and Neighborhood Services before any building or construction activity is initiated on a parcel of land. *Building permit* does not include any permits for demolition, grading or the construction of a foundation.

Section 26. That Section 9-3 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 9-3. Appeals.**

Whenever the Fire Marshal shall disapprove any application made pursuant to the International Fire Code, as amended, or refuse to grant a permit applied for thereunder or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted or when any person requests a variance from the literal terms of the fire code, the applicant or person affected may appeal the decision of the Fire Marshal to the Fire Board of Appeals established pursuant to the International Fire Code. Such Board shall have the power to vary or modify any requirement made by the Fire Marshal thereunder, provided that an appeal to the Board is made within thirty (30) days of the date of the action complained of. Final decisions of the Board are subject to the right of appeal to the City Council as contained in § 2-47, et seq., of this Code, except that the Fire Marshal shall be included as a party-in-interest with standing to appeal a decision which, in his or her judgment, adversely affects public safety.

Section 27. That Section 9-4 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 9-4. Violations and penalties.**

Any person who shall violate any of the provisions of the International Fire Code, as amended, or who shall fail to comply with any of the provisions or who shall violate or fail to comply with any orders made thereunder or who shall act in any way in violation of any permits issued thereunder shall, severally and for each and every violation in noncompliance respectively, be guilty of a misdemeanor punishable by the penalty set forth in § 1-15 of this Code. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy the violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty pursuant hereto shall not be held to prevent the forced removal of prohibited conditions nor the suspension or removal of a permit or license issued thereunder.

Section 28. That Chapter 10 of the Code of the City of Fort Collins is hereby amended by changing all references from “General Manager” to “Utilities Executive Director”.

Section 29. That Section 10-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 10-30. Takings determinations.**

Any person who claims that his or her property has been taken by reason of the application of any provision of this Article may apply to the Utilities Executive Director for a Takings Determination using the procedural and substantive requirements and criteria set forth in Division 2.13 of the City's Land Use Code, provided that, for the purpose of this Section, any reference therein to the Director of Community Development and Neighborhood Services shall be deemed to constitute a reference to the Utilities Executive Director and any reference to the Land Use Code therein shall be deemed to constitute a reference to this Article. Said Takings Determination Procedures shall be exhausted before the institution of any judicial proceeding against the City claiming a taking of affected property.

Section 30. That Section 12-65 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 12-65. Inspection of books and records.**

The owner of each establishment operating as an enclosed public place shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, correspondence and all other records necessary to show fully the business transactions of such establishment, all of which records shall be available at all times during business hours for inspection and examination by the Director of Community Development and Neighborhood Services or his or her authorized representatives for use in determining the applicability of the provisions of this

Article to such establishment. The Director of Community Development and Neighborhood Services may require the owner of any such establishment to furnish such information as he or she considers necessary for such a determination, and may require that the owner of such establishment cause an audit to be made of such books of account and records on such occasions as he or she may consider necessary.

Section 31. That Section 12-68 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 12-68. Public education.**

The Director of Community Development and Neighborhood Services shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators and managers in their compliance with it. Such program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Article.

Section 32. That the definition of “*Radon information*” contained in Section 12-110 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Radon information* shall mean that information produced and disseminated by the Office of Sustainability Services for provision by sellers to buyers prior to execution of a contract.

Section 33. That Section 14-24 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 14-24. Interim control.**

No building permit shall be issued by the Department of Community Development and Neighborhood Services for alteration, construction, relocation or demolition of a site, structure or object under consideration for landmark designation or any site, structure or object within a district under consideration for landmark district designation from the date of the hearing of the Commission at which the Commission approves a motion directing staff to investigate the benefits to the City of landmark designation until final disposition of the designation by the City Council unless such alteration, construction, relocation or demolition is authorized by resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay in issuance of a building permit due to the provisions of this Section be for more than one hundred eighty (180) days.

Section 34. That Section 15-18 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-18. Alarm committee.**

The City administration is authorized to form an alarm committee composed of representatives of Fire Services, Police Services, the Department of Community Development and Neighborhood Services and licensed alarm businesses, answering services and telephone company representatives which shall act as an advisory body to the City Council to assist in determining policy concerning alarms. All such alarm systems shall be subject to all rules, regulations, fees and requirements set forth in this Article, except the provisions of this Article are not applicable to audible alarms affixed to motor vehicles or trailers, other than mobile homes, or to devices designed or used to register audible or visible alarms on the interior only of protected buildings, structures or areas.

Section 35. That Section 15-31(d)(1) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-31. Required.**

...

(d) Certificate of compliance for alarm systems:

- (1) No person shall use an alarm or alarm system, as defined in this Article, unless the alarm or alarm system has been inspected by the Building Official and a certificate of compliance for the alarm system has been issued.

Section 36. That Section 15-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-32. Issuance of permits and licenses.**

The issuing and approving authority for any license or permit issued hereunder shall be the Department of Community Development and Neighborhood Services.

Section 37. That Section 15-33 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-33. Permit and license application.**

Applications for all permits and licenses required in this Article shall be filed with the Department of Community Development and Neighborhood Services and shall be accompanied by the requisite fees. The fees are established and shall cover the following costs:

...



Section 38. That Section 15-35 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-35. Certificate of compliance for alarm systems.**

A certificate of compliance for alarm systems shall be issued upon approval of the Building Official. Such approval shall signify compliance with the standards and regulations adopted and requirements set forth in §§ 15-56—15-71. Said certificate shall be issued to the person using or possessing the alarm system. Alarm businesses shall procure and process applications for their subscribers. The subscribers shall forward the completed application to the alarm business servicing the system. The permit fee shall be collected from the subscriber by the alarm business and transmitted forthwith to the Finance Department together with the application.

Section 39. That Section 15-56 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-56. Promulgation of standards and regulations.**

Any alarm system installed within the City and all devices and agencies acting under this Article shall conform to the requirements of the standards adopted in this Division. The Building Official shall inspect and approve all alarm systems installed within the City and shall issue a permit authorizing such systems under this Article. Any system which does not meet the requirements of this Article shall not be approved and shall not be put in service until any deficiencies have been corrected and such correction approved by the Building Official.

Section 40. That Section 15-60(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-60. Performance standards.**

...

(c) If any alarm system is deemed unreliable pursuant to this Article, Fire Services or Police Services may declare the system unreliable and restrict or curtail the response of the office to the alarm system until such time as the subscriber or alarm business can show a material change in employee training, can show written proof that the system has been repaired, can show written proof that the system has been reinspected by the Building Official and can show proof of issuance of a new certificate of compliance for the alarm system.

Section 41. That Section 15-71(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-71. Certain standards adopted.**

...

- (2) At least one (1) copy of each standard herein adopted shall be kept on file in the office of the City Clerk, available for public inspection. One (1) copy of each such standard shall be kept in the office of the Building Official. One (1) copy shall be kept in the office of the Fire Marshal. One (1) copy shall be kept in the office of the Police Chief.

Section 42. That Section 15-172(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-172. License and registration required; suspension; revocation.**

(a) No person shall engage in the business of contracting for the installation of electrical work in the City without registering as an electrical contractor with the Department of Community Development and Neighborhood Services. In order to register as required herein, the person must perform the following:

...

Section 43. That Section 15-294(a)(1) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-294. Conditions of license for certain shows.**

(a) The license for any circus, menagerie or carnival shall be issued subject to the following additional requirements:

- (1) A representative of Fire Services and/or the Department of Community Development and Neighborhood Services shall make an inspection of the area and the equipment in order to determine that adequate fire lanes are provided, that adequate fire hydrants or other means of extinguishing fires are available, that electrical connections are made in a safe manner and that electrical equipment appears to be in good working order.

Section 44. That Section 15-306(a) and (b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-306. General provisions, licensing and registration.**

(a) No person shall engage in the trade, business or calling of a plumber or plumbing in the City until he or she shall register with the Department of Community Development and Neighborhood Services as a plumber. For the purpose of this Section, *plumbing contractor* means any person, firm, partnership, corporation, association or combination thereof who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions,

alterations and repairs to potable water supply and distribution pipes and piping, plumbing fixtures, drainage and vent pipes and building drains, including their respective joints and connections, devices, receptacles and appurtenances. A registered professional engineer who plans or designs plumbing installations shall not be classified as a *plumbing contractor*.

(b) No person shall engage in the business of a plumbing contractor in the City without registering as a plumbing contractor with the Department of Community Development and Neighborhood Services. In order to register as a plumbing contractor, the person desiring to engage in such business must do the following:

...

Section 45. That Section 15-385(a)(4) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-385. Review and approval.**

...

- (4) The recommendations of the Planning Development and Transportation Director and the Director of Community Services, insofar as the proposed location may affect the operation of those service areas, based upon the factors recited herein.

Section 46. That Section 17-182(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 17-182. Camping on private property restricted; exceptions.**

(a) It is unlawful for any person to camp or to knowingly permit any person to camp, as defined in § 17-181, on private property within the City, except on the premises of a residential dwelling with the permission of the property owner. Any such camping must be temporary in nature and must not exceed a period of seven (7) consecutive days or a total of fourteen (14) days in a calendar year; provided, however, that an extension of these time limits may be granted by the Director of Community Development and Neighborhood Services or his or her designee upon written application of a person claiming extraordinary circumstances or undue hardship. The Director's decision whether to grant an extension shall be based upon all attendant circumstances, including, without limitation, any objections posed by occupants of premises located on the same block face of the applicant. In no event shall an extension exceed seven (7) additional consecutive days or fourteen (14) additional days in a calendar year.

Section 47. That Section 18-3(b)(4) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-3. Construction permit required; application; fees; issuance; appeals.**

...

- (4) Complete plans and specifications of the proposed park (conforming with the requirements of this Chapter, the Land Use Code o, utility design standards and street design standards as established by the City), including the following specific information:

...

Section 48. That Section 18-11(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-11. Miscellaneous park requirements.**

...

(c) *Park Areas for Nonresidential Uses.* No part of any park shall be used for nonresidential purposes, except as otherwise permitted in the Land Use Code and such uses that are required for the direct servicing and well-being of mobile home park residents and for the management and maintenance of the mobile home park.

Section 49. That Section 18-12(b)(1) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 18-12. Mobile office units.**

...

- (1) The proposed office use and location conforms to the City Land Use Code.

Section 50. That Section 19-36(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-36. Creation; jurisdiction; qualifications.**

...

(c) A Referee appointed by the Municipal Judge to hear civil infractions shall be appointed from a list of candidates chosen by a staff committee representing each of the following: Neighborhood Services, the City Attorney's Office and the Human Resources Department.

Section 51. That Section 19-48 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-48. Commencement of action.**

An action under these rules is commenced by the tender or service of a charging document upon a defendant, by mail or by conspicuously attaching a parking assessment to the subject vehicle and by the filing of a charging document with the Municipal Court or Parking Services.

Section 52. That Section 19-50(c)(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-50. First hearing.**

...

- (3) The consequences of the failure to appear at any subsequent hearing, including entry of judgment against the defendant and reporting the judgment to the State Department of Revenue, which may assess points against the driving privilege and may cancel a driver's license or deny an application for a driver's license;

Section 53. That Section 19-52(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-52. Subpoena.**

...

(b) A subpoena shall be issued within the City either by the Municipal Court Clerk at the request of the defendant, prosecuting attorney or officer, or by counsel who has entered an appearance in the case.

Section 54. That Section 19-55(d) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-55. Judgment after final hearing.**

...

(d) The judgment shall be satisfied upon payment to the Municipal Court Clerk of the total amount assessed as set forth above.

Section 55. That Section 19-58(d) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-58. Default.**

...

(d) The defendant may satisfy a judgment entered under this rule by paying the Municipal Court Clerk.

Section 56. That Section 19-65(a)(5) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-65. Commencement of action; citation procedure.**

...

(5) The officer shall attempt to obtain the signature of the person to whom he or she served the citation; however, if the citation is mailed or posted or if the person fails or refuses to sign the citation, such failure or refusal shall not affect the validity of the citation or any subsequent proceedings.

Section 57. That Section 19-66(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-66. Payment without appearance.**

(a) The Neighborhood Services Manager or, in the case of a forestry code violation, the City Forester, shall accept payment of the amount due for a civil infraction from a defendant if such payment is made within ten (10) days following service of the citation for the violation. Such payment shall be separately accounted for and deposited into the City's general fund in accordance with rules and procedures of the Finance Department.

Section 58. That Section 19-67(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-67. Hearing procedures.**

(a) If a defendant wishes to contest a citation, he or she, within ten (10) days following service of the citation, shall file a written request with the Neighborhood Services Manager for a hearing before the Referee.

Section 59. That Section 19-69(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 19-69. Judgment and procedures after hearing.**

...

(c) The judgment shall be satisfied upon payment to Neighborhood Services or City Forester, with respect to forestry code violations, in the total amount of penalty, costs and fees assessed.

Section 60. That Section 20-2(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-2. Abatement of unsanitary or dangerous premises.**

(a) If either the City Manager, the City Engineer, the Building Official or the Fire Marshal determines that any premises within the City are unsanitary, as determined by the County Department of Health and Environment, or dangerous to the life or property of persons or constitute a fire hazard, a written notice of such condition shall be given by the City to the owner, agent or occupant of the property ordering the premises to be put in proper condition within such period as is set out in the notice and order. Such period shall not be less than twenty-four (24) hours.

Section 61. That Section 20-3 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-3. Abatement by City in cases of emergency.**

Nothing herein shall be deemed to limit the power of the City Manager, City Engineer, Building Official or Fire Marshal, in case of an emergency for the preservation of the public health or safety, to summarily remedy, change, repair, abate or order the evacuation of any dangerous or unhealthy condition found to exist without any notice to any person.

Section 62. That Section 20-5 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-5. Abatement of nuisances by persons other than City.**

Any person ordered to clean, repair, change or make safe any property or abate any nuisance may do so at such person's own expense, if suitable arrangements are made with the City Engineer, Building Official or Fire Marshal, prior to the time when the City shall start carrying out any order made under this Article.

Section 63. That the definitions of "*Backyard wildlife habitat certification*" and "*Natural area certification*" contained in Section 20-41 of the Code of the City of Fort Collins are hereby amended to read as follows:

*Backyard wildlife habitat certification* shall mean certification by the Natural Areas Department under its backyard wildlife habitat program recognizing a yard as having the necessary components to sustain the desired wildlife species.

*Natural area certification* shall mean certification by the Natural Areas Department under its natural areas program recognizing a one-quarter-acre or larger site as having the necessary components to be classified as a natural area.

Section 64. That Section 20-44 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-44. Notice of violation; removal authority and procedure; assessment lien on property.**

(a) The Neighborhood Services Manager and any officer, as such is defined in § 19-66, are authorized and directed to give notice to any owner and occupant whose property, open area, ditch or right-of-way is being kept or maintained in violation of the provisions of this Article. Such notice may be personally served upon such person or, if not personally served, shall be deposited in the United States mail, addressed to the occupant and owner of record at the address on the assessment roll of the County Assessor or at such other, more recent address as may be available to the City, or with respect to notice to occupants, at the address of the property so occupied. The notice shall state that, if the property, open area, ditch or right-of-way has not been brought into compliance with this Article on or before five (5) days from the date of such notice, a civil citation will issue and the abatement of the nuisance will be done by the City and any costs of abatement, including the cost of inspection, the cost of any grading or sloping necessary to protect the public safety and other incidental costs in connection therewith and the costs for carrying charges and costs of administration will be charged against the property, open area, ditch or right-of-way, in addition to any other penalty and costs or orders that may be imposed. With respect to rubbish only, the notice shall also state that, if said owner desires a hearing before the Referee to contest the declaration of nuisance and/or the removal, such owner shall request such hearing in writing to the Neighborhood Services Manager within five (5) days of mailing of the notice and shall further state that, if a request for such hearing is made, the City will remove the rubbish in accordance with Subsection (b) below and will store the material pending the holding of the hearing and the determination therefrom. The notice shall further state that if no request for such hearing is timely filed, the City will remove the rubbish in accordance with Subsection (b) below and shall destroy or otherwise dispose of the rubbish.

(b) If the property, open area, ditch or right-of-way has not been brought into compliance with this Article within five (5) days from the date of the notice and if the owner has not requested a hearing before the Referee to contest the declaration of nuisance and/or the removal as provided in Subsection (a) above, the removal may be done by the City, either by City personnel or by private contractors, as the



Neighborhood Services Manager shall determine. In the event of such removal by the City, the cost, including inspection, removal of obstructions, if any, the cost of any grading or sloping necessary to protect the public safety, other incidental costs in connection therewith, and the costs for carrying charges and administration shall be assessed against the offending property, open area, ditch or right-of-way and the owner thereof. With respect to rubbish only, if the owner has requested a hearing pursuant to the provisions of Subsection (a), removal of the rubbish may be accomplished as provided in this Subsection; provided, however, that such material removed shall be stored by the City until such time as the Referee holds the hearing and determines, based upon the evidence presented by the owner and the staff of the City, whether the nuisance should have been declared and the rubbish removed. If the Referee determines that the declaration of nuisance and removal are proper, then the rubbish shall be destroyed or otherwise disposed of by the City, and the additional costs of storage shall be assessed, together with all other costs, as provided above. If the Referee determines that the declaration of nuisance and removal were improper, then the material shall be returned to the owner and no costs shall be assessed.

(c) Any cost assessment shall be a lien in the several amounts assessed against each property, open area, ditch or right-of-way from the date the assessment became due until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. Any such assessment shall be billed by the Neighborhood Services Manager, or his or her designee, to the owner by deposit in the United States mail addressed to the owner of record at the address as shown on the tax rolls or such other, more recent address as may be available to the City, and to any agents, representatives or occupants as may be known. If any such assessment is not paid within thirty (30) days after it has been billed, the Financial Officer, or his or her designee, is hereby authorized to thereafter certify to the County Treasurer the list of delinquent assessments so billed, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification shall be the same in substance and form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected, together with any charges as may by law be made by the County Treasurer and all laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for unpaid taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property, open area, ditch or right-of-way is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

Section 65. That Section 20-101(b) and (c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-101. Removal by City; lien.**

...

(b) If the property owner contests the declaration of nuisance and/or the assessment of costs, he or she shall file a written request with the Neighborhood Services Manager, within ten (10) days from the service of a notice of assessment, a written request for a hearing before the Referee.

(c) Any cost assessment shall be a lien in the several amounts assessed against each property from the date the assessment became due until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. Any such assessment shall be billed by the Neighborhood Services Manager, or his or her designee, to the owner by deposit in the United States mail addressed to the owner of record at the address as shown on the tax rolls or such other, more recent address as may be available to the City, and to any agents, representatives or occupants as may be known. If any such assessment is not paid within thirty (30) days after it has been billed, the Financial Officer, or his or her designee, is hereby authorized to thereafter certify to the County Treasurer the list of delinquent assessments so billed, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification shall be the same in substance and form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected together with any charges as may by law be made by the County Treasurer and all laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for unpaid taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

Section 66. That Section 20-102(b) and (c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-102. Removal of snow and ice from sidewalks required; lien.**

...

(b) If the property owner contests the declaration of nuisance and/or the assessment of costs, he or she shall file a written request for review with the Neighborhood Services Manager, or a written request for a hearing before the Referee, within ten (10) days from the service of a notice of assessment.

(c) Such assessment shall constitute an automatic, perpetual lien in the several amounts assessed against each property from the date the assessment became due until paid. Such liens shall have priority over all other liens except general taxes and prior special assessments. In case any such assessment that has not been set for hearing pursuant to Subsection (b) above is not paid within thirty (30) days after it has been certified by the Neighborhood Services Manager and billed by the Financial Officer or his or her designee to the owner by deposit in the United States mail, addressed to the owner of record at the address as shown on the tax rolls of the County Assessor, or such other, more recent address as may be available to the City, and any agents, representatives or occupants as may be known, the Financial Officer or his or her designee shall be authorized to certify to the County Treasurer the list of delinquent assessments, giving the name of the owner of record, the number of the lot and block and the amount of assessment plus a ten-percent penalty. The certification shall be the same in substance and in the same form as required for the certification of taxes. The County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the delinquent tax list for the current year and to collect the assessment in the same manner as taxes are collected with such charges as may by law be made by the Treasurer, and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for unpaid taxes, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

Section 67. That Section 20-107(d) and (e) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-107. Parking space obstructions.**

...

(d) If the property owner contests the declaration of nuisance and/or the assessment of costs of the City's abatement, he or she shall file a written request for review with the Neighborhood Services Manager, or a written request for a hearing before the Referee, within ten (1) days from the service of a notice of assessment.

(e) Any cost assessment imposed under this Section shall constitute an automatic, perpetual lien in the several amounts assessed against each property from the date the assessment became due until paid. Such liens shall have priority over all other liens except general taxes and prior special assessments. In case any such assessment that has not been set for hearing pursuant to Subsection (d) above is not paid within thirty (30) days after it has been certified by the Neighborhood Services Manager and billed by the Financial Officer or his or her designee to the owner by deposit in the United States mail, addressed to the owner of record at the address as shown on the tax rolls of the County Assessor, or such other, more recent address as

may be available to the City, and any agents, representatives or occupants as may be known, the Financial Officer or his or her designee shall be authorized to certify to the County Treasurer the list of delinquent assessments, giving the name of the owner of record, the number of the lot and block and the amount of assessment plus a ten-percent penalty. The certification shall be the same in substance and in the same form as required for the certification of taxes. The County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the delinquent tax list for the current year and to collect the assessment in the same manner as taxes are collected with such charges as may by law be made by the treasurer, and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for unpaid taxes, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

Section 68. That Section 20-114(e) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-114. Procedures in general.**

...

(e) Actions under this Article shall be filed by the City Attorney's Office.

Section 69. That Section 20-115(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 20-115. Posting of notice of commencement of public nuisance actions.**

...

(b) An action under this Article shall be commenced by the filing of a verified complaint or a complaint verified by an affidavit, which may be accompanied by a motion for a temporary abatement order, through the City Attorney's Office. No such action shall be commenced unless each of the separate violations asserted in support of such action has resulted in the issuance of a summons and complaint charging at least one (1) person responsible for such separate violation with the commission of the same.

Section 70. That Section 21-87(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 21-87. Membership; term.**

(a) The Committee shall consist of six (6) members. The Financial Officer shall serve as a standing member of the Committee, and the remaining five (5) members shall be appointed by the City Council. Of the appointed members, three (3) shall be employees who are covered by the Retirement Plan. The fourth appointee shall either be an employee who is covered by the Retirement Plan or an individual who is a taxpaying elector of the City. The fifth appointee shall be a retired member of the Plan who is receiving a monthly retirement benefit from the Plan.

Section 71. That Section 21-89 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 21-89. Minutes; annual report; work plan.**

The Financial Officer shall take and file minutes in accordance with the requirements of § 2-73 of the Code. On or before January 31 of each year, the Committee shall file a report with the City Clerk setting forth the activities of the Committee for the previous year. On or before November 30 of each year, the Committee shall file a work plan with the City Clerk for the following year.

Section 72. That Section 22-33 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-33. Designation of officers to supervise improvements.**

All local improvements shall be constructed under the general direction and control of the City Manager and in the immediate charge, direction and supervision of the Director of Planning, Development and Transportation and, if applicable, the Utilities Executive Director or other officer designated for such purpose in accordance with maps, plans and specifications adopted by the City Council. The work of construction may be by independent contract or by the City as determined by the City Council.

Section 73. That Section 22-35(a), (b), and (c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-35. Method of initiating improvements.**

(a) A public work or improvement, the cost of which in whole or in part is to be assessed by the City against the property specially benefitted, may be initiated by the City Council on recommendation of the Director of Planning, Development and Transportation or on petition of the property owners affected.

(b) In improvements to be initiated by the City Council, the City Council after receiving a recommendation from the Director of Planning, Development and Transportation shall adopt a resolution which shall state the need and the nature and

location of the improvements without mentioning minor details and shall describe the area to be assessed for the improvements by boundaries or other brief description. The resolution shall direct the Director of Planning, Development and Transportation to prepare and present to the City Council the following:

...

(c) In improvements to be initiated by petition of property owners, the petition shall be on a form to be supplied by the City. The petition shall be subscribed by the owners of at least one-third ( $\frac{1}{3}$ ) of the frontage to be assessed for improvements to streets including streetlighting and by the owners of at least one (1) percent of the area of the property to be assessed for any other improvements. The City Council may, by resolution, adopt policies to be used in the review of such petitions. Upon receiving a petition, and after review of the same, the City Council may adopt a resolution which shall state the nature and location of the improvements and describe the area to be assessed for the improvements by boundaries or other brief description, and direct the Director of Planning, Development and Transportation to prepare and present to the City Council a report as in the case of City Council initiated improvements. Thereafter, the procedures shall be the same as in the case of improvement districts initiated by the City Council provided that the City Council may at any time determine by resolution that the acquisition of the proposed improvements is not feasible or desirable for reasons stated in the resolution. Any such resolution shall terminate the proceedings.

Section 74. That Section 22-36 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-36. Maximum cost of improvements.**

The total cost of the improvements shall not exceed by more than ten (10) percent the amount of the estimate of the Director of Planning, Development and Transportation for the cost of the improvement, unless the City Council shall find that the public interest requires the making or acquisition of the improvement or any part at such higher cost. The foregoing limitation on maximum cost for improvements shall not apply when all the owners of property to be assessed in a district expressly waive the limitation in writing.

Section 75. That Section 22-39 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-39. Advertising for bids; letting of contracts.**

All contracts for local improvements shall be let by the Purchasing Agent upon the determination of the City Council after the passage of the original ordinance forming the district. All contracts shall be let to the lowest responsible bidder as determined in the sole discretion of the City Council. Contracts shall be let after

public advertisement for bids has been published twice in an official newspaper published in the City. The advertisements for bids shall be published at least a week apart. The date for opening of bids shall be not less than ten (10) days after the first publication. In all advertisements, the City Council shall reserve the right to reject all bids. Upon rejecting all bids or receiving no bids, the City Council may again advertise without further ordinance or may order the work done by hiring labor and arranging for purchasing necessary material under the supervision of the Director of Community Planning and Environmental Services Planning, Development and Transportation. Notwithstanding the foregoing, improvements may be installed by the City utilizing City employees if the City Council so orders.

Section 76. That Section 22-42 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-42. Council may require utility connections.**

Before constructing any permanent paving under the provisions of this Article, the City Council may order the owners of abutting property to connect their several premises with sewer, gas or water mains or with any other commodity in the street in front of the several premises. Upon the default of the owners to make such connections thirty (30) days after such order, the City Council may contract and make said connections at such distance under such regulations and in accordance with specifications as may be prescribed by the City Council, and the whole cost of said connections shall be assessed against the premises with which the connection is made. Any number of said connections may be ordered in pursuance of the regulations adopted as recommended by the Director of Community Planning and Environmental Services Planning, Development and Transportation. The cost shall be assessed and collected in the same manner as provided in this Article for assessment and collection of the cost of other special improvements and shall be included in the assessments made against the particular property in the district proceedings.

Section 77. That Section 22-83(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-83. Payments from surplus and deficiency fund.**

...

(b) Any portion of the costs of a district payable by the City at large because of the limitation based on value of property as provided in § 22-90, costs of improvements in excess of the estimate of the Director of Planning, Development and Transportation as provided in § 22-36 or reductions in assessments made by the City Council, if directed by the City Council, may be paid from the surplus and deficiency fund. If any such portion is later recovered from the owners of property

in the district, the amount of such recovery shall be repaid into such surplus and deficiency fund.

Section 78. That Section 22-111(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 22-111. Special assessment bonds and multi-year financial obligations authorized.**

...

(b) All such bonds shall be issued upon estimates of the Director of Planning, Development and Transportation or, if applicable, the Utilities Executive Director, approved by the City Council. The Financial Officer shall preserve a record of the same in a suitable book kept for that purpose. All such bonds shall be subscribed by the Mayor and countersigned by the Financial Officer, with the corporate seal affixed and attested by the City Clerk. Facsimile signatures may be used.

Section 79. That Section 23-61(a) of the Code of the City of Fort Collins is hereby amended to read as follows:



**Sec. 23-61. Permit required; application.**

(a) Any person desiring to occupy any parking space on a public street in the City in connection with the maintenance, erection, construction, remodeling or demolition of any building or improvement on property abutting thereto shall make written application to the Parking Services Manager for an obstruction permit on a form prepared and provided by the City.

Section 80. That Section 23-62(7), (8) and (9) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-62. Contents of application.**

...

- (7) a description of the proposed obstruction sufficient to fully inform the City Manager of the character and physical attributes of the obstruction and the Parking Services Manager to perform a complete and competent examination of the application under the criteria contained in Subsection 23-83(a);
- (8) evidence of the applicant's ability and willingness to provide liability insurance insuring the City in a sum not less than one million dollars (\$1,000,000), proof of which insurance shall be provided to the City prior to issuance of the permit, unless the requirement to provide such insurance is waived by the Parking Services Manager;
- (9) a statement that the applicant agrees to be responsible for barricading the parking spaces in a manner acceptable to the Parking Services Manager;

Section 81. That Section 23-63 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-63. Fees and conditions.**

(a) At the time of issuance of a permit hereunder, and at the time of any renewal or modification of such permit, the applicant shall pay an application fee and an additional fee per parking space per day to help defray the costs incurred by the City in processing and administering the permit program, including, without limitation, the cost of enforcement and the cost of inspection of the spaces that are the subject of the application; provided, however, that the Parking Services Manager may waive part or all of the fees for governmental agencies. The amount of said fees shall be determined and established by the City Manager, pursuant to the provisions of Article I of Chapter 7.5.

(b) The Parking Services Manager may condition the issuance and use of an obstruction permit on such requirements as are reasonably necessary to protect the safety of persons and property and the use and control of vehicular and pedestrian traffic, including limitations on time, place and allowed activities; payment of fees; obtaining any additional permits from other departments or agencies as necessary; and providing any fencing or barriers that the Parking Services Manager requires in order to protect pedestrian and vehicular traffic from the obstruction and associated dangers. If required, the permit holder shall build and maintain a good and substantial, protected walkway around the obstruction. The permit holder shall adequately light and mark the obstruction to protect pedestrian and vehicular traffic.

Section 82. That Section 23-64 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-64. Term of permit; renewal and revocation.**

(a) A permit may be issued only for the period of time necessary to complete the purpose for which the permit was issued. No permit issued under Subsection 23-61(a) shall be issued for more than ninety (90) days; provided, however, that the Parking Services Manager may renew any such permit for one (1) or more additional ninety-day periods upon written application and payment of the applicable renewal fee. The term of a permit issued under Subsection 23-61(b) shall be limited in accordance with Paragraphs (2) and (3) thereof.

(b) Any permit issued under this Article may be denied or revoked by the Parking Services Manager if the holder fails to obtain any other necessary permits, fails to conduct the activity in compliance with the terms and conditions of the permit, violates any of the provisions of this Article, state law, local ordinances or the applicable rules and regulations of the City, or if the work allowed by the permit unduly interferes with pedestrian or vehicular traffic or otherwise poses a threat to the health and safety of the public.

Section 83. That Section 23-94(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-94. Investigation of application; permit fee; revocation.**

(a) The application for a permit for a neighborhood entry shall be made to the City Engineer. The City Engineer shall make or cause to be made an investigation of the information contained in the application and prior to the issuance of a permit shall determine that the applicant is a qualified neighborhood organization and that the proposed neighborhood sign does not constitute a nuisance or destroy or impair the use of the right-of-way or any City property by the public or constitute a traffic hazard and complies with all standards and criteria of this Division. In investigating whether the application for a neighborhood entry sign conforms to the standards and

criteria of this Division, the City Engineer shall consult with the Traffic Engineer and the Director of Community Development and Neighborhood Services.

Section 84. That the definitions of “*Director*” and “*Service Area*” contained in Section 23-192 of the Code of the City of Fort Collins are hereby amended to read as follows:

*Director* shall mean the Director of Community Services of the City.

*Service Unit* shall mean Community Services of the City.

Section 85. That Section 23-193(b), (c), (d) and (e) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-193. Prohibited acts; permits.**

...

(b) Unless a sign has been posted by the Service Unit that the particular natural area or a portion thereof is open for such use, it shall be unlawful to:

...

(c) It shall be unlawful to engage in any activity within or upon a natural area when a sign has been posted by the Service Unit that the particular area or a portion of the area is closed for such use, based upon a determination by the Service Unit that such prohibition is appropriate to protect the safety or well-being of persons or animals; the natural area, related facilities or any other City property or facility; the use and enjoyment of said areas or facilities by the general public; the needs and objectives of the City in maintaining and operating the same; and/or the natural environment in general.

(d) Except as authorized by a permit obtained for such use from the Service Unit, it shall be unlawful to:

(1) Enter a natural area during the hours of 11:00 p.m. to 5:00 a.m., except:

- a. As otherwise permitted by a sign posted by the Service Unit opening or closing the particular area or a portion of the area for public use for a specified time or during specified hours; or

...

(e) Research or public safety related training activities involving any of the activities prohibited in this Article, including without limitation the training of search and rescue dogs off-leash, may be authorized by the Service Unit by permit in accordance with the procedures and standards set forth in § 23-194.

Section 86. That Section 23-194(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-194. Natural areas permit process.**

(a) Any person or organization seeking a permit for the purposes set forth in this Article shall apply for a natural area permit by filing a verified application with the Service Unit on a form supplied by the Service Unit, except that permit applications for which a routine permit process has been established by the Director under § 23-195 below shall be governed by and processed in accordance with the routine permit process. A fully completed application must be filed with the Director not less than seven (7) business days nor more than ninety (90) business days before the date on which a permitted activity is to commence; provided, however, that the Service Unit may accept and process an application that is filed after the filing deadline if, in the judgment of the Director, there are sufficient time and sufficient resources for the Service Unit to process and investigate the application and make any preparations necessary for the activity.

Section 87. That the definitions of “*Director*” and “*Service Area*” contained in Section 23-202 of the Code of the City of Fort Collins are hereby amended to read as follows:

*Director* shall mean the Director of Community Services.

*Service Unit* shall mean Community Services.

Section 88. That Section 23-203(b), (c), (d) and (e) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-203. Prohibited acts; permits.**

...

(b) Unless a sign has been posted by the Service Unit that the particular recreation area or a portion thereof is open for such use, it shall be unlawful to:

...

(c) No person shall engage in any conduct or activity within or upon a recreation area when a sign has been posted by the Service Unit that such conduct or activity is not allowed in the recreation area or a portion of the area, based on a determination by the Service Unit that such prohibition is appropriate to protect the safety or well-being of persons, or animals, or to protect or preserve the recreation area and related facilities, or any other City property or facility, the use and enjoyment of the same by the general public, or the needs and objectives of the City in maintaining and operating the same.

(d) Except as authorized by a permit obtained for such use from the Service Unit, it shall be unlawful to:

...

(e) Research or public safety related training activities involving any of the activities prohibited in this Article, including without limitation the training of search and rescue dogs off-leash, may be authorized by the Service Unit by permit in accordance with the procedures and standards set forth in § 23-204.

Section 89. That Section 23-204(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-204. Recreation area permit process.**

(a) Any person or organization seeking a permit for the purposes set forth in this Article shall apply for a recreation area permit by filing a verified application with the Service Unit on a form supplied by the Service Unit. An application must be submitted and completed not less than ten (10) business days before the date on which a permitted activity is to commence; provided, however, that the Service Area may accept and process an application that is filed after the filing deadline if, in the judgment of the Director, there are sufficient time and sufficient resources to process and investigate the application and make any preparations necessary for the activity.

Section 90. That the definition of “*Art in Public Places Coordinator (or APP Coordinator)*” contained in Section 23-302 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Art in Public Places Coordinator (or APP Coordinator)* shall mean a City staff member designated by the Director of Community Services as the Art in Public Places Coordinator. The Coordinator will serve the APP Board as City staff liaison.

Section 91. That Section 23-307 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-307. Administration.**

The Director of Community Services shall administer the provisions of this Article in a manner consistent with the APP Guidelines. The guidelines shall provide for the selection of works of art; the placement and presentation of works of art; the maintenance, repair and care of works of art; the payment for works of art; the acceptance of donations of works of art; and such other matters as the Director deems necessary and appropriate. The Director shall designate an APP Coordinator who will serve as staff liaison to the APP Board.

Section 92. That Section 24-1(2) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 24-1. Signs on streets, sidewalks and public rights-of-way prohibited; removal; exceptions; permit.**

...

- (2) Traffic control signs erected by the City and directional or informational signs erected by the City or other governmental entities which relate to facilities and areas owned, maintained or operated by the City or such other governmental entities. Before any directional or informational sign of a governmental entity other than the City is erected, the governmental entity must obtain a permit authorizing the sign from the City Traffic Engineer.

...

Section 93. That Section 24-91 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 24-91. List of street names.**

All new arterial and collector streets, as defined in the City of Fort Collins Master Street Plan, are to be named from the list of street names approved by the City Council. The list of street names shall be composed of names of natural areas, natural features, historic and/or well-known places, citizens of the City or Growth Management Area whom the City Council would like to honor posthumously, and such other names of places, things or deceased persons as the City Council may approve. With respect to citizens of the City whom the City Council desires to honor posthumously, such citizens must have devoted much time and effort to the City either as a former City officer or employee, a former Colorado State University officer or employee, a person important in the founding of the City or a former citizen of exemplary character deserving of special recognition. The list of street names shall be adopted and amended by the City Council by resolution. All new arterial and collector streets which are not extensions of existing arterial and collector streets must be named from the foregoing list of street names, and the Director of Community Development and Neighborhood Services shall strike names from the list as they are used in the naming of such new arterial and collector streets and shall promptly file an updated list in the Office of the City Clerk.

Section 94. That Section 24-131 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 24-131. Statement of legislative finding.**

Public necessity and convenience require that a portion of State Highway No. 1, which lies in and on a street of the City, be widened and reconstructed in accordance with the plans and specifications of Project No. C 06-0001-17 of the State Department of Transportation.

Section 95. That Section 24-133 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 24-133. Right of State Department of Highways recognized.**

The City recognizes the right of the State Department of Transportation and its contractor or contractors to proceed at once or at any time in the future to construct the connecting links of State Highway No. 1 in the City on the portions of the street involved.

Section 96. That Section 24-136(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 24-136. Parking and speed limits.**

...

(c) Upon the basis of engineering and traffic investigations by the State Department of Transportation and the City, it has been determined that a reasonable and true prima facie speed limit on portions of the street shall be a minimum of thirty-five (35) miles per hour in the business district and a minimum of thirty-five (35) miles per hour on the remaining portions, provided that standard signs are erected giving notice of the authorized speed as provided by C.R.S.

Section 97. That Section 24-137 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 24-137. Right of State Department of Transportation to purchase property recognized.**

In order to establish the streets and connecting links, it will be necessary to take and purchase certain property included within the above described right-of-way. By adoption of this Article, the City recognizes the right of the State Department of Transportation to purchase or condemn any such private property.

Section 98. That Section 25-166(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 25-166. Preservation of returns and other records; confidentiality.**

...

(b) Except in accordance with a court order or as otherwise provided by law, the Financial Officer shall not divulge or make known in any way any financial information obtained from any investigation conducted by the Finance Department or disclosed in any document, report or return filed in connection with the taxes covered by this Article. The persons charged with custody of such documents, reports, investigations and returns shall not be required to produce any of them or evidence of anything contained therein in any action or proceeding in any court, except on behalf of the Financial Officer in any action or proceeding under the provisions of this Article to which the Financial Officer or the City is a party or on behalf of any party to an action or proceeding under the provisions of this Article when the report of facts shown thereby is directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of the reports or of the facts shown thereby as are pertinent to the action or proceeding and no more.

Section 99. That Section 25-190(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 25-190. Lien on construction improvements.**

...

(b) The Building Official shall not make a final inspection on or issue a certificate of occupancy for any construction project unless a person has paid or arranged with the Financial Officer to pay all taxes due under this Article on all fixtures, minerals and other construction materials and supplies or tangible personal property used in or connected with the construction, reconstruction, alteration, expansion, modification or improvement of any building, dwelling or other structure or improvement to real property in the City.

Section 100. That Section 26-719 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-719. Discontinuance of service at user's request.**

All orders for termination of water, wastewater or electric service shall be made to the Utilities Customer Service Office at least three (3) days prior to the desired discontinuance date. The user will be liable in any event for utility services consumed until the final meter reading is obtained. The termination notice given by the user does not relieve the user in any way from any minimum charges or payments guaranteed under a service contract.

Section 101. That Section 27-59(c) of the Code of the City of Fort Collins is hereby amended to read as follows:



**Sec. 27-59. Notice of violation; removal authority and procedure; lien on property.**

...

(c) Any cost assessment shall be a lien in the several amounts assessed against each property from the date the assessment became due until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. Any such assessment shall be billed by the Director of Community Development and Neighborhood Services, or the City Forester, or his or her designees, to the owner by deposit in the United States mail addressed to the owner of record at the address as shown on the tax rolls or such other, more recent address as may be available to the City, and to any agents, representatives or occupants as may be known. If any such assessment is not paid within thirty (30) days after it has been billed, the Financial Officer, or his or her designee, is hereby authorized to thereafter certify to the County Treasurer the list of delinquent assessments so billed, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification shall be the same in substance and form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected together with any charges as may by law be made by the County Treasurer, and all laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for unpaid taxes and the redemption thereof, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

Section 102. That Section 27-60 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 27-60. Time limit for compliance; appeals; hearings.**

Upon receipt of a notice given by the City Forester pursuant to § 27-18, 27-57 or 27-58, the property owner shall have the right to contest the order of the City Forester to the Referee by filing with the Referee a petition for review at the office of Community Development and Neighborhood Services. A written request for a hearing before the Referee must be submitted within five (5) days from the date of service of the order. Pending a final determination by the Municipal Court Referee, the property owner need not complete the work required to be done by the City Forester, unless such work involves a violation of Paragraph 27-57(a)(5). If the Referee sustains all or any part of the order of the City Forester, the Referee shall set the time within which the required work shall be completed, and the property owner must complete the required work within such time.

Introduced, considered favorably on first reading, and ordered published this 3rd day of April, A.D. 2012, and to be presented for final passage on the 17th day of April, A.D. 2012.

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Mayor

ATTEST:

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Interim City Clerk

Passed and adopted on final reading on the 17th day of April, A.D. 2012.

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Mayor

ATTEST:

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Interim City Clerk