

CITY OF GREELEY, COLORADO

ORDINANCE NO. 30, 2017

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF GREELEY AT THE NOVEMBER 7, 2017 COORDINATED MUNICIPAL ELECTION, VARIOUS AMENDMENTS TO AMEND OR REPEAL OUTDATED SECTIONS OF THE GREELEY MUNICIPAL CHARTER

WHEREAS, the Greeley Home Rule Charter is the City's legislative framework and, from time to time, there is a need to modify sections of the Charter to better clarify its provisions, align it with State or Federal laws, or update and correct; and

WHEREAS, Article I, Section 1-6 of the Charter provides that amendments to the Charter may be framed and submitted to the electorate, by petition to the Council, or by the Council on its own initiative, in accordance with Article XX of the Constitution of the State of Colorado; and

WHEREAS, the City Council of the City of Greeley, Colorado, directed staff to recommend to City Council changes necessary to maintain the City's Home Rule Charter as a current and forward-looking basic law within which the city government, representing the people, can operate; and

WHEREAS, City staff has recommended that City Council consider presenting to the registered electors of the City of Greeley a proposal to update or repeal four provisions that are out-of-date or inaccurate.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The City Council hereby declares that the operations of government in the City of Greeley would be best served if the registered electors of the City of Greeley are given an opportunity, at the Coordinated Municipal Election set for November 7, 2017, to vote "yes" or "no" with respect to four questions of changing, removing or clarifying various portions of the Charter.

Section 2. The following Charter sections are hereby amended as follows, with proposed new text underlined and proposed deletions shown in strike-through text:

A. Section 1-2. Form of Government.

The Municipal Government provided by this Charter shall not be changed except as provided by the Constitution of the State of Colorado. Pursuant to the provisions of the Constitution of the State of Colorado and subject only to limitations imposed therein and by this Charter, all powers of the City shall be vested in an elective City Council, which shall operate under the Council-Manager form of government.

B. Section 7-1. Municipal Court.

There shall be a Municipal Court vested with jurisdiction of all causes arising under the Charter and the ordinances of the City of Greeley, Colorado, which prescribes a specific penalty. The Judge or Judges of the Municipal Court shall be admitted to practice law in Colorado. At the time of appointment, the Judge or Judges of the Municipal Court need not be a resident of the City of Greeley, Colorado, but during tenure as Judge, the Presiding Municipal Judge shall reside within the City. Assistant Municipal Judges need not reside within the City. The Presiding Municipal Judge ~~or Judges~~ shall be appointed by the Council

for a term of four (4) years, and may be removed by the Council for cause. The Judge or Judges shall receive such compensation as shall be fixed by the Council. In the Judge's or Judges' absence the Council shall designate an attorney to serve as Judge.

C. **Section 18-9. Revocable Permits.**

~~The Council shall have the power to grant a permit for the temporary use or occupation of any street, alley or public place. Such permit shall be revocable at the pleasure of the Council whether the right be expressly reserved in the permit or not.~~

D. **Section 19-1. Planning.**

Consistent with all federal and state law with respect to land use and development and in conformance with all applicable articles in its Charter, the City Council shall:

- a. Designate a city department or other agency to carry out the planning, zoning and housing functions as set forth in ordinances.
- b. Maintain a planning commission of seven (7) members appointed to terms of ~~five (5)~~ three (3) years to advise the City Council on land use planning and to make decisions on land use matters as they may be set forth by ordinance.
- c. Adopt a comprehensive plan as a guide to land use and development.
- d. Adopt all development codes.
- e. Establish a process for handling variance applications and appeals of land use decisions or actions.

Section 3. The November 7, 2017 ballot questions shall be substantially in the following form:

Shall the Greeley City Charter be amended to remove, change or clarify Sections as follows?

- (a) Shall Greeley City Charter Section 1-2 be amended to clarify that power is vested in the elective members of the Greeley City Council operating under the Council-Manager form of government?

☐ Yes
☐ No

- (b) Shall Greeley City Charter Section 7-1 be amended to clarify and make a distinction that the residency requirement and removal provisions of this Section apply only to the Presiding Municipal Judge and not to Assistant Judges?

☐ Yes
☐ No

- (c) Shall Greeley City Charter Section 18-9, pertaining to the City Council's authority to grant and revoke permits, be amended by removing it in its entirety, thereby recognizing revocable permits as being better suited for an administrative process described in the Code of Ordinances?

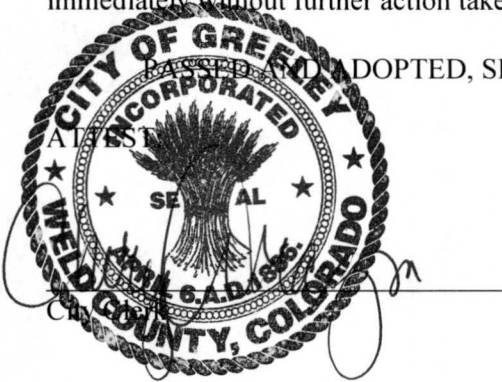
☐ Yes
☐ No

- (d) Shall Greeley City Charter Section 19-1 be amended to reflect a change in the terms of members of the Planning Commission from 5 years to 3 years in order to be consistent

with the other municipal boards and commissions?

- ☐ Yes
☐ No

Section 4. Each of the proposed ballot questions receiving approval of the majority of the registered electors voting at the general election on November 7, 2017, shall be deemed to take effect immediately without further action taken by the City Council.



ADOPTED, SIGNED AND APPROVED, THIS 18TH DAY OF JULY, 2017.

CITY OF GREELEY, COLORADO

Thomas E. Hartman

By: Mayor