Loveland Municipal Code

1974

A Codification of the General Ordinances

of the City of Loveland, Colorado

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GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

Sections:

*For statutory provisions regarding the adoption of ordinance codes by municipalities, see CRS § 139-34-1 et seq.

1.01.010 Authority Enactment.

Pursuant to Section 4-11 of the City's Charter, there is adopted and enacted by reference the "Loveland Municipal Code" as published, kept, maintained and regularly updated by the City Clerk. The purpose of this code is to codify the ordinances of the city which are of a general and permanent nature. The subject matter of this code includes, without limitation, provisions concerning the application and interpretation of the code, the administration, organization and employees of the city and city government, revenue and finance, business licenses and regulations, animals, health, safety and welfare, public peace, order and morals, vehicles and traffic, streets and other public places, utilities, buildings and construction, subdivision of land and zoning. (Ord. 4761 § 1, 2003; Ord. 1412 § 1, 1975)

1.01.030 Ordinances passed prior to adoption of the Loveland Municipal Code.

The last ordinance included in the Loveland Municipal Code as adopted herein by reference is Ordinance No. 1384, adopted June 18, 1974. The following ordinances of the city of Loveland, passed subsequent to Ordinance 1384, but prior to the adoption of this code, are adopted and made a part of this code: Ordinances 1385, 1386, 1390, 1391, 1392, 1394, 1395, 1401, 1402, 1403, 1404 and 1405, all relating to zoning; Ordinance No. 1399 pertaining to pay grades, entry rates and pay range schedules for city employees; Ordinance No. 1396, relating to sound limitations on motor vehicles; Ordinance No. 1389 relating to procedure for annexing or subdividing; Ordinance No. 1388 relating to prohibiting the accumulation of junk, including abandoned vehicles and other waste material; and Ordinance No. 1387, relating to the Water Department and concerning bypass of water meters for fire protection purposes. (Ord. 1412 § 7, 1975)

1.01.040 Effect of code on past actions and obligations.

Neither the adoption of this code or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of said ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty, at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations which have arisen thereunder shall continue in full force and effect. (Ord. 1412 § 8, 1975)

1.01.050 Repeal of prior ordinances.

All ordinances of the city of a general and permanent nature, which were finally adopted on or before June 18, 1974, whether or not in legal effect at that date are repealed, except as otherwise provided in this ordinance, and except as the Loveland Municipal Code as herein adopted by reference, expressly saves any ordinance or part thereof from repeal. (Ord. 1412 § 9, 1975)

1.01.060 Scope of codification.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Loveland, Colorado, which have been codified pursuant to the provisions of Sections 139-34-1 through 139-34-8 of the Colorado Revised Statutes, 1963. (Ord. 1412 § 10, 1975)

1.01.070 Reference applies to all amendments.

Whenever a reference is made to this code as the "Loveland Municipal Code" or to any portion thereof, or to any ordinance of the city of Loveland, Colorado, reference shall apply to all amendments, corrections and additions heretofore, now, or hereafter made. (Ord. 1412 § 11, 1975)

1.01.080 Title, chapter and section headings.

Title, chapter and section headings contained in this ordinance, or contained in the Loveland Municipal Code adopted by reference, or contained in any secondary codes adopted herein by reference, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of such ordinance or code. (Ord. 1412 § 12, 1975)

1.01.085 Amendments and corrections.

The city clerk is authorized to correct errors in spelling and punctuation and obvious clerical and typographical errors and to assign and reassign title, chapter and section headings and numbers, including subdivisions thereof, in all ordinances adopted by the city council, including ordinances amending the Loveland Municipal Code. All such corrections and changes may be made at any time the need therefore comes to the attention of the city clerk. The fact that a correction or change has been made, and the nature of the correction or change, shall be set forth in a certificate, signed by the city

clerk, describing the change. Such certificate shall be attached to the original ordinance in the book of ordinances. Any ordinance which has been codified prior to such a correction or change shall be recodified, with the correction or change, at the earliest opportunity thereafter. (Ord. 3672 § 1, 1990)

1.01.090 Reference to specific ordinances.

The provisions of the Loveland Municipal Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included with the code, but such reference shall be construed to apply to the corresponding provisions contained within the code. (Ord. 1412 § 13, 1975)

1.01.100 Ordinances saved from repeal.

The repeal of ordinances of a general and permanent nature by Section 1.01.050 shall not repeal any ordinance or part thereof saved from repeal specifically by the Loveland Municipal Code; nor shall such repeal affect any ordinance:

Promising, guaranteeing or authorizing the payment of money by or for the city;

Authorizing or relating to specific issuances of bonds or other evidences of indebtedness;

Granting a franchise;

Establishing the compensation of city officers or employees;

Levying taxes, making appropriations or adopting a budget;

Creating specific local improvement districts;

Making special assessments for local improvements;

Vacating, accepting, establishing, locating, re-locating or opening any street or public way;

Affecting the corporate limits of the city;

Which is of a special or temporary nature;

Dedicating or accepting any plat or subdivision. (Ord. 1412 § 14, 1975)

1.01.110 Severability of code provisions.

If any section, subsection, sentence, clause or phrase of the Loveland Municipal Code herein adopted by reference, or of any secondary code herein adopted by reference, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of said Loveland Municipal Code and secondary codes, provided such other sections can be given effect without the invalid section, subsection, sentence, clause or phrase. The council declares that it would have passed the remainder of the Loveland Municipal Code and all secondary codes adopted herein by reference, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any particular sections or subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. The city council further declares that if for any reason the Loveland Municipal Code and the secondary codes adopted therein should be declared invalid or unconstitutional, or should the method of their adoption be declared invalid or unconstitutional, then the original ordinances of the city of Loveland as incorporated in said Loveland Municipal Code shall be in full force and effect. (Ord. 1412 § 16, 1975)

1.01.120 Codes kept on file.

At least three copies of the Loveland Municipal Code and of each secondary code adopted therein, all certified by the mayor and city clerk to be true copies of such code as they were adopted by the ordinance codified herein shall be kept on file in the office of the city clerk available for public inspection. One copy of each such code may be kept in the office of the chief enforcement officer thereof.

The city manager shall arrange to have prepared and published revised sheets of every loose leaf page of the Loveland Municipal Code in need of revision by reason of amendment, addition or repeal. The city clerk shall distribute said revised loose leaf sheets for such fee as the city council may direct.

With regard to those copies of the code specified in subsection A of this section, the city clerk shall have the express duty of inserting in their designated places all amendments or ordinances which are intended to become a part of this Loveland Municipal Code, when the same have been printed or reprinted in page form, and to extract from such codes all provisions which may from time to time be repealed. (Ord. 1412 § 17, 1975)

1.01.130 Sale of code copies.

The city clerk shall maintain a reasonable supply of copies of this code and of all secondary codes incorporated in it by reference, to be available for purchase by the public at a moderate price. (Ord. 1412 § 18, 1975)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010 Incorporation.

The city was incorporated on April 14, 1881, and was declared a second class city in 1905. The distinction between first class and second class cities was eliminated in 1969 by an amendment to Section 139-2-2 of the Colorado Revised Statutes. (Ord. 1335 § 1, 1974; prior code § 2.1)

1.04.020 Definitions.

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

"City" means the city of Loveland, Colorado, or the area within the territorial limits of the city of Loveland, Colorado, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

"Computation of time" means the time within which an act is to be done. It is computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

"Council" means the city council of the city of Loveland, Colorado. "All its members" or "all councilmen" means the total number of councilmen provided by the general laws of the state of Colorado.

"County" means the county of Larimer, Colorado.

"Law" denotes applicable federal law, the constitution and statutes of the state of Colorado, the ordinances of the city of Loveland, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"May" is permissive.

"Month" means a calendar month.

"Must" and "shall." Each is mandatory.

"Oath" is construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

"Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

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

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

"Preceding" and "following" means next before and next after, respectively.

"Property" includes real and personal property.

"Real property" includes lands, tenements and hereditaments.

"Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
"State" means the state of Colorado.
"Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
"Tenant" and "occupant," applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.
"Title of Office." Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the city.
"Written" includes printed, typewritten, mimeographed or multigraphed.
"Year" means a calendar year.
All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent. (Ord. 1412 § 6 (part), 1975)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city:
Gender. The masculine gender includes the feminine and neuter genders.
Singular and Plural. The singular number includes the plural and the plural includes the singular.
Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 1412 § 6 (part), 1975)

1.04.040 Prohibited acts include causing and permitting.

Whenever in the ordinances of the city any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 1412 § 6 (part), 1975)

1.04.050 Construction.

The provisions of the ordinances of the city, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 1412 § 6 (part), 1975)

Chapter 1.08

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.08.010 Generally.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or premises within the jurisdiction of the city, or when there is reasonable cause to believe that an ordinance or resolution violation is occurring in any building or upon any premises within the jurisdiction of the city any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours notice of the authorized official's intention to inspect or take enforcement action. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused or the owner or occupant fails to respond to the notice within twenty-four hours, entry may be made only upon the issuance of an inspection warrant by the municipal judge or any other judicial officer having jurisdiction. In the event the owner and/or occupant refuses entry or the owner or occupant fails to respond to the notice within twenty-four hours after such request has been made, the official is empowered to seek assistance from the municipal court or any other court of competent jurisdiction in obtaining such entry. (Ord. 5782 § 1, 2013; Ord. 1362 § 5, 1974; Ord. 1339 § 1 (part), 1974)

1.08.020 Applicability of Section 1.08.010.

The right of entry provisions of any model codes adopted into this code by reference and any other right of entry provisions in this code shall not be deemed repealed by Section 1.08.010 and, in the event of any conflict between such provisions and Section 1.08.010, the right of entry provisions of the adopted model codes and other code provisions shall control. (Ord. 5782 § 2, 2013; Ord. 1339 § 1 (part), 1974)

Chapter 1.12

FINES AND PENALTIES*

Sections:

*For statutory provisions authorizing cities and towns to prescribe a penalty for the violation of ordinances, which penalty shall not exceed a fine of three hundred dollars or imprisonment of ninety days, or both, see CRS §§ 31-15-103 and 13-10-113.

1.12.010 General penalty and penalty for traffic infractions.

A. It is unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this code, the Charter or any provision of any code or other regulation adopted by reference by this code. Except as to traffic infractions described in (B) below, the violation of any provision of this code shall be punished by a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding, one year, or by both such fine and imprisonment, in addition to any costs which may be assessed, except where a specific penalty is provided for the violation of any provision of the code, which specific penalty shall have been validly adopted by the city council. It is the intent of this chapter that the general penalties set forth in this section shall apply wherever no specific penalty for a violation is set forth in the code, or where no specific penalty has been validly adopted. Each person who violates any provision of this code shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punished accordingly. In addition to the penalties set forth above, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be abated by the city through any means permitted by law, and each such day that such condition continues shall be regarded as a new and separate offense.

B. A violation of any provision of Title 10 of this code shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction. All other violations under Title 10 of this code shall be considered misdemeanors punishable as described in paragraph (A) of this section. Any person against whom judgment is entered for a traffic infraction under this code shall be subject to the penalty of a fine not exceeding one thousand dollars and shall not be subject to imprisonment on account of such judgment.

C. In addition to the aforesaid fine, there shall be added a surcharge in the amount of ten dollars for each ordinance violation, traffic offense, or traffic infraction, except parking violations. All monies generated by the surcharge under this subsection (C) shall be paid into a separate account of the City of Loveland, to be used for the purpose of funding traffic safety and enforcement and municipal court justice programs. Traffic safety and enforcement shall receive 70% and municipal court justice programs 30% of the total surcharge collected. (Ord. 6021 § 1, 2016; Ord. 5160, 2007 § 1(C), Ord. 4499, 1999; Ord. 4290 §§ 1, 2, 1997; Ord. 3845 § 1 (part), 1992; Ord. 1412 § 4, 1975)

1.12.020 Juveniles.

Notwithstanding any provision in Section 1.12.010, the violation by any person not having attained the age of eighteen years at the time of the commission of the violation with the exception of violations of the Model Traffic Code, as amended and adopted by
the city, shall be punished only by a fine not exceeding five hundred dollars, except where a specific lesser fine is provided in the code for the violation of a particular provision of the code. A person who has not yet reached the age of eighteen at the time of the commission of a violation of this code, except for violations of the Model Traffic Code, shall not be punished by imprisonment. (Ord. 3845 § 2, 1992; Ord. 3051 § 1, 1984)

1.12.021 Expungement of Juvenile Records

The Court, juvenile, parent or guardian, or guardian ad litem may petition the Municipal Court for expungement of a juvenile's records. Expungement is defined as physically sealing of a record or conspicuously marking on a record to indicate a records has been expunged and is not open to the public. The Municipal Court may enter an Order of Expungement of all records in the custody of the court or any other agency or official if all of the following findings can be made:

1. The juvenile who is the subject of the hearing has not been convicted of, or adjudicated a juvenile delinquent, for any felony offense or misdemeanor offense involving domestic violence, unlawful sexual behavior, or possession of a weapon since the termination of the court's jurisdiction or unconditional release from parole supervision.
2. No proceeding concerning any felony, misdemeanor, or delinquency action is pending or being instituted against the juvenile.
3. The rehabilitation of the juvenile has been attained to the satisfaction of the the court.
4. The expungement is in the best interest of the petitioner and the community.

The Municipal Court shall establish such further local procedures for the expungement process as may be necessary to include, but not limited to, an advisement of the right to file for expungement of records, notification to all custodians of records, a hearing, and identification of who may have access to the records after expungement enters. (Ord. 5978 § 1, 2015)

1.12.030 Failure to obey summons or notice.

For the purpose of this code, tender by a police officer or other representative of the city of a summons or a summons and complaint shall constitute notice to the violator to appear in court at the time specified on such summons or summons and complaint or to pay a fine required by the summons or summons and complaint. It is unlawful for any person to fail to appear at arraignment or trial to answer any offense charged on the summons or summons and complaint. (Ord. 3717 § 1, 1991; Ord. 3368 § 1, 1987)

Chapter 1.16

SEAL OF THE CITY

Sections:

1.16.010 Description

The corporate seal consists of a circular plate and disc bearing the following inscription: “City of Loveland, Colorado” in circular form and the word “Seal” across the center of the plate and within the circular inscription. (Prior code § 2.3, 1960)

Chapter 1.20

BOUNDARIES OF THE CITY

Sections:

1.20.010 Corporate limits.

The corporate boundaries of the city shall be as set forth on the official city map which shall be kept in the office of the city engineer, together with any changes in the city boundaries which may take place between revisions of the official city map. This map shall be maintained by the city engineer and shall be revised by him to reflect all changes in the corporate boundaries as such changes are made. (Ord. 1334 § 1, 1974; prior code § 2.2, 1960)

Chapter 1.24

WARDS PRECINCTS

Sections:

1.24.010 Designated.

The city, as its corporate limits are now established or may hereafter be extended, is hereby divided into four wards, with numbers and boundaries as designated in this chapter. Within each ward shall be one or more precincts, as designated and amended from time to time by resolution of the city council. (Ord. 3601 § 1 (part), 1989; Ord. 1298 § l (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.020 First Ward.

The first ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135408, 2155135501, 2155135502, 2155135507, 2155135508, 2155135509, 2155135510, 2155135511, 2155135512, 2155135513, 2155135514, 2155135520, 2155135522 and 2155135549, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 0n May 23, 2017. (Ord. 6125 § 1, 2017; Ord. 5692 § 1, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.030 Second Ward.

The second ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135521, 2155135523, 2155135524, 2155135525, 2155135526, 2155135527, 2155135528, 2155135529, 2155135536, 2155135537 and 2155135546, as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 on May 23, 2017 (Ord. 6125 § 2, 2017; Ord. 5692 § 2, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.040 Third Ward.

The third ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135532, 2155135543, 2155135533, 2155135534, 2155135535, 2155135539, 2155135540, 2155135541, 2155135544, 2155135545 and 2155135547 as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 on May 23, 2017 (Ord. 6125 § 3, 2017; Ord. 5944 § 1,

2015; Ord. 5692 § 3, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1424 § 1, 1975; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

1.24.050 Fourth Ward.

The fourth ward shall be comprised of all the territory currently within or hereafter annexed into the City that is now or hereafter located in Larimer County's voter precinct Nos. 2155135503, 2155135504, 2155135505, 2155135506, 2155135515, 2155135516, 2155135517, 2155135518, 2155135519, 2155135530, 2155135531, 2155135542 and 2155135548 as such voter precincts were established by the Board of Commissioners of Larimer County on January 10, 2012, by the adoption of the Board's Resolution No. 01102012R010 and amended by the adoption of the Board's Resolution No. 05232017R001 on May 23, 2017 ((Ord. 6125 § 4, 2017; Ord. 5944 § 2, 2015Ord. 5944 § 2, 2012; Ord. 5692 § 4, 2012; Ord. 5220 § 1, 2007; Ord. 4796 § 5, 2003; Ord. 3914 § 2 (part), 1993; Ord. 3601 § 1 (part), 1989; Ord. 1298 § 1 (part), 1973; Ord. 1158 § 1, 1971; Ord. 939 § 1, 1966; Ord. 725 § 1, 1961; prior code § 3.2 (part))

Chapter 1.28

MUNICIPAL COURT*

Sections:

*For statutory provisions relating to the municipal court, and its creation by the city or town in which it is located, see CRS § 13-10-101 et seq.

1.28.010 Created authority.

There is created a municipal court to hear and try all alleged violations of the ordinance provisions of the city, which court, and the municipal judge or judges and other officers thereof, shall have all of the powers, authority, duties and shall follow the procedure as provided therefor by the laws of the state and the rules of procedure promulgated by the Supreme Court of the state. (Ord. 1075 § 2 (part), 1970; prior code § 9.1)

1.28.015 Court of record.

Except as herein provided, the municipal court shall be a qualified municipal court of record as defined by state statute. The municipal court clerk shall maintain a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means.

In the event that the municipal court judge determines that the maintenance of a verbatim record is not reasonably practical due to the inaccessibility of necessary equipment or personnel, the judge may conduct municipal court as a court not of record. (Ord. 3845 § 3 (part), 1992)

1.28.020 Compensation of municipal judges.

The municipal judge or judges shall receive as compensation for their services an amount to be determined by the city council annually, said amount to be set forth in the appropriations ordinance enacted by the city council prior to each fiscal year. (Ord. 1412 § 3(a), 1975; Ord. 1075 § 2 (part), 1970; prior code § 9.2)

1.28.030 Clerk.

There is established the position of clerk of the municipal court who shall serve as a full time or part time clerk as shall be determined by the presiding municipal judge, except that the municipal judge or judges shall serve as ex officio clerk if the business of the court, as determined by the presiding municipal judge, is insufficient to warrant a separate clerk, or during the temporary absence, sickness, disqualification or other inability of the clerk to act. (Ord. 1075 § 2 (part), 1970; prior code § 9.3)

1.28.040 Qualifications of jurors.

All residents of this city who are eighteen years of age or more, and who have never been convicted of a felony, shall be competent to serve as jurors in the police court. (Ord. 1190 § 1, 1972; prior code § 9.12-2)

1.28.050 Appeal bond "Form" qualifications of sureties.

The appeal bond required by the laws of the state shall be substantially in the form set out following this chapter.

The surety on this bond shall be a person or persons over the age of twenty-one years of age who owns real property within the state of a value in excess of the penal sum set by the municipal judge and all liens and encumbrances thereon, or a corporate surety company duly qualified to do business in the state, or in lieu of a surety, cash in the amount set by the municipal judge. (Ord. 1075 § 2 (part), 1970; prior code § 9.5)

1.28.060 Court costs.

The municipal judge shall assess costs in an amount to be established by resolution of the city council against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement. However, if a court appearance is not mandatory as indicated on the summons and complaint, such cost shall not be imposed upon any defendant who, within twenty days of the defendant's receipt of the summons and complaint, enters a plea of guilty as charged and pays the fine indicated on the summons and complaint. The municipal judge is authorized to establish a process for court cost waiver for a defendant who enters a plea of guilty or nolo contendere as charged following said twenty-day period but prior to arraignment, when such defendant has not burdened the municipal court system.

The municipal judge shall assess costs in the amount of twenty-five dollars against any defendant who, after a trial to the court, is found guilty of an ordinance violation.

The municipal judge shall assess costs in the amount of one hundred dollars against any defendant who, after a jury trial, is found guilty of an ordinance violation. (Ord. 4467 § 1, 1999; Ord. 3904 § 1, 1993; Ord. 3845 § 3 (part), 1992)

End Title 1

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04

ELECTIONS--TERMS OF OFFICERS--VACANCIES

Sections:

2.04.015 Write-in candidates and cancellation of elections.

A. No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the municipal clerk by the person whose name is written in prior to twenty days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

B. If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the city clerk, if instructed by resolution of the city council either before or after such date, shall cancel the election, and city council shall, by resolution, declare the candidates elected. Upon such declaration, the candidates shall be deemed elected. Upon the cancellation of the election, the

city clerk shall publish notice of cancellation, if possible, and shall post such notice at each polling place and in not less than one other public place. (Ord. 4091 § 1, 1995; Ord. 3768 § 1, 1991; Ord. 3396 § 1, 1987)

2.04.020 Vacancies.

Where a vacancy or vacancies exist in the office of council member from a ward, and a successor or successors are to be elected at the next regular election to fill the unexpired term or terms, the candidate from that ward receiving the highest number of votes shall be elected to a four year term and the candidate from that ward receiving the next highest number of votes shall be elected to fill the unexpired term. (Ord. 4505 § 2, 2000; Ord. 1212 § 2, 1972; Ord. 931 § 4, 1965; prior code § 3.4)

Chapter 2.08

CITY COUNCIL

Sections:

2.08.010 Corporate authority.

The corporate authority of the city shall be vested in the city council, together with such other officers as are provided for in this code. The city council shall possess all the legislative powers of the city and all other corporate powers not conferred by state law or this chapter on some other officer of the city. Its powers shall include the management and control of the finances, and all the property, real and personal, belonging to the city. (Ord. 877 Art. 1 (part), 1964; prior code § 4.1)

2.08.020 Council salaries.

That for all new terms of office beginning after the regular Loveland municipal election on November 1, 2005, the salary of the mayor shall be one thousand dollars ($1,000) per month, the salary of the mayor pro tem shall be eight hundred dollars ($800) per month and the salary of all other members of the city council shall be six hundred dollars ($600) per month. (Ord. 4886, 2004)

2.08.030 Execution of intergovernmental agreements.

A. Except as provided in subsection B. below, all intergovernmental agreements or cooperative activities between the city and other governmental entities shall be submitted to the city council for review, and approval thereof shall be by resolution of the city council.
B. The city manager or his designee is hereby authorized to execute intergovernmental agreements when the proposed agreement:
    1. involves the direct, monetary payment of less than $10,000 by the city and, in the judgment of the city manager, does not entail any significant policy considerations; or
    2. is in furtherance of a policy, work plan item, project, or agreement that has been specifically approved by the city council, and:
        a. the execution of the intergovernmental agreement is required by state or federal law; or
        b. any direct, monetary payment to be made by the city under the terms of the intergovernmental agreement does not exceed $100,000.
C. Notwithstanding anything in this section to the contrary, the city manager shall not be authorized to execute any intergovernmental agreement that is required to be approved by the city council pursuant to any state law other than C.R.S. Section 29-1-203, as amended.
D. The city manager shall notify the city council of the execution of any intergovernmental agreement executed under the authority granted in subsection B. above that entails a city expenditure of more than $50,000. (Ord. 5337 § 1, 2008)

Chapter 2.12

COUNCIL MEETINGS--ORDINANCES

Sections:

*For statutory provisions relating to ordinances, see CRS §§ 31-16-101 to 31-16-208.

2.12.010 Place, time.

Regular meetings of the city council shall be held at the council chambers in the Municipal Building, 500 E. 3rd Street, Loveland, Colorado on the first and third Tuesdays of each and every month. Whenever any Tuesday is a legal holiday or Christmas Eve or New Year's Eve, the regular meeting of the council shall stand continued to the next succeeding day which is not a holiday, at the same place and time, and in case any hearing or proceeding has been set for any such day, the same shall not abate but shall stand continued to the next succeeding day which is not a holiday, at the same place and time. The mayor and any three members of the council may call special meetings by notice to each of the members personally served or left at his usual place of residence. All meetings shall at all times be open to the public. (Ord. 3603 § 1, 1989; Ord. 1262 § 1, 1973; prior code § 5.1)

2.12.015 Alternate meeting place.

Notwithstanding the provisions of Section 2.12.010, regular and special meetings of the city council may be held at locations other than the Municipal Building, upon a determination by the City Council that the Municipal Building facilities are inadequate to meet Council’s need for the scheduled meeting. Written notice for any such meeting at an alternate location shall be posted on the doors of the council chambers, posted at the City’s location for posting meeting notices as required by the Colorado Open Meetings Act, and posted on the City’s website. Such Notices must be posted at least 7 days before a regular meeting and at least 24 hours before a special meeting and shall state the location of and give directions from the Municipal Building to the alternate location. Any action taken at any regular or special meeting of the city council held elsewhere than at the council chambers shall be as effective as if held at the council chambers. (Ord. 5508, § 1, 2010; Ord. 3165 § 1, 1985)

2.12.020 Quorum.

A majority of the whole number of members of the city council shall be necessary to constitute a quorum for the transaction of business; provided however, that a smaller number may adjourn the meeting to another date. (Ord. 4505 § 3, 2000; prior code § 5.2)

Chapter 2.14

PUBLIC OFFICIALS' FINANCIAL DISCLOSURE AND OPEN PUBLIC MEETINGS

Sections:

2.14.010 Disclosure of conflicts of interest and finances.

A. Except as provided in subsection D of this section, no member of the city council shall participate in the voting upon or discussion of any matter before the council in which the member has a potential conflict of interest and such conflict is known to the member.

B. Except as provided in subsection D of this section, no member of the planning commission shall participate in the voting upon, discussion of, or recommendation to the city council of any matter before the planning commission in which the member has a potential conflict of interest and such conflict is known by the member.

C. A "potential conflict of interest" exists in the following circumstances:

1. When the member of the city council or planning commission is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any entity (other than the city and corporate bodies organized by the city) which is involved in or substantially affected by the matter before the commission or council;
2. When the matter before the city council or planning commission may substantially affect a source or potential source or sources of income of the planning member or city council member, or may substantially affect a source or potential source or sources of income of his spouse or minor children residing with him, if such source or potential source or sources of income are known to the member;
3. When the matter before the city council or planning commission may affect by zoning, condemnation, or otherwise, any real property having a market value in excess of five thousand dollars in which the member of the city council or planning commission possesses a direct or indirect interest, including but not limited to an option to buy, or in which the member's spouse or minor children residing with him are known by the member to possess such interest;
4. When the matter before the city council or planning commission may substantially affect the interest of any creditor to whom the council member or commission member owes money in excess of one thousand dollars, or to whom the member's spouse or minor children are known by the member to owe money in excess of one thousand dollars;
5. When the matter before the city council or planning commission may substantially affect the interest of any business with which the council member or commission member is engaging in business transactions at the time the matter is before the council or commission.

D. Notwithstanding the provisions of subsections A and B of this section:

1. Upon full disclosure by the city council member of any potential conflict of interest, the member may be permitted to participate in the discussion of the matter or voting upon the matter, or both, in the discretion of the city council, upon a vote of two-thirds of the remaining members in favor of the allowance of such participation, provided that such participation or voting is not otherwise prohibited by law.
2. Upon full disclosure by a planning commission member of any potential conflict of interest, the member may be permitted to participate in the discussion of the matter, or voting upon the matter, or the making of recommendations upon the matter, or any or all of these, in the

discretion of the planning commission upon a vote of two-thirds of the remaining members in favor of the allowance of such participation, provided that such participation is not otherwise prohibited by law.

E. Disclosure of a potential conflict of interest, except as otherwise required by law, may be made by doing the following:
   1. Filing a written statement setting forth the areas of potential conflict in sufficient detail to allow the remaining members to exercise an informed vote on the question of participation by the filing member. The filing shall be made with the mayor in the case of a matter before the city council and with the chairman of the planning commission in the case of a matter before the planning commission. The filing of the written statement shall be made at least twenty-four hours prior to the time that the matter is to be brought before the planning commission or city council; or
   2. Giving an oral statement of the potential areas of conflict, which shall appear in the minutes of the city council or planning commission, and shall set forth the potential conflict of interest in sufficient detail to allow the remaining members to exercise an informed vote on the question of participation by the member making the statement. The statement shall be made prior to discussion of the matter, creating the potential conflict of interest, or as soon thereafter as the member becomes aware of the potential conflict of interest.

F. Whenever a matter is before the city council which created a potential conflict of interest of a planning commission member, and in which the member with a conflict participated in the proceedings pursuant to subsections D and E of this section, the city council shall be made aware of the potential conflict and it shall be the duty of the chairman of the planning commission to provide the council with the written statement, or the minutes reflecting the oral statement, made pursuant to subsection E of this section.

G. The provisions of subsections A through F of this section shall apply to all proceedings of the city council and the planning commission deemed to be open public meetings pursuant to the provisions of Section 2.14.020 of this code; provided that nothing contained in this subsection shall be construed to authorize a council member or planning commission member to participate in any proceedings where such participation is otherwise prohibited by law.

H. Violation of the provisions of subsections A, B, or F of this section shall constitute malfeasance in office and shall be good cause for removal and such other penalties as may be provided by the statutes of the state. Such violations shall further constitute a violation of this code and shall be punishable by a fine of not more than three hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

I. The city manager and each member of the city council shall file with the city clerk a financial disclosure statement within thirty days of election or appointment to or retention in office.
   1. The financial disclosure statement shall contain the following information:
      a. The name and nature of any entity (other than the city and corporate bodies organized by the city) which provides a source of income directly or indirectly to the person making the disclosure and the entity; and
      b. The name and nature of any entity (other than the city and corporate bodies organized by the city):
         i) Of which the person making disclosure is an officer, director, trustee, or beneficiary, or
         ii) In which the person making disclosure has any interest or control, through stock ownership other than listed securities, or otherwise, and from which the person has the potential for receiving pecuniary gain; and
      c. The legal description of real property located within the planning jurisdiction of the city in which the person making disclosure has any direct or indirect interest, including but

not limited to an option to purchase, the market value of which is in excess of five thousand dollars; and

d. The name of each creditor to whom the person making disclosure owes money in excess of one thousand dollars.

2. The words "indirect" and "indirectly" as used in subsection I(1) of this section shall include, but not be limited to, income and interests of a spouse or minor child residing with the person making disclosure to the extent that:
   a. The income or interest is known to the person making disclosure; and
   b. The person making the disclosure receives a pecuniary benefit from or has the potential of receiving a pecuniary benefit from the income or interest.
3. Nothing contained in this section shall authorize or require the disclosure of any communications which are privileged under the rules of evidence for courts of this state, or the disclosure of the names of tenants, customers, patients or clients of the person making disclosure, or the disclosure of the names of tenants, customers, patients or clients of the person's spouse or minor children.

J. Any person required to file a disclosure statement shall file with the city clerk an amended statement on or before June 1st of each calendar year, reflecting changes in the information previously filed, or a notification that no amendment is needed. An amended statement shall also be filed within thirty days after termination or acquisition of interests as to which disclosure is required.

K. Each disclosure statement, amended statement, or notification that no amendment is required shall be public information, available to any person upon request to the city clerk during normal working hours.

L. Any person to be considered by the city council for appointment to the planning commission shall submit to the city council an application which shall include the confidential information required by subsection I of this section and such other information as the city council may determine to be reasonably related to the applicant's ability to serve in an impartial and competent manner.

M. Any person to be considered by the city council for appointment to the Loveland Utilities Commission shall submit to the city council an application which shall include a disclosure statement. The city council and any selection committee appointed by city council to make a selection recommendation shall be provided with the applicant's disclosure statement for review prior to selection or recommendation. The provisions of subsection J shall apply if the applicant is selected to serve on the Loveland Utilities Commission. The disclosure statement shall provide the following information:

1. The name and nature of any entity which provides a source of income to the applicant or to a member of the applicant's immediate family which income is the result of activities concerning water rights;
2. A listing and description of all water rights held by applicant, the applicant's immediate family, an entity in which the applicant has an ownership or control interest, and water rights held for the benefit of the applicant or the applicant's immediate family.

For purposes of this subsection, the phrase "immediate family" shall mean the applicant's spouse, children, and any other relatives by blood or marriage if such other relatives are residing with the applicant. For purposes of this subsection, the phrase "water rights" shall mean any direct flow rights, rights in the Loveland Water Bank, rights in any ditch, irrigation or reservoir company, rights to use water under the control of the Northern Colorado Water Conservancy District, or any other property interest that directly or indirectly permits the owner of the property interest to use water.

N. Any person who knowingly falsifies statements required by subsections I, J, L and M of this section, or who knowingly fails to file a statement required by subsections I, J, L and M of this section, is guilty of a violation of this code and shall be punished by a fine of not more than three hundred dollars or by imprisonment of not more than ninety days, or by both such fine and imprisonment.

O. If any subsection, sentence, clause, or phrase used in this section is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this section, provided such other portions can be given effect without the invalid subsection, sentence, clause or phrase. The city council declares that it would have adopted the remainder of this section irrespective of the fact that any particular subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 4411 §§ 1, 2, 1999; Ord. 3979 §§ 1, 2, 1994; Ord. 1602 § 1 (part), 1977)

2.14.015 Contracts with the city.

A. The provisions of section 2.14.010 of this code notwithstanding, no member of City Council, or the spouse, parent, or minor child of such member, shall have a substantial financial interest in any contract with the City.

B. For the purpose of this section, the phrase "substantial financial interest" shall mean an ownership interest of 5% or greater in the entity contracting with the City, or a direct financial benefit of $1,000.00 (or its equivalent value) or more.

C. For the purpose of this section, the word "contract" shall mean a written or verbal agreement for the provision of a service or the provision of real or personal property to the city. A contract includes an employment relationship or agreement.

D. City Council may grant an exception to the provisions of this section upon the affirmative vote of three-fourths of all members of council, providing that such exception does not conflict with any other provision of state law or city code. (Ord. 4136 § 1, 1996)

2.14.020 Open public meetings required.

A. All meetings of a quorum of any board, committee, commission, or other policymaking or rulemaking body of any agency or authority of the city, or city council, at which any public business is discussed is declared to be a public meeting open to the public at all times except as otherwise provided in this section.

B. The city council, at the first regularly scheduled meeting after the effective date of the ordinance codified in this chapter, and annually thereafter at the last regularly scheduled meeting held in each calendar year, shall establish the regular meeting dates of all boards, committees, commissions, or other policymaking or rulemaking bodies of the city. Such meeting dates, within seven days after the establishment of the same, shall be published once in a newspaper of general circulation in the city and shall, in addition, be posted in a conspicuous place in the city municipal building. In addition to the publication and posting as provided in this subsection, the secretary or clerk of such boards, committees, commissions, or other policymaking or rulemaking bodies shall maintain a list of qualified electors who make written request annually before January 1st of each year of the meetings thereof for the ensuing year, and such persons shall be provided notification of the regularly scheduled date of such meetings and advance notification of any special meetings duly called. Such advance notice of special meetings shall be sufficient if forwarded to the last known address of such person by regular mail three days before such meeting. No action taken by such body shall be held void merely because of failure to provide such notice.

C. The minutes shall be taken of any meetings as discussed in subsections A and B of this section and shall be promptly recorded, and such records shall be open to the public at the city clerk's office during normal business hours.

D. Any body or agency as set forth in this section may hold executive sessions for the purpose of considering personnel matters, employment contracts, negotiations or pending litigation within the confines of the attorney-client privileges recognized by state law, which sessions shall not be subject to the provisions of this section; provided, however, that nothing in this section is intended to authorize executive sessions where the same are otherwise prohibited by the statutes of the state.

E. The courts of record of this state shall have jurisdiction to issue injunctions to enforce the purpose of this section upon application by any citizen of the city.

F. Any person who willfully or knowingly violates any of the provisions of this section is guilty of a violation of this section and shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars or by imprisonment not to exceed ninety days, or by both such fine and imprisonment. (Ord. 1485 § 1 (part), 1976)

Chapter 2.16

MAYOR*

Sections:

* For statutory provisions regarding the mayor of a manager-form city, see CRS § 31-34-207

2.16.010 Duties.

The mayor shall preside at meetings of the council and shall exercise such other powers and perform such other duties as are or may be conferred or imposed upon him by the ordinances of the city by state statute. He shall have all the powers, rights and privileges of a council member; he shall be recognized as head of the city government for all ceremonial purposes, by the courts for serving civil process, and by the government for purposes of military law. In the case of a vacancy in the office of mayor, the council shall choose his successor for the unexpired term. (Ord. 931 § 2, 1965; prior code § 3.1-1)

Chapter 2.20

OFFICIALS OF CITY--EMPLOYEES

Sections:

2.20.010 City attorney, city manager--Appointment.

The city council shall elect a city attorney who shall be an attorney-at-law and who shall have practiced in the state for at least five years. The council shall also elect a municipal judge. The council shall appoint a city manager who shall be chosen by the council solely on the basis of his executive and administrative qualifications and need not, when appointed, be a resident of the city or of the state. The city manager shall be appointed for an indefinite term but shall be removable at the pleasure of the council for cause. (Ord. 1333 § 1 (part), 1974; Ord. 877 Art. 1 (part), 1964; prior code § 4.4)

2.20.020 City attorney--Duties.

The city attorney shall be the general legal adviser of the city council and all officers and boards of the city in all matters arising out of questions concerning the law, ordinances and contracts of the city, and all other matters pertaining to the business of the city. He shall appear for the city in all actions or suits in which the city is a party and he is authorized to make any and all affidavits or instruments in writing for the proper conduct of any suit in which, in his opinion, the city's interests require. He shall attend all meetings of the council and draw all ordinances, contracts and other instruments when requested by the council to do so. The city attorney may appoint such assistants as deemed necessary and as authorized in the budget for the city attorney, who shall serve under the direction and control of the city attorney. (Ord. 3913 § 1, 1993; Ord. 877 Art. 2 (part), 1964; prior code § 4.6)

2.20.030 Municipal judge.

The municipal judge, shall have exclusive original jurisdiction to hear, try and determine all causes arising under any of the ordinances of the city for a violation thereof. The proceedings in all actions by the municipal judge, and the exercise of all powers and duties conferred upon and required of him, shall be according to the applicable state statutes. The municipal judge and assistant municipal judge shall be admitted to, and currently licensed in, the practice of law in Colorado. In the event that the municipal judge and assistant municipal judge are unable to serve due to temporary absence, sickness or disqualification, the municipal judge may temporarily appoint a special municipal judge to serve during said temporary period. The special judge shall be admitted to and currently licensed in, the practice of law in Colorado and currently serving as a judge or referee for another court within Colorado. The municipal judge and the assistant municipal judge shall have the authority to solemnize marriages pursuant to the provisions of state law. The fees to be charged for the solemnization ceremony shall be set by resolution of the city council. (Ord. 3867 § 1, 1993; Ord. 3845 § 4, 1992; Ord. 1333 § 1 (part), 1974; Ord. 877 Art. 2 (part), 1964; prior code § 4.7)

2.20.040 Council to fill vacancies.

In case of death, resignation or removal for cause, of any of the appointive officers of the city, the city council, by a majority vote of all of the members thereof, may select and appoint a suitable person to fill the vacancy. (Ord. 877 Art. 2 (part), 1964; prior code § 4.8)

2.20.050 Bonds.

All officers and employees of the city, who in the opinion of the city manager shall be bonded for the protection of the city, shall be bonded in such amounts as the city manager shall recommend to the city council and the costs of any such bonds shall be borne by the city. (Ord. 877 Art. 5 (part), 1964; prior code § 4.31)

Chapter 2.24

CITY MANAGER

Sections:

2.24.010 Duties.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city; to see that the ordinances of the city and the applicable laws of the state are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual budget estimate; to prepare and submit to the council such reports as may be required by that body; to prepare and submit each month to the council a detailed report covering all activities of the city, including a summary statement of revenues and expenditures for the preceding month, detailed as to appropriations and funds in such a manner as to show the exact financial condition of the city and of each department and division thereof as of the last day of the previous month; and to perform such other duties as may be prescribed by the statutes of the state or required of him by ordinance or resolution of the city council. The city manager may appoint such assistants as deemed necessary and as authorized in the budget for the city, who shall serve under the direction and control of the city manager and who may be delegated or assigned such duties as the city manager may prescribe. (Ord. 3975 § 1, 1994; Ord. 877 Art. 2 (part), 1964; prior code § 4.5)

2.24.020 Administrative control.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end, and except as otherwise provided in this code and by law, he shall have the power to appoint and remove all officers and employees in the administrative service of the city except the city attorney and municipal judge. Appointments made by the city manager shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite terms. (Ord. 1333 § 1 (part), 1974; Ord. 877 Art. 2 (part), 1964; prior code § 4.5-1)

2.24.030 Administrative regulations.

The manager is authorized to issue such administrative regulations and to outline general administrative procedures in the form of rules, not in conflict with the laws of the state or the ordinances of the city, in addition to those embodied in this plan, as are, or may become necessary for the adequate functioning of all departments. (Ord. 877 Art. 2 (part), 1964; prior code § 4.5-2)

2.24.040 Expenditures.

A. The city manager is authorized and directed to make all proper expenditures necessary for the operation of the city, including, without limitation, advertising for, receiving, and awarding bids and entering into contracts and agreements in accordance with Chapter 3.12.

B. The authority granted by this section may also be exercised by the city manager's duly authorized designees. (Ord. 5733 § 1, 2012; Ord. 5184 § 3, 2007; Ord 5198, 2007)

2.24.050 Leases.

A. The city manager is authorized to approve and execute leases in real property owned or leased in the name of the city and located at the Northern Colorado Regional Airport, provided that the lease shall comply with the provisions of paragraph B. of Section 12.48.020. Notwithstanding the foregoing, to the extent that this provision conflicts with the terms of any intergovernmental agreements and subsequent amendments between the city of Loveland and the city of Fort Collins and any bylaws, rules and regulations respecting the operation of the Northern Colorado Regional Airport, the provisions of such intergovernmental agreements, subsequent amendments, bylaws, rules and regulations shall apply.

B. The city manager is authorized to approve and execute leases for all other real property owned or leased in the name of the city, provided that:
   1. The lease is for a term of no more than ten years; and
   2. The lease provides that the city shall receive a rental amount which reasonably represents, as of the date of the lease, fair market rental value for the lease of the real property.

C. The term "lease," when used in this section, shall mean a contract by which the city grants to another the right to possess, use, and enjoy any real property owned or leased in the name of the city, for ten days or longer, in exchange for the payment of rent in an agreed amount.

D. The authority granted by this section may also be exercised by the city manager's duly authorized designees.

E. The city manager shall notify the city council in writing of the granting of any lease pursuant to this section and the granting of any lease by the airport manager pursuant to Section 12.48.020 within thirty days after such lease has been fully executed. (Ord. 6017 § 1, 2016, Ord. 5733 § 2, 2012)

2.24.060 Revocable licenses and permits.

A. The city manager is authorized to grant a revocable license or revocable permit for the use or occupation of any real property owned in the name of the city.

B. Any such license or permit may include such conditions and requirements as the city manager deems necessary and appropriate to protect the city's interests, and shall be revocable at the pleasure of the city manager, whether or not such right to revoke is expressly reserved in such license or permit.

C. The terms "revocable license" and "revocable permit," when used in this section, shall not mean:
   1. Those licenses and permits authorizing the temporary use or occupation of any real property owned in the name of the city that are authorized entirely through other administrative processes provided for in the city charter or code, including, without limitation, right-of-way work permits; or
   2. Franchises.

D. The authority granted by this section may also be exercised by the city manager's duly authorized designees.

E. The city manager shall notify the city council in writing of the granting of any license or permit pursuant to this section within thirty days after such grant is fully executed. (Ord. 5733 § 3, 2012)

Chapter 2.32

ADMINISTRATIVE PLAN*

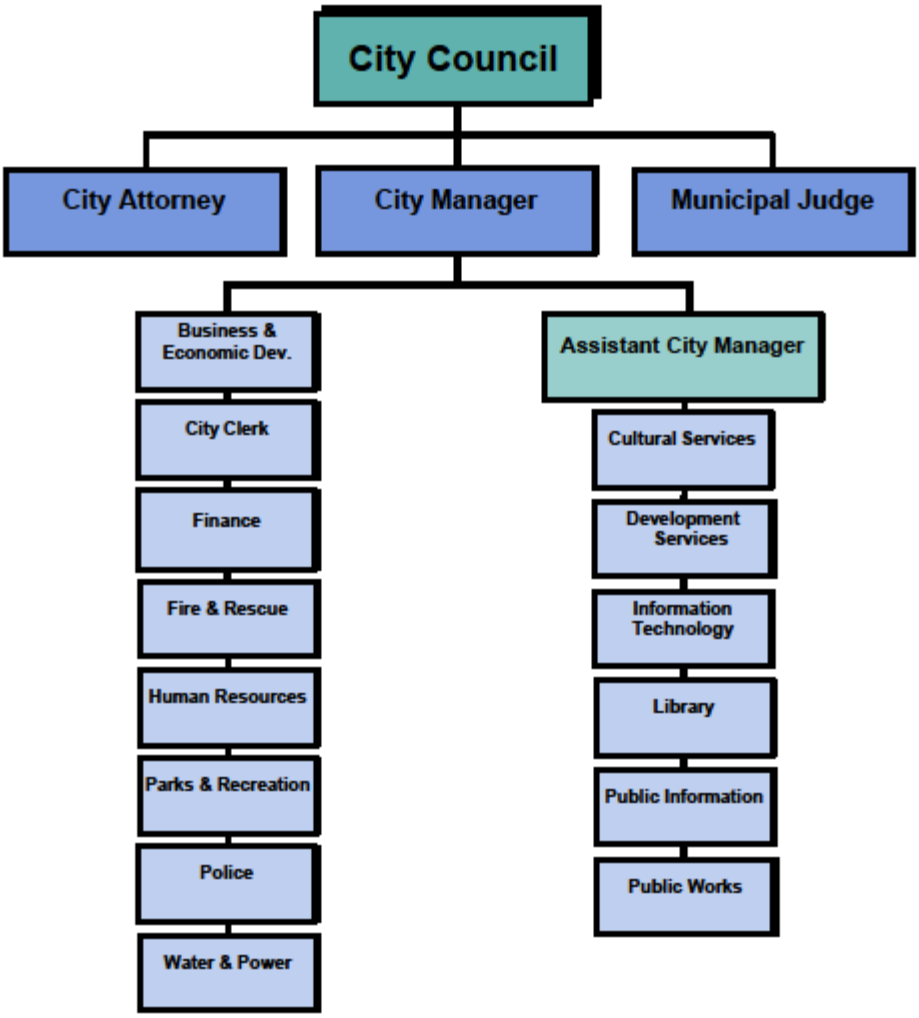
Sections:

*For statutory provisions authorizing manager form cities to establish administrative organization plans, see CRS § 31-4-215.

2.32.010 Organization.

The administrative service of the city shall be divided into divisions and departments under the control of the city manager. An organizational chart for the city is included in the tables which follow the body of this code. (Ord. 3434 § 1, 1987; Ord. 1337 § 1, 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.9)

CITY OF LOVELAND
ORGANIZATIONAL CHART 2017



2.32.020 Transition and implementation.

Whenever in this code specific powers and duties are assigned to the director of public works and utilities, the director of planning and community development, the director of planning, engineering, and building, or the director of community development services, such powers and duties shall be held and performed by the director of community services. Whenever in this code specific powers and duties are assigned to the water and sewer superintendent, the water and wastewater superintendent, the

director of water/wastewater, the electric superintendent, or the director of Loveland Light and Power, such powers and duties shall be held and performed by the director of water and power. (Ord. 3975 § 3, 1994; Ord. 3434 § 2, 1987; Ord. 2072 § 7, 1982)

Chapter 2.36

DEPARTMENTAL ORGANIZATION AND RESPONSIBILITY*

Sections:

*For statutory provisions authorizing manager form cities to establish administrative departments of city administrations, see CRS § 31-4-211.

2.36.010 Responsibilities of department heads.

The department heads shall be immediately responsible to the city manager or the city manager's designee, for the effective administration of the respective departments and the activities assigned thereto. In case of a termination or absence of any department head the city manager may designate an interim acting department head until such time as the position may be filled on a permanent basis. Department heads shall also keep informed of the latest practices in their particular field and shall inaugurate, with the approval of the city manager, such new practices as appear to be of benefit to the service and to the public. Department heads shall also be responsible for the proper maintenance of all city property and equipment used in their departments. (Ord. 3975 § 4, 1994; Ord. 877 Art. 5 (part), 1964; prior code § 4.27)

2.36.020 Activity reports.

Reports of the activities of each department shall be made to the city manager at the end of each month. A summary of such reports shall be made by the manager and submitted to the council on a monthly or quarterly basis. Each department head, with the approval of the city manager, shall establish a system of records and reports in sufficient detail to furnish all information necessary for the proper control of departmental activities and to form a basis for the monthly reports to the city manager. (Ord. 877 Art. 5 (part), 1964; prior code § 4.28)

2.36.030 Preservation of records.

Each department head shall be responsible for the preservation of all public records under his jurisdiction and shall provide a system for filing and indexing the same. No public records, reports or other data relative to the use of any department shall be destroyed or removed permanently from the files without the approval of the city manager. (Ord. 877 Art. 5 (part), 1964; prior code § 4.29)

2.36.040 Interdepartmental coordination.

It shall be the duty of every department subject to such rules as the city manager may prescribe to furnish to any other department such services, labor and materials as may be needed by the head of such department. Any labor or material which may be furnished by any department for another department shall be charged to the using department according to accounting procedures established by the city manager. (Ord. 877 Art. 5 (part), 1964; prior code § 4.30)

Chapter 2.40

DEPARTMENT OF ADMINISTRATIVE SERVICES

Sections:

2.40.010 Designated.

There is created a department of administrative services, which shall be under the direction of a director of administrative services. It shall be the director's duty to organize, plan and direct the financial, accounting, purchasing, vehicle maintenance, risk management, facilities management and data processing activities and procedures of the city, to serve as director of finance and perform such other functions as may be prescribed by the city manager. (Ord. 4039 § 1, 1994; Ord. 3975 § 5, 1994; Ord. 2072 § 5, 1982; Ord. 1337 (part), 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.12)

2.40.020 City clerk division.

Within the department of administrative services shall be a city clerk division. The city clerk shall be charged with the responsibility for the operation of this division. The city clerk shall serve as ex officio city treasurer and clerk of the council. The city clerk shall keep and supervise all accounts and have custody of all public moneys of the city; apportion and collect special assessments; issue licenses; collect license fees; make and keep a journal of proceedings of the council; have custody of all public records of the city not specifically entrusted to any other office; and perform such other duties pertaining to such offices as may be by ordinance or state law required or assigned by the director of administrative services. (Ord. 2072 § 6, 1982; Ord. 1337 § 1 (part), 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.12-1)

Chapter 2.44

DIVISION OF PUBLIC SAFETY

Sections:

2.44.010 Designated.

There is created a division of public safety which shall be directed by the city manager and shall consist of a police department and a fire and rescue department. (Ord. 4079 § 1, 1995; Ord. 3975 § 7; Ord. 1337 § 1 (part), 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.14)

2.44.020 Police department.

There is established a police department. The director of the police department shall be the chief of police. He shall direct the police work of the city and shall be responsible for the maintenance of law and order. His work shall include control of investigation, records, traffic, crime prevention and all subjects allied to police work. He shall also furnish information to the public relative to traffic regulations, city ordinances and state laws and perform such other duties as may be assigned by the city manager in the exercise of police powers. (Ord. 1337 § 1 (part), 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.14-1)

2.44.040 Fire and rescue department.

The services of the fire and rescue department are provided by the Loveland Fire Rescue Authority, an independent governmental entity created August 19, 2011 by intergovernmental agreement between the City and the Loveland Rural Fire Protection District. The fire and rescue department shall be under the supervision of the fire Chief of the Loveland Fire Rescue Authority. The fire chief shall be responsible for the extinguishment and the prevention of fires, the protection of life and property against fires, the response to emergency medical incidents and other rescues, the control and containment of hazardous material releases, the removal of fire hazards, the maintenance and care of all property owned by the department, the training of all firefighters, and the performance of other duties agreed to by the City and assigned by the Loveland Fire Rescue Authority. The fire chief shall also furnish information to the public relative to fire hazards, illegal practices and dangerous fire hazards and situations. (Ord. 5964 § 1, 2015; Ord. 4079 § 2, 1995; Ord. 1337 § 1 (part), 1974; Ord. 877 Art. 3 (part), 1964; prior code § 4.14-2)

2.44.050 Cooperative agreements.

The city council may enter into cooperative agreements with the Loveland rural fire protection district, the Loveland Fire Rescue Authority, or any other governmental entity as permitted by law for the provision of fire and rescue services, use of equipment, officers, personnel and facilities, and it may pay all or a proportionate share of the necessary expenses which are occasioned by or incidental to fire protection. (Ord. 5964 § 2, 2015; Prior code § 10.2)

2.44.060 Removal of apparatus from city.

No fire equipment or emergency first aid equipment shall be taken from the city except to a fire in the Loveland rural fire protection district, and in case of an emergency, to other areas authorized by the chief of the fire department or the city manager. (Ord. 931 § 7, 1965; prior code § 10.4)

2.44.070 Fire alarms.

The fire chief shall adopt rules and regulations for giving signals and sounding alarms for fire and he shall have the power to alter and change the same from time to time. (Prior code § 10.5)

2.44.120 Fee for police services at noise disturbances requiring a second response.

A. Purpose. The purpose of this section is to maintain the quality of life in neighborhoods and to recover the city's costs for return responses to the scene of noise disturbances within the city. The return response to a noise disturbance to maintain the peace, health, safety or general welfare of the public is a drain on personnel and resources, often leaving other areas of the city without adequate levels of police protection, which creates a hazard to the public and requires resources over and above the level of police services normally provided. Additionally, noise disturbances which are not abated after a first police response significantly degrade the quality of life of the residents of the city. The return response to a noise disturbance constitutes a public nuisance, the cost for which should be paid by the responsible persons.

B. Definitions.

1. "Noise disturbance" means a disturbance of the peace as defined by municipal or state law by one or more persons at any location within the city of Loveland.
2. "Costs of a return response" means the salaries of the police department employees for the amount of time actually spent in responding to or remaining at the noise disturbance, plus the actual costs of any medical treatment to injured city employees and the costs of repairing any damaged city equipment or property.
3. "Responsible person" means any of the following:
   a. The person or persons who organize the activity causing the noise disturbance;
   b. The person or persons who have the legal right to possession of the premises where the noise disturbance takes place;
   c. If the responsible person is a minor, then the minor's parents or guardians; and
   d. The person or persons who own the property where the noise disturbance takes place.
4. "Return response" means a response by one or more police department employees within twenty-four hours of a prior response to a noise disturbance, when such response is determined by a police department employee to be necessary in order to investigate an alleged noise disturbance, and where such employee determines that such violation has occurred.

C. Notice of Response Fee. During a response to a noise disturbance, the responding police department employee may deliver to the responsible person a "Notice of Response Fee" which shall contain a message substantially as follows:

This notice of response fee is given to you as a result of a response by the City of Loveland Police Department to a noise disturbance as defined at Section 2.44.120 of the Loveland Municipal Code. You or any other responsible person, including the owner of the property, will be charged all city personnel and equipment costs incurred as a result of any return response made within 24 hours by the police to this location for a noise disturbance.

Tender of this notice to any responsible person while upon the property where the noise disturbance is taking place shall serve as effective delivery upon the person or persons who own the property.

D. Return Responses.
   1. If the city makes a return response to a noise disturbance and a "notice of response fee" has previously been delivered to a responsible person, then the city shall compute the costs of such response.
   2. A bill for the costs incurred by the city for its return responses shall be prepared and mailed, first class, to each known responsible person as defined in subparagraphs (a) through (c) of subsection (B)(3) of this section with a copy mailed to the owner of the property where the noise disturbance takes place. If payment is not made by said responsible persons within thirty days of mailing of the bill, then a bill for the costs shall be mailed, first class, to the owner of said property. All responsible persons as defined by subsection (B)(3) of this section shall be liable jointly and severally for payment. To the extent that a responsible person's liability for payment of the return response costs is based solely upon that person's ownership of the property, the costs collected from such owner pursuant to this section through civil action, shall not exceed one hundred dollars per response.
   3. No responsible person shall fail to pay the bill within thirty days of the mailing of the bill. The amount of the bill shall be deemed a debt to the city of the responsible person who shall be liable in an action brought in the name of the city for recovery of such amount.

E. Appeal of Fee Determination.
   1. A hearing officer shall be appointed by the city manager to hear appeals from responsible persons on the issue of whether such person is liable for the return response fees pursuant to the terms of this section.
   2. The responsible person shall have ten days from the date of mailing of the bill to make a written request for a hearing. The appeal shall be filed with the city clerk's office.
   3. At the hearing, the responsible person shall have the right to present evidence.
      a. The hearing officer shall waive all of the fee if the responsible person proves, by a preponderance of the evidence, any of the following:
         i. The appellant is not a responsible person as defined in this section;
         ii. The activity or occasion to which the police department responded was not a noise disturbance as defined by this section;
         iii. A responsible person did not receive the notice called for at the time of a response;
         iv. A return response, as defined by this section, did not occur;
         v. All of the persons engaged in the noise disturbance were trespassers upon the responsible person's property;
         vi. The appellant owner did not know or have reason to know that a noise disturbance problem existed at the property with the same tenant during the twelve months preceding the event which triggered the second response;
         vii. The appellant owner or owner's agent has taken reasonable action intended to prevent the reoccurrence of a need for a return response. Reasonable action may include, but is not limited to, any one or more of the following: commencement of an eviction action, written notice to a tenant demanding compliance with the state and municipal laws, meeting with neighbors to attempt resolution of nuisance activity.
      b. The hearing officer may waive all or any portion of the fee as to an appellant if the appellant proves, by a preponderance of the evidence that the assessed amount is not based upon the cost of a return response as defined by this section.
      c. No collection activity shall commence during the pendency of this administrative appeal for those fees which are the subject of the appeal. (Ord. 3839 § 1, 1992)

Chapter 2.48

DEPARTMENT OF COMMUNITY SERVICES

Sections:

2.48.010 Designated.

There is created a department of community services which shall be under the direction of a director of community services. It shall be the director's duty to organize, direct and manage the provision of transportation and building services, including the following service areas: traffic operation, engineering, solid waste, street maintenance, building inspection, code enforcement, development center operation, and current planning. The director shall perform such other functions as may be prescribed by the city manager. (Ord. 3975 § 9, 1994; Ord. 2072 § 1, 1982; Ord. 1707 § 1 (part), 1978)

Chapter 2.49

DEPARTMENT OF WATER AND POWER

Sections:

2.49.010 Designated.

There is created a department of water and power which shall be under the direction of a director of water and power. It shall be the director's duty to organize, direct and manage the water, wastewater, stormwater, electric production, and electric distribution systems and plants of the city and the city's warehouse operations. The director shall be responsible for all matters relating to construction, management, maintenance, customer billing and operation of said systems and plants and shall perform such other functions as may be prescribed by the city manager. (Ord. 3975 § 10, 1994; Ord. 2072 § 2, 1982)

Chapter 2.50

DEPARTMENT OF EMPLOYEE RELATIONS

Sections:

2.50.010 Designated.

There is created a department of employee relations which shall be under the direction of a director of employee relations. It shall be the director's duty to organize, direct and manage the hiring, discharging, and general supervision of city employees and shall perform such other functions as prescribed by the city manager. (Ord. 3975 § 11, 1994; Ord. 3480 § 7, 1987; Ord. 3434 § 3, 1987; Ord. 2072 § 3, 1982; Ord. 1707 § 1 (part), 1978)

Chapter 2.52

DEPARTMENT OF PARKS AND RECREATION*

Sections:

*Prior history: Prior code §§ 14.16 and 14.16-1, Ords. 3823, 1337 and 877.

2.52.010 Designated.

There is created a department of parks and recreation which shall be under the direction of a director of parks and recreation. It shall be the director's duty to organize, direct and manage the city's parks, recreation programs and facilities, cemeteries, golf courses, and recreation trails system. The director shall perform such other functions as may be prescribed by the city manager. (Ord. 3975 § 12, 1994)

Chapter 2.56

LIBRARY DEPARTMENT*

Sections:

*Prior history: Prior code § 4.15. Ords. 1337 and 877.

2.56.010 Designated.

There is created a library department which shall be under the direction of a library director. The director shall be responsible for the administration of all affairs necessary for the operation and maintenance of the city library. The director shall perform such other duties as may be assigned by the city manager and shall consult with the library board regarding the establishment of policies for the operation of the library. (Ord. 3975 § 13, 1994)

Chapter 2.58

DEPARTMENT OF CULTURAL SERVICES

Sections:

2.58.010 Designated.

There is created a department of cultural services which shall be under the direction of a director of cultural services. The director shall be responsible for the administration of all affairs necessary for the operation and maintenance of the city museum and for the proper keeping of records of all items owned or on loan to the museum. The director shall also be responsible for the care, maintenance and the keeping of records for public art owned or loaned to the city. The director shall perform such other duties as may be assigned by the city manager, and shall consult with the museum board regarding the establishment of policies for the display of exhibits and general operation of the museum and for the benefit of the viewing public. The director shall also consult with the visual arts commission regarding the city's art in public places program. (Ord. 3975 § 15, 1994)

Chapter 2.60

BOARDS AND COMMISSIONS

Sections:

2.60.010 Generally.

Except as otherwise provided in state statutes, the boards and commissions established for the city shall perform the activities and functions as set forth in this chapter and shall adhere to and be governed by the procedures and policies as set forth in the Handbook for Boards and Commissions adopted by resolution of the city council.

2.60.020 Membership.

A. Except as otherwise provided in state statutes or this chapter, members of city boards and commissions shall be residents of the city or have substantial ties within the corporate limits of the city, as determined by the city council. For the purposes of this chapter, "substantial ties" shall include, without limitation, ownership of real property, employment, or conduct of a business or profession within the corporate limits of the city.
B. A person shall not be eligible for appointment to any city board or commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or

adoption) is a city employee who in his or her capacity as a city employee regularly appears before or advises that board or commission. This shall not prohibit such person from being eligible for appointment to any other city board or commission not affected by this eligibility limitation.

C. A person shall not serve on more than one city board or commission at a time; provided, however, that a board or commission member may apply for and be appointed to another board or commission if: (i) said member is the only qualified applicant for the position; or (ii) said member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

D. Members of city boards and commissions shall serve for the term provided in the statutes or ordinances establishing the applicable board or commission. Whenever such statute or ordinance provides for terms of office which overlap one another, the city council shall make appointments shorter than the full term in order to space the expiration dates of the terms of the members as evenly as practicable. Whenever a member is appointed for a specific term of years, such member shall serve for the specified term or until a successor is appointed, whichever occurs last.

E. Members of city boards and commissions shall be eligible for reappointment without regard to the number of terms served. Members shall serve until their replacement has been appointed. Any member appointed to fill a vacancy shall serve the remainder of the unexpired term.

F. Removal of any city board or commission member shall require the affirmative vote of a majority of the entire city council.

G. Members of city boards and commissions shall serve without compensation. (Ord. 5324 § 1, 2008)

2.60.030 City council and staff liaisons.

A. The city council shall have the authority to appoint one or more members of the city council to serve as non-voting council liaisons to any board or commission. The term of office of said liaisons shall coincide with the city's biennial municipal election.

B. The city manager shall have the authority to appoint one staff member to serve as a non-voting staff liaison to any board or commission. Such staff member shall serve as the staff liaison until termination of employment or until appointment of a new staff liaison, whichever occurs first.

C. The city manager shall be a non-voting, ex officio member of all boards and commissions. The city manager and the city attorney, upon request and after consultation with each board and commission, shall provide such staff assistance as may be appropriate to carry out the duties and responsibilities of the board or commission.

2.60.040 Funding.

A. Requests for budget appropriations shall be submitted to the city manager for review and inclusion in the annual budget submitted to the city council by the city manager. Expenditures of appropriations shall be made in accordance with the city's purchasing policies and procedures.

B. The city shall reimburse members of city boards and commissions for the reasonable and necessary costs and expenses incurred by such members in attending conferences and training programs relevant to their service and which have been authorized in advance by the city manager.

2.60.050 Affordable housing commission.

A. There is established an affordable housing commission consisting of nine members appointed by the city council. The term of office of each member shall be three years.
B. The purpose of the affordable housing commission shall be to serve as an advisory body to the city council and staff on all matters pertaining to affordable housing in Loveland. In addition to any other duties as may be delegated to it by the city council, the commission shall:
    1. study the dimension and scope of the need for affordable housing and make recommendations to the city council regarding specific market targets;
    2. review existing affordable housing incentives and policies and make recommendations to the city council regarding policy changes;
    3. develop specific incentives and regulatory-based strategies to increase, preserve, and rehabilitate affordable housing in Loveland; and
    4. review all "bricks and mortar" grant applications made to the city for community development block grant funds related to housing, hear presentations from applicant agencies, and make a recommendation to the city council regarding such grant funding applications.

2.60.060 Citizens' finance advisory commission.

A. There is established a citizens' finance advisory commission consisting of nine members appointed by the city council. The term of office of each member shall be three years.
B. The purpose of the citizens' finance advisory commission shall be to review the city's budget in detail and to report to the city council on its findings, to evaluate and recommend auditors for use by the city, to review city financial reports, and to review the city's financial policies and recommend changes to the city council.

2.60.075 Community marketing commission.

A. There is established a community marketing commission consisting of seven members appointed by the city council. Members on the commission shall have backgrounds in the fields and businesses of lodging, tourism, the arts, marketing, economic development and community development. The term for two of the initial members appointed shall be for one year, two other initial members shall be appointed for a term of two years, and the remaining initial three members shall be appointed for three-year terms. After these initial terms expire, members shall be appointed for a three year term.
B. The purpose of the community marketing commission shall be to serve as an advisory body to the city council concerning the city's use of the revenues received from the lodging tax levied under Code Chapter 3.24. The commission shall make recommendations to the city council as to how the funds should be specifically spent consistent with the purpose authorized in Code Section 3.24.005 and Section 3.24.105. (Ord. 5445 § 2, 2009)

2.60.080 Construction advisory board.

A. There is established a construction advisory board consisting of eleven members appointed by the city council. The term of office of each member shall be three years.
B. The purpose of the construction advisory board shall be to serve as an advisory body to the city council on all matters pertaining to the regulation of construction activities within the jurisdiction of the city. In addition to any other duties as may be delegated to it by the city council, the board shall:
    1. review uniform codes and recommend updates, as needed; and
    2. review subdivision improvement requirements and development standards and recommend updates, as needed.

C. The construction advisory board shall be the board of appeals in connection with all codes adopted by reference in Title 15 and shall exercise the powers delegated to it by the city council in Chapter 15.04.

2.60.090 Cultural services board.

A. There is established a cultural services board consisting of seven members appointed by the city council. The term of office of each member shall be four years.

B. The purpose of the cultural services board shall be to serve as an advisory body to the city council on such policies, procedures, rules, and regulations and other matters as the board believes necessary and proper for the administration, management, and development of the cultural services department and its facilities. In addition to any other duties as may be delegated to it by the city council, the board shall:

1. review and make recommendations regarding the establishment of policies and fees affecting the cultural services department;
2. support communication and cooperation between the cultural services department and other cultural service organizations in the community;
3. represent the cultural services department at local events, activities, and functions in the cultural services department; (Ord. 5569 § 6, 2011)
4. review exhibit and programming ideas and offer conceptual ideas to staff for future exhibits and programs;
5. assist with fundraising for special cultural services department projects when appropriate;
6. advise city staff on the development of the annual budget for the cultural services department and serve as advocates for the cultural services department; and
7. make final decisions on deaccessioning and disposition of collection items in accordance with the policies established by the city council.

2.60.100 Disabilities advisory commission.

A. There is established a disabilities advisory commission consisting of twelve members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the disabilities advisory commission shall be to study problems relating to disabled persons and their interaction with the community and to serve as an advisory body to the city council on such matters.

2.60.120 Golf advisory board.

A. There is established a golf advisory board consisting of nine members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the golf advisory board shall be to serve as an advisory body to the city council and to assist the department of parks and recreation in matters pertaining to golf and the municipal golf courses for the common benefit of the city, its golf courses, and the golfing public.

2.60.130 Historic preservation commission.

A. There is established a historic preservation commission consisting of eight members appointed by the city council. Members shall have demonstrated interest, competence, or knowledge in historic preservation. The commission shall be comprised of both professionals and lay members and shall be selected, as much as possible, from the fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural

geography, cultural anthropology, real estate, or law. One member of the commission shall be a board member of the Loveland Historical Society. One member shall be a high school student residing within the city who shall be under the age of twenty-one at the time of appointment and whose term of office shall be for one year coinciding with the school year and the summer months immediately subsequent to such school year; provided that such member shall be excused from meeting attendance during school breaks. Three members of the commission shall be professionals or shall have extensive expertise in a preservation-related discipline including, but not limited to, history, architecture, planning, or archaeology. Recognizing that professionals may not be available, this requirement may be waived by the city council following a good faith effort to recruit such professionals. Other than as provided above, the term of office of each member shall be three years. (Ord. 5962 § 1, 2015; Ord. 5718 § 1, 2012)

B. The purpose of the historic preservation commission shall be to serve as an advisory body to the city council on matters related to preserving the historic character of the city. In addition to any other duties as may be delegated to it by the city council, the commission shall:
   1. review resources nominated for designation as either an historic landmark or district based upon the criteria outlined in Section 15.56.090, and recommend that the city council designate by ordinance those resources qualifying for such designation;
   2. review and make decisions on any application for alterations to a designated historic landmark or district based upon the criteria outlined in Section 15.56.100;
   3. review and make decisions on any application for moving an historic landmark or structure within an historic district based upon the criteria outlined in Section 15.56.110;
   4. review and make decisions on any application for demolishing an historic landmark or structure within an historic district based upon the criteria outlined in Section 15.56.120;
   5. advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the local, state, or National Register of Historic Places;
   6. develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits, and conferences;
   7. conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance, and prioritizing their importance;
   8. actively pursue financial assistance and incentive programs for preservation-related programs;
   9. review all applications made to the city for the rehabilitation loan program created in Section 15.56.170 and make a recommendation to staff regarding allocation of loan funds; and
   10. review and make recommendations to the city council regarding amendments to the Loveland Historic Preservation Plan. The Loveland Historic Preservation Plan, and any amendments thereto, shall be adopted by resolution of the city council.

2.60.140 Housing authority.

The public housing authority of the city, as heretofore established by resolution of the city council, shall have all the powers necessary or convenient to carry out the purposes of such authorities as set forth in Article 4, Part 2 of Title 29, Colorado Revised Statutes, including solving the problem of unsafe and unsanitary dwelling accommodations in the city.

2.60.150 Human services commission.

A. There is established a human services commission consisting of eleven members appointed by the city council. Two of the eleven members shall be high school students enrolled in secondary schools located within the city who shall be under the age of twenty-one at time of appointment. The term of office of each member shall be three years.

B. The purpose of the human services commission shall be to serve as an advisory body to the city council on all matters pertaining to human services offered by the city. In addition to any other duties as may be delegated to it by the city council, the commission shall:

1. review all grant applications made to the city for human services commission grant funds and for community development block grant funds except for "bricks and mortar" applications that are housing related, hear presentations from applicant agencies, and make a recommendation to the city council regarding grant funding allocation;
2. perform site visits at the offices of grant recipients;
3. provide citizen input on consolidated planning documents and reports as required by the United States Department of Housing and Urban Development;
4. review and amend grant program guidelines and goals as needed; and
5. act as a sounding board for social concerns of Loveland citizens.

2.60.160 Library board.

A. There is established a library board consisting of seven members appointed by the city council. The term of office of each member shall be five years.

B. The purpose of the library board shall be to serve as an advisory body to the city council on all issues pertaining to the operation of the library. In addition to any other duties as may be delegated to it by the city council, the board shall:

1. advise the city council on such policies, procedures, rules, regulations, and other matters as the board believes necessary and proper for the administration, management, and development of the library and its facilities, collection, and equipment;
2. take such actions as the board believes necessary and proper to encourage the making of grants and gifts in support of the library;
3. accept on behalf of the city such gifts of money or property for use for library purposes in accordance with city policies;
4. make an employment recommendation to the city manager on hiring and retaining the library director;
5. recommend an annual operations and capital budget and report on the expenditure of library funds and operations after the close of the fiscal year; and
6. to the extent authorized by any policy adopted by the city council by resolution, hear and decide appeals taken by users of the library concerning the application of library policies, rules, regulations, or procedures.

2.60.180 Loveland utilities commission.

A. There is established a Loveland utilities commission consisting of nine members appointed by the city council. Any person who is a customer of the city's water, waste water, or electric utility, or who is an authorized representative of such a customer, shall

be eligible for appointment to the commission. The term of office of each member shall be three years.

B. The purpose of the Loveland utilities commission shall be to serve as an advisory body to the city council on all matters pertaining to the water, waste water, and electric utility operations and services provided by the city. In addition to any other duties as may be delegated to it by the city council, the commission shall:
   1. advise the city council on matters pertaining to rates, charges, and fees for water, waste water, and electric services provided by the city;
   2. approve procurement contracts, and change orders to procurement contacts, pursuant to Section 3.12.060;
   3. develop, approve, and adopt policies, practices, and guidelines to assist the water and power department in the efficient operation of the city's water, waste water, and electric utilities, and in the event a change to the municipal code is required in order to effectuate policies to be adopted by the commission, to recommend such changes to the city council;
   4. review the proposed annual budget for the water and power department;
   5. conduct public hearings on issues of policy concerning all water, waste water, and electric utility matters within the jurisdiction of the commission; and
   6. provide policy recommendations to the city manager and the director of the water and power department, consistent with any previously adopted city council policies, concerning all water, waste water, and electric utility matters within the jurisdiction of the commission. (Ord. 5401 § 1, 2009)

2.60.190 Open lands advisory commission.

A. There is established an open lands advisory commission consisting of nine members appointed by the city council. The term of office of each member shall be four years. One person appointed by the Larimer County open lands advisory board shall serve as a non-voting liaison to the commission for a term to be determined by the county.

B. The purpose of the open lands advisory commission shall be to make recommendations to the city council regarding the attributable revenue share to the city of the Larimer County open space sales and use tax. Further, the commission shall make recommendations concerning the acquisition, disposal, jurisdictional transfers, planning, preservation, development, use, and management of open space, natural areas, wildlife habitat, and other associated open lands issues.

2.60.200 Parks and recreation commission.

A. There is established a parks and recreation commission consisting of nine members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the parks and recreation commission shall be to serve as an advisory body to the city council with regard to the maintenance, administration, expansion, and development of the city's parks and the city's parks and recreation programs.

2.60.210 Planning commission.

A. There is established a planning commission consisting of nine members appointed by the city council. All nine members shall be bona fide residents of the city of Loveland. The term of office of each member shall be three years.

B. The purpose of the planning commission shall be to consider and pass upon all plats and make recommendations as to approval, modification, and disapproval thereof to the city council. The commission also shall consider and advise the city council on all proposed

changes to the zoning and subdivision ordinances and recommend adoption of comprehensive plans for the physical development of the city, which plans may be adopted by resolution of the city council, and perform such other duties as required by state statutes and as the city council may by ordinance or resolution prescribe.

2.60.220 Police citizen advisory board.

A. There is established a police citizen advisory board consisting of nine members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the police citizen advisory board shall be to support communication and education between the community and the Loveland police department. Additionally, the board shall serve as an advisory body to the Loveland police department and the city council concerning police policy, planning, and program issues.

2.60.230 Police pension board of trustees.

The police pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the police pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes.

2.60.240 Senior advisory board.

A. There is established a senior advisory board consisting of fifteen members. Nine members shall be appointed by the city council to serve terms of three years. Six members shall be nominated by the senior advisory board, and approved by the city council, to serve terms of two years. These six members shall consist of one at large member, and one member from each of the following organizations: Chilson Senior Advisory Committee, Housing Authority of the City of Loveland, Colorado, McKee Senior Services, the UCH Aspen Club/Senior Services, and the McKee Medical Center Seasons Club. (Ord. 5747 §1, 2013; Ord. 5665 § 1, 2012; Ord. 5449 § 1, 2009; Ord. 5481 § 1, 2010)

B. The purpose of the senior advisory board shall be to assist senior citizens in the Loveland area to live full and interesting lives, so that they might continue to contribute, participate, and share in the life of the community. Additionally, the board shall:

1. serve as a coordinating agency for senior services and activities;
2. assess, publicize, and support present senior services and activities in the community;
3. investigate and evaluate requests for new senior citizen services and activities;
4. plan, initiate, develop, and encourage new senior citizen programs as need is indicated; and
5. establish and maintain communications with local, state, and federal government agencies concerning senior citizens.

2.60.250 Transportation advisory board.

A. There is established a transportation advisory board consisting of seven members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the transportation advisory board shall be to serve as an advisory body to the city council and staff to assist in the planning and development of multi-modal transportation systems, other than those considered solely recreational. In addition to any other duties as may be delegated to it by the city council, the board shall provide the city council with advice and recommendations relating to the following:

1. local and regional transportation and transit matters, including, without limitation, those matters related to local and regional transportation projects and organizations;
2. policies, standards, and code amendments concerning transportation and transit;

3. the city's annual budget for the transit, project engineering, traffic, and streets divisions of the city's public works department;
4. the city's ten-year capital improvements plan as it relates to transportation and transit revenues and expenditures;
5. proposed amendments to the city's transportation master plan; and
6. transportation and transit fees, rates, and other charges to be approved by the city council.

2.60.260 Visual arts commission.

A. There is established a visual arts commission consisting of nine members appointed by the city council. The term of office of each member shall be three years.
B. The function of such commission shall be to perform the duties set forth in Chapter 12.60 pertaining to the city's art in public places program.

2.60.270 Volunteer firefighters' pension board of trustees.

The volunteer firefighters' pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the volunteer firefighters' pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes. The volunteer firefighters' pension system shall be the Consolidated Firemen's Pension Fund of Loveland and Rural District and the general composition of the board of trustees shall be determined by mutual agreement of the city and the Loveland Rural Fire Protection District. (Ord. 5598 § 1, 2011)

2.60.280 Youth advisory commission.

A. There is established a youth advisory commission consisting of twelve members appointed by the city council. Members shall be high school or middle school students enrolled in the Thompson School District or shall be residents of the city who are under the age of twenty-one at the time of appointment. The term of office of each member shall be one year and shall run from June 1st of any year through May 31st of the subsequent year. In addition to the twelve members, up to four alternates may be appointed by the city council to serve on the commission in the event of a vacancy. Said alternates shall be ranked at the time of appointment and shall automatically fill successive vacancies provided they meet all membership criteria at the time the vacancy is filled.
B. The purpose of the youth advisory commission shall be to identify issues in the community that concern and relate to the youth in the community. The commission may provide such advice to the city council as it deems appropriate, but at a minimum shall prepare an annual statement setting forth the issues concerning and relating to youth and suggesting actions to be taken by the city council and others.

2.60.290 Creative Sector Development Advisory Commission. *(exp. 12-31-2013)

A. There is established a creative sector development advisory commission consisting of seven members appointed by the city council. Members on the commission shall have a background in, experience in, or a commitment to the arts, arts education, or other creative sector fields, including but not limited to marketing, economic development and community development related to the creative sector. Each member of the commission shall be appointed for a three-year term. In addition to city council and staff liaisons as provided in City Code section 2.60.030, a representative appointed by Aims Community College shall be a non-voting ex-officio member of the commission.

B. The purpose of the creative sector development advisory commission shall be to serve as an advisory body to the staff of the office of creative sector development and city council concerning the business plan and the vision, mission, goals and objectives of the office of creative sector development.

*C. The office of creative sector development is intended to be pilot program operated and funded on an annual basis for a period of approximately three years ending December 31, 2013. The creative sector development advisory commission shall expire and this Section 2.60.290 shall be repealed on December 31, 2013 unless extended by ordinance of the city council. (Ord. 5556 § 1, 2011)

2.60.300 Communications Advisory Board

A. There is established a communications advisory board consisting of nine members appointed by the city council. The term of office of each member shall be three years.

B. The purpose of the communications advisory board shall be to serve as an advisory body to the city council on all issues and matters related to communications services, including high speed broadband services and to provide policy recommendations to the city manager and director of the water and power department consistent with any previously adopted city council policies concerning communications services. (Ord. 6186 § 2, 2018)

Chapter 2.68

SALARIES--PAY GRADES*

Sections:

*For statutory provisions relating to the salaries of city and town officials, see CRS § 31-4-109.

2.68.010 Generally.

The city council shall at least as early as its last monthly meeting before each regular municipal election, by ordinance, fix the salaries and fees of the mayor and council members, for the period for which they will be elected or appointed, if any change in salaries or fees is desirable. The city council shall neither increase nor diminish the salary of any council member or mayor during the member's or the mayor's term of office. (Ord. 4385 § 1, 1998; Ord. 877 Art. 1 (part), 1964; prior code § 4.3)

2.68.020 Employee pay plan.

The city council shall, from time to time, adopt, by resolution, an employee pay plan setting forth pay grades and compensation ranges for all employees of the city. (Ord. 5806 § 1, 2013; Ord. 4385 § 2, 1998; Ord. 877 Art. 1 (part), 1964; prior code § 4.2)

2.68.035 Benefits.

The city council may, by resolution, establish employment benefits for all or any job classifications, skill levels or occupational groups; provided, that such benefits are uniform for like service. The compensation and benefits for the city manager shall be as established by resolution of the city council. (Ord. 1741 § 2, 1978)

2.68.040 Employee benefit fund established.

There is established an employee benefit fund. There shall be deposited into such fund all amounts appropriated for, and all amounts collected by the city for, employee benefit programs providing medical and dental disability and other benefits. There shall be paid out of such fund such amounts as are necessary to provide the benefits defined in the city's benefit programs, including the payment of insurance premiums, if appropriate. (Ord. 3267 § 1, 1986)

Chapter 2.70

PENSION PLAN

Sections:

2.70.010 Establishment.

Pursuant to CRS Sections 111-9-1 through 111-9-11 there is established a pension plan for the employees of the city. The plan will be known as the "City of Loveland Employees' Retirement Plan." (Ord. 1320 § 1 (part), 1973; prior code § 4.33)

2.70.020 Employees not covered.

The retirement plan shall not apply to or include: firemen or policemen employed by the city; or other employees of the city who are eligible for exemption from the plan and who are exempted from the plan by resolution of the city council. (Ord. 1735 § 1, 1978; Ord. 1320 § 1 (part), 1973; prior code § 4.33-1)

2.70.030 Funds for plan.

The retirement plan shall be funded by contributions from the city and from the employees covered by the plan. Each employee will contribute to the plan an amount equal to three percent of his basic salary. The city shall contribute to the plan an amount equal to five percent of the basic salary of each employee covered by the plan. (Ord. 3781 § 1, 1991; Ord. 1554 § 1, 1977; Ord. 1320 § 1 (part), 1973; prior code § 4.33-2)

2.70.040 Prior service benefits.

Pursuant to CRS Section 111-9-3 in addition to the contributions of the city to the plan, set forth in Section 2.70.030, the city shall contribute an amount to the plan sufficient to fund five years prior service benefits, the contributions to be made in twenty annual installments. (Ord. 1320 § 1 (part), 1973; prior code § 4.33-3)

2.70.050 Insurer authorized to do business in state.

Any group annuity contract purchased under the provisions of this chapter shall be obtained from a life insurance company duly authorized to do an insurance and annuity business in this state. Said life insurance company shall be responsible and financially sound considering the extent and duration of coverage required. (Ord. 1320 § 1 (part), 1973; prior code § 4.33-4)

2.70.060 Employee's pension association.

The Loveland employees' pension committee, hereinafter to be known as the Loveland employees' pension association, is delegated the duty of purchasing, establishing or procuring a group annuity retirement plan or a noninsured trust retirement plan to provide for the system of retirement benefits for employees of the city. (Ord. 1320 § 1 (part), 1973; prior code § 4.33-5)

2.70.070 Board of retirement.

The management of the city employees' retirement plan shall be vested in a municipal board of retirement, which board is hereby established. The municipal board of retirement shall consist of five members, one of whom shall be the treasurer of the city, two of whom shall be nonelected employees of the city chosen by the employees of the city within thirty days after the retirement system becomes operative, and two of whom shall be qualified electors of the city chosen by the city council and not connected with the government of the city. The board of retirement shall by its own rules establish staggered four year terms for its members other than the city treasurer, and successors shall be selected as provided herein. (Ord. 1320 § 1 (part), 1973; prior code § 4.33-6)

2.70.080 Treasurer of plan.

The treasurer of the city shall serve as treasurer of the retirement plan. (Ord. 1320 § 1 (part), 1973; prior code § 4.33-7)

2.70.090 Municipal officials and employees' retirement fund.

As required by CRS Section 111-9-10(2), there is established a "municipal officials' and employees' retirement fund." Contributions from the city and from city employees to the retirement plan shall be paid into the fund. Management of this fund is vested in the municipal board of retirement. (Ord. 1320 § 1 (part), 1973; prior code § 4.33-8)

2.70.091 Pension plan forfeiture proceeds.

All moneys forfeited by participants in the city employees retirement plan due to termination of or change of status in employment prior to full vesting in the employee shall be applied toward the city's pension funding obligations as set forth in this chapter. (Ord. 3854 § 1, 1992; Ord. 2083 § 1 (part), 1983)

2.70.092 Longevity incentives.

A. Upon retirement after completion of not less than twenty-five years of employment with the city, there shall be paid to each such employee a one-time payment of one hundred dollars times the number of complete years of employment with the city. For the purposes of this subsection, employment with the city means permanent, full-time employment, and any interruptions in employment other than for vacation and sick leave shall not count in computing the number of years.

B. There shall be paid to the fund established in Section 2.70.090, or such other plan or fund to which the city makes contributions on behalf of an employee in lieu of participation in the city employees retirement plan, an additional sum equal to the percentage of base salary set forth in the following table according to the number of years of employment with the city completed:

No. of Years Completed	Up Through Year	Percentage of Base Salary
7	10	1%
10	15	2%
15	20	3%
20 or more	Retirement	4%

The benefits set forth in this section shall not apply to or include firemen or policemen employed by the city. (Ord. 3854 § 2, 1992; Ord. 3268 § 2, 1986; Ord. 2083 § 1 (part), 1983)

2.70.100 Alternative policemen's program.

The city council may, pursuant to and in conformity with the provisions of Section 325 of Article 30 of Title 31, Colorado Revised Statutes, 1973, establish by resolution an alternative policemen's pension benefit program or combination policemen's pension and insurance benefit program. (Ord. 1729 § 1, 1978)

Chapter 2.72

COMPREHENSIVE DISASTER PLAN

Sections:

2.72.010 Adoption of Comprehensive Disaster Plan.

The City of Loveland Emergency Operations Plan, 2012, as amended from time to time, is adopted as the comprehensive disaster plan for the City of Loveland. (Ord. 5686 § 2, 2012; Ord. 5271 § 2, 2007; Ord. 4058 § 2, 1995; Ord. 2090 § 1, 1983)

Chapter 2.73

PROHIBITED GIFTS TO CITY OFFICIALS

Sections:

2.73.010 Definitions.

As used in this Chapter, the following words, terms and phrases shall have the following meanings, except where the context clearly indicates otherwise:

A. "Board and commission member" shall mean any person duly appointed by the council to any board or commission of the city as authorized in City Charter Article 10 and as established in City Code Chapter 2.60, but shall not include any person who is a duly appointed commissioner of the Loveland Housing Authority established in City Code Section 2.60.140. (Ord. 5275 § 1, 2008)
B. "City official" shall mean a councilmember, an employee or a board and commission member.
C. "Councilmember" shall mean a member of the council.
D. "Employee" shall mean each compensated person in the service of the city who is designated as an employee in the city's personnel rules and regulations, but shall not include any person providing services for the city who is considered for federal income tax purposes to be an independent contractor.
E. "Gift" shall mean the transfer of a thing of value by one person to another person without the person transferring the thing of value receiving in return lawful compensation or consideration of equal or greater value from the person receiving the thing of value. However, a "gift" shall not mean any thing of value given to a person by a local, state or the federal government as authorized by law.
F. "Person" shall mean any individual, corporation, business trust, estate, trust, limited liability company, partnership, labor organization, association, political party, committee or other legal entity.
G. "Thing of value" shall mean any tangible or intangible thing having a market value, including, without limitation, money, real property, personal property, services, loans of money or property, favors, gratuities, rewards, awards, grants, scholarships, discounts, promises of future employment, honoraria, event tickets, travel, lodging, meals, and the forbearance and forgiveness of debt.

2.73.020 Prohibited Gifts.

Unless permitted under City Code Section 2.73.030, a city official shall not solicit or accept any gift from any person either directly or indirectly through the city official's spouse or dependent child which gift the city official knows or which a reasonable person in the city official's position should know under the circumstances, is either:

A. a gift that would tend to improperly influence that city official to depart from the faithful and impartial discharge of his or her public duties; or
B. is a gift being solicited or given for the primary purpose of rewarding the city official for an official action he or she has taken.

2.73.030 Permitted Gifts.

The gift prohibitions of City Code Section 2.73.020 shall not apply to city officials with respect to the following permitted gifts:

A. campaign contributions as authorized by law;
B. a non-monetary award, publicly presented, in recognition of public service;
C. gifts similarly available to the general public;
D. educational scholarships and grants available to members of the general public similarly situated;
E. grants and services provided for medical, respite or hospice care or other social welfare needs available to members of the general public similarly situated;
F. an occasional, unsolicited gift having a fair market value of fifty dollars ($50) or less;
G. unsolicited informational material, publications, or subscriptions related to the city official's performance of his or her official duties;
H. an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item;
I. payment of or reimbursement for actual and necessary expenditures for registration, travel, lodging and meals for attendance at a convention, training seminar, or other meeting at which the city official is scheduled to participate as a representative of the city or to attend as part of his or her official duties;
J. an occasional, unsolicited opportunity to participate in a business meeting or social function where a meal is served and/or entertainment is provided if the city official's attendance would not be considered extraordinary when viewed in light of the position held by the city official;
K. payment received by a councilmember for a speech, appearance or publication required to be reported by the councilmember pursuant to C.R.S. Section 24-6-203;
L. gifts received by a councilmember or a board and commission member arising from his or her employment and that is unrelated to his or her official city duties; and
M. gifts received by an employee from the city as authorized in the city's personnel rules and regulations, and any gifts received by an employee arising from his or her non-city employment and that is unrelated to his or her official city duties.

2.73.040 Violations.

A. It shall be unlawful for any city official to violate any provision of this Chapter. Proof of a violation shall be established by a preponderance of the evidence presented at trial.
B. Any city official determined by the municipal court to have violated any provision of this Chapter shall be deemed to have committed a civil infraction and shall be punished by a civil fine not to exceed one thousand dollars ($1,000). In addition to any civil fine imposed, a judgment in the amount of twice the fair market value of the prohibited gift received shall also be entered by the municipal court against the city official. If the city official fails to pay the total judgment amount entered for the civil fine and for twice the fair market value of the prohibited gift within thirty (30) days of the entry of the final judgment, the city may pursue any legal means available to it for the collection of the judgment. (Ord. 5162, 2007)

Ord. 5964, 2015; Ord. 5925, 2015; Ord. 5806, 2013; Ord. 5686, 2012; Ord. 5401, 2009; Ord. 5376 § 1, 2008; Ord. 5337, 2008; Ord. 5324, 2007; Ord. 5323, 2007; Ord. 5275, 2008; Ord. 5272 § 1, 2007; Ord. 5271, 2007; Ord. 5198, 2007; Ord. 5184, 2007; Ord. 5175 § 1, 2007; Ord. 5053 § 1, 2006; Ord. 5032 §1, 2005; Ord. 2013 § part 2005; Ord.

4779 § 4, 2003; Ord. 4767 § 2, 2003;Ord. 4762 § 1, 2003Ord. 4741 § 9, 2002; Ord. 4724 § 2, 2002 Ord. 4723 § 7, 2002; Ord. 4711 § 1, 2002; Ord. 4708 § 1, 2002 Ord. 4700 § 1, 2002; Ord. 4624 § 1, 2001; Ord. 4615, 2001; Ord. 4598, 2001; Ord. 4574 § 2, 2000; Ord. 4539 § 1-2, 2000; Ord. 4534 § 1, 2000; Ord. 4506 § 1, 2000; Ord. 4429 § 1, 1999; Ord. 4428 § 2, 1999; Ord. 4416 § 1, 1999; Ord. 4409 § 2, 1999; Ord. 4381 § 1, 1998; Ord. 4211 § 1, 1996; Ord. 4209 § 1, 1996; Ord. 4197 § 1, 1996; Ord. 4187 § 1, 1996; Ord. 4168 § 1-4, 1996; Ord. 4080 § 1, 1995; Ord. 4078 § 1, 1995; Ord. 4018 § 1, 1994; Ord. 3982 § 1,2, 1994; Ord. 3972 § 1,3,5, 1994; Ord. 3966 § 1, 1994; Ord. 3965 § 1,4 1994 Ord. 3950 § 1, 1993; Ord. 3890 § 1, 1993; Ord. 3851 § 1, 1992; Ord. 3841 § 1, 1992; Ord. 3787 § 2, 1992; Ord. 3738 § 1, 1991; Ord. 3725 § 2, 1991; Ord. 3492 § 1, 1988; Ord. 3482 § 1, 1988; Ord. 3385 § 1, 1987; Ord. 3384 § 1, 1987; Ord. 2042 § 1, 1982; Ord. 3227 § 1, 1985; Ord. 3170 § 1 (part), 1985; Ord. 2057 § 1, 1982; Ord. 2037 § 1, 1982; Ord. 2024 § 1, 1982; Ord. 2022 § 2 (part), 1981; Ord. 1982 § 1, 1981; Ord. 1956 § 1 (part), 1981Ord. 1937 § 1 (part), 1980; Ord. 1697 § 1, 1978; Ord. 1337 § 2, 1974; Ord. 951 § 1 (part), 1966; prior code § 24.2 (part); Ord. 877 Art. 4 (part), 1964; prior code § 4.17; Ord. 877 Art. 4 (part), 1964; prior code § 4.22; Ord. 877 Art. 4 (part), 1964; prior code § 4.24; Ord. 877 Art. 4 (part), 1964; prior code § 4.25;Ord. 877, 1964; prior code § 4.34;

End Title 2

Title 3

REVENUE AND FINANCE

Chapters:

Chapter 3.04

FINANCE ADMINISTRATION*

Sections:

* For statutory provisions regarding local government budgets, see CRS § 29-1-101 et seq

3.04.010 Fiscal year.

The fiscal year of the city shall commence on the first day of January in each year. (Prior code § 6.1)

3.04.020 Budget.

The city council shall adopt an annual budget for each fiscal year in accordance with the procedure set forth in the Local Government Budget Law of Colorado, except as other wise provided in this code or the City Charter (Ord. 4927 §1 2004)

3.04.025 Fees, rates and charges.

The city council shall by resolution fix the fees, rates and charges to be collected by the city for goods and services furnished by the city. Whenever any such fee, rate or charge is inconsistent with any fee, rate or charge previously adopted, whether by ordinance or resolution, the more recently adopted fee, rate or charge shall control. (Ord. 3779 § 2, 1991)

3.04.030 Rate of tax levy.

The city council shall by resolution fix the rate of tax to be levied upon all the taxable property within the city for municipal purposes and, through the city clerk, shall officially certify the levy to the county commissioners of Larimer County prior to the 15th day of December of each year. Such resolution may be adopted prior to the City Council's adoption of its annual budget and appropriation ordinances. (Ord. 4927 §2, 2004)

3.04.040 Annual appropriation.

A. The city council shall pass an ordinance, within the last quarter of each fiscal year, to be termed the annual appropriation bill for the next fiscal year, in which such council may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city, and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of the city, either by a petition signed by them, or at a general election or special election duly called therefor. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year.

B. Nothing in this section shall prevent the city council from making supplemental appropriations during any fiscal year for any proper object and purposes of the city, provided that the city does not thereby exceed the total amount available for appropriation for the year. (Ord. 1349 § 1, 1973; prior code § 6.4)

3.04.050 Outlays not to exceed appropriation.

Neither the city council nor any department or officer of the city, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is otherwise specifically provided in this section. No expenditure for an improvement, to be paid for out of the general fund of the city, shall exceed in any one year the amount provided for such improvement in the annual appropriation bill. Nothing contained in this section shall prevent the city council from ordering, by a two-thirds vote, any improvement the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. (Prior code § 6.5)

3.04.060 Appropriation precedent to contracts.

No contract shall be made by the city council, and no expense shall be incurred by any officer or department of the city, whether the object of the expenditure shall have been ordered by the city council or not, unless an appropriation shall have been previously made concerning such expense, except as otherwise provided in Section 3.04.050. (Prior code § 6.6)

3.04.070 Deposits--Investments.

The city council may from time to time designate by resolution those banks, savings and loan associations, and other such institutions, which meet the qualifications required by the laws of the state

for depositories of municipal funds, in which funds and moneys of the city may be deposited. All city funds shall be deposited in the name of the city in one or more of such institutions as may from time to time be directed by the city council. The city council shall by ordinance authorize investment of all or any part of such funds and moneys in securities and other investments which are authorized by the ordinances of the city or by state law. (Ord. 5650 § 1, 2011)

3.04.080 Warrants.

All warrants drawn upon the treasury must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable. (Ord. 1412 § 3(q), 1975; prior code § 6.8)

3.04.090 Appropriations for public purpose.

The city council may appropriate money for all corporate, municipal and public purposes to the full extent authorized by the Colorado Constitution and the city's Charter, which purposes shall include, without limitation, the following:

A. to provide public concerts and entertainment;
B. to advertise and market the business, social and educational advantages, the natural resources and the scenic attractions of the city;
C. to aid and foster, by all lawful measures, charitable organizations, by appropriations and by granting the use of suitable rooms in the city buildings, provided no money so appropriated shall be given or loaned to any society, corporation, association or institution which may be wholly or in part under sectarian or denominational control; and
D. to acquire any interest in real property, including for annexation if the property is located within the city's growth management area, in order to: (1) provide for the orderly urban planning and development of such land under the city's comprehensive land use master plan and other development standards; (2) preserve and facilitate the orderly development of the city's entryway transportation corridors; (3) encourage and facilitate economic development within the city; or (4) accomplish any other corporate, municipal or public purpose. (Ord. 4927 § 3, 2004; Ord. 5249 § 1, 2007)

3.04.095 Donations of personal property or services for a public purpose.

The City Council may donate city goods, services, and personal property for all corporate, municipal and public purposes to the full extent authorized by the Colorado Constitution and the City's Charter, which purposes shall include, without limitation, all purposes found in Section 3.04.090.

A. equipment purchased with federal funds may not be donated without meeting all federal regulatory requirements.

The City Council delegates to the city manager, or his designee, the power to act on behalf of the City Council in making donations of surplus, obsolete or unclaimed personal property, and city goods and services, and determining the valid public purpose. (Ord. 6233 § 2, 2018)

3.04.100 Annual audits.

The city council shall appoint a certified public accountant to serve as the city auditor and he shall serve at the pleasure of the council. He shall audit the books and records of the city and its financial affairs and transactions at least once each year, in the form provided by state law, and shall make a written report to the council after each audit of the condition of the city's finances and the results of his examination. He shall also make recommendations to the council concerning the system of keeping the books, records and accounts of the city. (Ord. 1080 § 3, 1970; prior code § 6.11)

3.04.110 Notice for supplemental appropriations.

A. Except as set forth in subsection C. below, prior to any public hearing concerning a proposed transfer, supplemental appropriation, or revised appropriation, the city clerk shall publish a notice containing the following information:
   1. the date and time of the hearing at which the adoption of the proposed transfer, supplemental appropriation, or revised appropriation will be considered;
   2. a statement that the proposed transfer, supplemental appropriation, or revised appropriation is available for inspection by the public at the city clerk's office; and
   3. a statement that any interested elector of the city may file with the city clerk any objections to the proposed transfer, supplemental appropriation, or revised appropriation at any time prior to final adoption of the transfer, supplemental appropriation, or revised appropriation by the city council.

B. The notice required by this section shall be published one time in a newspaper having general circulation within the city.

C. The city clerk shall not be required to publish a notice prior to any public hearing concerning a proposed transfer, supplemental appropriation, or revised appropriation when the proposed transfer, supplemental appropriation, or revised appropriation is adopted by emergency ordinance.(Ord. 5371 § 1, 2008; Ord. 5346 §1, 2008)

Chapter 3.08

FUNDS*

Sections:

*For statutory provisions regarding deposits and investments of city funds, see CRS § 31-20-303.

3.08.010 Capital improvement fund.

A. There is created and established a capital improvement fund in which all moneys from the sale of the Fort Collins-Loveland Municipal Airport and any other improvements which may be sold by the city shall be placed. (Ord. 5733 § 4, 2012)
B. Expenditures from the fund shall be made only for capital improvements and by order of the city council.
C. The moneys in the fund, except as needed, shall be kept invested by the city treasurer in such securities as are approved by the state for fiduciary and trust funds. (Ord. 762 § 1, 1962; prior code § 6.12)

3.08.020 General Fund – Reserve Account

For each fiscal year commencing on January 1, 2012, two and one half percent (2.5%) of all general fund revenues which are derived from any sales tax, use tax or ad valorem property tax and which are within the annual revenue limitations of Article X, Section 20 of the Colorado Constitution shall be placed in the general fund reserve account. Expenditures from the reserve account shall be made for operating programs, special projects or capital improvements, following appropriation by ordinance of the city council. (Ord. 5640 § 1, 2011; Ord. 5530 § 1, 2010; Ord. 5466 §1, 2009; Ord. 4942 § 1 (Part) 2004; Ord. 4410 § 1, 1999)

Chapter 3.12

PROCUREMENT

Sections:

3.12.010 Application.

A. This chapter shall apply to the procurement of all services and supplies required or used by the city, including businesses and enterprises operated by the city, regardless of the source of the funds. This chapter shall not apply to: (i) the procurement of legal services, litigation services, fine art, artistic, musical, and dramatic performances; (ii) employment contracts; (iii) intergovernmental agreements; or (iv) purchases or leases of any interest in real property.

B. Nothing in this chapter or any regulations promulgated thereunder shall prevent the city from complying with all mandatory applicable federal or state laws or regulations when a procurement is funded, in whole or in part, with federal or state monies to the extent such laws or regulations conflict with this chapter.

C. Nothing in this chapter or any regulations promulgated thereunder shall prevent the city from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement to the extent such terms and conditions conflict with this chapter.

D. Nothing in this chapter or any regulations promulgated thereunder shall create or confer any right or entitlement upon any person or entity to bid on or receive an award of any city contract.

E. The city manager may suspend application of this chapter when the emergency operations center is in effect.

3.12.020 Purpose.

The purposes of this chapter are to maximize the purchasing value of public funds, foster effective competition within the free enterprise system, provide safeguards for maintaining a

procurement system of quality and integrity, and codify the city's procurement policies for the orderly and efficient administration thereof.

3.12.030 Definitions.

When used in this chapter, the following words, terms, and phrases shall have the meanings set forth in this section:

"Bid" shall mean the written, sealed response of a bidder to an invitation to bid.

"Change order" shall mean any written modification to an existing contract authorizing changes, additions, or deletions to the scope of work or any other provision of the contract.

"Construction" shall mean the process of building, altering, repairing, improving, or demolishing any building, structure, or improvement on real property.

"Contract" shall mean an agreement enforceable by law between the city and a contractor for services or supplies.

"Contractor" shall mean a person or entity having a contract with the city, whether for services or supplies.

"Incidental services" shall mean those services and supplies that cost the city less than $5,000 to procure.

"Improvement" shall mean any structure, building, street, utility, or other valuable addition to real property amounting to more than mere repairs or partial replacement intended to enhance the value or utility of the real property or to adapt the real property to a new or further purpose.

"Maintenance" shall mean all acts of repair or replacement necessary to keep any improvement or personal property in proper condition and good working order to prevent decline in, failure, or cessation of the existing condition of the improvement or personal property.

"Professional or technical services" shall mean those services provided by a contractor that are of a specialized nature, including, without limitation, accounting, appraisal, design, engineering, surveying, laboratory testing, medical services, writing, and training.

"Public notice" shall mean publication in a local newspaper of general circulation. Where public notice is required, the city may choose to provide additional notice reasonably calculated to inform potential bidders of an invitation to bid, including, without limitation, other print publications, electronic mail or website publication, television, radio, postings, and other broadcasting and electronic media.

"Purchase order" shall mean the written instrument issued by the city authorizing the expenditure of city funds.

"Quote" shall mean the response of a bidder to a request for quotes.

"Responsive bidder" shall mean a bidder whose bid or quote conforms in all material respects to the requirements set forth in the invitation to bid or request for quotes.

"Services" shall mean the furnishing of labor, time, or effort by a contractor, including, without limitation, construction, maintenance, and professional and technical services.

"Supplies" shall mean all personal property, including, without limitation, equipment, materials, and goods, to be utilized, placed in service, or consumed in city operations.

(Ord.5338 §1, 2008)

3.12.040 Public access to procurement information; records retention.

Information obtained by the city during the procurement process shall be a public record and available to the public to the extent required under Colorado law. All procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by city council.

3.12.050 Appropriation; multi-year contracts.

The city shall not enter into any contract that, by its terms, involves the expenditure of funds in excess of amounts appropriated by city council. Notwithstanding anything herein to the contrary, the city may enter into a multiple-year contract if: (1) the contract is made expressly contingent upon annual appropriation by city council; or (2) one of the city's enterprises, as defined in Section 20, Article X of the Colorado Constitution, is a party to the contract for the purpose of the enterprise entering into a multiple-year fiscal obligation, and city council, sitting as the board of the enterprise, has approved such contract by ordinance.

3.12.060 Procurement authority.

A. All contracts of $500,000 or more shall be submitted to city council for approval. If sufficient funds for any such contract have previously been budgeted and appropriated by city council in the water and power department budget, such contract may be submitted to the Loveland utilities commission for approval. All contracts of $499,999 or less may be approved by the city manager or his designee.
B. Any change order that causes a contract to equal or exceed $500,000 and which, when combined with all previous change orders, equals or exceeds twenty percent of the original contract amount shall be submitted to city council for approval. If sufficient funds for any such change order have previously been budgeted and appropriated by city council in the water and power department budget, such change order may be submitted to the Loveland utilities commission for approval. All other change orders may be approved by the city manager or his designee.
C. Notwithstanding anything herein to the contrary, all contracts for construction in local improvement districts of which city council is the governing board shall be submitted to city council for approval as required in Section 3.12.160. (Ord. 5401 § 2, 2009)

3.12.070 Procurement methods.

A. Unless otherwise set forth in this section, the city shall procure services and supplies as follows:
    1. For services or supplies estimated to cost $30,000 or more, the city shall solicit bids.
    2. For services or supplies estimated to cost between $10,000 and $29,999, the city shall solicit at least three written quotes.
    3. For services and supplies estimated to cost between $5,000 and $9,999, the city shall solicit at least three verbal quotes. (Ord.5338 §2, 2008)
B. The city shall not be required to procure professional, technical, or incidental services other than by direct negotiation with the contractor. The city shall negotiate contracts for said services on the basis of demonstrated competence and qualifications for the type of service required at fair and reasonable prices.
C. Notwithstanding anything herein to the contrary, the city manager or his designee may make or authorize a sole source procurement of services or supplies, regardless of cost, if: (1) there is only one source of the services or supplies; (2) a particular service or supply is required to maintain interchangeability or compatibility as part of an existing integrated system; (3) a particular service or supply is required in order to standardize or maintain standardization for the purpose of reducing financial investment or simplifying administration; or (4) a particular service or supply is required to match materials in use so as to produce visual harmony. A written determination of the basis for the sole source procurement shall be included in the contract file. Services or supplies for which the manufacturer or one Colorado factory-authorized supplier is the only source of such services or supplies shall be deemed to be a sole source without further justification.

D. Notwithstanding anything herein to the contrary, the city manager or his designee may make or authorize an emergency procurement of services or supplies when there exists a threat to public health, welfare, or safety under emergency conditions, regardless of cost, provided that such emergency procurements shall be made using the appropriate method of public procurement set forth in this section as is practicable under the circumstances. A written determination of the basis for the emergency and the selection of the particular contractor shall be included in the contract file.

3.12.080 Notice.

The city shall provide for public notice of all invitations to bid. Such notice shall include, without limitation, the subject of the bid, the place, date, and time of any pre-bid meeting and whether or not such meeting is mandatory, and the place, date, and time of bid opening. If the city decides to pre-qualify bidders by requesting statements of qualifications, the city shall provide for public notice at the time the statement of qualifications is requested. Public notice shall occur for a reasonable period of time prior to the date set for bid opening.

3.12.090 Cancellation of solicitations.

The city may cancel an invitation to bid or request for quotes when in the best interests of the city. A written determination of the reasons for such cancellation shall be made a part of the procuring department's file.

3.12.100 Responsible bidders.

A. In addition to any other factors or qualifications that may be set forth in the invitation to bid or request for quotes, the following shall be considered by the city when determining whether a bidder is responsible:
   1. the ability, capacity, and skill of the bidder to perform the contract;
   2. whether the bidder can perform the contract promptly and within the time specified without delay or interference;
   3. the character, integrity, reputation, judgment, experience, and efficiency of the bidder;
   4. the quality of the bidder's performance of previous contracts;
   5. the bidder's compliance with laws and ordinances relating to the contract;
   6. the quality, availability, and adaptability of the services or supplies to the particular use required;
   7. the ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
   8. any other circumstance which may affect the bidder's performance of the contract.

B. No bidder shall be in default on the performance of any other contract with the city or in the payment of any taxes, licenses, or other monies due to the city.

3.12.110 Suspension and debarment.

A. After reasonable notice to the person or entity involved and reasonable opportunity for that person or entity to be heard, the city manager, after consultation with the city attorney, shall have the authority to suspend or debar a person or entity for cause from consideration for award of contracts. The city manager shall issue a written decision to suspend or debar. The decision shall state the reasons for the action taken. A copy of the decision shall be mailed or otherwise furnished immediately to the suspended or debarred person or entity. All suspensions and debarments shall be city-wide.

B. Suspensions.

1. Cause for suspension shall include, without limitation, the following:
    a. Documented breach or default of any city contract, as determined within the city manager's sole discretion.
    b. Any other cause the city manager determines to be so serious and compelling as to affect the person's or entity's responsibility as a potential contractor, including suspension or debarment by another governmental entity for cause.
2. Suspensions shall be for a period of not less than six months or more than three years.

C. Debarment.
1. Causes for debarment shall include, without limitation, the following:
    a. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
    b. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a contractor.
    c. Conviction under state or federal antitrust statutes arising out of the submission of a bid.
    d. One or more suspensions by the city as set forth herein.
    e. Any other cause the city manager determines to be so serious and compelling as to affect the person's or entity's responsibility as a potential city contractor, including suspension or debarment by another governmental entity for cause.
2. Debarments shall be for a period of not less than three years or more than ten years.

3.12.120 Contract award.

All contracts subject to bid or quote pursuant to Section 3.12.070A. shall be awarded to the lowest responsive and responsible bidder. If said bidder fails to enter into the contract, the bid bond, if required, shall be forfeited to the city. The city may then accept the bid or quote of the next lowest responsive and responsible bidder. Notwithstanding anything herein to the contrary, the city may reject any or all bids or quotes when in the best interests of the city. A written determination of the reasons for such rejection shall be made a part of the procuring department's file.

3.12.130 Form of contract.

All contracts shall be in a form approved by the city attorney.

3.12.140 Bonds.

A. For all construction contracts of $100,000 or more, the following security shall be required:
1. Security to ensure performance of the contract in the form of: (i) a bond provided by a surety company authorized to do business in the State of Colorado; (ii) the equivalent in certified funds; or (iii) otherwise supplied in a form satisfactory to the city attorney. Said security shall be in an amount equal to one hundred percent of the total contract price.
2. Security to ensure payment of all subcontractors in the form of: (i) a bond provided by a surety company authorized to do business in the State of Colorado; (ii) the equivalent in certified funds; or (iii) otherwise supplied in a form satisfactory to the city attorney. Said security shall be in an amount equal to one hundred percent of the total contract price.

B. All bonds shall be in a form approved by the city attorney.
C. Nothing in this section shall be construed to limit the authority of the city to require security in addition to that set forth herein or to prevent the city from requiring such bonds on contracts of less than $100,000 as may be deemed necessary within the city's sole discretion. (Ord. 5614 § 1, 2011)

3.12.150 Retainage.

The city shall hold retainage on all construction contracts of $100,000 or more. Unless otherwise required by special funding sources, including, without limitation, federal and state grants, the city shall hold retainage at a rate of five percent of each progress payment. The city shall hold retainage until the contract is completed satisfactorily and finally accepted by the city. The city shall release retainage in accordance with state law. (Ord. 5614 § 2, 2011)

3.12.160 Construction in local improvement districts.

The city or its designated representative shall solicit bids for all local improvements, the cost of which is to be assessed against property located in the affected local improvement district; provided, however, that if city council determines that the proposed local improvement can be made by the city for less than the bid of the lowest responsive, responsible bidder, the city, with city council's approval, may provide the work by hiring labor by the day or otherwise and purchasing the supplies necessary to complete the local improvements.

3.12.170 Cooperative procurement.

Notwithstanding anything in this chapter to the contrary, the city manager or his designee shall have the authority to join with other governmental entities, including, without limitation, the State of Colorado, the Multiple Assembly of Procurement Officials, and Western States Contracting Alliance, to cooperatively procure services and supplies in the best interest of the city.

3.12.180 Procurement contrary to this chapter.

Except as may be otherwise provided by law, any procurement made by the city or contract entered into on behalf of the city that is contrary to the provisions of this chapter shall be void and wholly without effect and shall not be binding on the city in any manner.

3.12.190 Violations.

Failure to comply with this chapter shall not be deemed a violation of the Loveland Municipal Code for purposes of municipal prosecution.

3.12.200 Procurement regulations.

The city manager may promulgate procurement regulations consistent with this chapter. (Ord. 5184 § 2, 2007)

Chapter 3.16

SALES AND USE TAX

Sections:

3.16.010 Sales tax definitions.

For the purposes of this Chapter 3.16, the words contained herein shall have the meanings set forth in Section 39-26-102, Colorado Revised Statues, as it currently exists or may hereafter be amended, and the definitions are incorporated in this chapter by this specific reference. (Ord. 4263 § 1, 1997; Ord. 3094 § 1 (part), 1984)

3.16.020 General provisions.

A. There is imposed on the sale of tangible personal property at retail or the furnishing of services as provided in § 29-2-105(1)(d), Colorado Revised Statutes, a sales tax equal to three percent of the gross receipts (the "sales tax"). The tangible personal property and services taxable under this chapter shall be the same as the tangible personal property and services taxable pursuant to § 39-26-104, Colorado Revised Statutes, and subject to the same exemptions as those specified in § 39 -26 -114, Colorado Revised Statutes; provided that the exemption for the sales of food pursuant to § 39-26-114(1)(a)(XX), Colorado Revised Statutes, exemption for sales of electricity, coal, wood, gas, fuel oil or coke sold to occupants of residences pursuant to § 39-26-114(1)(a)(XXI), Colorado Revised Statutes, and the exemption for sales of machinery or machine tools pursuant to § 39-26-114(11), Colorado Revised Statutes, shall not apply to the sales tax, and the sale of such items is expressly made taxable under this chapter. The imposition of the sales tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the city manager.

B. For the purpose of the sales tax, all retail sales shall be considered consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the city or to a common carrier for delivery to a destination outside the limits of the city and except that for transactions consummated on or after January 1, 1986, the sales tax shall not apply to the sale of construction and building materials if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the city evidencing that a local use tax has been paid or is required to be paid. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, regardless of the place to which delivery is

made. If a retailer has no permanent place of business in the city, or has more than one place of business, the place at which the retail sales are consummated for the purpose of the sales tax shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, and by rules and regulations promulgated by the Department of Revenue.

C. The amount subject to the sales tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statutes.

D. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax when such sales meet both of the following conditions:
   1. The purchaser is a nonresident of, or has his principal place of business outside the limits of the city; and
   2. Such personal property is registered or required to be registered outside the limits of the city under the laws of the state. (Ord. 4263 § 3, 1997; Ord. 3222 §§ 1, 2, 3, 1985; Ord. 3094 § 1 (part), 1984)

3.16.030 Use tax definitions.

For the purposes of Sections 3.16.040, 3.16.050, 3.16.150 and 3.16.160 of this chapter 3.16, the words therein contained shall have the meanings set forth in Section 39-26-201, Colorado Revised Statutes, as it currently exists or may hereafter be amended, and the definitions are incorporated in this chapter by this specific reference. Ord. 4263 § 4, 1997; Ord. 3094 § 1 (part), 1984)

3.16.040 Use tax imposed.

There is imposed and there shall be paid and collected a use tax upon the privilege of storing, using or consuming within the city any construction and building materials and motor and other vehicles on which registration is required, purchased at retail, such use tax to be in the amount of three percent of the retail cost thereof (the "use tax"). The use tax shall be collected in accordance with the schedules set forth in the rules and regulations promulgated by the city manager. (Ord. 4263 § 5, 1997; Ord. 3094 § 1 (part), 1984)

3.16.050 Use tax exemptions.

In no event shall the use tax apply:

A. To the storage, use or consumption of any tangible property the sale of which is subject to a retail sales tax imposed by the city;

B. To the storage, use or consumption of any tangible personal property purchased for resale in the city, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

C. To the storage, use or consumption of tangible personal property brought into the city by a nonresident thereof for his own storage, use or consumption while temporarily within the city; however, this exemption does not apply to the storage, use or consumption of tangible personal property brought into the state by a nonresident to be used in the conduct of a business in this state;

D. To the storage, use or consumption of tangible personal property by the United States government or the state, or its institutions or political subdivisions, in their governmental capacities only or by religious or charitable corporations in the conduct of their religious or charitable functions;

E. To the storage, use or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit or use any article, substance or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the container, label or the furnished shipping case thereof;

F. To the storage, use or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales and use tax of another town, city or county equal to or in excess of the use tax. A credit shall be granted against the use tax with respect to a person's storage, use or consumption in the city of tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city or county on his purchase or use of the property. The amount of the credit shall not exceed the amount of the use tax;
G. To the storage, use or consumption of tangible personal property and household effects acquired outside of the city and brought into it by a nonresident acquiring residency;
H. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the city and he purchased the vehicle outside of the city for use outside of the city and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled and licensed the motor vehicle outside of the city;
I. To the storage, use or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of the use tax;
J. To the storage, use or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let or entered into at any time prior to the effective date of the use tax;
K. To the storage of construction and building materials after January 1, 1986;
L. To the storage, use or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule municipality equal to or in excess of the rate provided in this chapter, after January 1, 1986. A credit shall be granted against the use tax with respect to a person's storage, use or consumption in the city of tangible personal property purchased by him in a previous statutory or home rule municipality. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule municipality on his purchase or use of the property. The amount of the credit shall not exceed the rate provided in this chapter. (Ord. 4263 § 6, 1997; Ord. 3222 § 4, 1985; Ord. 3094 § 1 (part), 1984)

3.16.060 Licenses; fees; revocation.

A. A sales tax license shall be required for any person to engage in the business of selling at retail in the City tangible personal property or services that are taxable hereunder which are purchased in the City and are subject to sales tax pursuant to this chapter. Such sales tax licenses shall be granted and issued by the City manager and shall be in force and effect until the earlier of: (i) revocation of such license; or (ii) sale or termination of the business, if any, relating to such license.
B. Such license shall be granted only upon application stating the name and address of the person desiring such license, the name of such business, if any, and the location, including the street number of such business, if any, and such other facts as the City manager requires. No license issued pursuant to this section shall be transferable.
C. For each sales tax license application submitted, a fee, as established by resolution of the City Council, shall accompany such application, which fee is nonrefundable.
D. In case business is transacted at two (2) or more separate places by one (1) person, a separate license for each place of business shall be required.
E. Each license shall be numbered and shall show the name of the licensee and the place of business of the licensee and shall be posted in a conspicuous place at the place of business for which it is issued. If the licensee does not have a place of business, then the license shall show the mailing address of such licensee.

F. If an application for a license is submitted by an individual or a business which previously held a license, the City manager may require that any taxes, penalties and interest due under the previous license be paid and a bond posted in an amount set by the City manager to ensure payment of taxes under the new license prior to issuance of such new license.
G. The City manager, after reasonable notice and a full hearing, may revoke the license of any person found by the City manager to have violated any provision of this chapter.
H. Any finding and order of the City manager revoking the license of any person shall be subject to review by the Larimer County District Court upon application of the aggrieved party. The procedure for review shall be in accordance with Rule 106 of the Colorado Rules of Civil Procedure. (Ord. 4263 § 8 (part), 1997)

3.16.070 Collection of sales tax.

A. Every retailer, also in this chapter called "vendor," shall be liable and responsible for the payment of an amount equal to three percent (3%) of all sales made by the retailer of commodities or services as specified in Section 3.16.020 and shall, before the twentieth (20th) day of each month, make a return to the City manager for the preceding calendar month and remit an amount equal to said three percent (3%) on such sales to said City manager. The vendor shall be entitled to withhold an amount equal to the lesser of two percent (2%) of the amount of the tax to be remitted by him or her under this chapter, or one hundred fifty dollars ($150), to cover the vendor's expense in the collection and remittance of said tax. If any vendor is delinquent in remitting said tax, other than in unusual circumstances shown to the satisfaction of the City manager, the vendor shall not be allowed to retain any amount to cover his expense in collecting and remitting said tax, and an amount equal to the full three percent (3%) shall be remitted to the City manager by any such delinquent vendor. (Ord. 5529 § 1, 2010)
B. If the accounting methods regularly employed by the vendor in the transaction of his business or other conditions are such that returns of sales made on a calendar month basis shall impose unnecessary hardship, the City manager, upon written request of the vendor, may accept returns at such intervals as shall, in his opinion, better suit the convenience of the taxpayer and shall not jeopardize the collection of the tax. The City manager may permit taxpayers whose monthly collected tax is less than three hundred dollars ($300) to make returns and pay taxes at intervals not greater than every three (3) months.
C. The City manager may extend the date for making a return and paying the taxes due under such reasonable rules and regulations as may be prescribed therefore, but no such extension shall be for a greater period than three months.
D. The burden of proving that any retailer is exempt from collecting the tax on any goods or services sold and paying the same to the City manager or from making such returns, shall be on the retailer or vendor.
E. The City's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule municipality equal to or in excess of the sales tax required to be paid pursuant to Section 3.16.020. A credit shall be granted against the City's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule municipality. The amount of the credit shall not exceed the amount of the sales tax required to be paid pursuant to Section 3.16.020. (Ord. 4263 § 8 (part), 1997)

3.16.080 License and tax additional.

The license and tax imposed by this chapter shall be in addition to all other licenses and taxes imposed by law, except as otherwise provided in this chapter. (Ord. 4263 § 8 (part), 1997)

3.16.090 Retailer; multiple locations.

A retailer doing business in two or more places or locations may file a single return covering all such business activities engaged within the City. (Ord. 4263 § 8 (part), 1997)

3.16.100 Designation of tax on receipt.

A. Except as provided in paragraph B. below, retailers shall add the tax imposed to the sale price or charge, showing such tax as a separate and distinct item, and when added, such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the retailer until paid and shall be recoverable at law in the same manner as other debts. The tax shall be paid by the purchaser to the retailer as trustee for and on account of the City, and the retailer shall be liable for the collection thereof for and on account of the City.

B. Any retailer selling malt, vinous or spirituous liquors by the drink may include in the sales price the tax levied under this chapter, except that no retailer shall advertise or hold out to the public in any manner, directly or indirectly, that such tax is not included as part of the sales price to the consumer. The tax schedules designated in Section 3.16.020(A) shall be used by such retailer in determining amounts to be included in such sales price. The use of the schedules referred to in Section 3.16.020(A) shall not relieve such retailer from liability for payment of the full amount of the tax imposed pursuant to this chapter. (Ord. 4263 § 8 (part), 1997)

3.16.110 Excess tax; remittance.

If any vendor, during any reporting period, collects as a tax an amount in excess of three percent (3%) of his total taxable sales, then he shall remit to the City manager the full net amount of the tax imposed in this chapter and also such excess amount. The retention by the retailer or vendor of any excess amount of tax collections over the three percent (3%) of the total taxable sales of such retailer or vendor or the intentional failure to remit punctually to the City manager the full amount required to be remitted by the provisions of this chapter is declared to be a violation of this chapter and shall be recovered, together with interest, penalties and costs, as provided in Section 3.16.310. (Ord. 4263 § 8 (part), 1997)

3.16.120 Credit sales.

A. Whenever tangible personal property is sold under a conditional sales contract or lease-purchase agreement whereby the retailer retains title as security for all or part of the purchase price or whenever the retailer takes a purchase money security interest on such tangible personal property to secure all or part of the purchase price, the total tax based on the total purchase price shall become immediately due and payable. This tax shall be charged and collected by the retailer. No refund or credit shall be allowed to either party to the transaction in case of repossession.

B. If a retailer transfers, sells, assigns or otherwise disposes of an account receivable, then he shall be deemed to have received the full balance of the consideration for the original sale and shall be liable for the remittance of the sales tax on the balance of the total sale price not previously reported, except that such transfer, sale, assignment or other disposition of an account receivable by a retailer to a closely held subsidiary, shall not be deemed to require the retailer to pay the sales tax on the credit sale represented by the account transferred prior to the time that the customer makes payment on said account. (Ord. 4263 § 8 (part), 1997)

3.16.130 Bad debt charge-offs.

Taxes paid on gross taxable sales represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon a subsequent payment of the tax provided in

this chapter, but if any such accounts are thereafter collected by the taxpayer, then a tax shall be paid upon the amounts so collected. (Ord. 4263 § 8 (part), 1997)

3.16.140 Reserved.

(Ord. 4263 § 8 (part), 1997)

3.16.150 Motor and other vehicle use tax.

If the owner of an automotive vehicle for which registration, licensing or titling is required by the state pursuant to Section 42-6-137(2), Colorado Revised Statutes, is required to register, license or obtain a certificate of title for such automotive vehicle at an address located within the City, then the use tax imposed pursuant to Section 3.16.040 shall be collected by the authorized agent of the Department of Revenue in the County pursuant to an agreement or agreements entered into between the City and the authorized agent of the Department of Revenue in the County. The proceeds of such use tax shall be paid to the City periodically in accordance with such agreement or agreements. If the authorized agent of the Department of Revenue in the County fails to collect any use tax imposed pursuant to Section 3.16.040, then the City manager shall collect such use tax in the manner set forth in Section 3.16.310. (Ord. 4263 § 8 (part), 1997)

3.16.160 Collection of use tax on building materials.

A. For construction and building materials, the use tax imposed pursuant to Section 3.16.040 shall be collected by the City manager as hereinafter provided in this section and shall be collected in the amount of three percent (3%) of the sale value of the construction and building materials. For purposes of this subsection, fifty percent (50%) of the estimated general contract costs and/or fifty percent (50%) of the estimated mechanical contract costs shall be deemed to be the sale value of such construction and building materials.

B. Any person who shall build, construct or improve any building, dwelling or other structure or improvements to realty whatsoever, including underground improvements, within the City, and who shall purchase the necessary lumber, fixtures, materials or any other supplies needed therefore from any source inside or outside the corporate limits of the City shall keep and preserve all invoices and statements from both the general and subcontractors along with a summary sheet showing such purchases and shall on or before the tenth (10th) day of each succeeding month following the start of such construction file a return with the City manager to which he shall attach such statements and invoices from both the general and subcontractors along with a summary sheet for the lumber, fixtures, materials and other supplies purchased the previous month and shall thereupon pay to the City manager the full amount of the use tax due thereon for the preceding month or months. Any failure to preserve such statements and invoices and to make such return and payment of such use tax shall be deemed a violation of this chapter, and any offending persons shall be subject to the penalties and punishment provided in this chapter. It shall be the duty of the City's building inspector and the contractors and subcontractors who are hired to construct any such improvements to furnish the City manager with such information as the City manager may require as to any purchase of lumber, fixtures, materials and supplies for such improvements which were obtained from sources inside and outside the City. The full amount of any use tax due and not paid for lumber, fixtures, materials and supplies purchased from such inside or outside sources, together with penalties and interest thereon as herein provided, shall be and constitute a lien upon the real property benefited by such improvements, and the City manager is hereby authorized to file a notice of such lien with the County Clerk and Recorder.

C. Any person who shall build, construct or improve any building, dwelling or other structure or improvement to realty whatsoever, including underground improvements, within the City, and who shall purchase the necessary lumber, fixtures, materials or any other supplies needed therefore from any source either within or without the corporate limits of the City, may at such person's election remit a deposit to the City prior to the issuance of any building permit, such deposit to insure and indemnify the City for the amount of use tax due within three (3) years from the date of issuance of the certificate of occupancy for the project or the date of the final inspection of the project by the City. The amount of the deposit shall be based upon an estimate of the use tax to be payable on the lumber, fixtures, materials and supplies needed therefore at the time that the respective building permit is obtained. The estimate of the cost of such lumber, fixtures, materials and supplies for a particular project structure shall be determined by the City building official, and this estimate shall be subject to adjustment if the actual cost of such lumber, fixtures, materials or supplies needed for the project is either less than or greater than such estimate. If the taxpayer elects this basis for estimating the use tax and providing a deposit to insure the use tax payment when due, then the provisions of paragraph B. of this subsection which provide for the filing of a tax return supported by related invoices shall be waived. Upon payment of such deposit to the City manager, which is computed on the basis of three percent of fifty percent of the estimated general contract costs and/or the estimated mechanical contract costs, the taxpayer shall be issued a receipt identifying the property that is the subject of this deposit and the building permit number. Within three (3) years from the date of issuance of the certificate of occupancy for the project or the date of the final inspection by the City of the project, if it is determined by the City that the actual cost of the lumber, fixtures, materials and supplies needed for the project is greater than the estimate therefore and that the amount of the use tax deposit is not sufficient to provide for full payment of the use tax, then the additional use tax due must be received by the City manager within thirty (30) days of such determination. If it is determined by the city that the deposit is sufficient to pay for the use tax due, then the deposit shall be used to pay the amount of the use tax due, and any excess amount of the deposit shall be returned by mail to the person who made the deposit within thirty (30) days of such determination. If the taxpayer purchases such lumber, fixtures, materials or supplies from City vendors possessing a valid City retail sales tax license, then he may submit invoices or statements reflecting the purchase therefore and make application to the City manager within sixty (60) days directly following the determination by the City of the use tax due, which determination shall be made within three (3) years from the date of issuance of the certificate of occupancy for the project or date of the final inspection by the City of the project, for credit or refund of any amount paid as sales taxes to the City, in which event it shall be the duty of the person making such application to furnish all necessary bills and invoices evidencing the payment of the tax. If the City manager is satisfied that there has been such payment, then he shall either credit the account of the taxpayer if the use tax has not been levied or refund the amount if the use tax levy has been paid through such deposit within sixty (60) days after such application shall have been received by the City manager. The amount of any use tax due and not paid constitutes a lien upon the real property benefited by the use of such lumber, fixtures, materials or supplies. (Ord. 4263 § 8 (part), 1997)

3.16.170 Reserved.
(Ord. 4263 § 8 (part), 1997)

3.16.180 Tax disputes.

Retailers engaged in business in the City shall collect and purchasers and consumers shall pay the taxes levied by this chapter, notwithstanding the fact that either retailer, purchaser or consumer

disputes the tax liability or claims an exemption. If the application of the tax to any transaction is disputed, the retailer shall collect and the purchaser or consumer shall pay the tax, and the taxpayer may thereafter apply to the City manager for a refund of such taxes paid, as provided in this chapter. (Ord. 4263 § 8 (part), 1997)

3.16.190 Procedure for refund of disputed tax.

A refund shall be made or credit allowed for the tax paid under dispute by any person who claims that the transaction or item was not taxable or claims an exemption as provided in this chapter. Such refund shall be made by the City manager after compliance with the following:

A. Application. An application for a refund of sales or use tax paid under dispute by a purchaser or user who claims an exemption under Section 3.16.020 or 3.16.050 shall be made within sixty (60) days after the date of purchase, storage, use or consumption of the goods or services upon which an exemption is claimed. An application for refund of taxes paid in error or by mistake shall be made within three (3) years after the date of purchase, storage, use or consumption of the goods for which the refund is claimed. Such applications must be accompanied by the original paid invoice or sales receipt and must be made upon such forms as shall be prescribed and furnished by the City manager.

B. Burden of proof. The burden of proving that any transaction or item is not taxable or is exempt from the tax shall be upon the person asserting such claim under such reasonable requirements of proof as the City manager may prescribe.

C. Decisions. Upon receipt of an application, the City manager shall examine the same with all due speed and shall give written notice to the applicant of his or her decision thereon.

D. Hearing. An applicant whose application for a refund has been denied may, within twenty (20) days after such decision is mailed, petition the City manager for a hearing on the claim. The City manager shall notify the applicant in writing of the time and place of the hearing. After such hearing, the City manager shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such final order to the applicant. The time period set forth in this section may, in the absolute discretion of the City manager, be waived for good cause on written application of the applicant. (Ord. 4263 § 8 (part), 1997)

3.16.200 Right of refund not assignable.

The right of any person to a refund under this chapter is not assignable. An application for a refund must be made by the individual who paid the tax, as shown on the sales receipt or invoice of the sale. (Ord. 4263 § 8 (part), 1997)

3.16.210 Action for recovery of refund.

If any such person obtains any refund unlawfully, the City manager is hereby empowered and directed to bring appropriate action for recovery of such refund. A conviction of a violation of Section 3.16.190 shall constitute prima facie evidence that all refunds received by such person pursuant to the application which contained the false statement were obtained unlawfully. (Ord. 4263 § 8 (part), 1997)

3.16.220 Taxes held as trust.

All sums of money paid by the purchaser to the retailer as taxes imposed by this chapter shall be and remain public money, the property of the City, in the hands of such retailer, and the retailer shall hold the same in trust for the sole use and benefit of the City until paid to the City manager, and for failure to so pay to the City manager such retailer shall be subject to such penalties as provided herein. (Ord. 4263 § 8 (part), 1997)

3.16.230 Confidential nature of returns.

A. Except in accordance with judicial order or as otherwise provided by law, the City manager shall not divulge or make known in any way any financial information obtained from any investigation conducted by the City manager or the Administrative Services Department or disclosed in any document, report or return filed under the provisions of this chapter 3.16.
B. The persons charged with the custody of such documents, report, investigation and returns filed pursuant to this chapter shall not be required to produce any of them or evidence of any matters contained therein in any action or proceeding in any court, except on behalf of the City manager in any action or proceeding under the provisions of this chapter to which the City manager or the City is a party, or on behalf of any party to an action or proceeding under the provisions of this chapter when the report of facts shown thereby is directly involved in such action or proceeding, or pursuant to any judicial order in which event the court may require the production of and may admit in evidence so much of such returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.
C. No provision of this section shall be construed to prohibit the delivery to a person or a duly authorized representative thereof a copy of any application, report, return or any other document kept, filed or maintained in connection with such person's tax liability. Copies of such documents may be certified by the City manager and when so certified shall be evidence equal with the originals and may be received as evidence of their contents.
D. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the contents thereof, nor to prohibit the inspection of any documents by the city attorney or any other legal representatives of the City.
E. Notwithstanding the provisions of this section, the City manager may furnish to the taxing officials of the state or its political subdivisions, any other state or its political subdivisions or the United States any information contained in any application, report, return or any other document if the recipient jurisdiction agrees with the City manager to grant similar privileges to the city and if such information is to be used by the jurisdiction only for tax related purposes. (Ord. 4263 § 8 (part), 1997)

3.16.240 Duty to keep records.

It is the duty of every person engaged in business in this city for the transaction of which a license is required by this chapter to keep and preserve suitable records of all sales, purchases and leases made by such person, and such other books or accounts as may be necessary to determine the amount of tax for the collection of which such person is liable under this chapter. It is the duty of every such person to keep and preserve for a period of three (3) years all invoices of goods and merchandise purchased. All such books, invoices, and other records shall be open for examination and audit at any time by the City manager or his duly authorized agent. The taxpayer shall produce all such records, if required by the City manager, at the City of Loveland, 500 East Third Street, Loveland, Colorado 80537. (Ord. 4263 § 8 (part), 1997)

3.16.250 Examination of returns; recomputation, credits, deficiencies.

As soon as practicable after a return is filed, the City manager shall examine it. If it appears that the correct amount of tax to be remitted may be greater or less than that shown in the return, the tax shall be recomputed by the City manager. If the amount paid exceeds that which is due, the excess shall be refunded or credited against any subsequent remittance from the taxpayer. If the amount paid is less than the amount due and any part of the deficiency is due to negligence or intentional disregard of the provisions of this chapter or of authorized rules and regulations of the city with knowledge thereof but without intent to defraud, the amount of the deficiency, together with a penalty of ten (10) percent of the amount of the deficiency plus interest on both the deficiency and the penalty at the rate imposed under

Section 3.16.340 from the date the return and the tax was due, shall be due and payable by the taxpayer within twenty (20) days after written notice and demand is mailed to the taxpayer by the City manager. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added a penalty of one hundred (100) percent of the deficiency and in such case, the amount of the deficiency, the penalty and interest calculated as stated above shall be due and payable by the taxpayer within twenty (20) days after written notice and demand is mailed to the taxpayer by the City manager and an additional amount of three (3) percent per month on such amount shall be added from the date the return and tax was due until paid. (Ord. 4263 § 8 (part), 1997)

3.16.260 Receipts; disposition.

The revenues received by the City from the tax imposed and collected pursuant to this chapter shall be deposited in the general fund of the City; provided, however, that in no event shall less than five hundred thousand dollars of the revenues of the sales and use tax collected each year be set aside and devoted to street purposes. (Ord. 4263 § 8 (part), 1997)

3.16.270 Notice of sales and use tax ordinance amendment.

A. In order to initiate a central register of sales and use tax ordinances for municipalities that administer local sales tax collection, the City manager of the City shall file with the Colorado Municipal League prior to the effective date of this section a copy of the City sales and use tax ordinance reflecting all provisions in effect on the effective date of this section.
B. In order to keep current the central register of sales and use tax ordinances for municipalities that administer local sales tax collection, the City manager shall file with the Colorado Municipal League prior to the effective date of any amendment a copy of each sales and use tax ordinance amendment enacted by the City.
C. Failure of the City to file such ordinance or ordinance amendment pursuant to the section shall not invalidate any provision of the sales and use tax ordinance or any amendment thereto. (Ord. 4263 § 8 (part), 1997)

3.16.280 Participation in simplification meetings.

The City manager shall cooperate with and participate on an as needed basis with a permanent statewide sales and use tax committee convened by the Colorado Municipal League, which is composed of state and municipal sales and use tax officials and business officials. Said committee will meet for the purpose of discussing and seeking resolution to sales and use tax problems which may arise. (Ord. 4263 § 8 (part), 1997)

3.16.290 Coordinated audit.

Taxpayers licensed with the City under this chapter, and holding a similar sales tax license in at least four (4) other Colorado municipalities that administer their own sales tax collection, may request a coordinated audit as provided for herein.

A. Within fourteen (14) days of receipt of notice of an intended audit by any municipality that administers its own sales tax collection, the taxpayer may provide to the City manager, by certified mail, return receipt requested, a written request for a coordinated audit indicating the municipality from which the notice of intended audit was received and the name of the official who issued such notice. Such request shall include a list of those Colorado municipalities utilizing local collection of their sales tax in which the taxpayer holds a current sales tax license and a declaration that the taxpayer will sign a waiver of any passage-of-time based limitation upon the city's right to recover tax owed by the vendor for the audit period.
B. Except as provided in paragraph F., any taxpayer that submits a complete request for a coordinated audit and promptly signs a waiver of thirty-six (36) months may be audited by the

city during the twelve (12) months after such request is submitted only through a coordinated audit involving all municipalities electing to participate in such an audit.

C. If the city desires to participate in the audit of a taxpayer that submits a complete request for a coordinated audit pursuant to paragraph B., the City manager shall so notify the Financial Officer of the municipality whose notice of audit prompted the taxpayer's request within ten (10) days after receipt of the taxpayer's request for a coordinated audit. The City manager shall then cooperate with other participating municipalities in the development of arrangements for the coordinated audit, including arrangement of the time during which the coordinated audit will be conducted, the period of time to be covered by the audit, and a coordinated notice to the taxpayer of those records most likely to be required for completion of the coordinated audit.

D. If the taxpayer's request for a coordinated audit was in response to a notice of audit issued by the City, the City manager shall facilitate arrangements between the City and other municipalities participating in the coordinated audit unless and until an official from some other participating municipality agrees to assume this responsibility. The City manager shall cooperate with other participating municipalities to minimize, whenever practicable, the number of auditors that will be present on the taxpayer's premises to conduct the coordinated audit on behalf of the participating municipalities. Information obtained by or on behalf of those municipalities participating in the coordinated audit may be shared only among such participating municipalities.

E. If the taxpayer's request for a coordinated audit was in response to a notice of audit issued by the City, the City manager shall, once arrangements for the coordinated audit between the City and other participating municipalities are completed, provide written notice to the taxpayer of which municipalities will be participating, the period to be audited and the records most likely to be required by participating municipalities for completion of the coordinated audit. The City manager shall also propose a schedule for the coordinated audit.

F. The coordinated audit procedure set forth in this section shall not apply:
   4. When the proposed audit is a jeopardy audit;
   5. To audits for which a notice of audit was given prior to the effective date of this section;
   6. When a taxpayer refuses to promptly sign a waiver of thirty-six (36) months. (Ord. 4263 § 8 (part), 1997)

3.16.300 Reserved.

(Ord. 4263 § 8 (part), 1997)

3.16.310 Failure to make return; estimate of taxes; interest and penalty.

A. If any person fails, neglects or refuses to collect tax or to file a return and pay the tax as required by this chapter, the City manager shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the sum of fifteen dollars ($15) for such failure or ten percent (10%) thereof, whichever is greater, and interest on such delinquent taxes at the rate imposed under Section 3.16.340 plus one-half percent (1/2%) per month from the date when due, not exceeding eighteen percent (18%) in the aggregate.

B. The City manager shall serve upon the delinquent taxpayer written notice of such estimated taxes, penalty, and interest, which notice shall be personally delivered or sent by first class mail directed to the last address of such person on file with the City. Such notice shall constitute a notice of determination, assessment and demand for payment and shall be due and payable within twenty (20) days from the date the notice is mailed. (Ord. 4263 § 8 (part), 1997)

3.16.320 Taxpayer protest of notice of determination.

A. A protest of a notice of determination, assessment and demand for payment issued to a taxpayer for failure to file a return, underpayment of tax owed or as a result of an audit shall be submitted in writing to the City manager within thirty (30) days from the date the notice of assessment is mailed. Any such protest shall identify the amount of tax disputed and the basis for the protest. Such protest may include a request for a hearing and shall be given under oath of the taxpayer. The protest shall constitute a petition of the taxpayer.

B. The City manager may conduct an audit of the books and records of the taxpayer to determine the exact amount of tax due and charge the taxpayer for any amount found to be due.

C. In response to the written petition, if a hearing was requested, the City manager shall notify the petitioner in writing of the time and place of the hearing. After such hearing, or after a consideration of the facts and figures contained in the petition if no hearing is requested, the City manager shall make such order in the matter as he or she deems just and proper and shall furnish a copy of such order to the petitioner. Any hearing requested shall be held and a decision issued by the City Manager within ninety (90) days after the City's receipt of the taxpayer's written protest, or such additional time as may be permitted under C.R.S. §29-2-106.1, as amended.

D. The City manager may, at any time within three (3) years of the date the tax was due, conduct an audit of the books and records of the taxpayer to determine the exact amount of tax due and charge the taxpayer for any amount found to be due in excess of the amount previously paid, whether such amount was paid pursuant to a return filed by the taxpayer or a notice of determination, assessment and demand for payment. (Ord. 4263 § 8 (part), 1997; Ord. 5480 § 1, 2010)

3.16.330 Assessment and recurring assessment penalty.

If any taxpayer has failed, neglected or refused to pay the tax imposed by this chapter within the time specified for payment, the City manager may assess the following penalties, in addition to the taxes, penalties and interest provided for elsewhere in this chapter, the additional amount being imposed to compensate the City for administrative and collection costs incurred in collecting such delinquent taxes:

A. Upon the first or second issuance of a notice of determination, assessment and demand for payment within twelve (12) months, fifteen dollars ($15) per notice;

B. Upon the third, fourth or fifth issuance of a notice of determination, assessment and demand for payment within twelve (12) months, twenty-five dollars ($25) or fifteen (15) percent of the delinquent taxes, penalties and interest, whichever is greater, per notice;

C. Upon the sixth or more issuance of a notice of determination, assessment and demand for payment within twelve (12) months, fifty dollars ($50) or thirty percent (30%) of the delinquent taxes, penalties and interest, whichever is greater, per notice. (Ord. 4263 § 8 (part), 1997)

3.16.340 Rate of interest; method of calculation.

When interest is required or permitted to be charged under any provision of this chapter, the annual rate of interest shall be calculated as follows:

A. Interest at a rate of one percent (1%) per month shall be calculated for each month or portion of a month from the due date that a tax deficiency remains unpaid.

B. Interest at a rate of one percent (1%) per month shall be calculated for each month or portion of a month on the total tax liability from the first installment date when a payment schedule is arranged. (Ord. 4263 § 8 (part), 1997)

3.16.350 Tax constitutes lien.

A. The sales and use tax imposed by this chapter, together with all penalties and interest pertaining thereto, is a first and prior lien upon the goods, stock-in-trade, and business fixtures in which the

retailer has an ownership interest except for goods that have been purchased in the ordinary course of business by retail purchasers, and such lien takes priority over other liens or claims of whatsoever kind or nature on such property.

B. The sales and use tax imposed by this chapter, together with all penalties and interest pertaining thereof, is a first and prior lien on the real and personal property of the taxpayer other than the goods, stock-in-trade, and business fixtures in which the taxpayer has an ownership interest, except as to preexisting liens or claims of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights have attached prior to the filing of the notice of lien provided for in D. below, on the property of the taxpayer.

C. Whenever the business or property of any taxpayer is placed in receivership, bankruptcy, seized under distraint for nonpayment of property taxes or an assignment is made for the benefit of creditors, all taxes, penalties and interest imposed by this chapter and for which the taxpayer is in any way liable under this chapter are a prior and preferred claim against all the property of the taxpayer, except as to preexisting claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights have attached prior to the filing of the notice of lien provided for in D. below, on the property of the taxpayer, other than the goods, stock-in-trade and business fixtures of such taxpayer. No sheriff, receiver, assignee or other officer shall sell the property of any taxpayer subject to the provisions of this chapter under process or order of any court without first ascertaining from the City manager the amount of any taxes, penalties or interest due and payable under this chapter. If there are any such taxes, penalties or interest due, owing or unpaid, it is the duty of such City manager to first pay the amount of the taxes, penalties or interest out of the proceeds of such sale before paying any monies to judgment creditors or other claimants, except that the City manager may pay costs of the proceedings and other preexisting liens or claims as provided in this subsection.

D. If any tax, penalty or interest imposed by this chapter and shown due by returns filed by the taxpayer or by assessments made by the City as provided in this chapter is not paid within five (5) days after it is due, the City manager may issue a notice, setting forth the name of the taxpayer, the amount of the tax, penalties and interest, the date of its accrual, and the fact that the City claims a first and prior lien therefor on the real and personal property of the taxpayer, except as to preexisting liens or claims of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights have attached prior to the filing of the notice on the property of the taxpayer, other than the goods, stock-in-trade and business fixtures in which the taxpayer has an ownership interest. The notice of lien shall be made on forms prescribed by the City manager and verified by the City manager and may be filed in the office of the Clerk and Recorder of any county in the state in which the taxpayer owns real or personal property or with any person in possession of any personal property or rights to property belonging to the taxpayer.

E. The City manager shall release any lien as shown on the records of the county Clerk and Recorder as herein provided, upon payment of all taxes, penalties and interest covered thereby, in the same manner as mortgages and judgments are released. (Ord. 4263 § 8 (part), 1997)

3.16.360 Sale of business subject to lien.

A. Any person who sells a business or stock of goods or closes a business shall complete and file the returns required under this chapter and pay the taxes, penalties and interest due within twenty (20) days of the date on which such person sold the business or stock of goods or closed the business and indicate that it is a final return, that the business is sold or closed, and the name and address of the purchaser of the business, if any.

B. A purchaser of a business who has acquired the furniture, fixtures and/or equipment of the business shall withhold sufficient funds from the purchase money to cover the amount of taxes, penalties and interest imposed by this chapter due and unpaid until the seller provides a receipt

from the City manager showing that such taxes, penalties and interest have been paid. If taxes, penalties and interest imposed by this chapter are due and unpaid after the twenty-day period herein provided, such purchaser of the business is personally liable for the payment of the taxes, penalties and interest imposed by this chapter due and unpaid to the City to the same extent as the seller of the business or stock of goods. (Ord. 4263 § 8 (part), 1997)

3.16.370 Certificate of discharge of lien.

A. If any real or personal property is subject to a lien for payment of tax due to the City under this chapter, the City manager may issue a certificate of discharge of any part of the property subject to the lien if the City manager finds that the fair market value of that part of such property remaining subject to the lien is at least twice the amount of the unsatisfied tax liability plus the value of any liens on the property that have priority over the City's lien.

B. If any real or personal property is subject to a lien for payment of tax due to the City under this chapter, the City manager may issue a certificate of discharge of any part of the property subject to the lien if the City manager is paid in partial satisfaction of the tax liability an amount determined by the City manager to be not less than the value of the City's interest in the part of the property so discharged. In determining the value of the part of the property to be discharged, the City manager shall consider the fair market value of the property and the value of any liens on the property that have priority over the City's lien.

C. A certificate of release of lien issued under this section is conclusive evidence that the City's lien upon the property is extinguished, but does not extinguish or release any portion of the lien on property not specified in the release. (Ord. 4263 § 8 (part), 1997)

3.16.380 Jeopardy assessment.

A. If the City manager finds that collection of the tax will be jeopardized for any reason, the City manager may declare the taxable period immediately terminated, determine the tax, and issue a notice of determination, assessment and demand for payment. Notwithstanding the provisions of Section 3.16.310, the tax shall then be due and payable forthwith, and the City manager may proceed to collect the tax as provided in Section 3.16.390.

B. If the taxpayer subject to a jeopardy assessment provides security for payment of the tax satisfactory to the City manager, the City manager may forego the jeopardy assessment collection proceedings. (Ord. 4263 § 8 (part), 1997)

3.16.390 Enforcing the collection of taxes due.

A. The City manager may issue a warrant directed to any employee, agent or representative of the City or any sheriff of any county of the state, commanding such person to distrain, seize and sell any personal property in which the taxpayer has an ownership interest, except such property as is exempt from the execution and sale by any statute of the state, for the payment of tax due together with interest and penalties thereon and costs of execution in the following circumstances:

1. When any deficiency in tax is not paid within twenty (20) days from the date of mailing of the notice of determination, assessment and demand for payment and no hearing or extension has been requested in a timely manner;
2. When any deficiency in tax is not paid within thirty (30) days from the date of the notice of determination, assessment and demand for payment and no appeal from such notice has been docketed in the county District Court during such time, except that if the City manager finds that collection of the tax will be jeopardized during such period, the City manager may immediately issue a distraint warrant;

3. When any deficiency in tax is not paid within the time prescribed in judgment and order of court on any appeal to the county District Court;
4. Immediately upon making a jeopardy assessment or issuing a demand for payment upon jeopardy assessment as provided in Section 3.16.380; or
5. After or concurrently with the filing of a notice of lien as provided in 3.16.350.D.

B. The City manager may apply to the Judge of the Municipal Court for a warrant authorizing the City manager to search for and seize property located within the city limits for the purpose of enforcing the collection of taxes under this chapter. The Municipal Judge shall issue such warrant after the City manager demonstrates that:
1. The premises to which entry is sought contain property that is subject to levy and sale for taxes due; and
2. At least one (1) of the preconditions of A. above, have been satisfied; but if a jeopardy assessment has been declared under Section 3.16.380, the City manager must set forth the reasons that collection of the tax will be jeopardized.

C. The procedures to be followed in issuing and executing a warrant pursuant to B. above, shall comply with the Colorado Municipal Rules of Procedure, Rule 241(c) and (d).

D. The taxpayer may contest a warrant previously issued under the procedure provided by the Colorado Municipal Court Rules of Procedure, Rule 241(e), except that no proceeding to contest such warrant may be brought after five (5) days prior to the date fixed for sale of the distrained property.

E. The agent charged with the collection shall make or cause to be made an account of the goods or effects distrained, and shall leave a copy of such account, signed by the agent making such distraint, with the owner or possessor of the property, at the owner's or possessor's usual place of abode with some family member over the age of eighteen (18) years, at the owner's or possessor's usual place of business with a stenographer, bookkeeper or chief clerk, or, if the taxpayer is a corporation, with any officer, manager, general agent, or agent for process, with a statement of the sum demanded and the time and place of sale. The agent charged with collection shall forthwith cause to be published a notice of the time and place of sale and a description of the property to be sold in a newspaper within the county wherein distraint is made or, in lieu thereof and in the discretion of the City manager, the agent or sheriff shall cause such notice to be publicly posted at the county courthouse wherein such distraint is made and copies thereof shall be posted in at least two (2) other public places within the county. The time fixed for the sale shall not be less than ten (10) days nor more than sixty (60) days from the date of such notification to the owner or possessor of the property and the publication or posting of such notices. The sale may be adjourned or postponed from time to time by the agent or sheriff, if the agent or sheriff deems it advisable, to a date certain but not for a time to exceed in all ninety (90) days from the date first fixed for the sale. When any personal property is advertised for sale under distraint, the agent or sheriff making the seizure shall proceed to sell such property at public auction, offering the property at not less than a fair minimum price that includes the expenses of making the seizure and of advertising the sale. If the amount bid for the property at the sale does not equal the fair minimum price so fixed, the agent or sheriff conducting the sale may declare the same to be purchased for the city. The property so purchased may then be sold by the agent or sheriff under such regulations as may be prescribed for disposing of city property. The goods, chattels or effects so distrained shall be restored to the owner or possessor, if, prior to the sale, the amount due is paid together with the fees and other charges, or they may be redeemed by any person holding a chattel mortgage or other evidence of right of possession.

F. In all cases of sale, the agent or sheriff making the sale shall issue a certificate of sale to each purchaser, and such certificate is prima facie evidence of the right of the agent or sheriff to make such sale and conclusive evidence of the regularity of the proceedings in making the sale; it

transfers to the purchaser all right, title and interest of the delinquent taxpayer in and to the property sold. Where such property consists of certificates of securities or other evidence of indebtedness in the possession of the agent or sheriff, the taxpayer shall endorse such certificates to the purchaser thereof and supply the purchaser with proof of the taxpayer's authority to transfer the same or with any other requisite that may be necessary to obtain registration of the transfer of the certificate. Any surplus remaining above first the city's taxes, penalties, interest, costs and expenses of making the seizure and of advertising the sale and then the amounts distributed pro rata to other jurisdictions under recorded sales and use or personal property ad valorem tax liens shall be returned to the property owner or such person having a legal right to the property; and, on demand, the City manager shall render an accounting in writing of the sale.

G. In the case where a taxpayer has refused or neglected to pay any tax due to the City under this chapter and a lien has been filed as provided in Section 3.16.350.D, the City manager may, in addition to pursuing other collection remedies, certify the amount of the tax, penalties and interest due, together with ten percent (10%) of the delinquent amount for costs of county collection, to the county Treasurer to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected. Before certifying such amounts to the county for collection, the City manager shall provide to the property owner an opportunity for a hearing to contest the authority of the city to incur the tax, or the amount thereof. The City manager shall mail the notice to the property owner by first class mail addressed to the last known owner of the property on the records of the county Assessor. If the City manager's decision after a hearing affirms the imposition of charges, the decision shall include notice that the charges are due and payable within ten (10) days of the date of the decision and that, if not paid when due, they will be certified to the county Treasurer for collection, along with ten percent (10%) of the charges for the cost of county collection. Whenever the City manager certifies any such amounts to the county Treasurer for collection, the City manager shall record notice of such certification with the county Clerk and Recorder. (Ord. 4263 § 8 (part), 1997)

3.16.400 Recovery of unpaid tax by action at law.

A. In addition to other remedies provided in this chapter, the City manager may treat any such taxes, penalties or interest due and unpaid as a debt due to the City from the taxpayer. If a taxpayer fails to pay the tax, or any portion thereof, or any penalty or interest thereon, when due, the City manager may recover at law the amount of such taxes, penalties and interest in any county or District Court wherein the taxpayer resides or has a principal place of business that has jurisdiction over the amounts sought to be collected. The return filed by the taxpayer or the notice of determination, assessment and demand for payment issued by the City manager is prima facie proof of the amount due.

B. The City Attorney is hereby authorized upon request by the City manager to commence any legal action or suit for the recovery of the tax due under this chapter.

C. Such actions may be actions in attachment, and writs of attachment may be issued to the sheriff. In any such proceedings no bonds shall be required of the City nor shall any sheriff require of the City manager any indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The City may also prosecute appeals or writs of error in such cases without the necessity of providing bond therefore.

D. In any case in which a taxpayer has refused or neglected to pay any tax, penalty or interest due to the City under this chapter and a lien has been filed upon any real or personal property, the City manager may cause a civil action to be filed in the county District Court in which is situated any such property subject to such lien to enforce the lien and subject any real or personal property or any right, title or interest in such property to the payment of the amount due. The court shall

decree a sale of such real property and distribute the proceeds of such sale, according to the court's findings concerning the interest of the parties and of the City. The proceedings in such action, the manner of sale, the period for and manner of redemption from such sale, and the execution of deed of conveyance shall be in accordance with the law of foreclosures of mortgages upon real property. In any such action, the court may appoint a receiver of the property involved in such action if equity so requires. (Ord. 4263 § 8 (part), 1997)

3.16.410 City may be party in title actions.

In any action affecting the title to real property or the ownership or right to possession of personal property, the City may be made a party defendant for the purpose of obtaining an adjudication or determination of its lien upon the property involved therein. (Ord. 4263 § 8 (part), 1997)

3.16.420 Injunctive relief.

The City manager may seek injunctive or other equitable relief in any court of competent jurisdiction to enforce provisions of this chapter. (Ord. 4263 § 8 (part), 1997)

3.16.430 Waiver of penalties by City manager.

The City manager is hereby authorized to waive, for good cause shown, any interest, penalty or fee imposed under this chapter. (Ord. 4263 § 8 (part), 1997)

3.16.440 Obligations of fiduciaries and others.

A. For the purpose of facilitating settlement and distribution of estates, trusts, receiverships, other fiduciary relationships and the assets of corporations in the process of dissolution or that have been dissolved, the City manager may agree with the fiduciary or surviving corporate directors upon an amount of taxes due from the decedent or from the decedent's estate, the trust, receivership or other fiduciary relationship, or corporation for any of the periods of tax liability under this chapter. Payment in accordance with such agreement fully satisfies the tax liability for the periods that the agreement covers, unless the taxpayer has committed fraud or malfeasance or misrepresented a material fact regarding the tax or liability therefore.

B. Except as provided in D. below, any personal representative of a decedent or the estate of a decedent, any trustee, receiver or other person acting in a fiduciary capacity, or any director of a corporation in the process of dissolution or that has been dissolved who distributes the estate or fund under such person's control without having first paid any taxes covered by this chapter due from such decedent, decedent's estate, trust estate, receivership or corporation and that may be assessed within the periods authorized by this chapter is personally liable to the extent of the property distributed by such person for any unpaid taxes of the decedent, decedent's estate, trust estate, receivership or corporation imposed by or due under this chapter and assessed within the periods authorized by this chapter.

C. The distributee of a decedent's estate, a trust estate, or fund and the stockholder of any dissolved corporation who receives any of the property of such decedent's estate, trust estate, fund or corporation is liable under this chapter to the same extent that the decedent, trust estate, fund or corporation is liable under this chapter.

D. If a tax under this chapter is due from a decedent or the decedent's estate, personal liability of the persons set forth in this section remains in effect only if a determination of the tax due is made and notice and demand therefor issues within eighteen (18) months after the decedent's personal representative files with the City manager a written request for such determination, filed after he or she has filed the decedent's final return or the decedent's estate's return to which the request applies. A request for determination under this subsection does not extend the otherwise applicable period of limitation.

E. If a tax under this chapter is due from a corporation that is in the process of dissolution or has been dissolved, personal liability of directors or stockholders as provided in this section remains in effect only if a determination of the tax due is made and notice and demand issues within eighteen (18) months after the corporation files with the City manager a written request for such determination, filed after it has filed the corporation's return, but only if the request states that the dissolution was begun in good faith before the expiration of the eighteen-month period and the dissolution is completed. A request for determination under this subsection does not extend the otherwise applicable period of limitation. (Ord. 4263 § 8 (part), 1997)

3.16.450 Intercity claims for recovery.

The intent of this section is to streamline and standardize procedures related to situations where tax has been remitted to the incorrect municipality. It is not intended to reduce or eliminate the responsibilities of the taxpayer or retailer to correctly pay, collect, and remit sales and use taxes to the City.

A. As used herein, "claim for recovery" means a claim for reimbursement of sales and use taxes paid to the wrong taxing jurisdiction.

B. When it is determined by the City manager of the City that sales and use tax owed to the City has been reported and paid to another municipality, the City shall promptly notify the retailer that taxes are being improperly collected and remitted, and that as of the date the notice is mailed, the retailer must cease improper tax collections and remittances.

C. The City may make a written claim for recovery directly to the municipality that received tax and/or penalty and/or interest owed to the City, or, in the alternative, may institute procedures for collection of the tax from the taxpayer or retailer. The decision to make a claim for a recovery lies in the sole discretion of the City. Any claim for recovery shall include a properly executed release of claim from the taxpayer and/or retailer releasing its claim to the taxes paid to the wrong municipality, evidence to substantiate the claim and a request that the municipality approve or deny, in whole or in part, the claim within ninety (90) days of its receipt. The municipality to which the City submits a claim for recovery may, for good cause, request an extension of time to investigate the claim, and approval of such extension by the City shall not be unreasonably withheld.

D. Within ninety (90) days after receipt of a claim for recovery, the City shall verify to its satisfaction whether or not all or a portion of the tax claimed was improperly received and shall notify the municipality submitting the claim in writing that the claim is either approved or denied in whole or in part, including the reasons for the decision. If the claim is approved in whole or in part, the City shall remit the undisputed amount to the municipality submitting the claim within thirty (30) days of approval. If a claim is submitted jointly by a municipality and a retailer or taxpayer, the check shall be made to the parties jointly. Denial of a claim of recovery may only be made for good cause.

E. The City may deny a claim on the grounds that it has previously paid a claim for recovery arising out of an audit of the taxpayer.

F. The period subject to a claim for recovery shall be limited to the thirty-six month period prior to the date the municipality that was wrongly paid the tax receives the claim for recovery. (Ord. 4263 § 8 (part), 1997)

3.16.460 Investigations, audits and hearings.

For the purpose of ascertaining the correctness of a return, or for the purpose of determining the amount of tax due from any person, whether licensed under this chapter or not, the City manager may hold investigations, including audits, and hearings concerning any matters covered by this chapter, and may examine any relevant books, papers, records or memoranda of any such person and may require the

attendance of such person, or any officer or employee of such person, or of any person having knowledge of transactions involved and may take testimony and proof of the information. The City manager shall have the power to administer oaths to such persons. (Ord. 4263 § 8 (part), 1997)

3.16.470 Subpoenas and witness fees.

All subpoenas issued under the terms of this chapter may be served by any person over the age of eighteen (18) years. The fees of witnesses for attendance in response to a subpoena shall be the same as the fees of witnesses before the District Court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the City manager, such fees shall be paid by the city but when a witness is subpoenaed at the instance of any other party to such proceeding, the City manager may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the City manager, in his or her discretion, may require a deposit to cover the cost of such service and witness fees prior to issuing such subpoenas. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record. (Ord. 4263 § 8 (part), 1997)

3.16.480 Attendance of witnesses and production of evidence to be compelled by District Judge.

Any judge of the District Court, upon the application of the City manager, may compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the City manager, by an action for contempt or otherwise in the same manner as the production of evidence may be compelled before such court. (Ord. 4263 § 8 (part), 1997)

3.16.490 Depositions.

The City manager, or any party to an investigation or hearing before the City manager, may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for depositions in civil actions in courts of this state and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda. (Ord. 4263 § 8 (part), 1997)

3.16.500 Review of decision of City manager.

The taxpayer may apply for a review of the decision of the City manager in any hearing held pursuant to Section 3.16.460 in the manner and within the time period required by C.R.S. §29-2-106.1, as amended. (Ord. 4263 § 8 (part), 1997; Ord. 5480 § 2, 2010)

3.16.510 Review bond required.

For transactions consummated on or after January 1, 1998, within fifteen (15) days after making application to the District Court for review of the decision of the City manager, the party making such application shall file with the District Court a surety bond in twice the amount of the taxes, penalties, interest and other charges stated in the final decision by the City manager which are contested on appeal. The taxpayer may, at his or her option, satisfy the surety bond requirement by a savings account or deposit in or a certificate of deposit issued by a state or national bank or by a state or federal savings and loan association, in accordance with the provisions of Section 11-35-101(1), C.R.S., equal to twice the amount of taxes, penalties, interest and other charges stated in the final decision by the City manager. The taxpayer may, at his or her option, deposit the disputed amount with the City manager in lieu of posting a surety bond. If such amount is so deposited, no further interest shall accrue on the contested amount during the pendency of the action. At the conclusion of the action, after appeal or after the time for such appeal has expired, the funds deposited shall be, at the direction of the court, either retained by the City manager and applied against the amount due or returned in whole or in part to the taxpayer with interest at the rate imposed by Section

3.16.340 from the date it was paid to the City manager. No claim for refund of amounts deposited with the City manager need be made by the taxpayer in order for such amounts to be repaid in accordance with the direction of the court. If the taxpayer requests a review of the City Manager's decision by the executive director of the Colorado Department of Revenue, the taxpayer shall provide a surety bond in accordance with the requirements of C.R.S. §29-2-106.1(3)(b), as amended. (Ord. 4263 § 8 (part), 1997; Ord. 5480 § 3, 2010)

3.16.520 Notices.

All written notices required to be mailed, served or given to any taxpayer under the provisions of this chapter shall be hand delivered or mailed, postage prepaid, addressed to such taxpayer at the last known address of the taxpayer on file with the City and shall be deemed to have been received by the taxpayer when so mailed or delivered. (Ord. 4263 § 8 (part), 1997)

3.16.530 Hearings to be held in City.

Every hearing before the City manager shall be held in the City and shall comply with the provisions of C.R.S. §29-2-106.1, as amended. (Ord. 4263 § 8 (part), 1997; Ord. 5480 § 4, 2010)

3.16.540 Administration by City manager; rules and regulations.

The administration of all provisions of this chapter is hereby vested in and shall be exercised by the City manager who shall prescribe forms and formulate and promulgate reasonable rules and regulations in conformity with this chapter for the making of returns, for the ascertainment, assessment and collection of taxes imposed and for the proper administration and enforcement thereof. (Ord. 4263 § 8 (part), 1997)

3.16.550 Violations.

A. It shall be unlawful for any retailer to fail to collect or for any purchaser or consumer to fail to pay any tax, penalty or interest levied by this chapter, regardless of whether the tax liability is disputed or an exemption is claimed.
B. It shall be unlawful for any retailer to retain any tax collected in excess of the rate stated in Section 3.16.020 or to fail to remit punctually to the City manager the full amount required by the provisions of this chapter, including taxes, penalties and interest.
C. It shall be unlawful for any person to fail or refuse to make or file any return required to be made or filed by this chapter or to make any false or fraudulent return or any false or fraudulent statement in any return.
D. It shall be unlawful for any person to do business without the license required by this chapter or to continue to do business after such license is revoked.
E. It shall be unlawful for any applicant for a tax refund to make a false statement in connection with such application.
F. Except as may be otherwise provided for by rule or regulation of the Executive Director of the Department of Revenue for the state, it is unlawful for any person who is a resident of the city to register any motor vehicle owned by such person or to obtain a license or to procure a certificate of title at any address other than:
    1. For a motor vehicle which is owned by a business and operated primarily for business purposes, the address from which such vehicle is principally operated and maintained; or
    2. For any motor vehicle for which the provisions of (1) above do not apply, the address of the owner's residence; except that, if a motor vehicle is permanently operated and maintained at an address other than the address of the owner's residence, such motor vehicle shall be registered at the address from which such motor vehicle is permanently operated and maintained.

For purposes of this subsection, a person's residence shall be his or her principal or primary home or place of abode, to be determined in the same manner as residency for voter registration purposes as provided in Sections 1-2-102 and 31-10-201, C.R.S. except that "voter registration" shall be substituted for "motor vehicle registration" as a circumstance to be taken into account in determining such principal or primary home or place of abode.

G. It shall be unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this chapter will be assumed or absorbed by the retailer or that it will not be added to the purchase price of the property sold or the services tendered, or, if added, that it or any part thereof will be refunded.

H. It shall be unlawful for any person other than the City to become enriched or to gain any benefit from the collection or payment of the taxes levied by this chapter.

I. It shall be unlawful for any officer, agent or employee of the City to divulge or make known in any way any information classified herein as confidential, except in accordance with a court order or as otherwise provided by law.

J. It shall be unlawful for any person to aid or abet another in any attempt to evade the payment of the tax imposed by this chapter.

K. It shall be unlawful for any person to interfere with the actions of any employee or agent of the City relating to the distraint warrant procedures, such interference to include but not be limited to the removal of signs or tags placed on the premises or items of property which are to be sold by the City pursuant to such procedure.

L. It shall be unlawful for any person to violate any other provision of this chapter. (Ord. 4263 § 8 (part), 1997)

3.16.570 Penalties.

A. The penalty for violating any provision of this chapter shall be a fine or imprisonment or both in the amounts stated in Section 1.12.010.

B. In addition to the penalties stated in (A) above, and in addition to the penalties and interest which may be payable under the provisions of § 3.16.310, any person who registers a motor vehicle in violation of § 3.16.550(F) shall be subject to a civil penalty of five hundred dollars ($500). Such violation shall be determined by the City manager and shall be assessed by and paid to the City manager according to the provisions of §§ 3.16.310 and 3.16.550 if such motor vehicle should properly have been registered at an address within the city. (Ord. 4263 § 8 (part), 1997)

3.16.580 Limitations on actions to collect.

A. Except as otherwise provided in this section, the taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this chapter shall not be assessed, nor shall any notice of lien be filed, distraint warrant be issued, bond be collected upon, suit for collection be instituted, or any other action to collect the same be commenced, more than three (3) years after the date on which the tax was or is payable. In addition, no lien shall continue after such period, except for taxes assessed before the expiration of such period, when a notice of lien regarding such taxes was filed prior to the expiration of such period in which case the lien shall continue for only one (1) year after the filing of notice thereof.

B. In the case of a false or fraudulent return filed with intent to evade the tax and in the case of failure to file a return, the tax, together with interest and penalties, may be assessed or proceedings for the collection of such taxes may be begun at any time.

C. Before the expiration of such period of limitation, the taxpayer and the City manager may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing made before the expiration of the previously agreed upon time.

D. Nothing in this section shall be construed to limit any right accrued or to revive any liability barred by any statute in effect on the effective date of the ordinance from which this chapter was derived. (Ord. 4263 § 8 (part), 1997)

3.16.590 Sales and Use Tax Credits.

Notwithstanding any other provision in this Chapter to the contrary, the City Council may grant by resolution to any person a sales tax and/or use tax credit against the collection of such taxes equal to the amount of tax credited. However, any such credit shall not exceed the amount of tax that would otherwise be collected under this Chapter. The Council my grant the credit on such terms and conditions as it determines is in the best interest of the City provided that it also determines and finds in the resolution that granting the credit will serve a public purpose, which purpose may include, without limitation, providing the public with significant social, economic or cultural benefits. (Ord. 5267 § 1, 2007; Ord. 4857 § 1, 2004)

3.16.600 City Manager – Authority.

For the purposes of this Chapter 3.16, all references to the city manager shall mean the city manager or his designee. (Ord. 5267 § 2, 2007)

3.16.610 Compromise and settlement.

The city manager may for good cause compromise and settle any claim to sales or use tax, penalties, and interest due to the city under this chapter. Whenever a settlement by the city manager results in a compromise of $2,500 or more, there shall be placed on file in the office of the city's finance department the written opinion of the city manager stating the reasons for the settlement, which may include financial inability of the taxpayer to pay a greater amount, with a statement of: (i) the amount of the tax assessed; (ii) the amount of the interest and/or penalty assessed; and (iii) the amount paid by the taxpayer in accordance with the terms of the settlement. Notwithstanding anything herein to the contrary, no such opinion shall be required with respect to any compromise of less than $2,500. (Ord. 5321 § 1, 2008)

3.16.620 Use of electronic database – retailer held harmless.

A. Any retailer that collects and remits sales tax to the city as provided in this chapter may use an electronic database of state addresses that is certified by the Colorado Department of Revenue pursuant to § 39-26-105.3, C.R.S., to determine the jurisdictions to which tax is owed.

B. Any retailer that uses the data contained in an electronic database certified by the Colorado Department of Revenue pursuant to § 39-26-105.3, C.R.S., to determine the jurisdictions to which tax is owed shall be held harmless for any tax, penalty, or interest owed the city that otherwise would be due solely as a result of an error in the electronic database, provided that the retailer demonstrate that it used the most current information available in such electronic database on the date that the sale occurred. Each retailer shall keep and preserve such records as prescribed by the city manager to demonstrate that it used the most current information available in the electronic database on the date that the sale occurred. Notwithstanding the above, if the error in collecting and remitting is a result of a deceptive representation, a false representation, or fraud, the provisions of this section shall not apply. (Ord. 5332 § 1, 2008)

Chapter 3.20

OCCUPATIONAL TAX ON LIQUOR AND BEER

Sections:

3.20.010 Purpose.

The city council finds, determines and declares that considering the nature of the business of selling at retail three and two-tenths percent beer, malt, vinous and spirituous liquors for beverage purposes, and the relation of such business to the municipal welfare, as well as the relation thereof to the expenditures required of the city and a proper, just and equitable distribution of tax burdens within the city, and all other matters proper to be considered in relation thereto, that the classification of the business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and that the amount of tax imposed is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the city. (Prior code § 27.2-3)

3.20.020 Definitions.

As used in this chapter, the following words or phrases shall have the following meanings:

A. "Malt liquors" includes beer and means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar products or any combination thereof in water, containing more than three and two-tenths percent of alcohol by weight.
B. "Medicinal liquors" means any liquor sold by a duly licensed pharmacist or drug store solely on bona fide doctor's prescription.
C. "Operator" means a person licensed by law to sell malt, vinous or spirituous liquors, other than medicinal liquors, for beverage purposes at retail and who is engaged at any time during the calendar year in such operation within the city.
D. "Spirituous liquors" means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin, and every liquid or solid, patented or not, containing alcohol and which are fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except as above provided shall not be construed to be malt or vinous liquors but shall be construed to be spirituous liquor.
E. "Three and two-tenths percent beer" means malt liquor, as herein defined, containing not more than three and two-tenths percent of alcohol by weight.
F. "Vinous liquors" includes wine and fortified wines not exceeding twenty-one percent of alcohol by volume and means alcoholic beverages obtained by the fermentation of the natural sugar contents of fruits or other agricultural produce containing sugar. (Prior code § 27.2-1)

3.20.030 Business classifications.

The business of selling at retail, any malt, vinous or spirituous liquor other than medicinal liquors, or three and two-tenths percent beer, for beverage purposes is defined and separately classified as such occupation for the purposes of this chapter as follows:

A. Class "A" Operators. All operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises either as hotels or restaurants are class "A" operators.
B. Class "B" Operators. All operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises as a tavern are class "B" operators.
C. Class "C" Operators. All operators who are licensed to sell malt or vinous liquors only by the drink for consumption on the premises are class "C" operators.
D. Class "D" Operators. All operators who are licensed as retail liquor stores to sell in original containers malt, vinous or spirituous liquor for consumption off the premises are class "D" operators.
E. Class "E" Operators. All operators licensed as drug stores to sell malt, vinous or spirituous liquors in original containers for consumption off the premises, are class "E" operators.
F. Class "F" Operators. All operators licensed to sell malt, vinous or spirituous liquors as clubs are class "F" operators.
G. Class "G-1" Operators. All operators licensed to sell only three and two-tenths percent beer and who sell the same for consumption on the premises are class "G-1" operators.
H. Class "G-2" Operators. All operators licensed to sell only three and two-tenths percent beer and who sell the same solely in the original package or container for consumption off the premises are class "G-2" operators.
I. Class "G-3" Operators. All operators licensed to sell three and two-tenths percent beer and who sell the same for consumption on or off the premises are class "G-3" operators.
J. Class "H" Operators. All operators who are licensed as optional premises to sell malt, vinous or spirituous liquor by the drink for on-premises consumption. (Ord. 3862 § 1, 1992; Ord. 1525 § 1, 1976; prior code § 27.2-2)

3.20.040 Levy.

There is levied and assessed upon each person licensed to engage in the business of selling three and two-tenths percent beer, malt, vinous or spirituous liquor (except medicinal liquors), for each license held, an occupation tax in the amount provided by resolution of city council. (Ord. 3862 § 2, 1992; Ord. 3780 § 1, 1991; Ord. 3691 § 1, 1990; Ord. 1525 § 2, 1976; prior code § 27.2-4)

3.20.050 Payment.

A. Such tax shall be due and payable to the city clerk on the same date as the liquor license renewal fee is due for each license held by an operator, and shall be deemed delinquent thirty (30) days after the liquor license renewal date appears in the City’s liquor license records. Prepayment of said tax may be made in the month preceding the liquor license renewal due date.
B. Upon receipt of the tax payment, it shall be the duty of the city clerk to issue an occupational tax license, showing the name of the operator paying the tax, the date of payment, the annual period for which the tax is paid, and the place at which the operator conducts business.
C. The operator shall, at all times during each year, keep the current license posted in a conspicuous place in his place of business.
D. No refund shall be made to any person or operator who discontinues business under a license before the expiration of the period covered by the tax. In the event the ownership of an existing license is transferred to a new licensee or operator during any year, the transferred license shall not be considered a new license and no additional occupational license tax shall be required in connection with such transfer. Operators shall pay the tax for the year 2019 corresponding with

the operator's renewal date, as specified in subsection (A) of this section, in addition to a prorated tax amount, as determined by the City Clerk, for each day subsequent to January 1, 2019 until, and including, December 31, 2019. All taxes provided for in this Chapter shall be due as provided above, except that all taxes provided for in this subsection shall be due and payable upon the acquisition and approval of a new liquor license and shall be delinquent ten (10) days thereafter. Interest shall accrue on all delinquent taxes form the day of delinquency until paid and shall accrue at the rate of one percent (1%) per month. (Ord. 6241 § 1, 2018; Ord. 1525 § 3, 1976; prior code § 27.2-5)

3.20.060 Delinquency not ground for revocation.

No delinquency in payment of the tax provided for in this chapter shall be grounds for suspension or revocation of any license granted to any such operator by any licensing authority pursuant to the statutes enacted by the General Assembly of Colorado, and in performance of any duties imposed upon the city council as a licensing authority by the statutes, the council shall exclude from consideration any delinquency in payment of the tax provided for in this chapter. (Prior code § 27.2-6)

3.20.070 Tax recovered by suit.

The city has the right to recover all sums due by the terms of this chapter, by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedy shall be cumulative with all other remedies provided in this chapter for the enforcement of such payment. (Prior code § 27.2-7)

3.20.080 Violations.

Failure to comply with the terms of this chapter by payment of taxes, securing and posting a receipt therefore, and to otherwise comply with the terms of this chapter, constitutes an offense and violation of this code. A violation for each calendar month constitutes a separate offense. But no conviction for such violation shall work a revocation of the license of the defendant issued under the laws of the state. (Prior code § 27.2-8)

Chapter 3.24

LODGING TAX

Sections:

3.24.005 Purpose.

The city council declares that the purpose of the levy of the tax imposed by this chapter is for the raising of funds to promote tourism, conventions and related activities within the city by marketing the city and sponsoring community events, both in support of this purpose.

3.24.010 Definitions.

Unless the context requires otherwise, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

A. City manager shall mean the City Manager of the City of Loveland, or his or her designee.
B. Finance department shall mean the duly constituted finance department of the City of Loveland.
C. Lodging services shall mean the providing of rooms or accommodations, except meeting rooms, by any person to any other person who for consideration uses, possesses, or has the right to use or possess any room, except a meeting room, in a hotel, inn, bed and breakfast residence, apartment, lodging house, motor hotel, guest house, guest ranch, trailer coach, mobile home, automobile camper trailer court and park, or similar establishment, for a period of less than thirty consecutive days under any concession, permit, right of access, license to use or other agreement, or otherwise.
D. Lodging customer shall mean any person who, through a taxable lodging transaction, acquires lodging services from a lodging provider.
E. Lodging price shall mean the gross price paid or value given, exclusive of other taxes paid, by the lodging customer for the provision of lodging services.
F. Lodging provider shall mean any person providing lodging services or such provider's authorized agent.
G. Lodging tax or tax shall mean the excise tax imposed by this chapter payable by the purchaser of lodging services or the aggregate amount of taxes due from a lodging provider during the period for which such person is required to report the collections of this tax as herein specified.
H. Lodging transaction shall mean the providing of lodging services.
I. Person shall mean any individual, entity, firm, partnership, joint venture, corporation, estate or trust, receiver, trustee, assignee, lessee, limited liability company, or any person or entity acting in a fiduciary or representative capacity for any individual or entity, whether appointed by the court or otherwise, or any group or combination acting as a unit, and includes the plural as well as the singular number.
J. State shall mean the State of Colorado.

K. Taxpayer shall mean any person obligated to account to the city for taxes collected or to be collected under the terms of this chapter.

3.24.020 Tax levied.

On and after 12:00 a.m. January 1, 2010, there is levied and shall be paid and collected an excise tax of three (3%) percent on the lodging price paid for any lodging services provided in the city. This tax shall be in addition to the sales and use tax as established pursuant to Chapter 3.16 of this Title. It shall be a violation of this Code for any lodging customer provided lodging services in the city to fail to pay, or for any lodging provider of such lodging services to fail to collect, the tax levied pursuant to this section.

3.24.030 Transactions exempt from tax.

The following lodging transactions are exempt from taxation under this chapter:

A. All lodging services provided to the United States Government; to the state, its departments or institutions and political subdivisions in their governmental capacities only, including the city and any department thereof;
B. All lodging services provided to religious and charitable non-profit corporations and associations, provided the corporation or association holds a tax exempt status under Internal Revenue Code Section 501(c), but only in the conduct of their religious and charitable functions and activities;
C. All lodging services provided to persons which the city is prohibited from taxing under the United States Constitution or laws of the United States or under state law;
D. All lodging services provided to any person for a period of at least thirty (30) consecutive days; and
E. Any lodging transaction, if the price of such lodging services are paid in advance on a weekly basis and does not exceed the total sum of seventy-five dollars per week.

3.24.040 License required for lodging providers.

A. It shall be unlawful for any person to engage in the business of providing lodging services without first having obtained a license from the city as provided in this chapter, which license shall be granted and issued without fee by the city manager and shall be in force and effect until revoked.
B. In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.

3.24.050 Exception to licensing requirement.

No license shall be required for any person engaged exclusively in the business of providing lodging services that are exempt from taxation under this chapter.

3.24.060 Application.

A lodging license shall be granted only upon application stating the name and address of the person desiring such license, the name of such business, the location, including the street number of such business and such other facts as may be reasonably required by the city manager for collection and enforcement of the lodging tax under this chapter.

3.24.070 Form of license; nontransferability.

Each lodging license shall be numbered and shall show the name, mailing address and place of the business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

3.24.080 Revocation of license.

The city manager, after giving reasonable notice and after full hearing, may revoke the lodging license of any person found by the city manager to have violated any provision of this chapter.

3.24.090 Appeal of revocation; procedure.

Any finding and order of the city manager revoking the lodging license of any person shall be subject to review by the District Court of Larimer County upon petition of the aggrieved party. The procedure of the review shall be in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

3.24.100 Engaging in business without license to be a violation.

Any person engaged in the business of providing lodging services in the city without having secured the lodging license required by this chapter, except as specifically provided herein, shall be guilty of a violation of this chapter and upon conviction shall be punished pursuant to Code Section 1.12.010.

3.24.105 Use of Lodging Tax.

All revenues received by the city from the lodging tax established by this chapter shall be placed in a separate lodging tax fund and used by the city only for the following purpose: to promote tourism, conventions and related activities within the city by marketing the city and sponsoring community events, both in support of this purpose. None of the revenue shall be allocated to the general fund or to any other separate city fund. In addition, the city council shall not budget, appropriate or spend any funds from this lodging tax fund without first receiving a recommendation from the community marketing commission established pursuant to Code Section 2.60.075 concerning the proposed use of such funds. The city council shall not, however, be bound by the commission's recommendation and may spend the funds in any way consistent with the purpose authorized in this section. However, nothing in this chapter shall prohibit the city council from approving the use of any other available city funds to fund, in whole or part, the purpose set forth in this section.

3.24.110 Payment of tax.

A. Every lodging provider shall be liable and responsible for the payment of an amount equal to three (3%) percent of all proceeds derived from the providing of lodging services as established pursuant to Section 3.24.020 and any such lodging provider shall file a return each month with the finance department on or before the twentieth day of each month for the preceding month and remit an amount equivalent to the lodging tax collected to the finance department. Every lodging provider shall be entitled to withhold each month an amount equal to the lesser of three and one-third percent (3 1/3%) of the amount of the tax to be paid by such lodging provider under this chapter or three hundred dollars ($300) to cover the expense of collection and remittance of the tax to the finance department.

B. The returns to be filed by the lodging provider shall contain such information and be made in such manner upon any such forms as the city manager may prescribe. The city manager may extend the time for making returns and paying the taxes due under such reasonable rules and regulations as the city manager may prescribe, but no such extension shall be for a greater period than is provided in Section 3.24.140.

C. The burden of proving that any lodging provider is exempt from collection of the lodging tax and paying the same to the finance department or from filing the returns required by this section shall be on the lodging provider under such reasonable requirements of proof as the city manager may prescribe.

D. Except as provided in subsection (f) below, the lodging provider shall add the tax imposed to the lodging price, showing such tax as a separate and distinct item and when added such tax shall constitute a part of such price and shall be a debt from the lodging customer to the lodging provider until paid and shall be recoverable at law in the same manner as other debts.

E. The lodging provider shall be entitled, as the city's collecting agent, to apply and credit the amount authorized to be withheld by the lodging provider pursuant to subsection (a) above, remitting the excess of collections over that amount to the finance department in the lodging provider's next monthly lodging tax return. If, however, the lodging provider is delinquent in remitting the tax collected, other than in unusual circumstances shown to the satisfaction of the city manager, the lodging provider shall not be entitled to apply this credit and shall pay to the finance department the full three percent (3%) of tax collected.

F. No person other than the city may take enrichment from the collection or payment of such tax or from liability for payment of the full amount of the tax as levied by Section 3.24.020 as such amount is adjusted pursuant to subsection (e) above.

3.24.120 Formulation and promulgation of rules and regulations.

To provide uniform methods of adding the lodging tax to the lodging price, for collecting the tax, and for enforcing the tax, the city manager may formulate and promulgate appropriate rules and regulations to effectuate the purposes of this chapter.

3.24.130 Advertisement of assumption or absorption of tax prohibited.

It shall be unlawful for any lodging provider to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this chapter will be assumed or absorbed by the lodging provider or that it will not be added to the lodging price of the lodging services provided or, if added, that it or any part will be refunded.

3.24.140 Remittance of tax on other than monthly basis.

If the accounting method regularly employed by the lodging provider in the transaction of business, or other conditions, is such that reports of sales made on a calendar month basis will impose unnecessary hardship, the city manager may, upon written request of the lodging provider, accept reports at such intervals as will, in the city manager's opinion, better suit the convenience of the lodging provider and will not jeopardize the city's collection of the tax. The city manager may by rule permit a taxpayer whose monthly tax collected is less than twenty dollars to make returns and pay taxes at intervals greater than one month.

3.24.150 Consolidation of returns.

A lodging provider doing business in two or more places or locations taxable under this chapter may file one return covering all such business activities.

3.24.160 Excess collections; failure to remit collections.

If any lodging provider during any reporting period collects as a tax an amount in excess of three (3%) percent of the total sales on lodging services, the lodging provider shall remit to the city the full amount of the tax collected less the amount retained as a collection expense under Section 3.24.110(e). The retention by the lodging provider of any excess tax collections over three (3%) percent of the total taxable sales of such lodging provider or the intentional failure to remit promptly to the finance department the full amount required to be remitted by this section is hereby declared to be a violation of this chapter.

3.24.170 Bad debts.

Lodging taxes paid on the amount of lodging price which are represented by accounts that are found to be worthless and are actually and properly charged off as bad debts for the purpose of the income tax imposed by the laws of the state, may be credited upon a subsequent payment of the tax as provided in this chapter, but if any such accounts are thereafter collected by the lodging provider, a lodging tax shall be paid upon the amounts so collected.

3.24.180 Disputes over exemption from tax; application for refund.

If a dispute arises between the lodging customer and lodging provider as to whether or not any lodging transaction is exempt from taxation, the lodging provider shall collect and the lodging customer shall pay such tax, and the lodging provider shall issue to the lodging customer a receipt or certificate on forms prescribed by the city manager showing the names of the lodging customer and lodging provider, the lodging services furnished, the date, the price, the amount of tax paid and a brief statement of the claim of exemption. The lodging customer may apply to the finance department for a refund of such taxes. It shall be the duty of the city manager to determine the question of exemption subject to review by the courts as herein provided. It shall be a violation of this chapter for any lodging provider to fail to collect, or for any lodging customer to fail to pay, a tax levied by this chapter on the provision of lodging services on which an exemption is disputed.

3.24.190 Procedure for refund of disputed tax.

A. A refund shall be made or credit allowed for the tax paid under dispute by any person who claims one or more exemptions as provided by this chapter and who proves, in the manner set forth in this section, that the person is entitled to the claimed exemption. Such refund shall be made by the city manager after compliance with all of the following conditions in subsections (b), (c), (d) and (e) below.

B. Applications for refunds must be filed with the finance department within sixty days after the lodging transaction on which the exemption is claimed and must be supported by the affidavit of the person seeking the exemption, accompanied by the original paid invoice or sales receipt and a certificate issued by the lodging provider, and the application and the certificate must be made upon such forms as shall be furnished by the finance department, which forms shall contain such information as the city manager may prescribe.

C. The burden of proving that any person is exempt from paying the lodging tax shall be upon the person asserting such claim for exemption under such reasonable requirements or proof as the city manager may prescribe.

D. Upon receipt of such application, the city manager shall promptly examine and shall give notice to the applicant by order in writing of the decision.

E. An aggrieved applicant may, within fifteen days after such decision is mailed, petition the city manager for a hearing on the claim in the manner provided in this chapter.

3.24.200 Right of refund not assignable.

The right of any person to a refund under this chapter shall not be assignable, and application for a refund must be made by the person who paid the tax as shown in the invoice of the sale.

3.24.210 False statements to be a violation.

Any person who applies for a refund under the provisions of this chapter or any other person who shall make any false statement in connection with an application for a refund of any tax shall be deemed guilty of a violation of this chapter and punished as provided in this chapter.

3.24.220 Conviction to be evidence of fraudulent intent.

If any person is convicted under the provisions of Section 3.24.210, such conviction shall be prima facie evidence that all refunds received by such person during the current year were obtained unlawfully, and the city manager is hereby empowered and directed to bring appropriate action for recovery of such refund. A brief summary of the above-mentioned penalties shall be printed on each application form for refund.

3.24.230 Information to be confidential.

A. Except in accordance with judicial order, state law, or as otherwise provided in this chapter, the city manager and the city manager's employees and agents, shall not divulge any information gained from any return filed under the provisions of this chapter.
B. The persons charged with the custody of such 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 city or the city manager in an action under the provisions of this chapter to which the city or the city manager is a party or on behalf of any party to an action or proceeding under the provisions of this chapter or to punish a violator thereof when the report of facts shown by such report 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 returns or of the facts shown thereby as are pertinent to the action or proceeding and no more.
C. Nothing in this section shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a copy of any return or report filed in connection with that person's tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, nor to prohibit the inspection by the city attorney, or any other legal counsel for the city, of the report or return of any person who brings an action to set aside or review the tax based thereon or against whom an action or proceeding is contemplated or has been instituted under this chapter.
D. Reports and returns shall be preserved for three years and thereafter until the city manager orders them destroyed.

3.24.240 Keeping of records and accounts.

It shall be the duty of every person engaged or continuing in business in the city, for the transaction of which a lodging license is required hereunder, to keep and preserve suitable records of all lodging transactions made by such person and such other books or accounts as may be necessary to determine the amount of tax for the collection of which such person is liable under this chapter. All such books, invoices and other records shall be preserved for a period of three years and shall be open for examination at any time by the city manager.

3.24.250 Divulging of confidential information to be a violation.

Any city officer or employee, or any member of the office of, or officer or employee of, the city manager who shall divulge any information classified herein as confidential, in any manner, except in accordance with proper judicial order or as otherwise provided by law, shall be guilty of a violation of this chapter.

3.24.260 Examination of returns; recomputations; credits; deficiencies.

As soon as practicable after the return is filed, the city manager shall examine it. If it then appears that the correct amount of tax to be remitted is greater or less than that shown in the return, the tax shall be recomputed by the city manager. If the amount paid exceeds that which is due, the excess shall be refunded or credited against any subsequent remittance from the same person. If the amount paid is less than the amount due, the difference, together with interest thereon at the rate of one-half of

one percent per month from the time the return was due, shall be paid by the taxpayer to the finance department within ten days after written notice and demand to the taxpayer from the city manager.

3.24.270 Penalty for deficiencies due to negligence.

If any part of the deficiency in payment of the lodging tax is due to negligence, but without the intent to defraud, there shall be added ten percent of the total amount of the deficiency. Interest in such case shall be collected at the rate of one percent per month on the amount of such deficiency from the time the return was due from the person required to file the return. The deficiency interest and penalty shall become due and payable to the finance department within ten days after written notice and demand by the city manager.

3.24.280 Penalty for deficiencies with intent to defraud.

If any part of the deficiency in payment of lodging tax is due to the intent by the taxpayer to evade the tax, then there shall be added fifty percent of the total amount of the deficiency. Interest in such case shall be collected at the rate of one and one-half percent per month on the amount of the deficiency from the time the return was due from the person required to file the return. The deficiency interest and penalties shall be due and payable to the finance department within ten days after written notice and demand by the city manager.

3.24.290 Investigation of tax records.

For the purpose of ascertaining the correctness of a return or for the purpose of determining the amount of tax due from any person, the city manager may hold investigations and hearings concerning any matters covered by this chapter, and may examine any relevant books, papers, records or memoranda of any such person. The city manager may require the attendance of such person or any officer or employee of such person or of any person having knowledge of such transactions and may take testimony and proof for the information. The city manager shall have power to administer oaths to such persons.

3.24.300 Subpoenas and witness fees.

All subpoenas issued under the terms of this chapter may be served by any person of eighteen years of age or older. The fees of witnesses for attendance under the subpoenas shall be the same as the fees of witnesses before the state district court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the city manager, such fees shall be paid in the same manner as other expenses under the terms of this chapter. When a witness is subpoenaed at the instance of any party to any such proceeding, the city manager may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the city manager may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.

3.24.310 Attendance of witnesses and production of evidence.

Any district judge of the Larimer County District Court, upon the application of the city manager, may issue a subpoena to compel the attendance of witnesses, the production of books, papers, records and memoranda and the giving of testimony before the city manager, and to enforce those subpoenas as provided in the Colorado Rules of Civil Procedure. Alternatively, the city manager may issue subpoenas, enforceable in Loveland Municipal Court under C.R.S. §13-10-112(2) and Rule 217 of the Colorado Municipal Court Rules of Procedure, to compel the attendance of witnesses, the collection of books, papers, records and memorandum and the giving of testimony before the city manager.

3.24.320 Depositions.

The city manager or any party in an investigation or hearing before the city manager, may cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in courts of this state and to that end compel the attendance of witnesses and the production of books, papers, records and memoranda pursuant to the provisions of Sections 3.24.300 and 3.24.310.

3.24.330 Unpaid tax a prior lien; satisfaction of liens.

A. The tax imposed by this chapter, together with the interest and penalties herein provided and the cost of collection which may be incurred by the city, including reasonable attorney's fees, shall be and until paid remain a first and prior lien superior to any other liens on all the real property and tangible personal property of the taxpayer, lodging customer or lodging provider that is located within the city and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge said lien. Such distraint warrant may be issued by the city manager whenever the taxpayer, lodging customer or lodging provider is in default in the payment of the tax, interest and penalty. Such warrant may be served and the goods subject to such lien seized by the city manager and may be sold by the city manager at a public auction to be held ten days after notice thereof has been published in a newspaper published in the city.

B. The city manager shall forthwith levy upon sufficient real property and tangible personal property of the taxpayer, lodging customer or lodging provider as is necessary to satisfy the lien. The property so levied upon shall be sold in all respect with like effect and in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall also apply.

3.24.340 Settlement of taxes after sale of business.

Any lodging provider who shall sell or quit the business providing lodging services shall be required to make out a return as provided in this chapter within ten days after the date the provider sold the business or quit the business, and the successor in business shall be required to withhold sufficient funds of the purchase money to cover the amount of the lodging tax due and unpaid to the city under this chapter until such time as the former owner shall produce a receipt from the finance department showing that the taxes have been paid or a certificate from the finance department that no taxes are due.

3.24.350 Purchase of business subject to tax lien.

If the purchaser of a business providing lodging services shall fail to withhold the amount of purchase money, as provided in Section 3.24.340, and the tax shall be due and unpaid after the ten-day period allowed, the purchaser, as well as the seller, shall be personally liable for the payment of the taxes unpaid by the former owner. Likewise, anyone who takes any tangible business assets of or used by any lodging provider under lease, title-retaining contract or otherwise takes the same subject to the lien for any delinquent lodging taxes owed by such provider, and shall be liable for the payment of all delinquent lodging taxes of such prior owner, not, however, to exceed the value of the property so taken or acquired.

3.24.360 Unpaid taxes in cases of bankruptcy or receivership.

Whenever the business or property of any taxpayer subject to the provisions of this chapter shall be placed in a receivership, bankruptcy or assignment for the benefit of creditors, or is seized under distraint for property taxes, all taxes, penalties and interest imposed by this chapter, for which any lodging provider is in any way liable under the terms of this chapter, shall constitute a prior and preferred lien against all the real and tangible personal property of the taxpayer except as to preexisting claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights shall

have attached prior to the filing of the notice as hereinafter provided on the property of the taxpayer, other than the tangible business assets of such taxpayer. No sheriff, receiver, assignee or other officer shall sell the property of any person subject to this chapter under process or order of any court without first ascertaining from the finance department the amount of any lodging taxes due and payable to the city. If there are any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of the taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting claims or liens as above provided.

3.24.370 Tax money to be held in trust.

All sums of money paid by the lodging customer to the lodging provider as taxes imposed by this chapter shall be and remain public money and the property of the city in the hands of such lodging provider. The lodging provider shall hold the same in trust for the sole use and benefit of the city until paid to the finance department as herein provided. If the money is not paid to the finance department, such lodging provider shall be deemed in violation of this section.

3.24.380 Failure to make return; estimate of taxes; penalty; notice; appeal.

A. If any person neglects or refuses to make a return in payment of the taxes as required by this chapter, the city manager shall make an estimate, based upon such information as may be available, of the amounts of the taxes due for the period or periods for which the taxpayer is delinquent and, upon the basis of such estimated amount, shall compute and assess in addition thereto a penalty equal to ten percent thereof together with interest on such delinquent taxes at the rate of one percent per month from the date when due.

B. Promptly thereafter, the city manager shall give to the delinquent taxpayer written notice of such estimated taxes, penalty and interest, which notice must be served on the delinquent taxpayer either personally or by certified mail.

C. Such estimate shall thereupon become an assessment and such assessment shall be final and due and payable from the taxpayer to the finance department ten days from the date of service of the notice or the date of mailing by certified mail. Within the ten-day period, such delinquent taxpayer may petition the city manager for a revision or modification of such assessment and shall within such ten-day period furnish the finance department the correct facts and figures showing the correct amount of such taxes.

D. Such petition shall be in writing, and the facts and figures submitted shall be submitted either in writing or orally and shall be given under oath of the taxpayer. The city manager may modify such assessment in accordance with the facts submitted. Such assessment shall be considered the final order of the city manager and may be reviewed in Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure, as provided in this chapter provided that the taxpayer gives written notice to the city manager of the intent to seek review within five days after receipt of the final order of assessment.

3.24.390 Notice of tax lien.

A. If any taxes, penalty or interest imposed by this chapter and shown by returns filed by a taxpayer, or as shown by assessments duly made as provided in this chapter, are not paid within five days after the same are due, the city manager shall issue a notice, setting forth the name of the taxpayer, the amount of the tax, penalties and interest, the date of the accrual and that the city claims a first and prior lien on the real and tangible personal property of the taxpayer, except as to preexisting claims or liens of a bona fide mortgagee, pledgee or judgment creditor prior to the filing of the notice as hereinafter provided on property of the taxpayer.

B. Such notice shall be on forms prepared by the city manager and shall be verified by the city manager and may be filed in the office of the clerk and recorder of any county in this state in which the taxpayer owns real or tangible personal property. The filing of such notice shall create such lien on such property in that county and constitute a notice thereof.

3.24.395 Distraint, Seizure and Sale.

A. In addition to any other collection remedies provided in this chapter, after the notice contemplated in Section 3.24.390 has been filed or at any time when taxes due are unpaid, whether such notice is filed or not, the city manager may issue a warrant under the city's official seal directly to any city employee or to the sheriff of any county of this state, commanding them or their designated agents to destrain, levy upon, seize and sell sufficient of the real and personal property of the taxpayer found within the city, within the county where the sheriff is situated, for the payment of the amount due, together with interest, penalties and costs of collection including, without limitation, the direct and indirect personnel costs of the city employee's time incurred in the collection and the city's reasonable attorney's fees.

B. Such city employee, agent or representative or the sheriff of any county of the state, or their designated agents as have received a warrant as provided in subsection (a), shall levy upon sufficient property of the taxpayer, or any property used by such taxpayer in conducting his or her retail business, except property made exempt from lien under C.R.S. §39-26-117(1) and the property so levied upon shall be sold in all respects with like effect in the same manner as prescribed by law for executions against property upon judgment of a court of record. The remedies of garnishment shall also be available. The city employee, agent or representative, or the sheriff of any county, shall be entitled to such fees in executing such warrant as are allowed by law for similar services.

C. In addition to publishing the notice of sale, as provided by state statutes for execution of sales, the notice of sale, specifying the name and address of the taxpayer, the property to be sold, the amount of the unpaid taxes, penalty, interest and costs of collection for which the property is to be sold, the name and address of the officer conducting the sale, and the time and place of the sale, shall be mailed or otherwise provided to the taxpayer and record holder of each outstanding interest in the property to be sold, according to the records of the clerk and recorder of the county where the property is located, the Colorado Secretary of State, the Colorado Department of Revenue, Motor Vehicles Division, or the successor to the recording functions of any of these offices. Such notice shall be mailed or otherwise given no later than ten days before the sale.

D. If the taxpayer, before the beginning of the sale, pays to the finance department in cash or certified funds, acceptable to the city manager, the unpaid taxes, penalty, interest and the city's costs of collection, the taxpayer shall receive from the city manager a release of lien for the taxes and the sale shall abate. If any person other than the taxpayer pays, such person shall receive a quitclaim assignment of the city's interest in and to the property upon which a lien is claimed, and the sale shall abate, subject to reinstitution of proceedings executed upon such lien by the third party. Thereafter, no city employee or official shall be obligated to perform any further action to foreclose or execute upon the tax lien, but the purchaser of said lien shall have all of the rights and remedies provided hereunder at the purchaser's sole option and expense.

3.24.396 Chief of Police to act in aid of distraint.

The Loveland Chief of Police or his or her designee shall, upon request, assign necessary police officers to accompany authorized city officials and act in aid of distraint. Said officers shall be authorized, upon request of an authorized city official acting under a distraint warrant, to use all reasonable measures, including, without limitation, reasonable appropriate physical force, to distrain or levy upon property and preserve the peace

3.24.400 Release of lien.

Any lien for taxes as shown on the records of all county clerks and recorders as herein provided shall, upon the payment of all taxes, penalties and interest covered thereby be released by the city manager in the same manner as mortgages or judgments are released.

3.24.410 Recovery of unpaid taxes by action at law.

A. The city manager may also treat any taxes, penalties, interest and costs of collection due and unpaid under this chapter as a debt due the city from the lodging provider.
B. In case of failure to pay the taxes, or any portion thereof, and to pay any penalty, interest, and costs of collection due thereon, when due, the city manager may recover at law the amount of such taxes, penalties, interest and costs of collection in any county or district court of the county wherein the taxpayer resides or has his or her place of business.
C. The return of the taxpayer or the assessment made by the city manager as herein provided shall be prima facie proof of the amount due.
D. The city attorney is hereby authorized, upon request by the city manager, to commence any legal action or suit in the name of the city for the recovery of the tax, penalty, interest and costs of collection due pursuant to this chapter.

3.24.420 City may be party in title actions.

In any judicial or legal action affecting the title to real estate or the ownership or right to possession of personal property, the city may be made a party to such action for the purpose of obtaining a judgment or determination of its lien upon the property involved therein.

3.24.430 Waiver of penalties by city manager.

The city manager is hereby authorized to waive, for good cause shown, any penalty assessed as provided in this chapter. For this purpose, any interest imposed in excess of six percent (6%) per annum shall be deemed a penalty.

3.24.440 Petition and hearing of aggrieved taxpayer.

If any taxpayer, having made a return and paid the tax provided for in this chapter, deems himself or herself aggrieved by the assessment made upon him or her by the city manager, the taxpayer may apply to the city manager by petition, in writing, filed with the finance department within ten days after the notice is mailed to him or her for a hearing and a correction of the amount of the tax so assessed. The taxpayer shall set forth the reasons why such hearing should be granted and the amount by which such tax should be reduced. The city manager shall notify the petitioner, in writing, of the time and place fixed for such hearing. After such hearing, the city manager shall make such order in the matter as is just and proper and shall furnish a copy of such order to the petitioner.

3.24.450 Decision of city manager.

Every decision of the city manager shall be in writing, and the written decision shall be mailed to the taxpayer within ten days after issuance of the written decision. All such decisions shall become final upon the expiration of thirty days after issuance.

3.24.460 Review of decisions.

The taxpayer may apply for a review of the decision by the city manager in Larimer County District Court in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

3.24.470 Review bond required.

Before making application to the District Court, the party making such application shall file with the finance department a bond in twice the amount of the taxes, penalty, interest and costs of collection as stated in the city manager's decision with good and sufficient surety, or at the city manager's option, may deposit lawful money with the finance department in the total amount owed under this chapter.

3.24.480 Notices to be sent by certified and first class mail.

All notices required to be given to any taxpayer under the provisions of this chapter shall be in writing and, if mailed, sent by certified mail, return receipt requested, and by regular first class mail, both to the taxpayer's last-known address, and such mailing of the notice shall be sufficient for the purposes of this chapter.

3.24.500 Tax in addition to other taxes.

The tax imposed by this chapter shall be in addition to all other taxes imposed by law except as otherwise provided in this chapter.

3.24.510 Hearings to be held in City.

Every hearing before the city manager shall be held in the city.

3.24.520 Administrative officer designated.

The administration of all provisions of this chapter is hereby vested in and shall be exercised by the city manager who shall prescribe forms and reasonable rules and regulations in conformity with this chapter for the making of returns, for the ascertainment, assessment and collection of taxes imposed under this chapter and for the proper administration and enforcement thereof.

3.24.540 Compromise and settlement.

The city manager may for good cause compromise or settle any claim to the lodging tax, penalties, interest and costs of collection due to the city under this chapter. Whenever a settlement by the city manager results in a compromise of twenty-five hundred dollars or more, there should be placed on file in the finance department the written opinion of the city manager stating the reasons for the settlement, which may include financial inability of the taxpayer to pay a greater amount, with a statement of: (i) the amount of the tax assessed; (ii) the amount of the penalty, interest and costs of collection assessed; and (iii) the amount paid by the taxpayer in accordance with the terms of the settlement. Notwithstanding anything herein to the contrary, no such opinion shall be required with respect to any compromise of less than twenty-five hundred dollars.

3.24.550 Statute of limitations.

A. The taxes for any period, together with interest and penalties imposed by this chapter shall not be assessed nor shall any notice of lien be filed, or distraint warrant be issued or suit for collection be instituted or any other action to collect the same be commenced more than three years after the date on which the tax was or is payable. No lien shall continue after such period, except for taxes assessed before the expiration of such period, a notice of lien with respect to which has been filed prior to the expiration of such period, and in such cases, such lien shall continue only for two years after the filing of notice thereof.

B. In case of false or fraudulent return with intent to evade the tax, the tax together with interest and penalties may be assessed or proceedings for the collection of such taxes may be begun at any time.

C. Before the expiration of such period of limitation, the taxpayer and the city manager may agree in writing to an extension, and the period agreed on may be extended by subsequent agreement in writing.

3.24.560 Violations.

It shall be a violation of this chapter for any lodging provider or any other person subject to the tax levied herein to refuse to make any return required in this chapter or to make any false or fraudulent return or any false statements in any return; or to fail or refuse to make payment to the finance department of any taxes collected or due the city, or in any manner to evade the collection and payment of the tax; or to violate any other provision of this chapter. It shall be unlawful for any person or lodging customer to fail or refuse to pay such tax or evade the payment or to aid or abet another in any attempt to evade the payment of the tax imposed by this chapter. Any person making a false return or a return containing a false statement shall also be guilty of a violation of this chapter. The penalties for violations of this chapter shall be as provided in Code Section 1.12.010. (Ord. 5445 § 1, 2009)

Chapter 3.30

BUSINESS AND OCCUPATION TAX ON TELEPHONE UTILITY COMPANIES

Sections:

3.30.010 Levy of tax.

There is levied on and against each telephone utility company operating within the city a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the city and of supplying local exchange telephone service to the inhabitants of the city. The amount of the tax levied shall be;

A. For the portion of 1979 remaining after the date on which the tax begins to accrue as provided in Section 3.30.020, two dollars and ninety cents per telephone account for which local exchange telephone service is provided within the corporate limits of the city on said date; and

B. For each subsequent calendar year, four dollars and twenty-five cents per telephone account for which local exchange telephone service is provided within the corporate limits of the city on January 1st of such calendar year on which the tax begins to accrue as provided in Section 3.30.020; provided, however, that the amount of such tax shall be adjusted annually as set forth in subsection C of this section;

C. Beginning on January 1, 1981, there shall be an adjustment in the amount of tax to be paid pursuant to this chapter, as follows:

1. As promptly as practical after October 1, 1980, and after each October 1st thereafter, the city clerk shall compute the increase, if any, in the cost of living for the preceding year, based upon the "Revised Consumer Price Index-Cities (1967 = 100)" (hereinafter called the "index"), published by the Bureau of Labor Statistics of the United States Department of Labor,
2. The index number indicated in the column for the city of Denver, Colorado, entitled "All Items" for the month of October, 1979, shall be the base index number and the corresponding index number for the month of October, 1980, or the applicable index number for the month of October in each succeeding year shall be the current index number,
3. The current index number shall be divided by the base index number; from the quotient thereof there shall be subtracted the integer one, and the resulting number, if positive, shall be deemed to be the increase in the cost of living,
4. The percentage of increase, if any, multiplied by four dollars and twenty-five cents, shall be the change in the yearly tax per telephone account. Anything herein notwithstanding, however, said tax shall not be less than the tax per account paid in the preceding year,
5. The city shall, within a reasonable time after obtaining the appropriate data necessary for computing such change in the tax, give all affected telephone utilities notice of any change so determined. Such determination shall not preclude any adjustment which may be required in the event of a published amendment of the index figures upon which the computation was

based, unless any affected utility, within sixty days after the giving of such notice by the city, notifies the city of any claimed error therein,

6. Any yearly increase in the tax as determined from such statistics shall become effective on January 1st following the October from which the current index number is derived and shall be due and payable to the city along with the base payments provided for in Section 3.30.020 below in equal quarterly installments. Any retroactive payments when due shall be payable within five days after the giving of written notice by city to the utility that such payments are due. In the event of any subsequent redetermination of the amount of such increase, the adjustment thus found to be necessary shall be made promptly between the city and the utility,
7. If publication of the Consumer's Price Index is discontinued, the parties shall thereafter accept comparable statistics on the cost of living for the City of Denver as they shall be computed and published by an agency of the United States or by a responsible financial periodical of recognized authority then to be selected by the parties hereto, or if the parties cannot agree upon a selection, by arbitration. In the event of use of comparable statistics in place of the Consumer's Price Index, or publication of the index figure at other than monthly intervals, there shall be made in the method of computation provided for in this chapter such revisions as the circumstances may require to carry out the intent of this chapter. (Ord. 1764 § 1 (part), 1979)

3.30.020 Time payment of tax.

The tax levied by this chapter shall begin to accrue on the first day of April, 1979, and shall be due and payable in three equal installments for the remaining portion of 1979, payable on June 30, September 30 and December 31, 1979, and in four equal quarterly installments for years subsequent to 1979, to be paid on the last business days of the months of March, June, September and December. (Ord. 1764 § 1 (part), 1979)

3.30.030 Filing statement.

Within thirty days after the date on which the tax begins to accrue as provided in Section 3.30.020, each telephone utility company subject to this chapter shall file with the city clerk, in such form as the clerk may require, a statement showing the total telephone accounts for which local exchange telephone service was provided within the corporate limits of the city on said date. Such statement shall be filed within thirty days after each anniversary of the date on which the tax begins to accrue, showing such accounts on the anniversary date. (Ord. 1764 § 1 (part), 1979)

3.30.040 Failure to pay.

If any telephone utility company subject to the provisions of this chapter fails to pay the taxes as provided in this chapter, the full amount thereof shall be due and collected from such company, and the same, together with an addition of ten percent of the amount of taxes due, shall be a debt due and owing from such company to the city. The city attorney, upon direction of the city council, shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the said debt. (Ord. 1764 § 1 (part), 1979)

3.30.050 Penalty clause.

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this chapter fails, neglects or refuses to make or file the annual statement of accounts provided in Section 3.30.030, the officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars nor more than three hundred dollars; provided that each day after said statement becomes delinquent during which the said officer, agent, manager or person so fails,

neglects or refuses to make and file such statement shall be considered a separate and distinct offense. (Ord. 1764 § 1 (part), 1979)

3.30.060 Inspection of records.

The city, its officers, agents or representatives shall have the right at all reasonable hours and time to examine the books and records of the telephone utility companies which are subject to the provisions of this chapter and to make copies of the entries or contents thereof. (Ord. 1764 § 1 (part), 1979)

3.30.070 Local purpose.

The tax provided in this chapter is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this chapter is construed to mean that any telephone utility company is issued a franchise by the city.

The method of calculation of the tax provided for in this chapter is for the sole purpose of determining the total tax payable by each telephone utility and does not determine or affect how, if at all, such payment is apportioned by the utility among its customers. (Ord. 1764 § 1 (part), 1979)

3.30.080 Tax in lieu of other business and occupation taxes, etc.

The tax herein provided shall be in lieu of all other occupation taxes or taxes on the privilege of doing business in the city on any telephone utility company subject to the provisions of this chapter and in addition shall be in lieu of any free service furnished the city by any said telephone utility. (Ord. 1764 § 1 (part), 1979)

3.30.090 Certain offenses and liabilities to continue.

All taxes or charges, the liability for which has been accrued under the terms and provisions of prior law, ordinance or agreement on or before the effective date of this chapter, shall be and remain unconditionally due and payable, and shall constitute a debt to the city, payable in conformity with the terms and provisions of said law, ordinance or contract, prior to the adoption of this chapter; and all of said terms and provisions of such law, ordinance, or contract shall be and remain in full force and effect for the purpose of the collection and payment of any and all such taxes due and payable thereunder, notwithstanding the provisions of this chapter. (Ord. 1764 § 1 (part), 1978)

Chapter 3.40

PASSENGER FACILITY CHARGES

Sections:

3.40.010 Definitions.

As used in this chapter, the following words and phrases are defined as follows:

A. "Airport" means the area of the Northern Colorado Regional Airport.
B. "Charge effective date" means the date on which the passenger facility charge is effective as provided in Section 3.04.030 of this chapter.
C. "Enplaned passenger" means a domestic, territorial or international revenue passenger enplaned at the airport in a scheduled or nonscheduled aircraft in interstate, intrastate, or foreign commerce, provided that "enplaned passenger" shall not include a passenger enplaning to a destination receiving essential air service compensation as provided by 14 C.F.R. 158.9 or a passenger both enplaning and deplaning at the airport.
D. "Manager" means the airport manager for the airport.
E. "FAA" means the Federal Aviation Administration, Department of Transportation, United States of America.
F. "Passenger facility charge" means the charge imposed on enplaned passengers pursuant to Section 3.04.030 of this chapter.
G. "Loveland" or "city" shall mean the city of Loveland, Colorado, a municipal corporation created pursuant to Colorado State law. (Ord. 6017 § 2 2016, Ord. 3873 § 1 (part), 1993)

3.40.020 Findings and purpose.

The city makes the following findings:

A. The city together with the city of Fort Collins owns and controls the airport which is an air navigation facility located in Larimer County, state of Colorado.
B. The airport promotes a strong economic base for the community, assists and encourages world trade opportunities, and is of vital importance to the health, safety, and welfare of the city and the state of Colorado.
C. The airport is a commercial service airport as that phrase is defined in 14 Code of Federal Regulations, Part 158, as adopted by the FAA, being a public airport enplaning two thousand five hundred or more scheduled air passengers per year.
D. The deregulation of the airline industry, the restructuring of airline ownerships, and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the city.
E. The operation of the airport as a public facility attracting scheduled airline passenger service by airline carriers at the airport imposes financial responsibility of the city for airport facilities and operations.
F. The city will require substantial expenditure for capital investment, operation, maintenance, and development of the airport facilities to meet the future demand for passenger air travel.

G. The Congress of the United States has authorized the adoption of a passenger facility charge program by local airports pursuant to the Aviation Safety and Capacity Expansion Act of 1990 (pub.L. 101-508, Title IX, Subtitle B, November 5, 1990) ("Act").
H. It is in the best interest of the city as well as the airline passengers that the city adopt a passenger facility charge program as identified in this chapter to maintain and further expand the transportation facilities of the city.
I. In establishing and implementing the passenger facility charge program, the passengers using the airport should contribute to a greater degree toward the development of airport facilities used by passengers and continued development thereof.
J. The fees implemented by this chapter are reasonable for the use of the airport and aviation facilities by the general public.
K. This chapter is intended to enact a passenger facility charge program consistent with these findings and this chapter is to be liberally construed to effectuate the purposes express herein. (Ord. 3873 § 1 (part), 1993)

3.40.030 Imposition of passenger facility charge.

A. Commencing not later than the first day of the second month thirty days after the approval by the FAA of the city's passenger facility charge program authorized by this chapter, or on such date thereafter as the passenger facility charge can be collected as determined by the manager, there shall be imposed at the airport a passenger facility charge of four dollars and fifty cents.
B. The collection of the passenger facility charge authorized by this chapter shall terminate on the date determined pursuant to regulations adopted by the FAA.
C. The manager or designee is authorized to execute the FAA application for authorization of the city's passenger facility charge program including the assurances contained therein, as well as all other documents necessary for implementation and operation of the program on behalf of the city. (Ord. 4854 § 1 (part), 2003; Ord. 3873 § 1 (part), 1993)

3.40.040 Eligible projects.

The passenger facility charge collected pursuant to this program shall be expended for projects approved by resolution of both the city councils of Loveland and Fort Collins and determined by the FAA to be eligible under the Act and rules and regulations adopted by the FAA pursuant thereto. (Ord. 3873 § 1 (part), 1993)

3.40.050 Compliance with FAA requirements.

The passenger facility charge authorized by this chapter shall be collected and distributed pursuant to the rules and regulations adopted by the FAA pursuant to the Act. (Ord. 3873 § 1 (part), 1993)

3.40.060 Violations.

In the event that any airline violates any term or condition of this chapter, the city may exercise any rights or remedies allowed by law or equity. (Ord. 3873 § 1 (part), 1993)

3.40.070 Severability.

In the event that any phrase, clause, sentence, paragraph, or section of this chapter is declared invalid for any reason, the remainder of this chapter shall not be invalidated, but shall remain in full force and effect, all parts of this chapter being declared separable and independent of all others. In the event that a judgment is entered, and all appeals exhausted, which judgment finds, concludes or declares this chapter is unconstitutional or is otherwise invalid, the passenger facility charge authorized by this

chapter shall be suspended and terminated as of the date of declaration of unconstitutionality. (Ord. 3873 § 1 (part), 1993)

Chapter 3.50

LIENS & COLLECTIONS

Sections:

3.50.010 Liens.

A. When a provisions within this code provides for the city's recovery of costs, assessments, penalties, or other charges associated with the city's provision of services to bring any property, lot, block, or parcel of land into compliance with this code and the amount due to the city is not paid within the time provided, the amount due shall become a lien against such property, lot, block or parcel of land associated with and benefitting from said services and shall have priority over all liens, except general taxes and prior special assessments.
B. Each amount due under paragraph A., together with ten percent added thereto to defray the administrative cost of collection, plus actual cost to file and remove a lien, may be certified by the city clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as real property taxes are collected.
C. The recovery of amounts due through the use of the lien provisions herein shall be supplementary and in addition to any other collection procedures or remedies as provided by law, in equity or elsewhere in this code.

3.50.020 Collections.

The city shall have the right to proceed for the amounts due on behalf of the city in any manner provided by law or in equity for collection of debts and claims including, but not limited to, lien and foreclosure procedures.

3.50.030 Criminal Proceedings.

The city remedies set forth in this chapter shall not be exclusive, and nothing shall restrict the city from concurrently pursuing the enforcement and prosecution of any violation of this code through the Loveland Municipal Court. (Ord. 5683 § 1, 2012)

End Title 3

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

Chapter 5.04

LICENSING IN GENERAL

Sections:

5.04.010 Applications.

The application for every license required by and issued under authority of the city shall contain:

A. The name of the person, firm or corporation desiring such license;
B. The residence address of such applicant, or of each of the individual members of such firm, or of each of the directing officers of such corporation and its principal place of business;
C. The kind of license desired, stating the business, trade or profession to be performed, practiced or carried on;
D. The street address, if any, where such business is to be carried on;
E. The year for which such license is sought; and
F. Any other relevant information required by the terms of the provisions of this chapter relating to the particular license sought or deemed to be necessary by the city clerk for the particular license sought. (Ord. 1539 § 1, 1976; Ord. 1412 § 3(d), 1975; prior code § 26.1)

5.04.020 Issuance.

All licenses will be issued by the city clerk upon receipt of the following:

A. A proper application containing all applicable information required by the preceding section;
B. Proof that the annual fee has been paid in advance to the city clerk;
C. The execution and delivery of any bond or insurance that may be required;

D. The fulfillment of all other specific requirements relating to the issuance of the particular license. The city council shall have the right to waive the fee required for any license specified in this

title upon a showing of good cause as to why the fee should be waived. (Ord. 1539 § 2, 1976; prior code § 26.2)

5.04.030 Contents.

Each license shall show upon its face the name of the person to whom it has been issued, the street address where any business is to be carried on, the kind of license, the amount paid therefore, the year for which such license is issued, and any other information required by this code to be displayed thereon. (Prior code § 26.3)

5.04.040 Term.

All licenses are issued on a calendar year basis only, and they expire with the calendar year for which they are issued. (Prior code § 26.4)

5.04.050 Fees Prorating.

In case a license is issued after June 30th of any year, the license fee shall be one-half of the annual license fee; provided, however, that license fees of five dollars or less per year shall not be prorated and shall be charged for on the yearly basis; and provided further, that the license fee prorating system shall not apply to license fees for seasonal businesses or activities. (Prior code § 26.5)

5.04.060 Records.

The city clerk shall keep a record of all licenses issued, setting forth the name of every licensee, the place of business licensed, if any, and the kind of license issued. (Ord. 1539 § 3, 1976; prior code § 26.6)

5.04.070 Posting and exhibition.

Every license for a business to be conducted at a particular street address shall be posted therein during the period such license is valid. It shall be the duty of each and every person to whom a license has been issued by the city, to exhibit the same upon the request of any law enforcement officer, inspector, or other officer of the city. (Prior code § 26.7)

5.04.080 Transfers.

No license may be transferred from one person to another, or from one place to another, except where permitted by state law or the provisions of this code relating to the particular license, and then only by the city clerk after written application therefore and the payment of a fee of one dollar for the transfer of such license. (Prior code § 26.8)

5.04.090 Renewals.

Any licensee may make application for a new license for the succeeding year and pay the required fee therefore, on or before the expiration date of any license or licenses issued to him for the current year. Whenever any application and license fee payment therefore is not received on or before the expiration date of any license issued for the current year, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of ten percent of the amount of the license fee is imposed and collected and an additional five percent of the original fee is added to the last day of each calendar month after the expiration date. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his license therefore has expired. (Prior code § 26.9)

5.04.100 Revocation.

The city council may, upon seven days' written notice to a licensee stating the contemplated action and in general the grounds therefore, and after a reasonable opportunity to be heard, revoke any license issued by the city if it finds that:

A. The licensee has failed to pay the annual license fee; or
B. The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license; or
C. The licensee has violated any of the terms of the provisions pertaining to his license or any regulation or order lawfully made relating thereto; or
D. Any fact or condition exists which, if it has existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of such license. (Prior code § 26.10)

5.04.110 Fees Return.

Upon refusal of any license, the fee paid therefore in advance shall be returned to the applicant. In the event that any license is revoked, all moneys paid therefore shall be and remain the moneys of the city and no refund shall be made to any licensee. (Prior code § 26.11)

Chapter 5.12

VENDORS AND PEDDLERS

Sections:.

5.12.010 Solicitations prohibited by posting of "No Solicitation" or "No Trespassing" sign.

No person shall enter or remain upon any public or private premises in the city, not having been requested or invited by the occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services, or any other thing of value, or to solicit a gift or donation when a "No Solicitation" sign or "No Trespassing" or any other sign of similar import or meaning is posted at or near the entrance(s) to such premises. This provision shall apply to all solicitations, including, without limitation, those that are by a religious, charitable, school and civic organization, or other organization eligible for exemption under Section 501(C) of the Internal Revenue Code. (Ord. 5946 § 1 (part), 2015; Ord. 4513 § 2 (part), 2000)

5.12.020 Attempt to obtain invitation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services, or any other thing of value, by knowingly making a false or deceptive representation or statement. (Ord. 5946 § 1 (part), 2015; Ord. 4513 § 2 (part), 2000)

5.12.030 City council approval.

No person shall sell or offer for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park or property owned or controlled by the public or by the city, except as may be authorized by the city council. The city council shall have the power to grant the privilege of selling or offering for sale any goods, services, or any other thing of value from or upon any street, alley, sidewalk, park, or property owned or controlled by the public or by the city pursuant to permit, request competitive bid, or otherwise as the council may from time to time determine. Such privilege shall be upon such terms and conditions as the city council deems appropriate to avoid an excess of vendors, derive revenue for the city, address public health and safety concerns, and to serve the public need. The city council delegates to the city manager or his designee the power to act on behalf of the city council in granting the above privileges, subject to the same terms and restrictions set forth above. (Ord. 5946 § 1 (part), 2015; Ord. 4803 § 6, 2003; Ord. 4513 § 2 (part), 2000)

Chapter 5.24

GAMES

Sections:

5.24.010 License Required.

It is unlawful for any person to carry on the business of keeper, for gain or hire within the city, of any billiard table, bagatelle table, pigeonhole table, shuffleboard, pin alley, shooting gallery or other games of skill, motion picture show, miniature golf course, skating rink, table on which games are played with balls, or any place where pinball machines, photoelectric machines, or other electronic games, are played, without first obtaining a license therefore. (Ord. 4513 § 4, 2000; Ord. 1539 § 10 (part), 1976)

5.24.020 License Fees.

Any person desiring a license to operate the games listed in the preceding section shall pay the following fees per year:

A. Skating rink, fifty dollars;
B. Miniature golf, twenty-five dollars;
C. Pin alley, ten dollars per alley;
D. Shooting gallery, ten dollars each;
E. Billiard table, fifty dollars per table;
F. Shuffleboards, pinball machines, photoelectric machines, or other electronic games, twenty dollars per machine or game;
G. Motion picture show, fifty dollars per screen. (Ord. 4513 § 5, 2000; Ord. 3692 § 1, 1990; Ord. 1539 § 10 (part), 1976)

Chapter 5.28

PAWNBROKERS

5.28.010 Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant shall mean the individual, partnership, limited liability company, corporation, or other business entity that seeks a pawnshop license to be held in its name.

Contract for purchase shall mean a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, to be no less than thirty (30) days, has the option to cancel the contract.

Chief of Police shall mean the duly appointed City of Loveland Chief of Police, or his or her designee.

City Clerk shall mean the duly appointed City of Loveland City Clerk, or his or her designee.

Customer shall mean a person who delivers personal property into the possession of a pawnbroker for the purpose of entering into a contract for purchase or a purchase transaction.

Fixed period of time shall mean that period of time, to be no less than thirty (30) days, set forth in a contract for purchase within which the customer has the option to cancel the contract.

Fixed price shall mean the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed one-fifth (1/5) of the original purchase price for each month plus the original purchase price.

License shall mean any document or permit issued by the city which authorizes an individual, partnership, limited liability company, corporation, or other business entity to conduct pawnbrokering activities within the city.

Manager shall mean an individual employed by a pawnbroker who is designated as manager or whose duties entail the exercise of discretion and independent judgment in the administration of the affairs of a pawnbroker's business and the supervision of other employees, as well as the making of loans, the execution of any documents required to be prepared pursuant to this chapter and/or the purchasing of goods or property on behalf of the business.

Manager's certificate shall mean the document issued by the city which authorizes an individual to perform his or her duties as manager for the pawnbroker.

Option shall mean the fixed period of time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be, but does not have to be, rescinded by the customer.

Owner shall mean a person, other than a pawnbroker, who claims to be vested with the legal or rightful title to certain tangible personal property.

Pawnbroker shall mean a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course said business. The term does not include “secondhand dealers” as defined in and regulated by C.R.S. Sections 18-13-114 through 18-13-118. *Pawnbroker* shall also include, without limitation, all owners, managers or employees of a pawnbroker business required to be licensed by the city whose regular duties include making contracts for purchase, purchase transactions or executing any documents required to be prepared pursuant to this chapter.

Pawnbrokering shall mean the business of a pawnbroker as defined by this section.

Peace officer shall mean any undersheriff, deputy sheriff (other than one appointed with authority only to serve summonses and execute civil process), city police officer, state patrol officer, town marshal, or investigator for a district attorney or the Attorney General, who is engaged in full-time employment by the State or a city, county, town or judicial district within this State.

Person shall mean any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

Pledge or *pledged property* shall mean any tangible personal property deposited with a pawnbroker pursuant to a contract for purchase in the course of his or her business as defined in this section.

Pledgor shall mean a customer who delivers a pledge into the possession of a pawnbroker.

Purchase transaction shall mean the purchase by a pawnbroker in the course of his or her business of tangible personal property for resale, other than newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.

State shall mean the State of Colorado.

Tangible personal property shall mean all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of business in connection with a contract for purchase or purchase transaction.

5.28.020 License required.

It shall be unlawful for any person to engage in pawnbrokering except as provided in and authorized by this chapter and without first having obtained a license from the city clerk. Such license shall be kept current at all times, and the failure to maintain a current license shall constitute a violation of this section.

5.28.030 Application.

All applicants for a pawnbroker's license or manager's certificate shall file an application for such license or certificate with the city clerk's office on forms to be provided by the city clerk's office. Each individual, partner of a partnership, manager of a limited liability company, officer, director and holder of ten percent (10%) or more of the corporate stock of the corporate applicant or holder of ten percent (10%) or more interest in a limited liability company shall be named in each pawnbroker's license application form, and each of them shall provide a complete set of fingerprints as part of the application. In addition, each applicant shall certify that the proposed pawnbroker establishment meets the requirements of the city's municipal code and regulations and provide proof of the applicant's right to possession of the premises wherein pawnbrokering will be conducted. Each individual named in the application shall be of good moral character and each corporate applicant for a pawnbroker's license shall furnish evidence that it is in good standing with the state or, in the case of a foreign corporation, evidence that it is currently authorized to do business in the state and in good standing.

5.28.040 Application and License fees.

A. Each applicant for a pawnbroker's license, whether an individual, partnership, limited liability company or corporation, shall pay an application and license fee at the time the application is filed for a new license, transfer of license or renewal . The application fee shall be set annually by city council resolution and shall be nonrefundable. Said application fee shall be an annual fee set in an amount necessary to defray the city's actual and reasonable direct and indirect expenses of processing the pawnshop licensing application.
B. Each applicant for a pawnbroker's license whose application is approved shall receive a license. The license fee shall be set annually by city council resolution. Said fee shall be an annual fee set in an amount necessary to defray the city's actual and reasonable direct and indirect expenses related to administration and enforcement of this chapter. The license fee shall be refunded to the applicant, if no license in granted.
C. An issued pawnbroker's license shall be valid only for the calendar year in which it is issued. A pawnbroker's license application or license renewal application shall be valid only for the calendar year in which the associated pawnbroker's license is issued.

5.28.050 Investigation and approval of applicants and managers required; self-reporting of violations.

A. No pawnbroker's license shall be issued by the city clerk until such application for a license has been investigated by the chief of police and compliance with the city's municipal code and

regulations has been established. Each applicant shall submit a nonrefundable investigation and/or fingerprint and photograph fee for each individual named pursuant to Section 5.28.030 in the pawnbroker's license application at the time such application is filed in an amount not to exceed that charged by the Colorado Bureau of Investigation. Further, each applicant shall furnish sufficient documentation to prove the name, date of birth and residency of each individual named in the pawnbroker's license application, and shall provide any other information which is requested on such application.

B. No licensee shall employ an individual as a manager, nor shall any individual accept such employment as a manager, unless such individual has been investigated and been granted a manager's certificate by the city clerk pursuant to the following:
   1. Prior to becoming employed as a manager by a licensee or to obtain a renewal certificate, an applicant for a manager's certificate shall provide a complete set of fingerprints as part of the application. Further, each applicant for a manager's certificate, or renewal of such certificate, shall furnish sufficient documentation to prove the applicant's name, date of birth and residency, and shall provide any other information which is requested on the application.
   2. An applicant for a manager's certificate shall pay a nonrefundable fingerprint and investigation fee in an amount not to exceed that charged by the Colorado Bureau of Investigation. If, however, the applicant can provide proof of a criminal history investigation completed by the Colorado Bureau of Investigation within the year immediately preceding the application, such individual need only submit a fingerprint card and photograph and pay the associated fee.
   3. Notwithstanding subsections 1 and 2 of paragraph B of this section, any individual named pursuant to Section 5.28.030 in a new pawnbroker's license application that is approved may receive a manager's certificate for the premises specified in the application without cost or further investigation, but shall be subject to and shall meet all other standards and qualifications required to obtain a manager's certificate as provided in this chapter.
   4. Each manager's certificate shall have clearly imprinted thereon a statement that it is valid only for the period of time specified thereon, and only in the pawn industry. A provisional certificate shall be issued by the city clerk upon filing of the application, which provisional certificate shall remain in effect during the pendency of an applicant's background investigation. Each provisional or regular manager's certificate shall be stamped with the name of the pawnbroker and business location(s) for which it is valid. A regular certificate issued shall be for a maximum period of three (3) years; and such certificate shall automatically expire: (i) upon a change of employment by the certificate holder, unless renewed within ten (10) days thereafter, or (ii) if the certificate holder is not employed in the pawn industry within the city for a period of ninety (90) days or more. A manager's certificate which has expired may be renewed by the application process described above.
   5. A manager's certificate may be revoked when the certificate holder has been determined by the city clerk to be in violation of any of the provisions of this chapter.

C. It shall be unlawful for any person to make a false statement upon an application for a pawnbroker license and/or application for a manager's certificate.

D. No pawnbroker license or manager's certificate shall be renewed or issued to the following persons under the provisions of this chapter:
   1. Subject to the provisions contained in C.R.S. Section 24-5-101, a person who has been convicted of: any felony of this State or any crime elsewhere which under the laws of this State would be a felony; any crime of which fraud or intent to defraud was an element, whether in this State or elsewhere; any crime of embezzlement or larceny in this State or elsewhere against an employer or business; or any criminal or civil violation in this State or elsewhere related to any law or ordinance pertaining to the pawn industry;
   2. Any individual under the age of eighteen (18); or

3. Any person who has made a false, misleading or fraudulent statement on his or her application for a pawnbroker's license or a manager's certificate.

E. Any applicant holding a pawnbroker's license, individual named pursuant to Section 5.28.030 in a pawnbroker's license application, or individual holding a manager's certificate pursuant to this chapter who is convicted of any violation set forth in subsection 1 of paragraph D of this section subsequent to the issuance of such license or certificate shall report such conviction to the city clerk's office within five (5) business days of the conviction.

F. Notwithstanding subsection 1 of paragraph D of this section, a pawnbroker's license or manager's certificate may be issued, renewed or retained where the sole basis for a denial or revocation of such license or certificate is a conviction for a criminal or civil violation related to any law or ordinance pertaining to the pawn industry and where the applicant demonstrates to the city clerk satisfactory evidence of rehabilitation, especially evidence pertaining to the period of time between the applicant's conviction that serves as the basis for the denial and the consideration of the application for such license or certificate.

G. No employee under eighteen (18) years of age shall make loans, purchase any goods or property on behalf of the business or execute any document required to be prepared pursuant to this chapter, unless such employee is under the direct supervision of a manager holding a valid manager certificate who is physically present on the licensed premises.

H. Within forty-five (45) days of receipt of an application for a new license, for a transfer of ownership, or to renew a license, the city clerk shall issue, transfer or renew such license, provided that compliance with the city's municipal code and regulations has been established and the chief of police, after investigation, has made a recommendation regarding whether or not the applicant will operate or has operated the business in such a manner as to fully comply with the requirements and purposes of this chapter and is of good moral character. Such recommendation shall be made within thirty (30) days of receipt of said application from the city clerk's office.

I. A license shall be limited to use at the premises specified in the application. Such license shall not be transferable to a premises at a different location except as expressly provided in paragraph A of Section 5.28.220.

5.28.055 Transferability.

A. No license issued under this chapter shall be transferred except as provided in this section.

B. No later than thirty (30) days after any transfer of a ten percent (10%) or more ownership interest in a pawnbroker business licensed under this chapter, whether the transfer is voluntary or involuntary (such as the result of death or by operation of law), an application for the transfer, on a form provided by the city clerk, shall be filed with the city clerk, which application shall include any sets of fingerprints the city clerk determines are needed for the city's review of the transfer application under the provisions of this chapter. There shall also be paid to the city clerk at the time of the filing of the transfer application any transfer application fee set by the city council by resolution. The transfer application shall be reviewed in accordance with the same criteria required in Section 5.28.050 for a new license application and in accordance with all other applicable provisions of this chapter.

C. Once a completed transfer application is filed and any required fee is paid, as provided in paragraph B of this section, the pawnbroker business that is the subject of the application may continue to operate as if licensed under this chapter for a period of forty-five (45) days provided the business operates in accordance with all other applicable requirements of this chapter. If for any reason the applicant's transfer application has not been approved within that forty-five (45) day period, any continued operation of the pawnbroker business after that period shall be considered a violation of Section 5.28.020.

5.28.060 Manager or change of manager.

A. A pawnbroker may employ a manager to operate a pawnbrokering business, provided that the pawnbroker retains complete control of all aspects of the pawnbrokering business, including but not limited to the pawnbroker's right to possession of the premises, his or her responsibility for all debts and his or her risk of all loss or opportunity for profit from the business.
B. In the event a pawnbroker changes the manager of a pawnbroker establishment, the pawnbroker shall report such change to the city clerk's office and register the new manager on forms provided by the city clerk's office within thirty (30) calendar days of such change. The new manager shall be subject to and shall meet the standards and qualifications required to obtain a manager's certificate as provided in this chapter.
C. Failure of a pawnbroker to report such change in manager or to report the failure of the manager to meet the standards and qualifications as required in this chapter to obtain a manager's certificate, may be grounds for termination of the license.

5.28.070 Surety bond required.

A. Every applicant for a pawnbroker's license shall furnish a bond from a responsible surety, to be approved by the city clerk, in the amount of five thousand dollars ($5,000.00), for the benefit of the people of the city, which bond shall be conditioned upon the safekeeping or return of all tangible personal property held by the pawnbroker, as required by law and ordinance, and upon compliance with all of the provisions of this chapter.
B. No license shall be issued or renewed absent such approved bond. Termination or cancellation of an approved bond shall be grounds for summary suspension of the license and for subsequent revocation if a new bond is not furnished within thirty (30) days after demand by the city clerk.

5.28.080 City Clerk's approval required, suspension, revocation, renewal, appeal.

A. The City Clerk shall have final authority to approve or deny any new license application, transfer application or renewal application for a pawnbroker's license or manager's certificate, and to review any determination of or recommendation by any city department made with respect thereto. The city clerk in his or her discretion may issue the license or deny the license application upon the basis of the criteria set forth in this chapter.
B. The city clerk shall have the authority to suspend or revoke the pawnbroker's license or manager's certificate pursuant for failure to meet the standards and qualifications as required in this chapter.
C. The revocation, suspension or denial of the issuance, transfer or renewal of a license or manager's certificate may be appealed to the city manager pursuant to the appeals procedure set forth in Chapter 7.70 of this code.

5.28.090 Required book and records.

A. Every pawnbroker shall keep books and records sufficient to identify each pledge, contract for purchase or purchase transaction, and each forfeiture of property pursuant to the terms of a contract for purchase. Every customer shall provide to the pawnbroker the following information for such books and/or records:
    1. The customer's name and date of birth;
    2. The current street address, city, state and zip code of the customer's residence; and
    3. The customer's identification from:
        a. An identification card issued in accordance with C.R.S. Section 42-2-302;
        b. A valid State driver's license;
        c. A valid driver's license containing a picture issued by another state;
        d. A United States military identification card;
        e. A valid passport;
        f. An alien registration card; or

g. A non-picture identification document lawfully issued by a state or federal governmental entity, if in addition to the document, the pawnbroker also obtains a clear imprint of the consignor's, seller's or trader's right index finger (or in the event the right index finger is missing, then the customer's left index finger).

4. A clear imprint of the individual's right index finger. In the event that the right index finger is missing, the customer's left index finger shall be imprinted or, if the left index finger is missing, then any other of the customer's fingers or thumbs may be imprinted. If all fingers and thumbs are missing, this fingerprint requirement shall not apply.

B. All transactions shall be kept in a numerical register in the order in which they occur, which register shall show the printed name and signature of the pawnbroker or agent, the purchase price or other monetary amount of the transaction, the date, time and place of the transaction, and an accurate and detailed account and description of each item of tangible personal property involved, including but not limited to any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks on such property. The books and records of the licensee shall also reveal the date on which each extension of credit under a contract for purchase was terminated and whether and by whom the pawned personal property of the customer was redeemed, renewed or forfeited upon the expiration of the contract for purchase.

5.28.100 Declaration of ownership.

A. The pawnbroker shall at the time of making the contract for purchase or purchase transaction obtain a written declaration of ownership from the customer stating:

1. Whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;
2. How long the customer has owned the property;
3. Whether the customer or someone else found the property; and
4. If the property was found, the details of the finding.

B. The pawnbroker shall require the customer to sign his or her name, in the presence of the pawnbroker, on the declaration of ownership and in the register to be kept under this chapter. The customer shall be given a copy of the contract for purchase or a receipt for the purchase transaction.

C. A contract for purchase or subsequent renewal of any contract for purchase shall contain the following information: the name and address of the licensee; a description of the pledged property sufficient to adequately identify the pledged property; the date of the transaction; and the amount, duration and terms of the contract for purchase. The pawnbroker may insert on the contract for purchase any other terms, conditions and information not inconsistent with the provisions of this chapter.

5.28.110 Internet subscription service requirement.

Except for pawnbrokers exclusively dealing in the pawnbrokering of motor vehicles, every pawnbroker shall own, maintain and operate a computer system with Internet access that includes an Internet subscription service to a city-approved, national database of contracts for purchase or purchase transactions such as LEADS Online and maintain said subscription during the term of the pawnbroker's license. The pawnbroker shall enter and upload all information from its books and records regarding contracts for purchase, pledges and purchase transactions to such national database on a weekly basis.

5.28.120 Requirements for records.

A. All original records required to be kept under this chapter must be kept in the English language, in a legible manner and shall be preserved and made accessible for inspection for a period of three (3) years after the date of redemption or forfeiture and sale of the property. Information from records and fingerprints inspected by the police department pursuant to this chapter shall be used for regulatory and law enforcement purposes only.
B. Upon the demand of any peace officer, based upon reasonable suspicion, the pawnbroker shall produce and show any tangible personal property given to the pawnbroker in connection with any contract for purchase or purchase transaction. The pawnbroker's books shall list the date on which each contract for purchase was canceled, whether it was redeemed, or forfeited and sold.

5.28.130 Minimum fixed period of time; maximum fixed price.

A. No contract for purchase shall be for a fixed period of time of less than thirty (30) days.
B. No pawnbroker shall ask, demand or receive any fixed price that exceeds one-fifth (1/5) of the original purchase price for each month plus the amount of the original purchase price.

5.28.140 Holding period and sale of tangible personal property.

A. A pawnbroker shall hold all property purchased by him or her through a purchase transaction for thirty (30) days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any other way.
B. A pawnbroker shall hold all goods received through a contract for purchase within his or her jurisdiction for ten (10) days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or packaged or altered in any way.

5.28.150 Hold order; surrender of property.

A. Any peace officer may order a pawnbroker to hold any tangible personal property deposited with or in custody of any pawnbroker, if the officer has reasonable suspicion to believe that such property is connected with criminal activity, for purposes of further investigation. No sale or other disposition may be made of such property held by any pawnbroker while the hold order remains outstanding. Any such hold order shall be effective for ninety (90) days only, unless a peace officer provides written notice to the pawnshop that a criminal prosecution has been undertaken with regard to any such property within such ninety-day period, in which event the hold order shall remain in effect until the prosecuting agency has notified the pawnbroker that the prosecution has been completed or dismissed.
B. Unless a warrant is required by law or consent is given, if any peace officer determines, after investigation, that any article of personal property held by a pawnbroker is stolen or illegally obtained property, such officer may take such property into evidence after giving the pawnbroker a receipt for it which sets forth the police department’s case number as well as the reason for the confiscation.
C. A hold order shall be a written notice issued by a peace officer to a pawnbroker in any format that, at a minimum, provides a description of the personal property subject to the hold order sufficient to adequately identify such property, states that the personal property is related to a criminal investigation, sets forth the effective date of the hold order, and contains sufficient information to identify the issuing peace officer.
D. It shall be unlawful for any pawnbroker to sell or otherwise dispose of an item of personal property after having been notified by a peace officer of a hold order on such property as provided in this section.

5.28.160 Seized property held by police; interpleader to determine ownership.

When property which was removed from the pawnbroker, his or her employee, agent or any other person acting on his or her behalf, either by consent, as provided in Section 5.28.150, or seized by warrant, and held by the police department as evidence, is no longer needed as evidence for further legal proceedings and there has been no judicial determination as to who is the legal owner of the property, the city may interplead the property with the District Court for Larimer County, Colorado to resolve any ownership dispute.

5.28.170 Prohibited Transactions.

A. It is unlawful for any pawnbroker, his or her employee, agent or any other person acting on his or her behalf to make a contract for purchase or make a purchase transaction with any of the following:
   1. Any individual under eighteen (18) years of age;
   2. Any individual under the influence of alcohol or any illegal narcotic drug, substance, stimulant or depressant;
   3. Any person the pawnbroker knows and/or whose actions would give the pawnbroker probable cause to believe the tangible property, which is the subject of a contract for purchase or purchase transaction with that customer, was obtained illegally; or
   4. Any person in possession of tangible personal property, which is the subject of a contract for purchase or purchase transaction, with an identification number thereon which is obscured. For the purposes of this subsection, the term obscure means to destroy, remove, alter, conceal or deface so as to render the identification number illegible by ordinary means of inspection.

B. With respect to a contract for purchase, no pawnbroker may permit any customer to be obligated on the same day in any way under more than one (1) contract for purchase agreement with the pawnbroker which would result in the pawnbroker's obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one (1) contract for purchase covering the same tangible personal property.

C. No pawnbroker shall violate the terms of any contract for purchase.

5.28.180 Safekeeping; insurance.

Any pawnbroker licensed and operating under the provisions of this chapter shall provide a safe place for the keeping of pledged property received by him or her, and shall have sufficient insurance on the pledged property held by him or her for the benefit of the pledgor to pay fifty percent (50%) of the fair-market value thereof in case of fire, theft or other casualty loss. A copy of the insurance policy shall be deposited with the city clerk’s office prior to approval of the license. Neither the pawnbroker nor insurer shall be relieved from their responsibility by reason of such fire, theft or other casualty loss, or from any other cause, save full performance.

5.28.190 Inspection of premises, contents and records.

At all times during the term of the license, the pawnbroker shall allow any peace officer, based upon reasonable suspicion, to inspect licenses and businesses, to enter the premises where the licensed business is located, including any locked area or off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise and records therein to verify compliance with this chapter and for the purpose of investigation. For the purposes of this provision, the term licensed premises shall not include any private residence adjacent to the licensed premises except such portion of said residence, if any, that is used in the operation of the business of the pawnbroker.

5.28.200 Hours.

It is unlawful for any person to operate as a pawnbroker between the hours of 8:00 p.m. and 12:00 midnight, and between the hours of 12:00 midnight and 8:00 a.m. of any day.

5.28.210 Pawnbroker license limited to one location.

A pawnbroker shall conduct his or her pawnshop business from only the licensed premise which shall be the location listed on the application for a pawnbroker's license and the pawnbroker's license. This provision shall not prohibit a pawnbroker from using warehouses or other storage locations away from the licensed place of business, but such other location shall be used only if the pawnbroker first submits notice to the city clerk's office in writing of such off-site locations or if the pawnbroker has previously identified such other location in his or her application for a pawnbroker's license. Such off-site locations shall be open to any peace officer for inspection as provided for in Section 5.28.190 of this code.

5.28.220 Location of pawnbroker businesses.

A. Notwithstanding any other provision in the city code to the contrary, the business premises of a pawnbroker shall not be located within one (1) mile of the business premises of another pawnbroker. This restriction shall apply to all pawnbroker licenses issued under this chapter after March 21, 2012. However, this one-mile restriction shall not apply to pawnbroker businesses licensed under this chapter having a city sales tax license issued prior to February 21, 2012. Such exempted pawnbroker businesses shall also be permitted to relocate one time to a new location within the city without being subject to this one-mile restriction. A relocating pawnbroker shall notify the city clerk in writing of the relocation and provide the city clerk with the address of the new location and the date of occupancy, which notice shall be provided to the city clerk within thirty (30) days of the pawnbroker's occupancy of the new location.

B. For the purpose of this section, the distance between pawnbroker businesses shall be measured in a straight line, without regard to intervening structures, objects or city limits, from the property line of one (1) pawnbroker business to the property line of the other pawnbroker business. For the purposes of the one-mile restriction, determination of the propriety of a location will be made by the city clerk before a pawnbroker's license is issued.

5.28.230 Period for initial compliance.

All pawnbrokers are hereby granted six (6) months from March 21, 2012 in which to come into full compliance with all applicable requirements of this chapter, after which date any pawnbroker operating within the city without a license shall be deemed in violation of Section 5.28.020.

5.28.240 Violations and penalties.

In addition to being subject to the revocation, suspension or denial of a license or manager's permit issued under this chapter, any person, including but not limited to any customer or pawnbroker, who violates any provision of this chapter shall be guilty of a misdemeanor offense punishable in accordance with Section 1.12.010 of this code.

5.28.250 Notice of penalties required.

Every pawnbroker shall conspicuously post a written notice, provided by the city's police department, in a place clearly visible to all customers which sets forth the penalties of this chapter and of C.R.S. Section 12-56-104(5), concerning providing false information to a pawnbroker and C.R.S. Section 18-4-410, concerning theft by receiving. (Ord. 5670 §1, 2012; Ord. 4129 § 1, 1995)

Chapter 5.40

SEXUALLY ORIENTED BUSINESS REGULATION AND LICENSING

Sections:

5.40.010 Purpose and description.

The purpose of these regulations is to provide for the regulation and licensing of sexually oriented businesses within the city in a manner which will protect the property values, neighborhoods, and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses the opportunity to do so. It is not the intent of this chapter to suppress any speech activities protected by the First and Fourteenth Amendments of the United States Constitution or Article II, Section 10 of the Colorado Constitution, but to impose content-neutral regulations which address the adverse secondary effects of sexually oriented businesses. Nothing in this chapter is intended to authorize or license anything otherwise prohibited by law.

Sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution. The concern over sexually transmitted diseases is a legitimate health concern of the city which demands reasonable regulation of sexually oriented businesses to protect the health and well-

being of the citizens, including the patrons of sexually oriented businesses. Licensing of sexually oriented businesses is a legitimate and reasonable means of ensuring that operators of sexually oriented businesses comply with reasonable regulations and that operators do not knowingly allow their businesses to be used as places of illegal sexual activity or solicitation. There is convincing documented evidence that sexually oriented businesses, because of their nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this chapter is to control adverse effects from sexually oriented businesses and thereby protect the health, safety, and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods, and deter the spread of urban blight. (Ord. 4452 § 1 (part), 1999)

5.40.020 Definitions.

A. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video, or laser disc players, or other image- producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

B. "Adult bookstore, adult novelty store, or adult video store" means a business having as a substantial and significant portion of its stock and trade, revenues, space, or advertising expenditures of one or more of the following:
   1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, laser disks, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
   2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

C. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
   1. Persons who appear in a state of nudity; or
   2. Live performances which are characterized by the exposure of "specified sexual areas" or by "specified anatomical activities"; or
   3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

D. "Adult motel" means a hotel, motel, or similar commercial establishment which:
   1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right- of-way which advertises the availability of such adult photographic reproductions; or
   2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
   3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

E. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities.”

G. “Employee” means and includes any person who is paid directly or indirectly by the licensee for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer, or independent contractor, and whether or not the person is paid a salary, wage, or other compensation by the operator of the business.

H. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

I. “Escort agency” means a person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

J. “Licensee” means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

K. “Licensing officer” means the city clerk.

L. “Manager” means any person other than a licensee who is employed by a sexually oriented business to act as a manager or supervisor of the employees, finances, or patrons of the business or is otherwise responsible for operation of the business.

M. “Nude model studio” means any place where a person who appears in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the state of Colorado or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

   1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
   2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
   3. Where no more than one nude model is on the premises at any one time.

N. “Nudity” or “state of nudity” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernibly turgid state.

O. “Peep booth” means a viewing room, other than a private room, of less than one hundred fifty square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas.”

P. “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Q. “Premises or licensed premises” means any premises that requires a license and that is classified as a sexually oriented business, including parking lots and sidewalks immediately adjacent to the structure containing the sexually oriented business.

R. “Principal owner” means any person owning, directly, or beneficially, ten percent or more of the ownership interests in the entity operating a sexually oriented business.

S. “Private room” means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

T. “Residential district” means any district zoned R1e, R1, R2, R3e, R3, and any PUD district permitting the construction of dwelling units.

U. “Sexual encounter center” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas.”

V. “Sexually oriented business” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in the existence on the effective date of the ordinance adopting this chapter.*

The term “sexually oriented business” shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state of Colorado engages in medically approved and recognized sexual therapy.

W. “Specified anatomical areas” means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

* This ordinance became effective on July 30, 1999.

X. “Specified criminal acts” means sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity, prostitution, or pandering.

Y. “Specified sexual activities” means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
5. Excretory functions as part of or in connection with any of the activities set forth in (1) through (4) above.

Z. “Stage” means a raised floor or platform at least three feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six square feet in area.

AA. “Transfer of ownership or control of a sexually oriented business” means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, management arrangement, gift, or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control. (Ord. 4452 § 1 (part), 1999)

5.40.030 License required.

A. No sexually oriented business shall operate in the city without a valid sexually oriented business license issued by the city under the provisions of this chapter.
B. No license shall be issued under the Loveland Municipal Code for any sexually oriented business within any zone district other than an industrial zone.
C. No license shall be issued under the Loveland Municipal Code for any sexually oriented business that does not meet the requirements of Chapter 18.76. (Ord. 4452 § 1 (part), 1999)

5.40.040 Application for license of sexually oriented business.

A. An applicant for a sexually oriented business license shall submit one original and three copies of a completed sworn license application on the standard application form supplied by the city.
B. The completed application shall contain the following information and shall be accompanied by the following documents:
    1. If the applicant is an individual, the individual shall state his/her legal name and any aliases, submit satisfactory proof that he/she is twenty-one years of age or older, and sign the application for a license.
    2. If the applicant is a legal entity, the person completing the application on behalf of the applicant shall state the applicant's complete name, the date and place of its organization, the names and capacity of all officers, directors, managers, and principal owners, and the name of the registered agent and the address of the registered office for service of process, if any. The applicant shall provide evidence that it is in good standing under the laws of the state in which it is organized, and if it is organized under the law of a state other than Colorado, that it is registered to do business in Colorado. The person completing the application on behalf of the applicant shall sign the application, indicating his/her official title or relationship to the applicant. In addition, all principal owners of the applicant shall sign the application.
    3. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, the sexually oriented business's fictitious name shall be stated.
    4. A diagram (eight and one-half inches by eleven inches) showing the configuration of the premises to be occupied by the sexually oriented business, including a statement of total floor space occupied by the business and designation of the use of each room or other area within the premises. In addition, the diagram shall meet the following requirements:
        a. The diagram shall designate those rooms or other areas of the premises where patrons are not permitted.
        b. The diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
        c. The diagram shall designate the place at which the license will be conspicuously posted.
        d. If the sexually oriented business has or will have a peep booth or peep booths which are subject to Section 5.40.260 of this chapter, the diagram shall show the locations of each manager's station.
        e. No alteration in the configuration of the premises or any change in use of any room or area as shown on the diagram shall be made without the prior written approval of the city.
    5. Whether the applicant or any of the other individuals listed pursuant to (B)(1) or (2) of this section have been convicted of a specified criminal act within the times set forth in Section 5.40.070(C)(1)(i) of this chapter, and if so the specified criminal act involved, the date of conviction, and the place of conviction.
    6. Whether the applicant or any of the other individuals listed pursuant to subsection (B)(1) or (2) of this section has had a previous license under this chapter or any similar sexually oriented business chapter from another city or county denied, suspended, or revoked, and, if so, the name and location of the sexually oriented business for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.

7. Whether the applicant or any other individuals listed pursuant to subsection (B)(1) or (2) of this section has been a partner in a partnership or a principal owner of a corporation or other legal entity whose license has previously been denied, suspended, or revoked, and, if so, the name and location of the sexually oriented business for which the license was denied, suspended, or revoked, as well as the, date of denial, suspension, or revocation.
8. Whether the applicant or any other individual listed pursuant to subsection (B)(1) or (2) of this section holds any other licenses under this chapter or other similar sexually oriented business ordinances from another city or county, and, if so, the names and locations of such other licensed businesses.
9. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number.
10. Proof of the applicant's right to possession of the premises for the duration of the license wherein the sexually oriented business shall be conducted.
11. The applicant's mailing address and residential address.
12. A current certificate and straight-line drawing prepared by a state-registered land surveyor within thirty days prior to an initial application depicting:
    a. The boundary lines of the real property upon which the sexually oriented business is proposed to be located, as well as the building footprint of each structure located on said property; and
    b. The location of the property lines of any church, school, licensed daycare facility, park, or boundary of a residential district within one thousand five hundred feet of the property to be certified; and
    c. The location of the property lines and the building footprints of any structure licensed, used, or operated as a sexually oriented business within one thousand five hundred feet of the property to be certified.

For the purpose of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

13. Fingerprints of the applicant and all principal owners.

C. For renewal applications, the city may waive the requirement that an applicant provide a diagram of the premises if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared and that the use of any area or room in the premises has not changed.

D. Contemporaneously with the submission of an application for a license, the applicant shall submit an approved permit from the city's current planning manager or the current planning manager's designee indicating that the requirements of Title 18 of the Loveland Municipal Code are met, unless the applicant's sexually oriented business is an existing nonconforming use under the provisions of Chapter 18.56 of the Loveland Municipal Code. In the event that such permit is subject to appeal, no further action shall be taken upon the application for a sexually oriented business license until such appeal is finally adjudicated.

E. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business license.

F. In the event the licensing officer determines or learns at any time that the applicant has improperly completed the application for the proposed sexually oriented business, he/she shall promptly notify the applicant of such fact and allow the applicant ten days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application. (Ord. 4452 § 1 (part), 1999)

5.40.050 Duty to supplement application.

Applicants for a license under this chapter shall have a continuing duty to promptly supplement application information required by this chapter in the event that said information changes in any way

from what is stated on the application. The failure to comply with said continuing duty within thirty days from the date of such change shall be grounds for suspension of a license. (Ord. 4452 § 1 (part), 1999)

5.40.060 Review of license application.

A. The licensing officer shall be responsible for granting, denying, revoking, renewing, suspending, and canceling sexually oriented business licenses for proposed or existing sexually oriented businesses.
B. The director of community services or his/her designee shall be responsible for ascertaining whether a proposed sexually oriented business for which a license application has been submitted complies with all locational requirements of this chapter.
C. The chief of police or his/her designee shall be responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time period set forth in this chapter.
D. The building division shall be responsible for inspecting the premises proposed to be used as a sexually oriented business in order to ascertain whether it is in compliance with the applicable statutes and ordinances. (Ord. 4452 § 1 (part), 1999)

5.40.065 Investigation.

A. Upon receipt of an application for a sexually oriented business license properly filed with the licensing officer and upon payment of the nonrefundable application fee, the licensing officer shall immediately stamp the application as received and send the photocopies of the application to the department of community services, the police department, and the building division. Each department or agency shall promptly conduct an investigation of the applicant, application, and the proposed sexually oriented business in accordance with its responsibilities under this chapter. Said investigation shall be completed within twenty days of receipt of the application by the licensing officer. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and, in the event it disapproves, state the reasons therefore. The police department shall only be required to provide the information specified by this chapter, and shall not be required to approve or disapprove applications.
B. A department or agency shall disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation, or other law in effect in the city. After its indication of approval or disapproval, each department or agency shall immediately return the photocopy of the application to the licensing officer. (Ord. 4452 § 1 (part), 1999)

5.40.070 Issuance of license.

A. The licensing officer shall grant or deny an application for a permit within thirty days from the date of its proper filing. Upon the expiration of the thirtieth day, the applicant shall be permitted to begin operating the business for which the license is sought, unless the licensing officer has notified the applicant of a denial of the application and states the reason(s) for that denial.
B. Grant of Application for License.
    1. The licensing officer shall grant the application unless one or more of the criteria set forth in subsection C below is present.
    2. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business.
C. Denial of Application for License.
    1. The licensing officer shall deny the application for any of the following reasons:
        a. An applicant is under twenty-one years of age.

b. An applicant is overdue on his/her payment to the city of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.
c. An applicant has failed to provide information required by this chapter for the issuance of the license or has falsely answered a question or request for information on the application form.
d. The premises to be used for the sexually oriented business has been disapproved by an inspecting agency pursuant to the provisions of this chapter.
e. The application or license fees have not been paid.
f. An applicant or the proposed sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this chapter.
g. The granting of the application would violate a statute, ordinance, or court order.
h. An applicant has a license under this chapter which has been suspended or revoked within the previous twelve months.
i. An applicant or any of its principal owners has been convicted of a specified criminal act or acts for which: (i) less than two years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense; (ii) less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense; or (iii) less than five years have elapsed since the date of conviction or the date of release or confinement, whichever is the later date, if the convictions are of two or more misdemeanors. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant. An applicant who has been convicted of a specified criminal act or acts, or which has an officer, director, manager, or principal owner who has been convicted of a specified criminal act or acts, may qualify for a sexually oriented business license only when the time periods required above have elapsed.

D. If the licensing officer denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial in writing. (Ord. 4452 § 1 (part), 1999)

5.40.080 Expiration and renewal of license.

A. Each license issued under this chapter shall expire one year from the date of issuance and may be renewed by making application as provided by Section 5.40.040 of this chapter.
B. Application for renewal of a license shall be made at least thirty days before the expiration date of the license. If a renewal application is made fewer than thirty days before the expiration date of the license, the expiration of the license shall not be extended and the license shall expire.
C. The licensing officer shall approve or deny the renewal application in accordance with the procedures set forth in Sections 5.40.060 and 5.40.070.
D. If, subsequent to denial of a renewal, the licensing officer finds that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a license.
E. An expired license may not be renewed. A new license shall be applied for. (Ord. 4452 § 1 (part), 1999)

5.40.090 License suspension and revocation.

A. The licensing officer shall suspend a sexually oriented business license if he/she determines that a licensee, or employee of a licensee, has:
1. Violated or is not in compliance with any section of this chapter; or
2. Refused to allow an inspection of the sexually oriented business premises as authorized by Sections 5.40.060 and 5.40.200 of this chapter; or
3. Operated the sexually oriented business in violation of any building, fire, health, or zoning statute, code, ordinance, or regulation, whether federal, state, or local, currently in effect, said determination being based on investigation by the division, department, or agency charged

with enforcing said rules or laws. In the event of such a statute, code, ordinance, or regulation violation, the licensing officer shall promptly notify the licensee of the violation and shall give the licensee a seven-day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the seven-day period, the licensing officer shall forthwith suspend the license and shall notify the licensee of the suspension; or

4. Engaged in a license transfer contrary to Section 5.40.110 of this chapter. In the event that licensing officer suspends a license on the ground that a licensee engaged in a license transfer contrary to Section 5.40.110, the licensing officer shall forthwith notify the licensee of the suspension. The suspension shall remain in effect until the applicable section of the chapter has been satisfied; or
5. Operated the sexually oriented business in violation of the hours of operation provisions of Section 5.40.270; or
6. Knowingly allowed repeated incidents of disorderly conduct to occur within the licensed establishment or upon the premises of the licensed establishment involving patrons, employees, or the licensee.

B. The suspension shall remain in effect until the violation of the statute, code, ordinance, or regulation in question has been corrected, or for a period of up to thirty days, whichever last occurs.

C. The licensing officer shall revoke a sexually oriented business permit upon a determination that:
1. A cause of suspension as set forth above in this section has occurred and the license has been suspended within the preceding twelve months; or
2. A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a license; or
3. A licensee, manager, or an employee of the licensee has knowingly allowed possession, use, or sale of controlled substances (as defined in C.R.S. Section 12-22-303(7), as amended) on the premises of the sexually oriented business; or
4. A licensee, manager, or an employee of the licensee has knowingly allowed prostitution on the premises of the sexually oriented business; or
5. A licensee, manager, or an employee of the licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended; or
6. A licensee, officer, director, manager, or principal owner has been convicted of a specified criminal act for which the time period set forth above has not elapsed; or
7. On two or more occasions within a twelve-month period, a person or persons committed an offense, occurring in or on the licensed premises, constituting a specified criminal act for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no affect on the revocation of the license; or
8. A licensee is delinquent in payment of any taxes or fees to the city or state; or
9. A licensee, manager, or an employee of the licensee has knowingly allowed any specified sexual activity to occur in or on the licensed premises; or
10. The licensee has operated more than one sexually oriented business within the same building, structure, or portion thereof without a sexually oriented business license.

D. When the licensing officer revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. (Ord. 4452 § 1 (part), 1999)

5.40.100 Suspension or revocation hearing.

A. Under this chapter, a licensee shall be entitled to a hearing before the licensing officer or his/her designee if the city seeks to suspend or revoke his/her license based on a violation of this chapter. The business may continue to operate during the hearing process.

B. When there is probable cause to believe that cause for suspension or revocation exists, the city attorney's office may file a written complaint with the licensing officer or his/her designee setting forth the circumstances of the alleged violation.
C. The licensing officer or his/her designee shall provide a copy of the complaint to the licensee, together with notice to appear before the licensing officer or his/her designee for the purpose of a hearing on a specified date to show cause why the licensee's license should not be suspended or revoked.
D. At the hearing, the licensing officer or his/her designee shall hear such statements and consider such evidence as the police department or other enforcement officers, the owner, occupant, lessee, or other party in interest or any other witness shall offer which is relevant to the violation alleged in the complaint. The licensing officer or his/her designee shall make findings of fact from the statements and evidence offered as to whether a cause for suspension or revocation within or upon the premises of the licensed establishment exists. If the licensing officer or his/her designee determines that a cause for suspension or revocation exists, he/she shall issue an order suspending or revoking the license within thirty days after the hearing is concluded based on the findings of fact. A copy of the order shall be mailed to or served on the licensee at the address on the license.
E. The order of the licensing officer or his/her designee made pursuant to subsection D of this section shall be a final decision and may be appealed to the district court of Larimer County pursuant to Colorado Rules of Civil Procedure 106(a)(4). Failure of a licensee to timely appeal the order constitutes a waiver by the licensee of any right the licensee may otherwise have to contest the suspension or revocation of the license.
F. The licensing officer or his/her designee shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing which the licensing officer or his/her designee conduct. It is unlawful for any person to fail to comply with any subpoena issued by the licensing officer or his/her designee. A subpoena shall be served in the same manner as a subpoena issued by the district court of the state.
G. All hearings held before the licensing officer or his/her designee regarding suspension or revocation of a license issued under this chapter shall be recorded stenographically or by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the licensing officer or his/her designee, and shall pay all costs of preparing such record.
H. In the event of suspension, revocation, or cessation of business, no portion of the license fee shall be refunded. (Ord. 4452 § 1 (part), 1999)

5.40.110 Transfer of license.

A. No licensee shall operate or cause to be operated a sexually oriented business under the authority of a license at any place other than the address designated in the application for license and on the posted license.
B. No licensee shall transfer his/her license to another person unless and until such other person satisfies the following requirements:
    1. Obtains an amendment to the license from the licensing officer which provides that he/she is now the licensee, which amendment may be obtained only if he/she has completed and properly filed an application with the licensing officer, setting forth the information under Section 5.40.040 of this chapter in the application; and
    2. Pays a transfer fee of twenty percent of the annual license fee.
C. No license may be transferred when the licensing officer has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.
D. No licensee shall transfer his/her license to another location.

E. Any attempt to transfer a license either directly or indirectly in violation of this section is hereby declared void. (Ord. 4452 § 1 (part), 1999)

5.40.120 Posting of license.

The license shall be posted in a conspicuous place at or near the entrance of the sexually oriented business so that it can be easily read at any time. The location of the posted license shall correspond to the location of the license as depicted on the diagram provided pursuant to Section 5.40.040 (B)(4)(c) of this chapter. (Ord. 4452 § 1 (part), 1999)

5.40.170 Manager license required.

A. No licensee shall allow any person to work as a manager of the licensee's sexually oriented business without first obtaining a manager's license and paying the manager's license annual fee for that person.
B. The licensee shall submit a manager's application on a form to be provided by the licensing officer. The application shall contain the proposed manager's name, address, date of birth, phone number, and the information required in section 5.40.040 of this chapter.
C. The police department shall conduct an investigation of the proposed manager to determine if the proposed manager has been convicted of a specified criminal act within the times set forth in Section 5.40.070(C)(1) (i) of this chapter.
D. The licensing officer shall grant the application within ten days of its filing unless:
    1. The proposed manager is under the age of twenty-one; or
    2. The proposed manager failed to provide the information required by this section; or
    3. The license fee has not been paid; or
    4. The proposed manager has been convicted of a specified criminal act within the times set forth in Section 5.40.070(C)(1) (i) of this chapter. (Ord. 4452 § 1 (part), 1999)

5.40.180 Change in manager.

A. No licensee shall fail to notify the city of a change in manager within five days of the proposed manager's employment.
B. No licensee shall to fail to complete the application form for a change in manager, including payment of the manager's annual license fee, within thirty days of the proposed manager's employment. (Ord. 4452 § 1 (part), 1999)

5.40.190 Employee registration.

A. No licensee shall fail to register each of the licensee's employees with the city within five days of the employee's employment.
B. The licensee shall submit the employee registration on a form to be provided by the licensing officer. The registration form shall contain the employee's full name, aliases if any, current address, telephone number, date of birth, and the information required in Section 5.40.040 of this chapter.
C. The police department shall conduct an investigation of the employee to determine if the employee has been convicted of a specified criminal act within the times set forth in Section 5.40.070(C)(1)(i) of this chapter.
D. The licensing officer shall approve the registration within ten days of its filing unless:
    1. The employee is under the age of eighteen; or
    2. The employee failed to provide the information required by this section; or
    3. The licensee failed to pay the registration fee; or
    4. The employee has been convicted of a specified criminal act within the times set forth in Section 5.40.070(C)(1)(i) of this chapter.

E. In the event that an employee's registration is not approved pursuant to this section, no licensee shall allow such employee to work in the licensee's sexually oriented business. (Ord. 4452 § 1 (part), 1999)

5.40.200 Inspection.

A. An applicant or licensee shall permit representatives of the building division, the health department, the police department, and the fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
B. No person shall refuse to permit such lawful inspection of the premises at any time that it is occupied or open for business. (Ord. 4452 § 1 (part), 1999)

5.40.260 Regulation of peep booths.

A. A person who operates or causes to be operated a sexually oriented business which exhibits in a peep booth a film, videocassette, or other reproduction depicting specified sexual activities or specified anatomical areas, shall comply with the requirements of this section.
B. The sexually oriented business shall have one or more manager's stations. A manager's station may not exceed thirty-two square feet of the floor area. No alteration in the configuration or location of the manager's station may be made without the prior approval of the licensing officer.
C. At least one employee shall be on duty and situated at each manager's station at all times that any patron is present inside the premises.
D. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video display equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times, and no patron shall be permitted access to any area on the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Section 5.40.040 of this chapter.
E. No peep booth may be occupied by more than one person at any one time.
F. No door, screen, or other covering shall be placed or allowed to remain on any peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent peep booths.
G. All peep booths shall be separated from other viewing booths by a solid, uninterrupted physical divider which is a minimum of one quarter inch thick and prevents any physical contact between occupants of any booth. (Ord. 4452 § 1 (part), 1999)

5.40.270 Hours of operation.

A. No sexually oriented business shall be open for business nor shall the licensee or any employee of a licensee allow patrons on the licensed premises:
    1. On any Tuesday through Saturday from two a.m. until seven a.m.; and
    2. On any Monday other than a Monday which falls on January 1, from twelve a.m. until seven a.m.; and
    3. On any Sunday from two a.m. until eight a.m.; and
    4. On any Monday which falls on January 1, from two a.m. until seven a.m.
B. This section shall not apply to those areas of an adult motel that are private rooms. (Ord. 4452 § 1 (part), 1999)

5.40.280 Minimum age.

A. No person under the age of eighteen years shall be upon the premises of a sexually oriented business.

B. No licensee or any employee of the licensee shall allow anyone under the age of eighteen years upon the premises of a sexually oriented business.

C. The minimum age for persons conducting live, nude dancing entertainment shall be eighteen years. (Ord. 4452 § 1 (part), 1999)

5.40.290 Lighting regulations.

A. Excluding a private room of an adult motel, adult motion picture theaters, and adult arcades, the interior portion of the premises of a sexually oriented business to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place, including peep booths, at an illumination of not less than five foot candles as measured at the floor level.

B. Adult motion picture theaters and adult arcades shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and to provide an illumination of not less than one foot candle of light as measured at the floor level.

C. It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises. (Ord. 4452 § 1 (part), 1999)

5.40.300 Additional regulations? Adult cabarets and adult theaters.

Any adult cabaret or adult theater shall have one or more separate areas designated as a stage in the diagram submitted as part of the application for the license. Entertainers shall perform only upon the stage. The stage shall be fixed and immovable. No seating for the audience shall be permitted within six feet of the edge of the stage. No member of the audience shall be permitted upon the stage or within six feet of the edge of the stage. (Ord. 4452 § 1 (part), 1999)

5.40.310 Adult motel regulations.

An adult motel that, in addition to the renting of private rooms, operates a sexually oriented business as otherwise defined in this chapter shall comply with all of the requirements set forth in the chapter pertaining to that business. (Ord. 4452 § 1 (part), 1999)

5.40.320 Conduct in sexually oriented businesses.

A. No licensee, manager, or employee mingling with the patrons of a sexually oriented business, or serving food or drinks, shall be in a state of nudity. It is a defense to prosecution for a violation of this section that a licensee, manager, or employee of a sexually oriented business exposed any specified anatomical area during such person's bona fide use of a rest room, or during such person's bona fide use of a dressing room which is accessible only to the licensee, managers, and employees.

B. No licensee, manager, or employee shall encourage or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, anus, or specified anatomical areas of any person.

C. No licensee, manager, or employee shall perform any obscene acts which simulate specified sexual activities.

D. No live adult entertainment performances shall be visible anywhere outside of the licensed establishment. (Ord. 4452 § 1 (part), 1999)

5.40.330 Employee tips.

A. No employee of a sexually oriented business shall receive tips from patrons, except as set forth in subsection B of this section.

B. A licensee that desires to provide for tips from its patrons shall establish one or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually oriented business into the tip box.
C. A sexually oriented business that provides tip boxes for its patrons as provided in this section shall post one or more signs conspicuously visible to the patrons on the premises in letters at least one inch high to read as follows: “All tips are to be placed in the tip box and not handed directly to employees. Any physical contact between a patron and employees is strictly prohibited.” (Ord. 4452 § 1 (part), 1999)

5.40.340 Unlawful acts.

A. No person shall operate or cause to be operated a sexually oriented business if said person knows or reasonably should know that:
   1. The business does not have a sexually oriented business license; or
   2. The business has a license which is under suspension; or
   3. The business has a license which has been revoked; or
   4. The business has a license which has expired.
B. No licensee, manager, or employee shall violate any of the requirements of this chapter or shall knowingly permit any patron to violate the requirements of this chapter. (Ord. 4452 § 1 (part), 1999)

5.40.400 City's remedies.

A. Any person who fails or refuses to obey or comply with or violates any of the provisions of this chapter, upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished as provided in Section 1.12.010. Each violation or instance of noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation shall be considered as a separate offense.
B. Nothing herein contained shall prevent or restrict the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or to remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
C. All remedies and penalties provided for in this section shall be cumulative and independently available to the city, and the city shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law. (Ord. 4452 § 1 (part), 1999)

5.40.410 Fees.

A. The annual fee for a sexually oriented business license, the annual manager's license fee, and the nonrefundable application fee for a sexually oriented business shall be in accordance with the schedule of fees adopted by resolution of the city council.
B. The applicant for a sexually oriented business license shall pay a nonrefundable application fee at the time of filing the application.
C. The applicant for a sexually oriented business license shall pay an annual license fee at the time of filing the application. If a license is not issued, the license fee shall be returned in full to the applicant.
D. The applicant for a manager's license for a sexually oriented business shall pay an annual manager's license fee at the time of registration. If the manager's license is not issued, the manager's license fee shall be returned in full to the applicant.
E. No application fee shall be charged on a renewal of an existing license; however, an expired sexually oriented business license and any change in ownership of a sexually oriented business shall require submission of a new application, application fee, and license fee. (Ord. 4452 § 1 (part), 1999)

Chapter 5.44

GARAGE SALES

Sections:

5.44.010 Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

"Garage sale" means the temporary and occasional sale of used tangible personal property belonging to either the owner or lessee of the premises from which the tangible personal property is sold or to a neighbor of the owner or lessee of said premises. "Nonprofit entity" means any entity organized and operated exclusively for charitable, religious, scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual. (Ord. 4545 § 1 (part), 2000)

5.44.020 Permitted garage sales.

A garage sale shall be allowed when conducted in conformity with this chapter. The property upon which a garage sale is to be conducted shall be the primary seller's premises. (Ord. 4545 § 1 (part), 2000)

5.44.030 Restrictions.

A. It shall be unlawful for the owner or occupant of any premises to conduct a garage sale for more than seventy-two consecutive hours and to conduct more than three garage sales per calendar year, per address.
B. No person shall place garage sale items on any right-of-way or in any manner that may impede or impair traffic visibility.
C. Garage sale items shall be stored in an enclosed structure by sunset of each day. (Ord. 4545 § 1 (part), 2000)

5.44.040 Traffic control.

It shall be the duty of the person conducting the garage sale to ensure the free flow of traffic and pedestrians in the immediate vicinity of such garage sale so that hazardous conditions do not exist. A member of the police department shall be empowered to make a prima facie determination of whether hazardous conditions do exist so as to pose a danger to pedestrians or vehicular traffic. If such condition is determined to exist, such member of the police department shall have the authority to order the immediate cessation of the garage sale. (Ord. 4545 § 1 (part), 2000)

5.44.050 Nonprofit permit.

A nonprofit entity shall be permitted to conduct a garage sale to sell items of personal property other than those belonging solely to the owner or lessee of the premises. A nonprofit entity shall comply with all other requirements of this chapter in conducting any garage sale. (Ord. 4545 § 1 (part), 2000; Ord. 5376 § 2-4, 2008)

End Title 5

Title 6

ANIMALS

Chapters:

Chapter 6.04

GENERAL PROVISIONS

Sections:

6.04.010 Definitions.

For the purpose of this title the following words and phrases shall be defined as set out below:

A. "Abandon" means to relinquish or give up an animal with the intent of never again exercising one's right of ownership or control or leaving of an animal by its owner or other person having charge, care, custody or control without making effective provisions for its proper care.

B. "Animal" means any live, vertebrate creature, domesticated or wild, excluding fish.

C. "Animal control officer" shall mean any person commissioned by the Chief of Police as a special officer who is qualified to perform animal control duties and enforce the laws of the city pertaining to animals.

D. "Animal shelter" shall mean any facility operated by a humane society or the city for the purpose of impounding or caring for animals held under the authority of the laws, regulations or ordinances of the state, county or city.

E. "At large" shall mean outside of a fence or other enclosure which restrains the animal to a particular premises, whether on public or private property, and not under the control, by leash or lead, of the owner or keeper. Animals tethered to a stationary object within reach of a street, sidewalk, alley, trail or other public access are deemed to be "at large."

F. "Competent person" means an individual who has the present ability to physically restrain an animal or to whose voice the animal is trained to respond and in fact does respond.

G. "Dwelling unit" shall mean one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family or individual for living and cooking purposes.

H. "Estray" means any bovine animal, horse, mule or ass found running at large upon public or private lands whose owner is either known or unknown in the section where found or which outside the limits of its usual range or pasture.

I. "Estrus" means a period of sexual activity in the female dog initiated by swelling of the vulva, sanguineous discharge, and heightened estrogen secretions and terminated by a period of quiescence of the reproductive organs, with a fall in circulating hormonal levels and an absence of sexual behavior all of which causes the female dog to be capable of conception and attractive to the male dog for the purpose of mating.

J. "Humane society" means the Humane Society for Larimer County, Inc., Fort Collins, Colorado.

K. "Humane trap" means a device designed to capture or contain an animal without causing injury.

L. "Keeper" means a competent person who has custodial or supervisory authority or control over an animal.
M. "Leash" or "lead" means a thong, cord, rope, chain or similar device which holds an animal in restraint.
N. "Livestock" means horses, cattle, mules, asses, goats, sheep, swine, buffalo and cattalo.
O. "Neighborhood" means an area within one thousand feet of the property line of the property wherein the animal is kept or maintained.
P. "Owner" means any competent person having control or purporting to have control over any animal, the person named on the licensing records of any animal as the owner, the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of five (5) consecutive days or more. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner, as defined herein. If an animal has more than one (1) owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this title even if the animal was in the possession of or under the control of a keeper at the time of the offense.
Q. "Performing animal exhibition" means any spectacle, display, act or event, including circuses, in which animals are featured for entertainment.
R. "Person" means an individual or entity.
S. "Pet" means any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.
T. "Police officer" means any member of the Police Department of the city.
U. "Restraint" shall mean: (1) secured by a leash or lead under the physical control of a competent person, (2) tethered to a stationary object not within reach of a street, sidewalk, alley, trail or other public access or (3) within a fence or other enclosure which limits the animal to a particular premises.
V. "Shelter" means a structure or environment, adequate to the species of pet animal, which provides protection from adverse weather conditions.
W. "Show animals" means livestock, domestic fowl, or rabbits kept primarily for purposes of display and exhibition at fairs and like events and not for commercial purposes.
X. "Trap" means any mechanical device, snare, deadfall, pit or other device used for capturing, holding or killing an animal. (Ord. 4229 § I (part), 1996)

Chapter 6.08

LICENSES

Sections

6.08.010 License required.

A. The owner or keeper of any dog or cat kept within the city shall secure from the city, within fourteen days of acquiring possession of said dog or cat, a license to keep the animal, which shall at all times be kept current by the owner or keeper. It is a defense to a charge of violating this section that:
   1. The owner or keeper of the dog or cat had not yet lived in the city for thirty (30) days; or
   2. The dog or cat was four months of age or less.

B. No person who owns or keeps a dog or cat within the city shall fail to obtain the license required by this section. (Ord. 4229 § 1 (part), 1996)

6.08.020 Application and term of license.

A. The applicant for an initial or renewal license under this chapter shall apply on forms acceptable to the city, pay the fee prescribed by Section 6.08.050, provide satisfactory evidence that the dog or cat has been vaccinated against rabies as required by Section 6.12.010. The applicant shall apply for a renewal license each year.

B. The initial license and any renewal license issued under this chapter shall be valid for a period of one year from the date of issuance.

C. If ownership or custody of a dog or cat licensed under this chapter changes, the new owner or keeper shall obtain a new license pursuant to the terms of this chapter and license issued to the prior owner or keeper shall not be valid. (Ord. 4229 § 1 (part), 1996)

6.08.030 License and identification tags.

A. No person who owns or keeps a dog or cat within the city shall fail to ensure that such dog or cat at all times wears a collar or harness made of a durable material to which is attached the appropriate license tag or identification tag required by this chapter.

B. No person shall use any license or tag issued pursuant to the terms of this chapter for any dog or cat other than the dog or cat for which the license or tag was issued.

C. If a license tag is lost or destroyed, the license holder may obtain a duplicate tag upon payment of a replacement fee. (Ord. 4229 § 1 (part), 1996)

6.08.040 Designation of agents.

The city manager may designate agents for the purpose of the administration of this chapter. The compensation and fees to be paid to such agents shall be determined by the city manager. (Ord. 4229 § 1 (part), 1996)

6.08.050 License fees.

A. A license shall be issued upon compliance with the application requirements of Section 6.08.020 and payment of the applicable license fees as established by resolution of city council.

B. The license fee shall be waived under the following circumstances:

1. The applicant is the owner or keeper of an authorized police dog; or
2. The applicant is totally or partially blind, totally or partially deaf or otherwise physically disabled and is the owner of a guide dog or service dog as defined in Section 24-34-801, Colorado Revised Statutes, or other canine trained for the purpose of aiding such person.

6.08.060 Impoundment.

Any dog or cat found within the city away from its principal premises which does not have affixed to it by means of a collar a valid and current license or identification tag as required by this chapter shall be impounded according to the provisions of Section 6.24.010. The owner or keeper of such dog or cat shall be responsible for payment of impound fees as set forth at Section 6.24.040 of this title. (Ord. 4229 §1 (part), 1996)

Chapter 6.12

RABIES CONTROL

Sections:

6.12.010 Rabies vaccination required.

A. No owner or keeper of a dog or cat over four months of age shall fail to have such dog or cat vaccinated against rabies when the dog or cat becomes four months of age and again within twelve months of the date of such initial vaccination. Thereafter, no such person shall fail to have the dog or cat vaccinated at intervals designated by the Colorado Department of Health. If any dog or cat is found in the city without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog or cat shall be presumed to have violated this section.

B. No owner or keeper of any animal other than a dog or cat for which rabies vaccinations are recommended by the National Association of State Public Health Veterinarians shall fail to have such animal vaccinated against rabies in accordance with and at the intervals suggested by the current Compendium of Animal Rabies Control published yearly by the National Association of State Public Health Veterinarians, Inc.

C. Every person moving into the city from a location outside the city shall comply with this section within thirty (30) days after having moved to the city.

D. Every person who owns or keeps a dog, cat or other animal for which a rabies vaccination is required under this chapter shall ensure that the animal wears a collar or harness to which its rabies tag shall be attached.

E. No person shall affix to the collar or harness of any dog or cat, or permit to remain affixed, a tag evidencing inoculation for any other dog or cat.

F. No person charged with violating subsection (a) of this section shall be convicted if the person produces in court a rabies vaccination certificate which was valid at the time of the alleged violation. (Ord. 4229 § 1 (part), 1996)

6.12.020 Reporting bites required.

Any person having knowledge, or having had reported to him or her, that an animal other than a rodent, bird or reptile has bitten a human being so as to cause an abrasion of the skin shall immediately report the occurrence to an animal control officer and shall provide further information requested by the animal control officer. For the purposes of this section, rodents, birds and reptiles are not included under the definition of animals since they are not considered to be transmitters of the rabies virus. Bites inflicted by these animals need not be reported to the animal control officer. (Ord. 4229 § 1 (part), 1996)

6.12.030 Confinement required.

A. If any animal is suspected of having rabies or if any animal has bitten a human being, it shall be confined for a period of not less than ten (10) days from the date of the bite. The animal may be confined on the owner's premises, if deemed appropriate in the discretion of the animal control officer. In the event the owner refuses to or is unable to confine the animal, the animal shall be confined at the animal shelter or a veterinary hospital. Such confinement shall be at the expense

of the owner of the animal. During the ten-day observation period, no rabies vaccine shall be administered to the animal.

B. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control officer, produce said animal for examination and confinement, as prescribed in this section. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and the owner is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a judge of municipal court, who may order the immediate production of the animal. Each day of refusal to produce the animal shall constitute a separate and individual violation of this chapter.

C. No person shall remove from the city any animal that has been reported as having inflicted a bite on a person or destroy such animal before it can be properly confined by the animal control officer.

D. For purposes of this section, "confined on the owner's premises" means that the animal is kept inside a secure building where no contact with animals or persons outside the owner's family can occur for a ten-day period. During such period of confinement, the animal shall not be let out to relieve itself without being on a leash and handled by a person capable of physically restraining the animal. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary hospital at the expense of the owner for the remainder of the confinement period. (Ord. 4229 § 1 (part), 1996)

6.12.040 Reporting of rabies cases and bites required.

A. Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.

B. Every physician and other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the animal control officer, giving the names and addresses of such persons. (Ord. 4229 § 1 (part), 1996)

6.12.050 Killing rabid or suspect animals authorized.

No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

6.12.060 Body removal; approval required.

No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer. This section shall not apply to state or county health officials. (Ord. 4229 § 1 (part), 1996)

6.12.070 Destruction of rabid animals.

If rabies has been suspected in any animal, such animal shall be summarily destroyed and its brain tested for positive verification of rabies at the owner's expense, or the animal or its body may be disposed of according to the law, regulation or order of the Department of Health. (Ord. 4229 § 1 (part), 1996)

Chapter 6.16

CARE AND TREATMENT OF ANIMALS

Sections:

6.16.010 Cruelty to animals.

A. No person shall knowingly commit or cause to be committed any act of mistreatment or harassment or mutilation to any animal; or commit or to cause to be committed any act which would harm, injure or kill any animal; or omit any act the omission of which would result in the mutilation, harm, injury or death of any animal.

B. Upon receiving information from any source that an animal is being cruelly treated or appears to be neglected or abandoned, a police officer or animal control officer shall make prompt investigation of the animal involved and inquire into the facts of the case to determine whether the circumstances are likely to continue and if so, whether the animal being cruelly treated, neglected or abandoned is in such serious condition that allowing it to remain in such circumstances will seriously endanger the life or health of the animal. The police officer or animal control officer may at any time provide such food and water as may be necessary and shall not be liable for any action for entry upon the property, other than the interior of a building, of the person owning or having charge, care, custody or control of the animal.

C. If the police officer or animal control officer determines that such emergency situation exists and that caring for and feeding the animal at that location will not adequately protect the animal and that removal of the animal to another location for proper protection and care is advisable, the police officer or animal control officer may take such steps as are necessary for the removal of the animal in accordance with this title. All costs of removing, treating and maintaining the animal shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

6.16.020 Animal fights.

No person shall cause, instigate or en-courage any animal to fight or to enter into combat in any manner. No person shall train or keep any animal for the purpose of fighting. No person shall maintain any place where animals are permitted or encouraged to fight for exhibition, wager or sport. (Ord. 4229 § 1 (part), 1996)

6.16.030 Abandonment.

No owner of an animal shall abandon such animal. (Ord. 4229 § 1 (part), 1996)

6.16.040 Trapping.

A. No person shall set or cause to be set any trap within the municipality which trap is not so designed as to capture or contain an animal without causing injury to the animal and which trap has not been approved by the animal control officer. The prohibition of this section shall not apply to any person who sets rodent snap traps baited with vegetable or dairy products for the purpose of catching rats or mice.

B. Humane traps approved by the humane society may be used for the trapping of animals. All animals trapped in an approved humane trap shall be surrendered to the owner or keeper of the animal, an animal control officer or the humane society. No person shall retain any animal captured in humane traps.

C. Animal control officers are authorized to use any tranquilizer guns, humane traps or other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in the officer's discretion, to be a danger to itself or to the public health and safety. No firearm may be used 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 persons. (Ord. 5947 § 1, 2015; Ord. 4229 § 1 (part), 1996)

6.16.050 Failure to provide humane treatment unlawful.

No person shall fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary care, when necessary, and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal. (Ord. 4229 § 1 (part), 1996)

6.16.060 Confining in vehicle unlawful; impoundment.

A. No person shall confine any animal within a parked, closed vehicle without allowing sufficient cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death. Notwithstanding the foregoing, no person shall confine any animal within a parked, enclosed vehicle if the external ambient temperature is 80 degrees Fahrenheit or greater.

B. In the event any animal has been confined in a parked, closed vehicle in violation of this section, a police officer may enter the vehicle by the least intrusive means reasonably necessary, leaving written notice in the vehicle of entry, and shall impound such animal to protect its well-being. If the vehicle cannot be secured following entry, the police officer shall remove all items of value from the vehicle, maintain an inventory of said items and impound the vehicle in a safe and secure location until the owner can be located. All fees for the impoundment of the animal or the vehicle shall be at the expense of the owner of the animal. (Ord. 4229 § 1 (part), 1996)

6.16.070 Taking animal without permission.

Unless otherwise authorized by this title, no person shall take an animal, not his or her own, from any premises, enclosed lot or building not his or her own, unless said person has first received permission from the owner of such animal, and permission from the owner or person in possession of the premises, lot or building. (Ord. 4229 § 1 (part), 1996)

6.16.080 Releasing from restraint without permission; exception.

No person shall release any animal from restraint without consent of the owner, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so, or in the alternative, shall immediately return the animal to the custody of its owner. (Ord. 4229 § 1 (part), 1996)

6.16.090 Leaving on or near public way unlawful.

No person shall tie or otherwise physically fasten an animal to any object on a public way or so near to a public way that the animal may go upon the public way and leave the animal unattended. (Ord. 4229 § 1 (part), 1996)

6.16.100 Motor vehicle strike or injury; duties of driver.

Any person who, while driving a motor vehicle, strikes or injures any animal shall:

A. Stop and immediately report the accident to the owner of the animal or to the custodian of the animal if the custodian of the animal is of responsible age; or
B. If, after a reasonable search, the driver cannot locate the owner, immediately report the accident to the animal control officer or the police. (Ord. 4229 § 1 (part), 1996)

6.16.110 Harassment of animals.

No person shall tease, tantalize or provoke any animal in a manner which causes the animal to bark excessively, to attempt to escape from its enclosure or to act in an aggressive manner. (Ord. 4229 § 1 (part), 1996)

6.16.120 Injuring or meddling with police dogs.

No person shall tease, harass, interfere or meddle with any dog or horse used by a law enforcement agency while the animal is being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members. (Ord. 4229 § 1 (part), 1996)

6.16. 130 Artificially treated animals prohibited.

No person shall possess, display, sell or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animals as pets, playthings, novelties or gifts. (Ord. 4229 §1 (part), 1996)

6.16. 140 Poisoning of animals.

No person shall poison any animal or distribute poison in any manner whatsoever with the intent to poison, or for the purpose of poisoning any animal except that rats, mice or any rodents other than hamsters, guinea pigs, prairie dogs and squirrels may be poisoned by the use of a poisonous substance approved for such use by the United States Environmental Agency. This prohibition shall not apply to persons regularly engaged in the business of fumigation or pest extermination and licensed by the state of Colorado. The distribution of any poison or poisoned food (other than that for insect control or rat or mouse poisoning) shall be prima facie evidence of a violation of this section. (Ord. 4229 § 1 (part), 1996)

6.16.150 Maltreatment of performing animals prohibited.

No person shall put on a performing animal exhibition in which an animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury of suffering to the animal. (Ord. 4229 § 1 (part), 1996)

6.16.160 Disposal of dead animals.

A. If any animal dies in the possession of any person in the city, it shall be the duty of such person to cause the animal to be at once removed from the city and buried at a sanitary landfill, cremated, or rendered at a professional rendering service facility. No person shall dispose of any dead animal by dumping said animal on any public or private property or disposing of the animal by any means other than those set forth in this section.

B. In the event the owner or keeper of any such animal shall neglect or refuse to remove the same within twenty-four hours after its death, the city may cause the animal to be removed at the expense of such owner or keeper. (Ord. 4229 § 1 (part), 1996)

6.16.170 Tethering of Animals.

A. No person shall cause or permit an animal to be improperly tethered. For purposes of this Section, "improperly tethered" shall mean use of a fixed point tether in a manner that is likely to cause bodily injury to the animal or endanger the health or safety of other animals or people. As used in this Section, "tether" shall have the same meaning as "leash" or "lead" as these words are defined in Code Section 6.04.010M. An animal control officer is empowered to make a prima facie determination as to whether an animal is improperly tethered, which determination may be based upon, but is not limited to, the consideration of the following factors:

1. using a tether made of rope, twine, cord or any other material that is insufficient to restrain the animal;
2. using a tether that:
   a. is less than ten (10) feet in length;
   b. does not have swivels on both ends;
   c. is not attached to the animal by means of a properly fitting harness or collar of at least one (1) inch in width; and/or
   d. is wrapped around the animal's neck;
3. using a tether that is too heavy or too big for the size and weight of the animal so that the animal is prohibited from moving about freely;
4. allowing an animal to be tethered in such a manner that the animal is not confined to the owner's property or so that the tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter; or
5. using a chain as a primary collar rather than a collar made of nylon, cotton, leather or similar material. (Ord. 5591 § 1, 2011)

Chapter 6.20

CONTROL

Sections:

6.20.010 Animal at large.

A. No owner of any animal, or any person who harbors, keeps or is in charge of an animal shall permit such animal to be at large in the city. Any animal off its owner's or keeper's premises shall be on a leash or tether controlled by its owner or keeper, except where such animal and its owner or keeper are located within a fenced park specifically designated by a public authority for off-leash or untethered dogs. (Ord. 5339 § 2, 2008)

B. No animal owner, or any person who harbors an animal shall fail to prevent the animal from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public parks, trails or fairgrounds, unless permission is posted by public authorities allowing animals at large.

C. Any unspayed female animal in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other animal of the same species may gain access to the confined animal, except for planned breeding. Owners or keepers who do not comply with this subsection may be ordered by an animal control officer to remove the animal to a boarding facility, veterinary hospital or the animal control center or be served with a summons. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an animal control officer shall be a violation of this section and any unspayed female animal in estrus may be summarily impounded in the event of noncompliance with such a removal order.

D. It shall be prima facie evidence that an animal is running at large if the animal is at large in the city without its owner's or keeper's knowledge.

E. An animal injured on public property while running at large shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification of the owner. The owner of such an animals shall be responsible for all veterinary expenses and impoundment fees.

F. If any animal dies while at large on public property, the owner shall be responsible for disposal fees in addition to penalties for violation of this section. (Ord. 4229 § 1 (part), 1996)

G. It shall be unlawful for any keeper or owner who uses a fence to enclose an animal to fail to ensure that the fence is properly and adequately constructed for the purpose of securing the animal within the fenced enclosure and that the fence is kept in good repair to so secure the animal. (Ord. 5591 § 2, 2011)

6.20.020 Disturbance of peace and quiet.

A. No owner, keeper or person in charge of an animal shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, whining, or making any other noise in an excessive, continuous or untimely fashion, whether the animal is on or off the owner's premises.

B. The provocation of an animal whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

C. No owner or keeper of an animal which is alleged to have disturbed the peace and quiet of another person shall be charged with a violation of subsection (a) of this section unless the owner or keeper or a member of said person's household has received a written warning from a police officer or an animal control officer within the preceding twelve months.

D. The warning process to be employed prior to a charge being instituted for a violation of subsection (a) of this section shall be substantially as follows:
   1. The warning must relate to an incident separate from the charged violation.
   2. A police officer or animal control officer may issue a warning after receiving a complaint of a disturbance.
   3. The complainant must clearly identify himself or herself by stating his or her name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.
   4. A record or incident report shall be kept of any such complaint and investigation.
   5. The warning shall state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace or another individual. The warning shall advise the animal owner of the possible penalties for a violation of this section and advise the owner that the next complaint may result in a summons being issued against the owner. The warning shall be identified as being issued by any police or animal control officer empowered by the city to enforce the provisions of this title.

E. An owner or keeper shall be deemed to have received a warning under subsection (c) of this section if the warning is personally served upon the owner or keeper, posted on the owner's or keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the owner or keeper of the animal according to the last address given by the owner or keeper at the time such owner obtained a license certificate or license tag.

F. The identity of a complainant shall be kept confidential until a violation of this section is charged. If a violation of this section is charged, the complainant shall sign an affidavit attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner. (Ord. 4229 § 1 (part), 1996)

6.20.030 Vicious animals.

A. No person shall own or keep any vicious animal. A vicious animal is one that bites, claws or attempts to bite or claw any person; bites another animal; or approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.

B. It is a defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:
   1. Other than in self-defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to provoke the animal to attack or bite;
   2. Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;
   3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was confined;
   4. Attempting to assault another person;
   5. Attempting to stop a fight between the animal and any other animal;
   6. Attempting to aid the animal when it was injured; or
   7. Attempting to capture the animal in the absence of the owner or keeper.

C. For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

D. If a complaint has been filed in municipal court of the city against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the municipal judge. The municipal judge shall, upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order said animal to be destroyed in an humane manner by a veterinarian of the owner's choice, licensed in the state of Colorado, at the animal shelter. (Ord. 4229 § 1 (part), 1996)

6.20.040 Public nuisance.

A. It shall be unlawful for any owner or keeper of an animal to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. For the purposes of this section, a public nuisance includes an animal which is a safety or health hazard, injures a person or another animal in any manner, damages or destroys public property or the property of another, or creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home.

B. In the prosecution of any charge under this section, it shall not be necessary to prove notice or knowledge on the part of the animal owner or keeper that such animal was violating any section of this title at the time and place charged, it being the intent of this section to impose strict liability upon the animal owner or keeper for the actions, conduct and condition of such animal. (Ord. 4229 § 1 (part), 1996)

6.20.050 Animal waste removal.

A. It shall be unlawful for the owner or keeper of any animal to fail to remove any feces deposited by such animal on streets, sidewalks, parks and recreation areas, and private property, or in any water immediately after the animal has deposited the fecal matter.

B. It is an affirmative defense to a violation of this section if a competent person in immediate control of the animal immediately removes and deposits the fecal matter deposited by an animal in an appropriate trash container.

C. Any person who is blind, as the term is defined in 26-2-103, C.R.S., and uses a guide dog, or any person using a certified service dog shall be exempt from the provisions of this section. (Ord. 4229 § 1 (part), 1996)

Chapter 6.24

IMPOUNDMENT AND RECLAMATION

Sections:

6.24.010 Impoundment.

A. Animal control officers and police officers are hereby authorized to take or capture animals deemed by them to be included in the following categories and impound them at the animal shelter or other appropriate location where the animals will be confined in a humane manner:
   1. Animals at large, vicious animals, animals creating a disturbance, maltreated animals, abandoned and nuisance animals;
   2. Animals which are not licensed or have not been vaccinated against rabies;
   3. Wild or exotic animals kept in violation of Section 6.28.040;
   4. Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible person present to take possession of the animal;
   5. Animals which will apparently be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the owner or keeper.

B. Such officers may utilize a tranquilizer dart if necessary in order to capture an animal which appears to be vicious or destroy such animal if necessary to avoid physical harm to human beings. (Ord. 4229 § 1 (part), 1996)

6.24.020 Notice of impoundment.

If, by tags or other identification attached to the animal or any other information given to the animal shelter, the owner of an impounded animal can be identified, an animal control officer or other animal shelter representative shall attempt to notify the owner of the animal of such impoundment by telephone or mail. (Ord. 4229 § 1 (part), 1996)

6.24.030 Minimum time for impoundment.

Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel. (Ord. 4229 §1 (part), 1996)

6.24.040 Impoundment fees.

A. The person owning, or having charge, care, custody or control of any animal shall be liable for all fees and charges incurred as a result of the impoundment of the animal. The city or any independent contractor with whom the city has agreed to provide impoundment facilities shall not release any animal impounded until all fees incurred are paid. An impoundment fee shall be collected from any person who voluntarily surrenders an animal to the city for euthanization or adoption.

B. An owner or keeper reclaiming an impounded animal which is not validly licensed as required under this chapter shall license the animal and present evidence thereof to the animal shelter

prior to reclaiming the animal. If the animal does not have a current rabies tag, the owner or keeper shall present a current rabies vaccination certificate for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide a current rabies vaccination certificate or license, the owner may place a cash deposit of fifty dollars ($50.00) with the animal shelter to be refunded upon presenting, within seven (7) days thereafter, proof of current rabies vaccination and license. If proof of current rabies vaccination and license is not presented within said seven (7) days, the deposit shall be forfeited and shall become the property of the animal shelter unless a licensed veterinarian recommends that the owner be allowed a greater time to obtain a vaccination due to the condition of the animal.

C. Failure to reclaim an animal prior to the determination that it has become the property of the city as set forth in Section 6.24.050 shall not relieve the person owning or having charge, care, custody or control of the subject animal of the responsibility for all fees and costs incurred prior to said determination. (Ord. 4229 § 1 (part), 1996)

6.24.050 Euthanization or adoption. Any animal not reclaimed by its owner.

Any animal not reclaimed by its owner within five (5) days after notice of impoundment is delivered to its owner or keeper shall become the property of the humane society and shall be placed for adoption or humanely euthanized. In the event the owner cannot be found within five days after impoundment, then the animal shall become the property of the humane society and shall be placed for adoption or humanely euthanized. Any animal may be euthanized at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health authorities if required for public safety or in the best interests of the animal. (Ord. 4229 § 1 (part), 1996)

6.24.060 Sterilization of adopted animals required.

No unclaimed dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter, guaranteeing that such animal be sterilized. (Ord. 4229 § 1 (part), 1996)

Chapter 6.28

KEEPING OF ANIMALS

Sections:

6.28.010 Limitations on the number of household pets.

No person shall keep, house or maintain in or upon the premises of any residential dwelling unit more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owner or keeper, to the pets, or to any others or more pet animals than can be properly maintained without constituting a nuisance to the occupants of neighboring properties. (Ord. 4229 § 1 (part), 1996; Ord. 5568 § 1, 2011)

6.28.020 Limitations on livestock.

No person shall keep, pasture, house, or maintain on any parcel of land in the city any livestock, except horses, provided that at least one-half acre of pasture land is provided for each horse. Pets or show animals, chickens, ducks, geese and other domesticated fowl are permitted subject to the numerical limitations in Section 6.28.010. The keeping of livestock and domestic fowl except as provided in this section is declared to be a nuisance. (Ord. 4229 § 1 (part), 1996)

6.28.030 Livestock at large.

No person shall permit any livestock to be running at large within the city, except that horses being ridden or being led by the reins shall not be deemed to be running at large. (Ord. 4229 § 1 (part), 1996)

6.28.040 Exotic Animals.

A. Except as provided in subsection (b), no person shall own or keep within the city any animal which is not commonly domesticated or which is not common to North America or which, irrespective of geographic origin, is of a wild or predatory nature.
B. The provisions of subsection (a) shall not apply to the owning or keeping of bird, small rodents or small nonpoisonous reptiles not exceeding six feet (6') in length commonly used for educational or experimental purposes or for pets, nor shall such provisions apply to the owning or keeping of exotic animals by zoos, circuses or recognized institutions of learning or scientific research.
C. No person shall own, possess, harbor, transport, sell, or in any other manner traffic in the following species of animals:
    1. Poisonous snakes and poisonous reptiles; and all nonpoisonous snakes with a length greater than six (6) feet;
    2. Gorillas, chimpanzees, orangutans, and any other primates;
    3. Any species of felines not falling within the categories of ordinary domesticated house cats;
    4. Bears of any species;
    5. Raccoons, porcupines, skunks, badgers, or other similar species, except ferrets or minks;
    6. Any wolf, coyote, fox or other species of canine other than the ordinary domesticated dog.

D. The provisions of subsection (c) shall not be applicable to any bona fide zoo or any circus or carnival licensed by the city or any bona fide research institute using wild, exotic animals for scientific research. (Ord. 4229 § 1 (part), 1996)

6.28.045 Limitations on knowingly feeding wild animals.

No person shall knowingly provide edible or drinkable material, including, without limitation, bones, salt licks, and water, within the city to any of the following animals:

A. bears of any species;
B. deer of any species;
C. raccoons, skunks, badgers, porcupines, and other similar species, except ferrets and minks;
D. any species of feline other than the ordinary domesticated house cat;
E. any wolf, coyote, fox, and other species of canine other than the ordinary domesticated dog; and
F. any other wild animal to the extent that such feeding constitutes a nuisance to the occupants of neighboring properties. For the purposes of this Section, nuisance shall mean a material threat to health or safety, material property damage, offensive odors, or any other condition that materially interferes with or disrupts another person in the conduct of lawful activities on such person's property. (Ord. 4804 § 6, 2003)
G. It shall be a defense to a charge of violating this section that a person is feeding only squirrels and birds other than wild ducks or geese. (Ord. 6120 § 1, 2017)

6.28.050 Exceptions to keeping and transporting certain animals.

The prohibitions of this chapter shall not be deemed applicable to any circus, rodeo, zoo, livestock show or menagerie licensed by the city, to persons authorized by the city manager to keep live wild or dangerous animals for purposes of scientific research, or to licensed veterinarians at their usual places of business, provided that such premises are properly zoned for that purpose. (Ord 4229 § 1 (part), 1996)

Chapter 6.32

ENFORCEMENT AND PENALTIES

Sections:

6.32.010 Enforcement.

Police officers, animal control officers and wildlife conservation officers are authorized to enforce the provisions of this title. (Ord. 4229 § 1 (part), 1996)

6.32.020 Interference with animal control officer.

No person shall interfere with, hinder, or prevent a peace officer, a wildlife conservation officer, an animal control officer or such officer's authorized representative in the discharge of the officer's duties as prescribed in this title. No person shall fail to obey a lawful order of any such officer. (Ord. 4229 § 1 (part), 1996)

6.32.030 Inspection powers.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever a police officer or animal control officer or authorized representative has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, or is being mistreated or neglected, the police officer, animal control officer or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the officer by this title; provided, that if such building or premises is occupied, the police officer, animal control officer or authorized representative shall first present proper credentials and request entry; and if such building or premises is unoccupied, the police officer, animal control officer or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or the owner or person having control cannot be located, the police officer, animal control officer or authorized representative shall secure entry pursuant to a warrant regularly issued. (Ord. 4229 § 1 (part), 1996)

6.32.040 Humane Society personnel designated peace officers.

Animal control personnel, officers, agents and employees of the Humane Society of Larimer County, Inc. are hereby authorized to enforce the provisions of this title to the extent provided in the current contract, then in force, between the City and the Humane Society. Under such circumstances, the officers, agents and employees of the Humane Society are peace officers within the Colorado Municipal Court Rules of Procedures, for purposes of issuing summonses and complaints relating to the enforcement of this title. Nothing in this title shall be construed to, and in no way does, limit the authority of police officers to enforce this title. (Ord. 4229 § 1 (part), 1996)

6.32.050 Penalties.

A. It is unlawful for any person to violate any of the provisions stated in this title.
B. Every person found guilty of violating any provision of this title, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as provided in Section 1.12.010 of this code. (Ord. 4229 § 1 (part), 1996)

End Title 6

Title 7

HEALTH, SAFETY AND WELFARE

Chapters:

Chapter 7.04

HEALTH DEPARTMENT

Sections:

7.04.010 Powers and duties.

The health department shall have the supervision and control of all matters relating to health and sanitation within the city, and shall have the power to compel the removal or abatement of any nuisance, source of filth, cause of disease, or unwholesome business or establishment within the city or within one mile of the outer boundaries thereof. (Ord. 1369 § 1, 1974; Ord. 1344 § 1, 1974; prior code § 11.1)

Chapter 7.08

FOOD REGULATIONS

Sections:

7.08.010 Meat-Slaughtering and sale.

The keeping and slaughtering of all cattle and all other animals, and the preparation and keeping of all meat and fish, birds and fowl, shall be in that manner which is best adapted to secure and continue their safety and wholesomeness as food. No slaughtering, tanking or rendering shall be done within the city without a permit from the city clerk issued upon approval of the food inspector, and all slaughtering and slaughtering houses within the city shall comply with all laws, rules and regulations of the state or the United States of America pertaining to the same. No person shall sell or offer for sale, within the city, any meat which does not bear the meat inspection brand or other mark of the city food inspector or of the inspector of the agency of the state or the United States of America inspecting the same. The city food inspector shall condemn all carcasses or parts of carcasses found to be unfit for food and shall dispose of the same. Every dealer in meat shall cause the place where such meats are kept or offered for sale to be thoroughly cleaned and purified at least once every twenty-four hours. (Prior code § 11.9)

7.08.020 Meat-Slaughtered outside city.

Meat slaughtered outside the city and brought into the city for sale may be inspected or branded or otherwise marked for identification by the food inspector under the provisions of Section 7.08.010. (Ord. 1369 § 2, 1974; Ord. 1344 § 2, 1974; prior code § 11.10)

7.08.030 Meat-Inspection, requirements for selling.

No meat shall be sold or offered for sale within the city, without first having been inspected and approved by the food inspector. No person shall kill or dress any animal or meat in any market or store, nor have, nor permit to escape therein, or within one hundred feet thereof, any poisonous, noxious or offensive substance. No tainted, putrid, impure or unhealthy or unwholesome meat or fish, bird or fowl, shall be kept, bought or sold or offered for sale as food, in the city. No calf, pig or lamb, nor the meat thereof, shall be bought, sold or offered for sale as food, in the city, which, being a calf, was less than four weeks old when killed and when dressed shall weigh less than seventy-five pounds; or being a pig, was less than five weeks old when killed; or being a lamb, was less than eight weeks old when killed. No meager, sickly or unwholesome fish, bird or other fowl, or other food animal shall be bought or sold or offered for sale as food in the city. No meat or dead animals above the size of a rabbit shall be taken to any market or store until the same has been fully cooled and all blood has ceased dripping therefrom, nor until the entrails have been removed, nor shall gut fat or any unwholesome matter or thing be brought to or near such market. No meat shall be sold for food when the same has been fed upon uncooked garbage, swill, carrion, offal or dead animals. (Prior code § 11.11)

7.08.040 Storage of perishable foods.

Every person being the owner, lessee or occupant of any place, other than a private dwelling house, where any meat, fish, poultry, game, vegetables, fruit or other perishable articles of food are stored or kept, and every person engaged in the care, custody or sale of any such articles of food supply, shall put, preserve and keep such articles in a clean and wholesome condition and shall not allow the same, or any part thereof, to be putrid, decayed, poisoned, infected or in any other manner rendered or made not safe or unwholesome for human food. (Prior code § 11.12)

7.08.050 Diseased, decayed or unwholesome foods.

No person shall expose for sale in this city any diseased, emaciated, tainted or putrid meat or provisions. No person shall offer for sale the meat of any animal killed while such animal was in an overheated, feverish or diseased condition. No person shall bring or cause to be brought into this city, or sell or offer for sale, any decayed or unwholesome fruit, vegetables or berries. (Prior code § 11.13)

7.08.060 Milk.

No milk or milk products shall be sold or offered for sale within the city unless the milk has been pasteurized and the milk or milk products have been produced and processed in accordance with the rules and regulations of the State Department of Public Health. (Prior code § 11.14)

7.08.070 Condemnation of unfit food.

It shall be the duty of the city food inspector and he shall have the power to enter any and all buildings and premises at any time and to forthwith condemn, seize and destroy any food which does not comply with the requirements of this chapter or which is putrid, decayed, poisoned, infected, unwholesome or unfit for consumption. (Prior code § 11.15)

Chapter 7.12

NUISANCES-UNSANITARY CONDITIONS*

Sections:

*For statutory provisions authorizing cities and towns to declare what shall be a nuisance and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist, see CRS § 31-15-401, et. seq.

7.12.010 Feeding lots prohibited.

It is unlawful for any person to maintain or keep within the city or within one mile of its corporate limits, any cattle yards or sheep yards or hog yards for the purpose of feeding cattle, sheep or hogs for fattening, and all such places so kept are also declared to be a nuisance and an offensive and unwholesome business and establishment and may be abated. (Ord. 5304 § 1, 2008; Prior code § 11.5)

7.12.020 Fly-producing conditions prohibited.

It is unlawful for any person to maintain or keep within the city any of the following unsanitary fly-producing, disease-causing conditions, to-wit:

A. Any accumulation of manure on premises where animals are kept, unless the premises are kept clean and the manure is kept in a box or vault which is screened from flies and emptied at least once each week;
B. Privies, vaults, cesspools, pits or like places which are not securely screened to protect them from flies;
C. Garbage in any quantity which is not covered or screened to protect it from flies; or
D. Trash, litter, rags or anything whatsoever in which flies may breed or multiply. Any of the foregoing conditions are nuisances and may be abated as such, in addition to any penalty which may be imposed for a violation of this code. (Ord. 5304 § 1, 2008; Prior code § 11.6)

7.12.030 Rat-producing conditions prohibited.

It is unlawful for any person to maintain or keep any premises within the city which are infested with rats or to keep on any premises any uncovered garbage or waste materials of any kind which might attract, sustain or cause an infestation of rats. All such premises and conditions are nuisances and may be abated as such, in addition to any penalty which may be imposed for a violation of this code. (Ord. 5304 § 1, 2008; Prior code § 11.7)

7.12.040 Abatement of nuisances.

The City may cause a notice and order to abate to be served upon the owner, occupant or agent in charge of any lot, building or premises in or upon which any nuisance in relation to health or sanitation may be found, or who may be the cause of such nuisance, requiring him to abate the same within seven days after receipt of such notice. Such notice and order to abate shall be served by personal service, by regular mail, or by posting on the property. If such owner, occupant or agent fails to comply with such

notice and order, the owner or occupant shall be subject to enforcement and penalties as provided in this code. (Ord. 5304 § 1, 2008; Prior code § 11.3)

7.12.042 City Removal and Assessment

If a notice and order to abate is served pursuant to Section 7.12.040, and is not complied with within the required time, in addition to, or in lieu of, prosecuting the owner or occupant for an ordinance violation, the city may cause such nuisance to be abated and shall assess the cost of such abatement against the property. The city shall cause a notice of abatement to be served by either personal service or by certified mail and posting on the property, notifying the owner or occupant of the city's intent to abate and amount of assessment against the property, along with any available appeal rights. Such assessment shall be a lien upon the property until it is paid. If the charge or assessment is not paid to the city collector within thirty days after the receipt of such notice of assessment, the charge or assessment shall be certified to the county treasurer, to be by him placed upon the tax list for the current year and collected in the same manner as other taxes are collected, with ten percent penalty thereon to defray the cost of collecting. (Ord. 5304 § 1, 2008)

7.12.044 Administrative Review of Assessment.

Any owner who disputes the amount of an assessment made against such owner's property under Section 7.12.042, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code. (Ord. 5304 § 1, 2008)

7.12.050 Unlawful acts.

It is unlawful for any person, being the owner, agent or occupant of any premises within the city or within one mile of the city limits, to fail, neglect or refuse to comply with any lawful order made by the health department or the board of health, or to fail to remove and abate any nuisance within the time stated in the notice served upon such person. (Ord. 5304 § 1, 2008; Prior code § 11.4)

Chapter 7.16

SOLID WASTE COLLECTION AND RECYCLING

Sections:

7.16.010 Intent.

It is the intent of this chapter to: (1) reduce the volume of trash and solid waste entering the waste stream and landfills; (2) encourage the recycling of certain waste materials; and (3) protect the health, safety, and welfare of the public. (Ord. 5194, 2007; Ord. 4648 § 9, 2001; Ord. 4273 § 1 (part), 1997)

7.16.020 Definitions.

A. The following words, terms and phrases, when used in this Chapter 7.16, shall have the following meanings:
   1. “City manager” shall mean the city manager of the City of Loveland, Colorado, or the manager's designee.
   2. “Collector” shall mean the person or entity providing solid waste or recyclable material collection services within the City of Loveland, Colorado.
   3. “Commercial customer” shall mean any premises utilizing collection services where a commercial, industrial, or institutional business or enterprise is undertaken, including, without limitation, retail establishments, restaurants, hospitals, manufacturing facilities, schools, day care centers, office buildings, nursing homes, clubs, churches, and public facilities.
   4. “Compensation” shall mean a payment or exchange of money or other value including the exchange of in-kind goods or services.
   5. “Curbside” shall mean at or near the perimeter of the premises, whether or not there is a curb.

6. “Curbside collection or collection” shall mean the collection of solid waste or recyclable materials that are placed at a curbside location or within an approved dumpster site.
7. “Group account” shall mean a customer account for solid waste collection services that provides for collection of waste from multiple residential customers regardless of the method by which such services are contracted or arranged. An account for solid waste collection services arranged by a single property owner for collection of waste from multiple locations owned by that property owner shall not constitute a “group account” for the purposes of this chapter.
8. “Hazardous waste” shall mean any chemical, compound, substance or mixture that state or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic including but not limited to solvents, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis and waste paints and inks.
9. “Household recycling container” shall mean a bag, bin-type container, cart, or a plastic receptacle used for the storing, containment, and setting out of recyclable materials for collection by a collector.
10. “Multifamily customer” or “multifamily property” shall mean a residential property, or cluster of residential properties, which contains four or more residential dwelling units and employs a communal system for the collection of solid waste generated by the residents of the residential property or cluster of residential properties.
11. “Mosquito control” shall mean any seasonal city program intended to reduce, suppress, or manage the breeding, reproduction, or public annoyance of mosquitoes and other biting flies.
12. “Owner” shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the premises.
13. “Recycling facility” shall mean a facility lawfully operated for the purpose of recycling and processing recyclable materials.
14. “Recyclable materials” shall mean those materials: (1) that have been separated from solid waste; (2) are properly prepared for recycling; (3) can be recovered and processed as useful or reusable materials; and (4) are designated by the city manager as recyclable.
15. “Recycling” shall mean the process of recovering useful materials from solid waste, including items for reuse.
16. “Residential customers” or “residential property” shall mean all single-family homes, duplexes, triplexes, townhomes, or trailer homes excluding multifamily properties as defined by this Section 7.16.020A.10., which residential customers are served by a collector and are not employing a communal system for the collection of solid waste.
17. “Residential waste services” shall mean the collection and transportation of solid waste or recyclable materials from sources other than industrial, commercial, or institutional properties.
18. “Service” shall mean collecting, transporting, or disposing of solid waste, hazardous waste or recyclable materials at a lawfully-permitted landfill, recycling, or hazardous waste collection facilities, as applicable.
19. “Solid waste” shall mean all putrescible and nonputrescible waste. The term solid waste shall not include discarded or abandoned vehicles or parts thereof, sewage, sludge, septic tank and cesspool pumpings or other sludge, discarded home or industrial appliances, hazardous wastes, materials used as fertilizers or for other productive purposes and recyclable materials which have been source separated for collection.

20. “Solid waste collector” shall mean the person or entity that provides solid waste collection service for compensation and who must be licensed pursuant to this Chapter 7.16.
21. “Solid waste management services” shall mean curbside and drop-off recycling services, hazardous waste collection and management services, large item disposal services, and solid waste management planning services.
22. “Source separation” shall mean to separate recyclable materials from solid waste at the waste source.
23. “Utility services” shall mean water, wastewater, stormwater, electric or solid waste service, or any combination thereof. (Ord. 5194, 2007; Ord. 4648 § 9, 2001; Ord. 4447 §§ 1, 2, 1999; Ord. 4273 § 1 (part), 1997)

7.16.030 License requirement.

A. License required. No person or entity shall operate as a solid waste collector or operate as a collector of recyclable materials within the corporate limits of the City of Loveland without first obtaining a collection license for such activity from the city as provided by this chapter.

B. Exemptions. The following persons or entities are not required to obtain a collection license:
   1. A civic, community, benevolent, or charitable nonprofit organization that collects, transports, and markets recyclable or other materials for resource recovery solely for the purpose of raising funds for a charitable, civic, or benevolent activity;
   2. A person who transports solid waste or recyclable materials produced by such person or such person's household;
   3. A person who hauls or transports solid waste or recyclable materials on a one-time and individual basis provided that such person does not offer or engage in providing such services on a regular, routine, or repeated basis for any one person or customer;
   4. A property owner or the owner's agent who transports solid waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide solid waste collection service for compensation for tenants on a regular or continuing basis; and
   5. A demolition, construction, or landscape contractor who produces and transports solid waste in the course of such occupation, where such solid waste is produced by and is incidental to the particular demolition, construction, or landscaping work being performed by such person. (Ord. 5194, 2007; Ord. 4273 § 1 (part), 1997)

7.16.050 Recycling services.

All licensed collectors operating within the city shall have the following duties and rights:

1. Each collector may establish such reasonable and industry-accepted requirements, rules, or regulations for the separation and preparation of materials for recycling as are necessary to provide for the orderly collection of recyclable materials.
2. Household recycling containers may be made available by collectors to all solid waste customers who utilize curbside recycling services within the city.
3. Except for materials which customers have not properly prepared for recycling, collectors may not dispose of recyclable materials set out for collection by their customers by any means other than delivery at a lawfully operating recycling facility.
4. In the event that a collector elects to perform collection of solid waste or recyclable materials through subcontractors or agents, such agency relationship shall not relieve the

collector of responsibility for compliance with the provisions of this chapter or any rule promulgated hereunder.

5. All recyclable materials placed for curbside collection shall be owned by and be the responsibility of the customer until the materials are collected by the collector. Such material shall then become the property and the responsibility of the collector. No person other than the customer or the collector of recyclable materials shall take physical possession of any recyclable materials placed for curbside collection. (Ord. 5194, 2007; Ord. 4273 § 1 (part), 1997)

7.16.060 Collection frequency and notification.

A. Residential customers. Where curbside recycling collection services are provided to residential customers by a collector, such service shall be provided on at least a once-weekly basis and on the same day as the day of collection of solid waste from the residential customer.

B. Multifamily and commercial customers. Collectors who provide collection of recyclable materials from multifamily and/or commercial customers shall provide such services with such frequency as is necessary to prevent overflow of the recycling containers.

C. Upon the initial provision of solid waste collection services to new customers, collectors shall notify such customers in writing of the availability of the collection of recyclable materials, the materials designated for recycling collection pursuant to Section 7.16.080 and such rules and regulations as have been established by the collector for the orderly collection of recyclable materials as authorized pursuant to Section 7.16.050(1). (Ord. 5194, 2007; Ord. 4273 § 1 (part), 1997)

7.16.070 Billing requirements.

A. Volume-based Rates.

1. Every licensed solid waste collector within the city shall charge all residential customers, including, but not limited to, residential customers provided service through a group account, such as a homeowners' association, on the basis of:
   a. The volume of solid waste placed by the customer for collection by the collector, i.e., a pay-as-you-throw system using prepaid bags or tags; or
   b. A variable can or cart subscription system whereby customers sign up for a predetermined maximum volume of weekly waste to be collected, e.g., 30, 60, 90, 120 or 150 gallons.
2. Each collector shall establish a volume-based rate structure as follows:
   a. Each collector shall offer all their residential customers collection service at a minimum level of 30-gallons per week. Higher service levels, such as 60 and 90-gallons, may be offered, however the rates for these levels must not decrease on a per unit basis for subsequent larger service levels above the 30-gallon level. For example, if the 30-gallon rate is *x*, then the 60-gallon rate must be no less than 2*x*, and the 90-gallon rate no less than 3*x*. Collectors shall determine a rate for the 30-gallon service level, which shall serve to determine rates for all other service levels.
   b. Containers provided by collectors cannot exceed a capacity of 90-gallons, although customers may request additional containers. Rates for additional containers shall be established based on the requirements set forth in Subsection A.2.a. above.
   c. A solid waste collector shall arrange for provision of service to each group account in a manner that results in an individual selection by each individual

residential customer of a level of service from the full range of container sizes and levels of service offered by the hauler.

d. In offering or arranging for services, a solid waste collector shall provide reasonable notice of the full range of bag or container sizes or levels of service offered by the hauler, and shall provide to each residential customer that customer's requested size or level of service. (Ord. 5194, 2007)

3. Until January 1, 2009, the performance of legally binding arrangements for the provision of solid waste collection services to group accounts that: (1) were in effect as of June 1, 2007, and (2) do not offer choice of volume-based service levels to individual residential customers, shall be deemed not to violate the terms of this Section 7.16.070 for so long as and to the extent that the existing contractual obligations preclude the solid waste collector from modifying the rates or terms of such services to offer choice of level of service to individual residential customers in compliance with the requirements of this Section 7.16.070.
4. The provisions of this subsection shall not be construed as prohibiting any collector from also establishing rules and regulations regarding the maximum weight of containers of solid waste and/or recyclable materials.
5. A collector shall not collect any container which is overloaded or which contains a volume of solid waste greater than the rated or specified volume of such container unless the collector accounts for and bills the customer the appropriate fee or charge for the collection of such excess solid waste. The determination of overloading and charges therefore shall be made on an individual pick-up date basis, and there shall be no "averaging" of pick-up volumes to allow for overloading at one time offset by a low volume at another time.
6. The contents of each container shall fit securely into the container so as not to cause the opening between the level rim and the lid of the container to be greater than a forty-five degree (45°) angle. All materials above the level of the rim of the container must be bagged to prevent spillage. Any waste which does not so fit within the container constitutes excess solid waste. All bags, whether or not within the container, shall be securely tied off to prevent spillage.

B. Billing. The collector shall bill the customer for the collection of any excess solid waste at its next usual billing cycle, but in no event later than three months after the collection of the excess solid waste. The rate for each extra 30-gallon increment of solid waste cannot be less than the weekly equivalent of the 30-gallon monthly volume subscription rate exclusive of any base fee. For example, if the monthly volume subscription rate is $8.00 for 30-gallon trash cart service, the rate for an extra 30-gallon bag cannot be less than $1.85 [i.e. $8.00/4.33 weeks].

C. Flat monthly fee. In addition to the volume-based rates required pursuant to Subsection A. above, collectors may charge an additional flat monthly fee to residential customers regardless of whether solid waste or recyclable materials are placed by the customer for collection during the month. The flat monthly fee is to be charged for the purpose of covering the fixed operational costs of collecting solid waste and recyclable materials from residential customers. Nothing herein shall prevent or prohibit such collector from charging additional fees for providing additional services other than collection of solid waste or recyclable materials such as, but not limited to, collection of large bulky household items or yard waste. If a collector elects to charge a flat monthly fee, the flat fee shall not exceed the monthly volume-based rate charged assuming the collection of only one standard container per week. In the event that a collector elects to establish a flat monthly fee, all bills for services provided by such collector to residential customers shall clearly identify both the flat monthly fee and the volume-based fees charged to the

customer for the collection of solid waste. If a collector elects to charge a flat monthly fee, such fee must be standardized and applied equally to all service levels and may not be varied according to the service level chosen by the customer.

D. Provide documentation to city.
   1. Within ten calendar days after establishing a program to implement the volume-based rate and/or flat monthly fee requirements of this Section 7.16.070, and on or before January 1 of each ensuing year, each collector shall deliver to the city's public works department a description of such program, including a description of the means by which volume-based rates are applied to residential customers receiving waste hauling services through any group account, such as the formula used to set volume-based rates for any group accounts, and the methods used to offer and account for the volume-based charges, and including a true and correct copy of such collector's complete rate schedule listing all service levels and pricing and charges for excess trash and any other charges. The rate schedule shall include all rates offered to each group account. Collectors must provide a rate schedule to all residential customers, including those within group accounts, at a minimum of once per year and provide copies of such notifications to the city. If a hauler elects to charge additional fees associated with providing weekly collection services such as, but not limited to, fuel surcharge fees or environmental fees, all such fees must be bundled into the volume-based rate fees or the flat monthly fees.
   2. Each collector shall keep a complete set of books of account, invoices, copies of orders, pick-up and delivery logs, instructions, bills, correspondence, and all other records necessary to show fully the individual and collective business transactions of the collector. The city may require the collector to furnish such information as it considers necessary for the property administration of this chapter The city may require an audit to be made of such books of account and records on such occasions as it may consider necessary by an independent auditor to be selected by the city, which auditor shall likewise have access to all books and records of such collector. If the collector has not complied with the provisions of this code as determined by the city or is found to be in violation of any part of this code, the expense of the audit shall be paid by said collector.
   3. Failure by a collector to comply with the requirements of this section or any provision of this chapter shall constitute grounds for the potential revocation of such collector's license, as further set forth in Section 5.04.100 of this code.

7.16.080 Designation of recyclable materials.

A. The city manager shall, on or before the thirtieth day of November of each year, or as soon thereafter as possible, determine which items shall be designated as recyclable for the purpose of residential collection by all collectors based upon the following criteria:
   1. Local, state, and federal laws and regulations;
   2. Potential for waste stream reduction;
   3. Availability of markets for the recyclable materials;
   4. Market price for the recyclable materials;
   5. Feasibility for residential collection;
   6. Safety factors and risks of transportation; and
   7. Risks of commingling of liquid wastes.

B. All collectors shall notify their customers within 90 days of the items identified by the city manager to be recycled.

C. The city manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation and enforcement of this chapter. (Ord. 5194, 2007)

7.16.090 License application, issuance and updating.

A. Any person or entity desiring to obtain a license to engage in the business of solid waste and/or recyclables collection within the City of Loveland shall submit a written application to the public works department. The application form shall require, at a minimum, the following information:
   1. The name and address of the applicant including name(s) of those employees that will oversee or administer the collector's conformance with the requirements of this chapter;
   2. The principal place of business for the business to be conducted;
   3. A list of vehicles owned and/or operated by the applicant to be used directly in the collection of solid waste and/or recyclable materials within the city, including vehicle make, color, year, cubic yard capacity, Colorado license plate number, and empty tare weight;
   4. A written plan describing how the recycling collection services will be structured by the collector for each customer class;
   5. A schedule of proposed rates for collection services to be provided by the collector; and
   6. A description of the system to be used to account for and charge volume-based rates as required under Section 7.16.070. The description of the system shall include a detailed description of the means by which residential customers are notified of and offered the full range of sizes of bags or containers provided. In addition, the description shall provide sufficient detail to allow the public works department to determine the means by which volume-based rates are applied to residential customers receiving waste hauling services through any group account, such as the formula used to set volume based rates for any group accounts, and the methods used to offer and account for the volume-based charges.

B. The public works department may promulgate forms for such application which require information in addition to the requirements of Subsection A. of this section and which is necessary to ensure compliance with the requirements of this chapter.

C. The public works department shall review each completed application, and shall approve the application if the department finds such application conforms to the requirements of this chapter.

D. Upon approval of a license application, but prior to the issuance of the license, the applicant shall furnish to the public works department the following:
   1. A license fee in the sum of one hundred dollars for each vehicle to be used by the applicant's business for the purpose of the collection of solid waste and/or recyclable materials within the city; and
   2. Proof that the applicant has obtained a general comprehensive liability/automobile insurance policy protecting the applicant from all claims for damage to property or for bodily injury, including death, which may arise from operations under or in connection with the license and providing limits of coverage of not less than one million dollars for bodily injury and property damage per occurrence or in the aggregate.

E. Following the applicant's presentation of a completed application conforming with all requirements of this section, the public works department shall issue the license to the applicant.

F. Each collector shall update information contained within an approved license application within thirty days of any change of such information. (Ord. 5194, 2007)

7.16.110 Term of license.

All licenses issued pursuant to this chapter shall be valid from the date of issuance until the 31st day of December of the year in which such license is issued. All licenses shall expire on December 31 of each year. License fees shall not be prorated and licenses are not transferable. (Ord. 5194, 2007)

7.16.120 Reporting requirements.

A. All collectors shall report to the city the following information for each category of customer listed:
   1. Number of tons of solid waste collected from each of the following categories of customers within the city: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.
   2. Number of tons of recyclable materials collected from each of the following categories of customers within the city: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.
   3. Total number of customers in the following categories within the city: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.

B. All reports required by this Section 7.16.120 shall be made on forms to be provided by the city and shall be made biannually for each full half-year of collection performed by the collector. A half-year shall mean January 1 through June 30 or July 1 through December 31. All such reports shall be submitted to the public works department no later than thirty days following the close of each half-year. (Ord. 5194, 2007)

7.16.130 Disposal of solid waste.

All persons or entities holding licenses pursuant to this chapter and engaged in the business of collection of solid waste shall dispose of all solid waste at the Larimer County Landfill or at any other disposal site which is approved by any state. No solid waste shall be disposed of at any other location either inside or outside of the city. (Ord. 5194, 2007)

7.16.140 Identification of vehicles.

Each vehicle used by a collector for collection services within the city shall bear an identification emblem or sticker issued by the public works department. Such emblem or sticker shall be conspicuously placed in a location specified by the public works department at the time of license issuance. (Ord. 5194, 2007)

7.16.160 Hours and location of collection.

No collector shall operate any vehicle for the purpose of collection of solid waste or recyclable materials within three hundred feet of any district in the city zoned as follows: established low-density residential, developing low-density residential, established high-density residential, developing high-density residential, and developing two-family residential between the hours of seven p.m. and seven a.m. A zoning district map shall be available from the city planning division upon request. (Ord. 5194, 2007)

7.16.180 Enforcement and suspension of license.

A. A violation of the requirements of this chapter shall be punishable as provided by Chapter 1.12 of the Loveland Municipal Code.

B. The city manager may, after notice and hearing, suspend or revoke the license of any person violating any provision of this chapter. The public works department shall establish procedural rules for the conduct of any such hearing. (Ord. 5194, 2007)

7.16.200 Unlawful acts.

It shall be unlawful for any person other than the customer or the collector of recyclable materials to remove or tamper with any solid waste or recyclable materials placed in containers for collection. (Ord. 5194, 2007)

7.16.220 Fees and charges – Assessment.

Each residential customer and multifamily customer of the city receiving utility services shall be assessed fees established by resolution of the city council for solid waste management services and mosquito control service. (Ord. 5194, 2007)

7.16.230 Exemption.

The following residential customers and multifamily customers shall be exempt from payment of the solid waste management services fee set forth in Section 7.16.220, and shall not be eligible for collection and/or disposal of solid waste and recyclable materials by the city:

A. Multifamily customers who have provided for alternative means of solid waste collection and disposal, and have notified the city thereof; and
B. Any customer whose premises is unoccupied, who has applied to the city manager for, and has obtained approval of, an exemption prior to the period for which the exemption is sought, and who has paid the service charge established by city council for costs incurred by the city in processing the exemption. Such application shall be on forms furnished by the city and shall be approved upon a showing satisfactory to the city manager that no solid waste collection and disposal service, whether the city's or any other, will be used during such period. It shall be the duty of such customer to notify the city prior to commencing use of a solid waste collection and disposal service. (Ord. 5194, 2007)

7.16.240 Unlawful use of system.

It is unlawful for any person to commit any of the following acts:

A. Use the city's solid waste management services in any manner during the period for which an exemption has been granted pursuant to Section 7.16.230 or during a period for which or a purpose for which any fee applicable to the service has not been paid;
B. Use the city's solid waste collection and disposal service for the disposal of solid waste generated at any premises outside the city limits of the City of Loveland; or
C. Use the city's solid waste collection and disposal service for the disposal of any solid waste or recyclable materials generated by any commercial activity within a home business unless the applicable fee has been paid to the city for such collection and/or disposal. (Ord. 5194, 2007)

7.16.250 City charges and collections.

A. The costs and any charges assessed by the city pursuant to this chapter associated with collection and removal of solid waste shall be paid by the customer within thirty days after mailing of the bill or assessment of such cost by the city to the customer. The city shall have the right to proceed for the collection of any unpaid charges for solid waste management and collection services in the manner provided by law for collection of debts and claims on behalf of the city, including, without limitation, collection and lien procedures provided in this section.
B. If the customer fails to pay the charges associated with the collection and removal of solid waste within the described thirty-day period, a notice of the assessment shall be mailed via certified mail by the city to the owner of the property, notifying the owner that failure to pay the assessed amount within ten days of the date of the letter shall cause the assessment to become a lien against the property.

C. Failure to pay the amount assessed for solid waste management or collection services as described in this section shall cause such assessment to become a lien against such lot, block, or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior assessments, and the same may be effected at any time after such failure to so pay by recordation with county land records of a certification by the city director of finance setting forth the costs to be charged against the property, the date(s) of service, and a description(s) of services giving rise to such charge(s).

D. Failure to pay the amount assessed for solid waste management or collection services as described in this section shall cause such assessment to become a lien against such lot, block, or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay, by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state. This lien and collection procedure is supplementary and additional to any collection procedures described elsewhere within this section or this code. (Ord. 5194, 2007)

7.16.260 Nonuse of service.

Except when an exemption has been granted pursuant to Section 7.16.230, the assessment charged against each person or persons to whom the solid waste management services are made available as set forth in Section 7.16.220 shall be paid regardless of whether or not such person or persons assessed actually use the solid waste management services so made available. (Ord. 5194, 2007)

7.16.270 Rules and regulations – Authority.

The city manager shall have the authority to establish and enforce such rules and regulations concerning the collection, removal, or disposal of solid waste and recyclable materials by the city providing that the same are not contrary or inconsistent with the provisions of this chapter. (Ord. 5194, 2007)

Chapter 7.18

WEED CONTROL

Sections:

7.18.010 Intent.

It is the intent of this Chapter to protect the health, safety and welfare of the public by reducing the occurrence of weeds, grass, brush, or other rank or noxious vegetation which is regarded as a common nuisance.

7.18.020 Definitions.

A. The following words, terms and phrases, when used in this Chapter 7.18, shall have the following meanings:

1. "Approved plan" shall mean a landscape or other plan approved by the city in connection with the annexation, zoning, development or redevelopment of a property, whether separately or by inclusion in a general development plan, preliminary development plan, final development plan, site development plan, development agreement or public improvement construction plan.
2. "Grasses" shall mean native grasses, ornamental grasses, and turf grasses, collectively.
3. "Industrial hemp" shall mean a plant of the genus *cannabis* and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.
4. "Marijuana" shall mean all those plants of the genus *cannabis* including, without limitation, *cannabis sativa*, *cannabis indica*, and *cannabis ruderalis*, but shall not include industrial hemp.
5. "Native grasses" shall mean perennial grasses native to the local ecosystem or suitable for Colorado landscapes, including but not limited to big bluestem (*andropogon gerardi*); silver beard grass (*andropogon saccharoides*); Sideoats grama (*boutelous curtipendule*); buffalo grass (*buchloe dactyloides*); blue grama eyelash grass (*bouteloua gracilis*); sand lovegrass (*eragrostis trichodes*); switchgrass (*panicum virgatum*); little bluestem (*schizachyrium scoparium-syn. andropogon scoparius*); alkali sacaaton (*sporobolus airoides*); Indian grass (s*orghastrum nutans*); Indian rice grass (*achnatherum hymenoides – syn. oryzopisi hymenoides*); Arizona fescue (*festuca arizonica*); June grass (*koeleria macrantha*); and Western wheatgrass (*pascopyrum smithii – syn. agropyron smithii*)**.**
6. "Ornamental grasses" shall mean annual or perennial grasses suitable for Colorado landscapes and grown as ornamental plants as a part of an overall landscaped area, including but not limited to Indian rice grass (*schnatherum hymenoides -syn. oryzopsis hymenoides*); big bluestem (*andropogon gerardii*); side oats grama

(*bouteloua curtipendula*); blue grama (*bouteloua gracilis*); sandlove grass (*eragrostis trichodes*); Arizona fescue (*festuca arizonica*); blue fescue (*festuca cinerea- festuca glauca*); Idaho fescue (*festuca idahoensis*); blue oat grass (*helictotrichon sempervirens*); June grass (*koeleria macrantha*); silky threadgrass (*nassella tenuissima*); little bluestem (*schizachyrium scoparium*); Indian grass (*sorghastrum nutans*); prarie dropseed (*sporobolus heterolepis*).

7. "Natural area" shall mean any areas, whether public or private, that are designated:
   a. by the director of the parks and recreation department as a natural area, wildlife corridor, open lands or wetlands; or
   b. by the director of development services as a natural area; or
   c. as natural areas, wildlife corridors, wetlands or other areas intended to be maintained in a relatively natural, undeveloped state, on an approved plan.
8. "Noxious weed" shall mean any noxious weeds designated by the Colorado Noxious Weed Act (C.R.S 35-5.5-101, et seq.) (the "weed act") from time to time, including but not limited to yellow starthistle (*centaurea solstitialis*); Mediterranean sage (*salvia aethiopis*); myrtle spurge (*euphorbia myrsinites*); Cypress spurge (*euphorbia cyparissias*); orange hawkweed (*hieracium aurantiacum*); purple loosestrife (*lythrum salicaria);* bindweed (*convulvus*); leafy spurge (*Euphorbia esula*); Canada thistle (*cirsium rvense*); Russian knapweed (*centaurea pieris*); perennial sowthistle (*sonchus arvense*); puncture vine (*tribulus terrestris*).
9. "Owner" shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the property.
10. "Property" shall mean and includes, in addition to the owner's lot or tract of land, whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easements of record, and the sidewalk, curb, gutter and parking areas of any street abutting such lot or tract of land.
11. "Turf grasses" shall mean any species of grasses commonly bred and designated for use in Colorado landscapes as an irrigated residential lawn or an irrigated open space or common area.
12. "Weed" shall mean an aggressive, non-native herbaceous plant detrimental to native plant communities or agricultural lands that is not classified as a noxious weed under the weed act, including but not limited to:, dandelion (*leontodore tavaxacum*), silverleaf povertyweed (*franseria descolor*), mouse-ear poverty weed (*iva axillaris*), fanweed (*thlaspi arvense*), mustards (*brassiea*), purpose-flowered groundcherry (*quincula lobata*), Russian thistle (*salsola pestifer*), fireweed (*kochia scoparia*), redroot pigweed (*amaranthus retroflexus*), sandbur (*cenchrus tribuloides*), hairy stickweed (*lappula occidentalis*), Buffaloburs (Solanum rostvatum), common ragweed (*ambrosia elatiov*), and cockleburs (*xanthium commurie*), This list is not exclusive, but rather is intended to be indicative of those types of plants which are considered a nuisance and a detriment to the public health and safety. "Weeds" shall not include flower gardens, plots of shrubbery, vegetable gardens, hay crops, corn crops, small-grain plots (wheat, barley, oats, and rye), turf grasses, ornamental grasses, native grasses, industrial hemp or marijuana.
13. "Weed district" shall mean the Larimer County Weed District.

7.18.030 Weeds, grasses, industrial hemp, and marijuana; prohibition, cutting and removal.

A. It is unlawful for the owner of any property, lot, block or parcel of land within the City to allow or permit the growth of thereon:

1. noxious weeds which are required to be eradicated under the weed act, regardless of height; or
2. noxious weeds which are not required to be eradicated under the weed act, except to the extent that such noxious weeds are managed in accordance with the published recommendations of the weed district; or
3. weeds other than noxious weeds or grasses to a height of more than eight inches (8”), except as permitted in subsections B and C below; or
4. industrial hemp unless the person growing the industrial hemp is registered with the Colorado Department of Agriculture pursuant to the Industrial Hemp Regulatory Program (Title 35, Article 61 of the Colorado Revised Statutes); or
5. marijuana.

B. The eight inch (8”) height limitation set forth subsection A.3 above shall not apply to ornamental or native grasses so long as such grasses are:
   1. shown on an approved plan and are being maintained in accordance with that plan; or
   2. used solely, or in combination with other ornamental, native or turf grasses, as a supplement to or component of the overall landscaped area located on a property: or
   3. growing in a private or public natural area in a manner consistent with the maintenance of the health of such grasses (including permitting them to grow to a mature height and reseed) and are not a threat to public health or safety.

C. If there is any conflict between the eight inch (8”) height limitation set forth in subsection A.3 above and the published recommendations of the weed district for management of noxious weeds that are not required to be eradicated under the weed act, the published recommendations of the weed district shall control.

D. Any waste from all destroyed or cut noxious weeds, weeds, grasses or marijuana shall be disposed of so that the property is clean and orderly, and the spread of weeds and marijuana is prevented.

E. It shall be an affirmative defense to a violation of this section that the property upon which the vegetation is growing is City owned property and has been designated by the Director of the Parks and Recreation Department of the City as a natural area, open lands, wildlife corridor, or wetlands, or that the property upon which the vegetation is growing is dedicated public or private natural area as determined by the City's Director of Development Services Division.

7.18.040 Notice and Order of Abatement.

If any person fails to comply with Section 7.18.030, a written notice and order of abatement may be served upon the owner or agent in charge of such property as set forth in this Section 7.18.040. Such notice and order may specify the extent of the abatement required as reasonably necessary to protect public health and safety and shall be served by personal service, by regular mail, or by posting on the property with a copy mailed to the owner of the property if the property is not occupied by the owner, requiring the weeds, grasses, or marijuana to be cut, removed, or otherwise abated within seven (7) days after mailing, posting, or delivery of such notice.

7.18.042 City removal and assessment.

A. If a notice and order to abate is served pursuant to Section 7.18.040, and if the weeds, grasses, industrial hemp or marijuana are not cut, removed, or otherwise abated as required in the order within the stated time and maintained in compliance for the remainder of the calendar year, the City may cause a notice of abatement to be served upon the owner or agent in charge of such property, either by personal service or by

posting and regular mail, which notice shall allow the City to cut or otherwise abate or make a reasonable attempt to abate the weeds, grasses, industrial hemp or marijuana to the extent specified in the order and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the City pursuant to this Chapter associated with cutting or other abatement shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent.

B. If the owner or agent fails to pay the charges associated with abatement within the described 30- day period, a notice of the assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

C. Failure to pay the amount assessed for abatement services including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code.

7.18.050 Administrative review of assessment.

Any owner who disputes the amount of assessment made against such owner's property under Section 7.18.042, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code.

7.18.060 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the property and even though the owner has by agreement imposed on the occupant the duty of maintaining the property. (Ord. 5831 § 1, 2013; Ord. 5305 § 1, 2008; Ord. 4649 § 9, 2001; Ord. 4274 § 1 (part), 1997)

Chapter 7.26

ACCUMULATIONS OF WASTE MATERIAL

Sections:

7.26.010 Definitions.

As used in this chapter, unless the context otherwise requires, the following words, terms and phrases shall have the meanings ascribed to them in this Section.

1. “At the curb” shall mean at or near the perimeter of the premises, whether or not there is a curb, but does not mean or permit placement on the sidewalk or in the street.
2. “City Manager” shall mean the City Manager of the City of Loveland, Colorado, or the Manager's designee.
3. “Compost” shall mean a mixture consisting of decayed organic matter used for fertilizing and conditioning soil.
4. “Garbage” shall mean solid wastes from the domestic and commercial preparation and handling of food and from the storage and sale of produce.
5. “Hazardous waste” shall mean any chemical, compound, substance or mixture that state or federal law designates as hazardous because it is ignitable, corrosive, reactive or toxic including but not limited to solvents, degreasers, paint thinners, cleaning fluids, pesticides, adhesives, strong acids and alkalis and waste paints and inks.
6. “Occupant” shall mean a person entitled to possession of the property or premises whether or not the owner.
7. “Owner” shall mean the owner of record, whether an individual, individuals or entity, any agent or representative of the record owner, and any person or persons entitled to possession of the premises.
8. “Property” shall mean and includes, in addition to the owner's lot or tract of land, whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easements of record, and the sidewalk, curb, gutter and parking areas of any street abutting such lot or tract of land.
9. “Refuse” shall mean solid or liquid wastes, except hazardous wastes, whether putrescible or nonputrescible, combustible or noncombustible, organic or inorganic, including by way of illustration and not limitation, wastes and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard

clippings, glass, rags, discarded clothes or wearing apparel of any kind, or any other discarded object not exceeding three (3) feet in length, width or breadth.

10. "Refuse container" shall mean a watertight receptacle of a solid and durable metal or nonabsorbent, fire-resistant plastic with a tightly fitting, insect and rodent-proof cover of metal or plastic or a tightly secured plastic bag.
11. "Rubbish" shall mean nonputrescible solid wastes of a large size, including by way of illustration and not limitation, large brush wood, large cardboard boxes or parts thereof, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, junked or abandoned motor vehicle bodies or parts, scrap metal, bedsprings, water heaters, discarded furniture and all other household goods or items, demolition materials, used lumber and other discarded or stored objects three (3) feet or more in length, width or breadth. (Ord. 4275 § 1 (part), 1997)

7.26.020 Purpose and policy.

The purpose of this chapter is to protect the public health, safety and welfare by regulating the accumulation, storage, transportation and disposal of refuse and rubbish to prevent conditions that may create fire, health or safety hazards, harbor undesirable pests or impair the aesthetic appearance of the neighborhood. The City Council shall use every means at its disposal, including its police powers, for the enforcement of this chapter. (Ord. 4275 § 1 (part), 1997)

7.26.030 Refuse and rubbish accumulation prohibited.

A. The owner and the occupant of any premises within the city, whether business, commercial, industrial or residential premises, shall maintain the property in a clean and orderly condition, permitting no deposit or accumulation of materials other than those collected in conjunction with a business enterprise lawfully situated and/or licensed for such storage or collection. All refuse shall be stored on the premises in refuse containers and the storage area shall be kept free of loose refuse. Any refuse or rubbish which by its nature is incapable of being stored in refuse containers may be neatly stacked or stored. The number and size of refuse containers shall be sufficient to accommodate the accumulation of refuse from the property. Containers shall be secured and placed where they are not spilled by animals or wind or other elements and screened from view of the street.

B. No person shall store or permit to remain on any business, commercial, industrial or residential premises owned or occupied by such person, any manure, refuse, animal or vegetable matter or any foul or nauseous liquid waste, which is likely to become putrid, offensive or injurious to the public health, safety or welfare, for a period longer than twenty-four (24) hours at any one (1) time.

C. No owner or occupant of any premises which are adjacent to any portion of an open area, vacant lot, ditch, detention pond, storm drain or watercourse shall cause the accumulation of refuse, rubbish, or storage of any material within or upon such adjacent areas.

D. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that refuse and rubbish will be prevented from being carried by the elements to adjoining premises. All refuse and rubbish from construction or related activities shall be picked up at the end of each workday and placed in containers which will prevent refuse and rubbish from being carried by the elements to adjoining premises.

E. The accumulation of refuse and rubbish which constitutes or may create a fire, health or safety hazard or harborage for rodents is unlawful and is hereby declared to be a nuisance and a nonconforming use of the premises. (Ord. 4275 § 1 (part), 1997)

7.26.040 Compost piles permitted if not nuisance.

An occupant of any single-family or two-family residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate

decomposition and produce organic material to be used as a soil conditioner. A compost pile shall be maintained to prevent it from becoming a nuisance by putrefying or attracting insects or animals. (Ord. 4275 § 1 (part), 1997)

7.26.050 Burning of refuse and rubbish prohibited.

No person shall cause or allow the disposal of refuse or rubbish by burning except in an incinerator that is designed for such purpose and pursuant to an operating permit from the state Department of Health. In no event may rubbish or refuse be burned in a stove or fireplace except for clean, dry, untreated wood. (Ord. 4275 § 1 (part), 1997)

7.26.060 Refuse, rubbish, or compost.

The City Manager is authorized and directed to inspect and supervise the premises within the city and if it is found that any refuse, rubbish, or compost exists on any property in violation of this chapter, the City Manager shall in addition to any other action permitted under this Code remove or cause to be removed from the property all refuse and rubbish found on the premises or in the adjoining streets and alleys and assess and collect a reasonable charge from the owner or occupant all in accordance with the notice, removal and assessment provisions of section 7.26.070. (Ord. 5306 § 1, 2008; Ord. 4275 § 1 (part), 1997)

7.26.070 City removal and assessment.

A. If any person fails to comply with the provisions of this chapter, a written notice and order to abate may be served upon the owner or agent in charge of such property, such notice and order to be served personally or by certified mail and posting, requiring the removal from the property of all refuse and rubbish found on the premises or in the adjoining streets and alleys. Such notice and order shall require removal of all refuse and rubbish within seventy-two (72) hours after mailing or delivery of such notice, except that if such accumulation of refuse and rubbish may create a fire, health or safety hazard, or may provide harborage for rodents, it shall be deemed a nuisance and shall require removal within twenty-four (24) hours. If such refuse and rubbish is not removed within the stated time and maintained within compliance for the remainder of the calendar year, the city may remove or cause to be removed from the property all refuse and rubbish found on the premises or in the adjoining streets and alleys and assess the whole cost thereof, including ten (10) percent of the costs for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the city pursuant to this chapter associated with removal of refuse and rubbish shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the city to the said owner or agent.

B. If the customer fails to pay the charges associated with refuse/rubbish removal within the described thirty-day period, a notice of the assessment shall be mailed via certified mail by the city to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

C. Failure to pay the amount assessed for refuse/rubbish removal including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. (Ord 5683 § 3, 2012; Ord. 5306 § 1, 2008; Ord. 4275 § 1 (part), 1997)

7.26.080 Administrative review of assessment.

Any owner who disputes the amount of an assessment made against such owner's property under Section 7.26.070, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code. (Ord. 5306 § 1, 2008; Ord. 4650 § (part) 2001; Ord. 4275 § 1 (part), 1997)

7.26.090 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the premises and even though the owner has by agreement imposed on the occupant the duty of maintaining the premises or furnishing required refuse containers and collection. (Ord. 4275 § 1 (part), 1997)

7.26.100 Implementation.

The City manager may adopt such other rules and regulations concerning the collection, removal and hauling of refuse and rubbish as may be necessary to implement the provisions of this chapter not in conflict with such provisions. (Ord. 4275 § 1 (part), 1997)

7.26.110 Violations and penalties.

A violation of the requirements of this chapter shall be punishable as provided by Chapter 1.12 of the Loveland Municipal Code. (Ord. 4275 § 1 (part), 1997)

7.26.120 Collection and disposal of refuse and rubbish.

A. The occupant and the owner of any premises wherein any refuse or rubbish is produced or accumulated shall be jointly and severally responsible to provide for collection service and removal of refuse and rubbish to the degree of service necessary to maintain the premises in a clean and orderly condition. They shall not contract or arrange for such collection and removal except with solid waste collectors operating pursuant to Chapter 7.16 of the Loveland Municipal Code. An individual may dispose of his or her own refuse and rubbish, provided that it is properly disposed of at the Larimer County Landfill or at any other disposal site which is approved by the state, in conformity with all city and county regulations.
B. All moveable refuse containers and recyclable materials shall be kept in the storage area except on collection day, or within twelve (12) hours preceding the time of regularly scheduled collection from the premises, when they may be placed at the curb or upon the edge of the alley. Following collection, they shall be returned to the storage area the same day. Refuse containers and recyclable materials shall not, at any time, be placed on the sidewalk or in the street, or in such a manner as to impair or obstruct pedestrian, bicycle or vehicular traffic.
C. If plastic bags are used as refuse containers, they must be securely tied or sealed to prevent emission of odors, be of a material impenetrable by liquids and greases, and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling. (Ord. 4275 § 1 (part), 1997)

7.26.130 Tampering with refuse or rubbish container prohibited.

A. No person other than the owner or the agents or employees of such owner or a person or entity operating pursuant to Chapter 7.16 of the Loveland Municipal Code shall tamper with any refuse container or its contents or remove the contents of any refuse container, or remove a refuse container from the location where the same has been placed by the owner.
B. No owner of any dog, cat or other pet shall permit, whether by act or omission, that pet to damage or open any refuse container or scatter the contents. (Ord. 4275 § 1 (part), 1997)

7.26.140 Hazardous waste disposal.

No person shall place hazardous waste in refuse containers for collection or bury or otherwise dispose of hazardous waste in or on private or public property within the city. Residents may contact the county Health Department for recommendations on disposal of hazardous waste. Highly flammable or explosive materials shall be stored and disposed of in accordance with Loveland Fire and Rescue Department regulations at the expense of the owner or possessor of such materials. Except in response to an emergency and under order and direction of the Loveland Fire and Rescue Department, in no event shall toxic or flammable liquids or any waste liquid containing crude petroleum or its products be

disposed of by discharge into or upon any gutter, street, alley, highway, or stormwater facility, lake, or other watercourse or upon the ground unless such liquid has undergone suitable treatment. (Ord. 4275 § 1 (part), 1997)

7.26.150 Refuse containment in transit.

No person shall collect, transport or receive any refuse or rubbish within or upon any public streets in the city or anywhere in the city except in leakproof containers or vehicles so constructed that no refuse or rubbish can leak or sift through, fall out or be blown from such container or vehicle. Any person collecting or transporting any refuse or rubbish shall immediately pick up all refuse and rubbish which drops, spills, leaks or is blown from the collecting or transporting container or vehicle and shall otherwise clean the place onto which any such refuse or rubbish was so dropped, spilled, blown or leaked. (Ord. 4275 § 1 (part), 1997)

7.26.160 Waste material-Deposit on private property prohibited.

It is unlawful for any person to discard or abandon refuse or rubbish upon premises not owned or occupied by such person without the consent of the owner thereof or the person occupying the same, and such materials so deposited without such consent shall be deemed to have been discarded and abandoned if the same remain upon such premises for a period exceeding seventy-two (72) hours. Discarding and abandonment of any such materials shall be deemed to be permission by the owner thereof to the city to remove the same and assess the costs of such removal against those persons discarding or abandoning same in accordance with the provisions of sections 7.26.070 and 7.26.080. (Ord. 4275 § 1 (part), 1997)

Chapter 7.28

REMOVAL AND DISPOSAL OF ABANDONED PROPERTY OTHER THAN MOTOR VEHICLES

Sections:

7.28.010 Abandonment defined-Enforcement.

A. No person shall abandon any bicycle or other personal property, excluding motor vehicles, upon the streets or alleys of the city or upon any property of the city, or upon property other than his own without the consent of the owner thereof. Any bicycle or other personal property so left on privately owned property longer than seventy-two hours shall be presumed to be abandoned, unless prior arrangements with the owner of the property have been made. Any bicycle or other personal property, excluding motor vehicles, left unattached within any portion of the streets or alleys of the city or on any property of the city for a period of seventy-two hours or more shall be presumed abandoned, unless the owner or operator thereof has conspicuously affixed thereto information indicating his intention to return or has otherwise notified the police department of the city of his intention to move the same.

B. In the event of abandonment on private property or property of the city, either the owner of such property or some representative of the city shall notify the police department of the city. (Ord. 3437 § 1 (part), 1987)

7.28.020 Property-Removal and disposal.

A. The police department of the city is authorized to remove and dispose of all property, other than motor vehicles, which is found to be lost or abandoned, or which is confiscated, upon the streets or alleys of the city or upon private property within the city limits. Disposal of such removed or confiscated property shall be in accordance with subsections B and C of this section.

B. The police department may sell all unclaimed, removed, confiscated or abandoned property, other than firearms or property that may not be lawfully possessed, to the highest bidder at a public sale conducted at physical location (physical sales) at the date, time and place set by the chief of police or through the internet (internet sales). Notice of physical sales shall be published in a newspaper of general circulation in the city once during each of the two weeks preceding the day of the sale, which notice shall contain a general description of the articles to be sold. Internet sales shall be conducted on a site and in a manner that affords the City in the judgment of the chief of police, the most favorable market for the property involved. For physical sales the police department shall execute and deliver a bill of sale for each article sold to the purchaser thereof. The police department may sell all unclaimed removed, confiscated or abandoned firearms only to firearms dealers licensed pursuant to applicable state and federal laws and regulations.

C. Notwithstanding subsection B of this section, each city department is authorized to remove and dispose of obsolete, surplus, abandoned, or unclaimed property, other than firearms or property that it is unlawful to possess, in accordance with this chapter and administrative regulations approved by the city manager. Any firearms or property unlawful to possess shall be turned over to the police department for disposition. (Ord. 6233 § 3, 2018; Ord. 5420 § 1, 2009; Ord. 4969 § 1, 2005; Ord. 3504 § 1, 1988; Ord. 3437 § 1 (part), 1987)

D. Surplus and obsolete property means all items of tangible property previously purchased by the city or converted to city use which, in the judgment of the department director or designee who

manages such property, are no longer useful or necessary for the efficient administration of city affairs. Unclaimed property is personal property found on any real property or in any facility owned or managed by the city that has not been retrieved by its owner within seventy-two hours. (Ord. 6233 § 3, 2018)

7.28.030 Sale-Disposition of proceeds.

In the event that lost, abandoned or confiscated property is sold under the provisions of this chapter, the proceeds of the sale shall be disposed of by deposit into the City's general fund, unless state law requires otherwise, in which case the proceeds shall be disposed of in accordance with such law. (Ord. 3929 § 1, 1993; Ord. 3437 § 1 (part), 1987)

7.28.040 Abandoned refrigerators.

It is unlawful for any person to store, keep or junk any ice box, refrigerator, deep freeze or other container having an airtight compartment, without first removing the door or doors therefrom; except any such container when it is in active use or when it is stored or kept for sale by any person engaged in the business of selling the same; and except any container which is too small in area to permit a child to become locked therein. (Ord. 3437 § 1 (part), 1987)

Chapter 7.29

UNCLAIMED INTANGIBLE PROPERTY

Sections:

7.29.010 Definitions.

As used in this chapter, the following words and phrases are defined as follows:

A. "City" means the city of Loveland, Colorado.

B. "Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than this city, or a duly authorized legal representative or successor in interest of same, which owns unclaimed intangible property held by the city.

C. "Unclaimed intangible property" means intangible property, including, but not limited to, moneys, checks, drafts, deposits, credit balances, customer overpayments, gift certificates, refunds, security deposits, unpaid wages, amounts distributable from a trust or custodial fund established under an employee benefit plan, and including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the City and which has not been claimed by its owner for a period of one year or longer after it became payable or distributable. "Un-claimed intangible property" does not include unclaimed utility account customer deposits, unclaimed personal property as described in Chapter 7.28 of this code, and abandoned motor vehicles as described in Chapter 10.28 of this code. (Ord. 3892 § 1 (pan), 1993)

7.29.020 Procedure for disposition of intangible property.

A. After property becomes unclaimed intangible property as defined at Section 7.29.010 C, but prior to disposition, the city clerk shall send a written notice by certified mail to the last known address, if any, of any owner of unclaimed intangible property. The last known address of the owner shall be the last address of the owner as shown by the records of the city department or agency holding the property and such other address as may be readily available to the city clerk's office by accessing its files and the city of Loveland telephone directory. The notice shall include the following:
   1. A description of the property;
   2. The amount or estimated value of the property;
   3. The purpose for which the property was deposited or otherwise held, when available;
   4. The location of where the owner may make inquiry of or claim the property; and
   5. An advisement that if the owner fails to provide the city clerk with a written claim for the return of the property within sixty days of the date of the notice, the property shall become the sole property of the city and any claim of the owner to such property shall be deemed forfeited.

B. In addition to the requirements of subsection A hereof, prior to disposition of any unclaimed intangible property having an estimated value of greater than fifty dollars or having no last known address of the owner, the city clerk shall cause a notice to be published in a newspaper of general circulation in the city. Such publication shall occur after the property becomes unclaimed intangible property as defined at Section 7.29.010 C. The notice shall include the following:
   1. A description of the property;
   2. The name of the owner of the property;
   3. The amount or estimated value of the property;
   4. The purpose for which the property was deposited or otherwise held, when available;

5. The location of where the owner may make inquiry of or claim the property; and
6. An advisement that if the owner fails to provide the city clerk with a written claim for the return of the property within sixty days of the date of publication of the notice, the property shall become the sole property of the city and any claim of the owner to such property shall be deemed forfeited.

C. If the city clerk receives no written claim within the above sixty day claim period, the property shall become the sole property of the city and any claim of the owner to such property shall be deemed forfeited. The property or the proceeds of the sale thereof shall be placed in the general fund of the city.

D. If the city clerk receives a written claim within the sixty day claim period, the city clerk shall evaluate the claim and give written notice to the claimant within sixty days thereof that the claim has been accepted or denied in whole or in part. Failure of the city clerk to give written notice shall be considered a denial of the claim. The city clerk may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property. If the claim is denied in whole or in part by the city clerk, the claimant may request and receive a hearing before a hearing officer appointed by the city manager, providing such request for hearing is made in writing to the city clerk within fifteen days of mailing of the city clerk's denial to claimant or within seventy-five days of submittal of the claim to the city clerk in the event the city clerk fails to give written notice in a timely manner. Failure of claimant to timely request such a hearing shall bar claimant's recovery.

E. In the event that there is more than one claimant for the same property, the city may, in its sole discretion, resolve said claims as set forth herein, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action. The city may withhold actual disbursement of the property until after the elapse of the appeal period set forth in subsection H hereof.

F. In the event that all claims filed are denied, the property shall become the sole property of the city and any claim of the owner of such property shall be deemed forfeited.

G. Prior to disbursement of any property, the city clerk shall require the owner to pay to the city the city's notice and publication costs.

H. Any legal action filed challenging a decision of the hearing officer shall be fried pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the city clerk pursuant to the order of the court having jurisdiction over such claim. (Ord. 3892 § 1 (part), 1993)

Chapter 7.30

GRAFFITI

Sections:

7.30.010 Purpose.

Graffiti is hereby determined to be a public nuisance because it constitutes a visual blight within the area in which it is located and upon the city generally. The existence of graffiti acts as a catalyst for gang communication, the spread of crime, and other antisocial behavior. It is the intent of this chapter to prevent the destruction and devaluation of public and private property by the application and continued existence of graffiti, and to provide the City with the ability to abate any such graffiti in order to reduce deterioration of neighborhoods within the city.

7.30.020 Definitions.

As used in this chapter, the following definitions shall apply:

A. "City manager" means the city manager of the City of Loveland, Colorado, or the city manager's designee.
B. "Enforcement officer" means a code enforcement officer of the City of Loveland.
C. "Public nuisance" means any condition affecting a property which: (1) creates a health or safety hazard; (2) directly or indirectly causes the devaluation of the property or of any neighboring property; (3) constitutes a gang communication; or (4) promotes crime, vandalism or gang communication.
D. "Graffiti" means any defacing of public or private property by means of painting, drawing, writing, etching, inscription, or carving with paint, spray paint, ink, knife, or any similar method, with any contrast medium whatsoever, without advance authorization by the owner of the property or, which despite such advance authorization, is otherwise a public nuisance.
E. "Owner" means any person who is specified as the owner of property by the records of the Larimer County Assessor, or any person leasing, occupying or having control or possession of any property in the city.
F. "Property" means any real or personal property, including without limitation, vacant land, improvements to land, fixtures, buildings, structures, vehicles, and dumpsters.

7.30.030 Graffiti prohibited.

A. It shall be unlawful for any person to apply graffiti upon any public or private property, except with the advance authorization of the owner of the property.
B. It shall be unlawful for any person to possess any paint, spray paint, or other substance or article adapted, designed, or commonly used for committing or facilitating the commission of the offense of application of graffiti, with the intent to use the substance or article in the commission

of such offense, or with the knowledge that some person intends to use the substance or article in the commission of such offense.

C. It shall be unlawful for any owner of property to fail to abate graffiti from such property when the graffiti is visible to public view or from an adjacent property, within three days from the time such person knows, or reasonably should have known, either directly or through such owner's agents, of such graffiti.

7.30.040 Notice and Order of Abatement.

If any person fails to comply with Section 7.30.030.C, a written Notice of Violation and Order of Abatement may be served by the City upon the owner or agent in charge of such property, requiring abatement of the graffiti within fifteen (15) days after mailing or delivery of such notice. Such notice and order shall be served by personal service, by regular mail, or by posting on the property.

7.30.050 City removal and assessment.

A. If a Notice of Violation and Order to Abate is served pursuant to Section 7.30.040, and if the graffiti has not been abated within the stated time, the city manager may cause a Notice of Abatement to be served upon the owner or agent in charge of such property, either by personal service or by posting and certified mail, which notice shall allow the City to enter upon the property and abate the graffiti, and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The Notice of Abatement shall allow the owner a period of time, of not less than twenty (20) days, within which the owner may contact the city manager in writing, to object to the abatement of the graffiti by the City and to request an appeal hearing before the municipal court.

(1) If, after receiving a Notice of Abatement, an owner timely objects in writing to the City entering the subject property to abate, cover, or remove the graffiti, an administrative appeal hearing with the municipal court shall be scheduled within fifteen (15) days. The owner shall be given written notice of such hearing by personal service or by certified mail, addressed to the owner at the address specified in the written objection filed by the owner.

(a) At the hearing, the enforcement officer shall present evidence regarding the existence of graffiti on the subject property. The owner may then present evidence and show cause why the graffiti should not be abated forthwith.

(b) If the municipal court finds by a preponderance of the evidence that graffiti exists on the property as alleged and that the owner has failed to abate such graffiti without good cause, then the municipal judge shall issue an administrative order and warrant requiring abatement of the graffiti by the owner, and authorizing the City or its private contractors to enter upon the property for the purpose of abating, covering, or removing such graffiti, if the owner has not abated such graffiti within five (5) days of the administrative order and warrant, and to assess the whole cost thereof, including ten percent (10%) for inspection and other incidental costs associated therewith, upon the land. The costs and any charges for graffiti abatement, assessed by the City pursuant to this chapter, shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent. The City shall have the right to proceed for the collection of any unpaid charges for graffiti abatement in the manner provided by law for collection of debts and claims on behalf of the City, including without limitation, the collection and lien procedures provided in this section.

(2) If, after receiving a Notice of Abatement, the graffiti has not been abated and no objection to the City entering the property has been received by the City within the twenty-day period following such notice, the enforcement officer may arrange for City employees or private contractors to enter upon the property and abate, cover, or remove such graffiti. The owner

shall pay all reasonable costs for the abatement of such graffiti, including ten percent for inspection and other incidental costs associated therewith. The costs and any charges for graffiti abatement, assessed by the City pursuant to this chapter, shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent. The City shall have the right to proceed for the collection of any unpaid charges for graffiti abatement in the manner provided by law for collection of debts and claims on behalf of the City, including without limitation, the collection and lien procedures provided in this section.

B. In addition to the process and procedures the City may pursue to abate graffiti as provided above in paragraph A. of this Section, if a property owner does not abate the graffiti, or make arrangements satisfactory to the city manager for the abatement of such graffiti, within twenty (20) days after service on the owner of the Notice of Abatement as provided above in paragraph A., and the city manager determines that entry onto the property is opposed by the property owner or will be technically difficult or if the city manager wishes to clarify the appropriate nature and conditions of entry upon the land, the city manager may also submit an affidavit to the municipal court in support of a request for an administrative warrant to authorize entry upon the property to remove graffiti. Such affidavit shall set forth probable cause to believe that graffiti exists on the property and shall specify that the owner of the property has not removed the graffiti following notice to do so. Upon receipt of such affidavit and determination of probable cause, the municipal court shall issue a warrant authorizing the manager or the manager's agents to enter upon the property as needed to abate the graffiti.

C. If the owner fails to pay the charges associated with graffiti abatement within the described 30-day period, a Notice of Assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

D. Failure to pay the amount assessed for graffiti abatement including inspection and incidental costs within the ten-day period specified in the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. (Ord. 5683 § 4, 2012)

E. If the City proceeds with abatement of graffiti as provided in this section, and such abatement is effectuated by painting over said graffiti, the City shall not be required to use paint that matches the preexisting paint in color or kind, but shall use reasonable care in selecting the type and color of paint used. In this regard, a rebuttable presumption shall arise and be deemed to exist in any proceeding under this chapter and in other judicial proceeding related in any way to the City's abatement of the graffiti to the effect that the eradication of graffiti with contrasting paint does not damage private property more than does the continued presence of such graffiti on the property.

7.30.060 Administrative review of assessment.

Any owner who disputes the amount of an assessment made against such owner's property under Section 7.30.050 may, within twenty (20) days of the date of the initial notice of such assessment, petition the city manager for a revision or modification of such assessment in accordance with the administrative appeal provisions in Chapter 7.70 of this title.

7.30.070 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the premises and even though the owner has by agreement imposed on the occupant the duty of maintaining the premises.

7.30.080 No duty upon City.

Nothing in this chapter shall impose an affirmative duty upon the city manager to remove or eradicate graffiti. Nothing in this chapter shall prevent the city manager or the municipal judge from providing additional notice and time for abatement to a property owner or agents of a property owner, should it appear to the manager or the judge that such extra notice and time for abatement is likely to produce prompt removal of the graffiti.

7.30.090 Concurrent Remedies.

The remedies set forth in this chapter shall not be exclusive, and nothing in this chapter shall restrict the City from concurrently pursuing criminal enforcement of any violations of this code or pursuing any other remedy provided by law.

7.30.100 Penalties.

Any person found guilty of violating any provisions of this chapter shall be sentenced in accordance with chapter 1.12 of this code. Additionally, any person found guilty for violating section 7.30.030.A of this chapter, may be ordered by the court to abate any graffiti they have caused, or pay for any such abatement as provided by the City or other property owner. (Ord. 5549 § 2, 2011)

Chapter 7.32

SOUND LIMITATIONS

Sections:

Prior ordinance history: prior code §§ 33.1 § 33.6 as amended by Ords. 998, 1237, 1250 and 1396.

7.32.010 Prohibitions.

A. It is unlawful to make or cause to be made, or create or cause to be created, any noise, the sound levels of which, when measured at a distance of twenty-five feet or more from any property line, are in excess of the limits set out in Section 7.32.040.

B. It is unlawful to make or cause to be made, or create or cause to be created, any periodic, impulsive or shrill noises which, when measured as in subsection (A) above, are in excess of a sound level of 5 db(A) less than the limits set out in Section 7.32.040. (Ord. 1988 § 1 (part), 1981)

C. It is unlawful to make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises or in or upon any vehicle owned or possessed by such person or under such person's control or operation. For purposes of this Section 7.32.010(C), peace officers are empowered to make a prima facie determination as to whether a noise is unreasonable.

With regard to the operation of motor vehicles, and without limiting the generality of the Section, unreasonable noise shall include, but not be limited to:

(1) The continuous or repeated sounding of any horn or signal device of a motor vehicle, except as a danger signal. For the purposes of this Subsection, *continuous* shall mean continuing for an unnecessary or unreasonable period of time.

(2) The operation of any motor vehicle in a manner which causes excessive noise as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

7.32.020 Definitions.

As used in this chapter the following words shall be defined as set out below:

A. "Residential" means an area of single or multifamily dwellings where businesses may or may not be conducted in such dwellings. This zone includes areas where multiple unit dwellings, high rise apartment districts, hospitals, nursing homes and similar institutional facilities and redevelopment districts are located. A residential zone may include areas containing accommodations for transients, such as residential hotels and motels, and residential areas with limited office development, but it may not include retail shopping facilities.

B. "Commercial" means an area containing offices, clinics and facilities needed to serve them; local shopping and service establishments located within walking distances of the residents served; tourist-oriented areas containing hotels, motels and gasoline stations, integrated regional shopping areas, a business strip along a main street containing offices, retail businesses and

commercial enterprises, commercial business district or a commercially dominated area with multiple unit dwellings.

C. "Industrial" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties or for other economic activity, but shall not include agricultural operations.

D. "Adjacent." When a noise source can be measured for more than one zone, the permissible sound level of the more restricted zone shall govern.

E. "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute ("ANSI"), Publication S1.4-1983 or successor publications of ANSI, or its successor bodies.

F. "Decibel" means a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of 2 x 10 - 5N/m2 (Newtons/meter squared). As an example of the formula, a 3 decibel change is a one hundred percent increase or decrease in the sound level, and a 10 decibel change is a one thousand percent increase or decrease in the sound level.

G. "Property" means real and personal property, but not including motor vehicles or motorized bicycles or motorcycles. (Ord. 1988 § 1 (part), 1981)

H. "Unreasonable noise" means any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the city or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

7.32.040 Noise limitation.

Except as provided in Section 7.32.060 and 7.32.070, no noise shall exceed the levels set out below when measured pursuant to Section 7.32.050; provided however, that a violation of section 7.32.010(C) may occur without exceeding these levels and without a measurement:

ZONE	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Industrial	75 db(A)	70 db(A)

(Ord. 4998 § 1 (part), 2005; Ord. 1988 § 1 (part), 1981)

7.32.050 Sound measurement.

A noise shall be measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute "ANSI", Publication S1.4-1983, or successor publications of ANSI , or its successor bodies. Measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement. (Ord. 1988 § 1 (part), 1981)

7.32.060 Exceptions.

A. In the hours between seven a.m. and the next nine p.m. the noise levels permitted in 7.32.040 may be increased by 10 db(A) for a period of not exceeding fifteen minutes in any one hour.

B. All sound emanating from any aircraft, church, warning or emergency signal device used or authorized by any government agency, or program incident to the recognition or celebration of Veteran's Day, shall not be subject to the provisions of this chapter.
C. The provisions of this chapter shall not apply to any authorized emergency vehicle (as defined by the Model Traffic Code as amended and adopted by the city and the Colorado Revised Statutes) when responding to an emergency call.
D. The provisions of this chapter shall not apply to those activities of temporary duration permitted by law for which a license or permit has been granted by the city, including but not limited to parades and firework displays.
E. All railroad rights-of-way are considered as industrial zones for the purposes of this chapter and the operation of trains are subject to the maximum permissible noise levels specified for the industrial zone as indicated in 7.32.040.
F. Construction projects shall be subject to the maximum noise level specified for industrial zones as indicated in 7.32.040 for the period of the construction project, provided that the proper construction permit has been issued by the city. (Ord. 1988 § 1 (part), 1981)

7.32.070 Temporary permits.

Temporary permits to exceed sound limitations of this chapter may be issued by the city manager. All temporary permits shall contain the following provisions: the duration of the permit, the sound source temporarily permitted, the hours of the day and days of the week such permit is effective, and any other limitations that may be imposed by the city manager. (Ord. 1988 § 1 (part), 1981)

Chapter 7.36

FIRE PROTECTION

Sections:

7.36.010 Burning refuse.

No person shall burn combustible trash, rubbish or waste within or without any private incinerator, barrel or other container within the city on or after January 1, 1970, nor shall any person operate or cause to be operated any incinerator or any other container for the burning of combustible trash, rubbish or waste within the city on or after said date, unless the container or incinerator, or other burning process has previously been approved by the Colorado Air Pollution Control Commission. Nothing in this section shall be construed to prevent the agricultural burning by the owner thereof of weeds from ditches, ditch banks and ditch rights-of-way or from fence rows or fields, where such fence rows or fields are an integral part of an agricultural operation comprising twenty or more acres in size; provided, that such owner holds a valid permit from the county environmental health department, which permit has been endorsed by the fire marshal, or in an emergency situation with authorization from the fire chief or the city manager. Prior to endorsing any such permit the fire marshal shall determine that adequate precautions have been or will be taken to prevent the spread of fire to adjacent property. (Ord. 3426 § 1, 1987; Ord. 2027 § 1, 1982; Ord. 1070 § 1, 1969; prior code § 11.16)

7.36.020 Fire drills.

The owner or person in charge of any theater, assembly hall, or other public place designated by the fire chief, shall instruct personnel of such places in fire procedures and fire drills and shall hold a fire drill at least twice each year. Any refusal or failure to give the instruction or to hold the fire drills constitutes a violation of this code. (Ord. 3842 § 14, 1992; prior code § 10.11)

7.36.030 Destruction of property.

When a fire is in progress the chief of the fire department, or in his absence the assistant chief, may order any building or buildings, fences or other structures, that are in close proximity to such fire to be torn down, blown up or otherwise disposed of, if he deems it necessary for the purpose of checking the progress of any fire. (Prior code § 10.9)

Chapter 7.40

SMOKING IN PUBLIC PLACES

Sections:

7.40.010 Intent.

It is the intent of this chapter to protect the public health, safety and welfare by prohibiting smoking in areas which are used by or open to the public and in areas where persons are likely to gather in close proximity to one another unless such areas are designated as smoking areas pursuant to this chapter. This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by State law.

7.40.020 Definitions.

As used in this chapter, the following words and terms shall be defined as follows, unless the context requires otherwise:

A. "Airport smoking concession" means a bar or restaurant, or both, in a public airport with regularly scheduled domestic and international commercial passenger flights, in which bar or restaurant smoking is allowed in a fully enclosed and independently ventilated area by the terms of the concession.

B. "Auditorium" means the part of a public building where an audience gathers to attend a performance, and includes any corridors, hallways, or lobbies adjacent thereto.

C. "Bar" means any indoor area that is operated and licensed under article 47 of title 12, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

D. "Cigar-tobacco bar" means a bar that, in the calendar year ending December 31, 2005, generated at least five percent or more if its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines. In any calendar year after December 31, 2005, a bar that fails to generate at least five percent of its total annual gross income or fifty thousand dollars in annual sales from the on-site sale of tobacco products and the rental of on-site humidors shall not be defined as a "cigar-tobacco bar" and shall not thereafter be included in the definition regardless of sales figures.

E. 1. "Employees" means any person who:

a. performs any type of work for benefit of another in consideration of direct or indirect wages or profit; or

b. provides uncompensated work or services to a business or nonprofit entity.

2. "Employee" includes every person described in paragraph (1) of this subsection E, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

F. "Employer" means any person, partnership, association, corporation, or nonprofit entity that employs one or more persons. "Employer" includes, without limitation, the legislative,

executive, and judicial branches of state government; any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency; or any other separate corporate instrumentality or unit of state or local government.

G. "Entryway" means the outside of the front or main doorway leading into a building or facility that is not exempted from this chapter under Section 7.40.040. "Entryway" also includes the area of public or private property within a fifteen (15) foot radius outside of the doorway.

H. "Environmental tobacco smoke," "ETS," or "secondhand smoke" means the complex mixture formed from the escaping smoke of a burning tobacco product, also known as "sidestream smoke," and smoke exhaled by the smoker.

I. "Food service establishment" means any indoor area or portion thereof in which the principal business is the sale of food for on-premises consumption. The term includes, without limitation, restaurants, cafeterias, coffee shops, diners, sandwich shops, and short-order cafes.

J. "Indoor area" means any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.

K. "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

L. "Person" means any individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.

M. "Place of employment" means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services for, or on behalf of, the employer.

N. "Public building" means any building owned or operated by:

1. the state, including the legislative, executive, and judicial branches of state government;
2. any county, city and county, city, or town, or instrumentality thereof, or any other political subdivision of the state, a special district, an authority, a commission, or an agency; or
3. any other separate corporate instrumentality or unit of state or local government.

O. "Public meeting" means any meeting open to the public pursuant to part 4 of article 6 of title 24, C.R.S., or any other law of this state.

P. "Smoke-free work area" means an indoor area in a place of employment where smoking is prohibited under this chapter.

Q. "Smoking" means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco including, without limitation, marijuana.

R. "Tobacco" means cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, or otherwise, or both for chewing and smoking. "Tobacco" also includes cloves, marijuana, and any other plant matter or product that is packaged for smoking.

S. "Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is merely incidental.

T. "Work area" means an area in a place of employment where one or more employees are routinely assigned and perform services for or on behalf of their employer. (Ord. 5839 § 2, 2013)

7.40.030 General Smoking Restrictions.

A. Except as provided in Section 7.40.040 and in order to reduce the levels of exposure to environmental tobacco smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:

1. Public meeting places;
2. Elevators;
3. Government-owned or -operated means of mass transportation, including, but not limited to, buses, vans, and trains;
4. Taxicabs and limousines;
5. Grocery stores;
6. Gymnasiums;
7. Jury waiting and deliberation rooms;
8. Courtrooms;
9. Child day care facilities;
10. Health care facilities including hospitals, health care clinics, doctor's offices, and other health care related facilities;
11. a. Any place of employment that is not exempted.
    b. In the case of employers who own facilities otherwise exempted from this chapter, each such employer shall provide a smoke-free work area for each employee requesting not to have to breathe environmental tobacco smoke. Every employee shall have a right to work in an area free of environmental tobacco smoke.
12. Food service establishments;
13. Bars;
14. Limited gaming facilities and any other facilities in which any gaming or gambling activity is conducted;
15. Indoor sports arenas;
16. Restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, and other multiple-unit residential facilities;
17. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests;
18. Bowling alleys;
19. Billiard or pool halls;
20. Facilities in which games of chance are conducted;
21. The common areas of retirement facilities, publicly owned housing facilities, and nursing homes, not including any resident's private residential quarters;
22. Public buildings;
23. Auditoria;
24. Theaters;
25. Museums;
26. Libraries;
27. To the extent not otherwise provided in C.R.S. § 25-14-103.5, public and nonpublic schools;
28. Other educational and vocational institutions; and
29. The entryways of all buildings and facilities listed in paragraphs (1) to (28) of this subsection A.

B. A cigar-tobacco bar shall not expand its size or change its location from the size and location in which it existed as of December 31, 2005. A cigar-tobacco bar shall display signage in at least one conspicuous place and at least four inches by six inches in size stating: "Smoking allowed. Children under eighteen years of age must be accompanied by a parent or guardian."

7.40.035 Specific Smoking Restrictions for City Owned Property

In order to reduce the levels of exposure to environmental tobacco smoke, smoke or aerosol generated from electronic smoking deices, and second hand smoke, smoking shall not be permitted and no person shall smoke in any indoor area of any property belonging to the City of Loveland or within fifteen (15) feet from any entry way of any property belonging to the City of Loveland. For purposes of this section, "smoking" shall mean the act of burning, heating, or activation of any device, including, but not limited to, a cigarette, cigar, pipe, hookah, or electronic smoking device, electronic cigarette, vape pen, e-hookah or similar device by any other product name or descriptor, that results in the release of smoke, vapors or aerosol when the apparent or usual purpose of the burning, heating or activation of the device is human inhalation. (Ord. 6029 § 1, 2016)

7.40.040 Exceptions to Smoking Restrictions.

A. Except as is provided in section 7.40.045, this chapter shall not apply to:
   1. Private homes, private residences, and private automobiles; except that this chapter shall apply if any such home, residence, or vehicle is being used for child care or day care or if a private vehicle is being used for the public transportation of children or as part of health care or day care transportation;
   2. Limousines under private hire;
   3. A hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed twenty-five percent;
   4. Any retail tobacco business;
   5. A cigar-tobacco bar;
   6. An airport smoking concession;
   7. The outdoor area of any business;
   8. A place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees;
   9. A private, nonresidential building on a farm or ranch, as defined in C.R.S. § 39-1-102, that has annual gross income of less than five hundred dollars; or
   10. The retail floor plan, as defined in C.R.S. § 12-47.1-509, or a licensed casino. (Ord. 5839 § 3, 2013)

7.40.045 Marijuana Smoking Restrictions

A. In addition to the smoking restrictions of section 7.40.030 and notwithstanding the exceptions to smoking restrictions provided in section 7.40.040, it shall be unlawful for any person to openly and publicly smoke marijuana within any enclosed area.
B. As used in this section, the following words and terms shall have the following meanings:
   1. "Enclosed area" shall mean a permanent or semi-permanent area covered and surrounded on all sides and the temporary opening of windows or the temporary removal of wall or ceiling panels shall not convert that area into an unenclosed area or space.
   2. "Openly" shall mean occurring or existing in a manner that is unconcealed, undisguised, or obvious.
   3. "Publicly" shall mean occurring or existing in a public place or occurring or existing in any outdoor location where the consumption of marijuana is clearly observable from a public place.
   4. "Public place" shall mean a place to which the public or a substantial number of the public have access and shall include, without limitation: public sidewalks, trails, streets and highways; public transportation facilities and vehicles; schools; places of amusement; parks, playgrounds and other outdoor recreational areas; and the common areas of public and private buildings and facilities. (Ord. 5839 § 4, 2013)

7.40.050 Optional Prohibitions.

A. The owner or manager of any place not specifically listed in Section 7.40.030, including a place otherwise exempted under Section 7.40.040, may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to this chapter.
B. If the owner or manager of a place not specifically listed in Section 7.40.030, including a place otherwise exempted under Section 7.40.040, is an employer and receives a request from an employee to create a smoke-free work area as contemplated by Section 7.40.030 A.(11)(b), the owner or manager shall post a sign or signs in the smoke-free work area as provided in subsection A. of this section.

7.40.060 Violations.

A. It is unlawful for a person who owns, manages, operates, or otherwise controls the use of a premise subject to this chapter to violate any provision of this chapter.
B. It is unlawful for a person to smoke in an area where smoking is prohibited pursuant to this chapter.
C. Any person violating any provision of this chapter, except section 7.40.045, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars for a first violation within a calendar year, a fine not to exceed three hundred dollars for a second violation within a calendar year, and a fine not to exceed five hundred dollars for each additional violation within a calendar year. Each day of a continuing violation shall be deemed a separate violation. (Ord. 5839 § 5, 2013; Ord. 5161 § 1, 2007)
D. Any person violating section 7.40.045 shall be guilty of a misdemeanor offense and subject to the penalties authorized in code section 1.12.010. Each day of a continuing violation shall be deemed a separate violation. (Ord. 5839 § 6, 2013)

Chapter 7.50

POSSESSION AND USE OF TOBACCO PRODUCTS BY MINORS

Sections:

7.50.010 Intent.

It is the intent of this chapter to protect the public health, safety and welfare by prohibiting the possession and use of tobacco products by minors and by prohibiting the dissemination and furnishing of tobacco products to minors. (Ord. 4135 § 1 (part), 1995)

7.50.020 Definitions.

As used in this chapter, the following words or phrases are defined as follows:

A. "Minor" means any person younger than eighteen years of age.
B. "Smoking" means the holding or carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind and includes the lighting of a pipe, cigar, or cigarette of any kind.
C. "Tobacco Product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
D. "Retailer" means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption or who operates a facility where vending machines or self service displays are permitted under this chapter. (Ord. 4271 § 1, 1997; Ord. 4135 § 1 (part), 1995)

7.50.030 Unlawful possession or use of tobacco products by minors.

A. It shall be unlawful for any minor to knowingly possess, consume, or use, either by smoking, ingesting, absorbing, or chewing, any tobacco product.
B. It shall be unlawful for any minor to knowingly obtain or attempt to obtain any tobacco product by misrepresentation of age or by any other method.
C. It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identifies the package or container as containing a tobacco product.
D. The court may, in its discretion and as part of the sentence to be imposed, require a person convicted of violating any portion of this section to complete court-approved public service in an amount to be set by the court and at a cost to the defendant as set by resolution of City Council. Additionally, upon the first conviction of any person, the court shall emphasize education as a component of any sentence. (Ord. 4135 § 1 (part), 1995)

7.50.040 Unlawful furnishing of tobacco products to minors.

A. It shall be unlawful for any person to knowingly furnish to any minor, by gift, sale, or any other means, any tobacco product.
B. Each retailer shall verify by means of photographic identification containing the bearer's date of birth that a person purchasing a tobacco product is eighteen years of age or older. No such verification is required for any person over the age of twenty-six. It shall be an affirmative

defense to a prosecution under this section that the person furnishing the tobacco product was presented with and reasonably relied upon photographic identification containing the bearer's date of birth which identified the minor receiving the tobacco product as being eighteen years of age or older. (Ord. 4271 § 2, 1997; Ord. 4135 § 1 (part), 1995)

7.50.050 Retail sale of tobacco products.

A. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ or permit any minor to sell tobacco products from such retail business.

B. It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to stock or display a tobacco product in any way which allows a customer to access such tobacco product without first securing the physical assistance of an adult business employee for each transaction. The foregoing sentence shall not be effective until July 20, 1996. The provisions of this subsection B. shall not apply to vending machines meeting the requirements of section 7.50.060 of this code. (Ord. 4271 § 3, 1997; Ord. 4135 § 1 (part), 1995)

7.50.060 Vending machines.

A. It shall be unlawful for any person to sell or offer to sell any tobacco product by use of a vending machine or other coin-operated machine, except that tobacco products may be sold at retail through vending machines only in places to which minors are not permitted access and such vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner.

B. It shall be unlawful for any person to possess or allow upon premises controlled by such person an operable vending machine containing any tobacco product unless such vending machine is located in a place where minors are not permitted access and such vending machine is under direct supervision of the owner of the establishment or an adult employee of the owner.

C. As used in this section, “under direct supervision” means the vending machine shall be in plain vision of the adult employee or owner during regular business hours. (Ord. 4135 § 1 (part), 1995)

Chapter 7.60

MEDICAL MARIJUANA

Sections:

7.60.010 Definitions.

As used in this Chapter, the following words, terms and phrases shall have the following meanings:

A. *Amendment 20* shall mean Article XVIII, Section 14 of the Colorado Constitution added to the Colorado Constitution by a statewide voter initiative adopted on November 7, 2000.

B. *Colorado Medical Marijuana Code* shall mean Part 1 of Article 43.3 of Title 12 of the Colorado Revised Statutes, C.R.S. § 12-43.3-101, *et seq.*, as amended.

C. *Medical marijuana* shall mean marijuana that is grown and sold pursuant to the provisions of the Colorado Medical Marijuana Code and for a purpose authorized by Amendment 20.

D. *Medical marijuana center* shall mean a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Amendment 20, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

E. *Medical marijuana-infused product* shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including, without limitation, to edible products, ointments, and tinctures.

F. *Medical marijuana-infused products manufacturer* shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

G. *Optional premises cultivation operation* shall mean a person licensed pursuant to the Colorado Medical Marijuana Code to grow and cultivate medical marijuana for a purpose authorized by Amendment 20, and which a municipality is authorized to prohibit as a matter of law.

H. *Patient* shall have the meaning set forth in Section 14(1)(c) of Amendment 20.

I. *Person* shall mean a natural person, partnership, association, company, corporation, limited liability company, or other organization or entity, or a manager, agent, owner, director, servant, officer, or employee thereof.

J. *Primary caregiver* shall have the same meaning as the term "primary care-giver" is given in Section 14(1)(f) of Amendment 20.

7.60.020 Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses Prohibited.

A. The operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused products manufacturers' licenses within the City's boundaries, which

might otherwise be authorized under the Colorado Medical Marijuana Code, are hereby prohibited as authorized and provided in C.R.S. § 12-43.3-106.

B. It shall be unlawful and a violation under this Chapter for any person to establish, operate, continue to operate, cause to be operated, or permit to be operated within the city's current boundaries, and within any area annexed into the City after July 20, 2010, a facility, business or any other operation requiring a license under the Colorado Medical Marijuana Code to operate as a medical marijuana center, optional premises cultivation operation, or as a medical marijuana-infused products manufacturer.

7.60.030 Cultivation, Storage and Sale of Medical Marijuana Prohibited.

No person shall cultivate, store or sell medical marijuana within the City's boundaries unless such person does so as a lawfully registered patient or primary caregiver and does so in accordance withal applicable provisions, as amended, of Amendment 20, the Colorado Medical Marijuana Code, C.R.S § 25-1.5-106, the City's ordinances and any applicable rules and regulations promulgated under state law. (Ord. 5837 § 1, 2013)

7.60.040 Patients and Primary Caregivers.

Nothing in this Chapter shall be construed to prohibit, regulate or otherwise impair the use, cultivation or possession of medical marijuana by a patient or the cultivation, possession or providing of medical marijuana by a primary caregiver for his or her patients, provided that any such patient or primary caregiver is doing so in accordance with all applicable provisions of Amendment 20; the Colorado Medical Marijuana Code, as amended; C.R.S. § 25-1.5-106, as amended; and the City's ordinances, and in accordance with any applicable rules and regulations promulgated under State law.

7.60.050 Penalties.

A violation of any provision of this Chapter 7.60 shall constitute a misdemeanor offense punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for a term not exceeding one (1) year, or both such fine and imprisonment. A person committing any such offense shall be guilty of a separate offense for each and every day, or any portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly. (Ord. 5517 § 2, 2010)

Chapter 7.65

MARIJUANA ESTABLISHMENTS PROHIBITED

7.65.010 Definitions.

As used in this chapter, the following words, terms and phrases shall have the following meanings:

A. *Amendment 64* shall mean Article XVIII, Section 16 of the Colorado Constitution added to the Colorado Constitution by a statewide voter initiative adopted on November 6, 2012, as amended.

B. *Colorado Retail Marijuana Code* shall mean Article 43.4 of Title 12 of the Colorado Revised Statutes, C.R.S. § 12-43.4-101, *et seq.*, as amended.

C. *Consumer* shall mean a person twenty-one (21) years of age or older who purchases marijuana or marijuana products for personal use by persons twenty-one (21) years of age or older, but not for resale to others.

D. *Industrial hemp* shall mean the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (.3%) on a dry weight basis.

E. *"Marijuana" or "marihuana"* shall mean all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. *"Marijuana" or "marihuana"* does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

F. *Marijuana cultivation facility* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

G. *Marijuana establishment* shall mean a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

H. *Marijuana product manufacturing facility* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

I. *Marijuana products* shall mean concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

J. *Marijuana testing facility* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to analyze and certify the safety and potency of marijuana.

K. *Person* shall mean a natural person, trust, estate, partnership (general and limited),

association, company, corporation, limited liability company, or any other organization or legal entity, or a manager, agent, owner, director, servant, officer, fiduciary, trustee, personal representative, or employee thereof.

L. *Retail marijuana store* shall mean an entity or person required to be licensed under Amendment 64 or the Colorado Retail Marijuana Code in order to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

7.65.20 Marijuana Establishments Prohibited.

A. The operation of marijuana establishments, marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the city's boundary is hereby prohibited as authorized and provided in Article XVIII, Section 16(5)(f) of the Colorado Constitution and in C.R.S. § 12-43.3-104(3).

B. It shall be unlawful and a violation of this section for any person to establish, locate, operate, continue to operate, cause to be operated, or permit to be operated within the city any facility, business or other operation requiring a license under Amendment 64 or the Colorado Retail Marijuana Code to operate as a medical marijuana establishment, marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store.

7.65.030 Penalties.

A violation of any provision of this chapter 7.65 shall constitute a misdemeanor offense punishable by a fine not exceeding one thousand dollars ($1,000) or imprisonment for a term not exceeding one (1) year, or both such fine and imprisonment. A person committing any such offense shall be guilty of a separate offense for each and every day, or any portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly. (Ord. 5800 § 3, 2013)

Chapter 7.70

ADMINISTRATIVE APPEALS PROCEDURE

Sections:

7.70.010 Intent.

It is the intent of this chapter to protect the health, safety and welfare of the public by reducing the occurrence of nuisances, including but not limited to, graffiti, trash, rubbish, refuse, weeds, grass, brush, or other rank or noxious vegetation through abatement of the same, and to provide procedures for persons to appeal an administrative decision or action taken for enforcement of this title where allowed by this code. (Ord. 5549 § 3, 2011)

7.70.020 Definitions.

The following words, terms and phrases, when used in this Title, shall have the following meanings:

A. *Administrative decision maker* shall mean the City officer or employee whose decision or action is subject to appeal to the City Manager pursuant to the City Code.
B. *Appellant* shall mean the person or organization who has taken an appeal from an administrative decision maker to the City Manager by the filing of a notice of appeal.
C. *City Manager* for purposes of this chapter shall mean the current Loveland City Manager, or his or her designee.
D. *Day* shall mean all calendar days including Saturday and Sunday. The computation of days shall not include the date a final decision was made. If a filing deadline falls upon a Saturday, Sunday or other legal holiday when City offices are closed, the filing deadline shall continue to the following day when City offices are open.
E. *De Novo Hearing* shall mean a new hearing.
F. *Owner* shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the premises.

7.70.030 Certain appeals to be taken to City Manager.

Where the Code allows for appeals to the City Manager of decisions made or actions taken by an administrative decision maker, the appeals procedures set forth herein shall apply unless different or additional procedures are specifically set forth in the Code sections pertaining to such decision or action. Where different procedures are set forth, those procedures shall control. Where additional procedures are set forth, they shall be in addition to the procedures set forth in this Chapter.

7.70.040 Filing of notice of appeal.

An appeal may be taken by filing a written notice of appeal with the City Manager within twenty (20) days after the action which is the subject of the appeal. The notice of appeal shall be signed by all appellants and shall include the following:

1. The action which is the subject of the appeal;
2. The date of such action;
3. The name, address, telephone number and relationship of each appellant to the subject of the action or decision being appealed; and
4. A specific statement of the reasons for appeal and any data or documentation upon which the appellant seeks to rely;

7.70.050 Scheduling of hearing.

Upon receipt of an appeal, the City Manager shall schedule a date for hearing the appeal, which hearing shall be held no later than fifteen (15) days after the filing of the notice of appeal. Written notice of the date, time and place of the hearing shall be mailed by the City Manager to the appellant no less than seven (7) calendar days prior to the date of said hearing. Notice shall also be provided to the administrative decision maker regarding the decision that is the subject of the appeal. Said notice shall include a copy of the notice of appeal.

7.70.060 Procedure at hearing; burden of proof; final decision.

1. In hearing an appeal that has been filed under the provisions of this Chapter, the City Manager shall hear the matter de novo, and shall not be limited to the evidence originally presented by or to an administrative decision maker. The City Manager's decision shall be based on the evidence and such criteria as exist in the Code or administrative guidelines.
2. At the hearing, the City Manager shall provide the appellant and City staff an opportunity to present testimony and evidence regarding the matter being appealed. This shall include:
   a. Explanation of the nature of the appeal by City staff;
   b. Presentation by the appellant and any other interested parties of evidence and argument in support of the appeal;
   c. Presentation by City staff and any other interested parties of evidence and argument in opposition to the appeal;
   d. Presentation of rebuttal arguments, as permitted in the discretion of the City Manager.
3. The burden of proof in the hearing shall be on the appellant.
4. The City Manager shall issue his or her final decision in writing no later than fifteen (15) days following the hearing, and shall provide a copy of such decision to all appellants and the administrative decision maker. Other interested parties may obtain a copy of the decision upon request to the City Manager's Office.
5. The decision of the City Manager shall be final, subject only to such judicial review, if any, as may be available under the Colorado Rules of Civil Procedure. The date of the City Manager’s written decision shall be the date of final action for the purpose of any such subsequent judicial review of the decision of the City Manager.

7.70.70 Available Remedies.

Nothing in this chapter shall limit criminal enforcement of any violations of this Code. (Ord. 5307, 2008)

End Title 7

Title 8

ALCOHOL BEVERAGES

Chapters:

Chapter 8.02

GENERAL PROVISIONS

Sections:

8.02.010 State law applicable.

If any of the laws established in this Title 8, or any of the rules, regulations, or procedures established in accordance with this Title 8, conflict with the Colorado Beer Code, the Colorado Liquor Code, or Article 48 of Title 12, C.R.S., or the rules and regulations of the state licensing authority pertaining thereto, the provisions of state law or the rules and regulations of the state licensing authority shall govern. Notwithstanding the foregoing, if state law and the rules and regulations of the state licensing authority are silent on a matter addressed in this Title 8, then this Title 8 shall govern.

8.02.020 Definitions.

A. When used in this Title 8, the following words and phrases shall have the meanings ascribed to them in this section:
   1. "Administrative application" means an application for a local liquor license or permit that may be granted or denied administratively by the City Clerk.
   2. "Applicant" shall mean any person who is applying for or has applied for a license or permit to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages, but is not yet licensed by the local licensing authority.
   3. "Colorado Beer Code" shall mean the laws set forth in Article 46 of Title 12, C.R.S., as amended.
   4. "Colorado Liquor Code" shall mean the laws set forth in Article 47 of Title 12, C.R.S., as amended.
   5. "License" shall mean the local licensing authority's grant to a licensee to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages as evidenced by a city-issued license or permit.
   6. "Licensed premises" shall mean the premises specified in an application for a license approved by the local licensing authority that is owned or is in the possession of the licensee within which such licensee is authorized to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages.
   7. "Licensee" shall mean a person licensed by the local licensing authority to sell, dispense, or serve malt, vinous, or spirituous liquors or fermented malt beverages.
   8. "Local licensing authority" shall mean the local licensing authority established by the city council in Section 8.04.010 pursuant to state law.
   9. "Secretary" shall mean the city clerk of the City of Loveland, or his or her designee.
   10. "Tasting(s)" shall mean the sampling of malt, vinous, or spirituous liquors that may occur on the premises of a retail liquor store licensee or liquor-licensed drugstore licensee by adult patrons of the

licensee pursuant to the provisions of C.R.S. Section 12-47-301(10), except as otherwise required by the provisions of this title.

11. “Tasting permit” shall mean a separate permit issued to a retail liquor store licensee or a liquor-licensed drugstore licensee by the local licensing authority to allow tastings to occur on a licensee’s licensed premises pursuant to the provisions of this title. (Ord. 6240 § 1, 2018)

Chapter 8.04

LOCAL LICENSING AUTHORITY

Sections:

8.04.010 Local licensing authority established.

There is established a local licensing authority consisting of the municipal judge. The duties and functions of the local licensing authority shall be to serve as the local licensing authority under the Colorado Beer Code, the Colorado Liquor Code, Article 48 of Title 12, C.R.S., and in all other matters involving the licensing of the sale, manufacture, and consumption of beverages containing alcohol. The local licensing authority shall have the authority to impose those penalties and sanctions as specified in Articles 46, 47, and 48 of Title 12, C.R.S., including the imposition of a fine in lieu of suspension under the provisions of C.R.S. Section 12-47-601(3). The local licensing authority shall have the authority, through the secretary, to issue subpoenas to require the presence of persons and the production of papers, books, and records necessary to the determination of any hearing which the local licensing authority is authorized to conduct. It is unlawful for any person to fail to comply with any subpoena issued by the secretary on behalf of the local licensing authority.

8.04.020 Secretary of the local licensing authority.

A. The City Clerk, or a designee of the City Clerk, shall serve as the secretary of the local licensing authority. The local licensing authority may assign any administrative function pursuant to the Colorado Beer Code, the Colorado Liquor Code, Article 48 of Title 12, C.R.S., and other appropriate matters involving the licensing of the sale, manufacturing, and consumption of beverages containing alcohol, which may be processed administratively, including administrative applications, to the City Clerk, or a designee of the City Clerk.

B. The secretary shall:

1. Receive and process all applications for licenses;

2. Issue all licenses granted by the local licensing authority upon receipt of such fees and taxes required by state law and Chapter 3.20 of the City Code;

3. Establish a calendar of regular meetings for the local licensing authority, which calendar may be modified by the local licensing authority;

4. Set the agenda for meetings of the local licensing authority, and remove requests for new licenses, license renewals, modifications, or transfers from the agenda when the secretary, in consultation with the city attorney, determines that such applications are incomplete or information included in such applications lacks legal sufficiency;

5. Keep a record of all meetings of the local licensing authority; and

6. Issue subpoenas to require the presence of persons and the production of papers, books, and records necessary.

C. The secretary, subject to the delegation and secondary review by the local licensing authority, may process the following administrative applications without review by the local licensing authority:

1. Special event permits to applicants who have previously been granted a special event permit pursuant to Article 48 of Title 12, C.R.S., provided that there are no written objections filed for said permit;

2. Annual Colorado Liquor Code and Colorado Beer Code license renewals, provided that the licensee has no pending actions, is not the subject of any official investigation, or had any adjudicated violations or stipulations within the preceding year, concerning provisions of the Colorado Liquor or Beer Codes and associated relations or local ordinances;

3. Changes in shareholders, officers, directors or trade names of a licensee, provided that any investigation conducted by the City does not reveal information that may reasonably form the basis of a determination that he applicant is not qualified to hold the respective license;

4. Changes in registered manager of a licensee, provided that any investigation conducted by the City does not reveal information that may reasonably form the basis of determination that the proposed manager is not qualified to hold the position;

5.The issuance of temporary permits pursuant to and in compliance with the provision of Section 12-47-303, C.R.S.;

6. The issuance and renewal of tasting permits as authorized by and pursuant to Article 47, Title 12, C.R.S.

D. The local licensing authority, with the assistance of the City Clerk and the City Attorney, may adopt such administrative application processing procedures, and rules and regulations concerning the same, as necessary or convenient to implement the provision of this Title 8. All such procedures, rules and regulations shall not conflict with state liquor laws.

E. Any processed administrative application is subject to an appeal to the local licensing authority by the City, or by the licensee. Any such appeal shall by noticed to the local licensing authority within ten (10) business days following receipt of notice regarding an administrative application being granted, denied, or otherwise being acted upon. The local licensing authority may then hold a hearing or otherwise rule on the merits of the appeal.

1. F. The secretary may refer any licensing determination, authorized under subsection (C) of this section, to the local licensing authority if, in the secretary's sole discretion, the matter should be presented to the local licensing authority. (Ord. 6240 § 2, 2018)

8.04.030 Local rules and regulations; conduct of hearings.

The local licensing authority shall have the power to adopt rules and regulations concerning the application process, procedures for hearings before it, and the presentation of evidence at such hearings. All hearings before the local licensing authority shall be public and shall be conducted in accordance with the rules and regulations concerning the procedures for hearings adopted by the local licensing authority.

8.04.040 Local fees.

All local fees permitted or required by the Colorado Beer Code, the Colorado Liquor Code, or Article 48 of Title 12, C.R.S., shall be set by the local licensing authority.

Chapter 8.06

OPTIONAL PREMISES LIQUOR LICENSES

Sections:

8.06.010 Optional premises licenses.

The local licensing authority shall have the authority to issue optional premises licenses and optional premises for hotel and restaurant licenses pursuant to the provisions of the Colorado Liquor Code and the provisions of this chapter. The provisions of this chapter shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises shall collectively be referred to as "optional premises" unless otherwise specified.

8.06.020 Eligible facilities.

An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in C.R.S. Section 12-47-103.

8.06.030 Minimum size.

There shall be no minimum size requirement for the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the local licensing authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.

8.06.040 Number.

There are no restrictions on the number of optional premises which any one licensee may have on the outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

8.06.050 Application.

When submitting a request for the approval of an optional premises, an applicant shall also submit the following information:

A. A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
B. A legal description of the approximate area within which the optional premises shall be located.
C. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
D. A description of the provisions which have been made for storing malt, vinous, and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises.
E. Advance notification. No alcohol beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities twenty days prior to serving alcohol beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on

the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than one hundred eighty days from the notice date.

Chapter 8.08

ALCOHOL BEVERAGE TASTINGS

Sections:

8.08.010 Tastings authorized.

Tastings on the licensed premises of a retail liquor store licensee or of a liquor-licensed drugstore licensee are authorized to be conducted within the city in accordance with C.R.S. Section 12-47-301(10) and subject to the provisions of this chapter.

8.08.020 Tasting permit required.

A. The local licensing authority is authorized to issue tasting permits in accordance with the requirements of this chapter.
B. It shall be unlawful for any person to conduct tastings within the city without having first received a tasting permit issued in accordance with this chapter.
C. Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct tastings shall submit a tasting permit application to the secretary accompanied by the required application fee.
D. The local licensing authority shall establish the procedures for obtaining a tasting permit, which procedures shall include, without limitation, conducting a noticed public hearing before the local licensing authority at which hearing the applicant must establish that the applicant is able to conduct tastings without violating the provisions of this chapter. The local licensing authority may deny the application if it finds that the applicant has not established the ability to conduct tastings in accordance with the provisions of this chapter or if the local licensing authority finds that the proposed tastings would create a public safety risk to the neighborhood. The notice required for the public hearing shall be the posted and published notices required by C.R.S. Section 12-47-311.
E. The forms for the tasting permit application, the renewal application, and the tasting permit shall be those proscribed by the local licensing authority. These forms shall include, without limitation, a schedule of the proposed, and in the case of the permit the approved, schedule of dates and times of the tastings to be conducted on the licensed premises. The licensee may deviate from the approved schedule provided that: (1) the licensee gives the secretary seven days prior written notice of such deviation; and (2) such deviation does not violate any provision of this chapter. An applicant for a tasting permit must also include with the filing of the initial and any renewal application, and keep current with the secretary at all times, written proof that the licensee and each employee of the licensee who will be conducting the tastings has completed a server training program for tastings that meets the standards required by state law.
F. Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor stores and liquor-licensed drugstores. A licensee’s initial tasting permit shall expire on the same date as the date that the licensee’s retail liquor store or liquor-licensed drugstore license expires. The initial tasting permit application fee shall not be prorated if the permit expires in less than a year. Tasting permit renewal forms shall be submitted to the secretary accompanied by a renewal fee.
G. Tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during business hours.

H. A tasting permit shall only be issued to a retail liquor store or a liquor-licensed drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the city or the state, and in full force and effect.

8.08.030 Limitations on tastings.

Tastings within the city shall be subject to the following limitations:

A. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the liquor enforcement division of the Colorado Department of Revenue and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises;
B. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to C.R.S. Section 12-47-403 at a cost that is not less than the laid-in cost of such alcohol;
C. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor;
D. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
E. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 7:00 p.m.;
F. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample;
G. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tastings;
H. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated;
I. The licensee shall not serve more than four individual samples to a patron during a tasting;
J. Alcohol samples shall be in open containers and shall be provided to a patron free of charge;
K. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred and four days per year;
L. The licensee shall maintain on the licensed premises a log of all tastings on forms proscribed by the local licensing authority to be submitted to the secretary each year with the tasting permit renewal application and at all business hours the log shall be subject to inspection by city and state officials authorized to enforce the Colorado Liquor Code and/or the Loveland Municipal Code; and
M. No manufacturer of spirituous or vinous liquor shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting and the licensee shall bear the financial and all other responsibility for a tasting. (Ord. 6024 § 1, 2016)

8.08.040 Violations.

A. A violation of a limitation specified in Section 8.08.030 or in C.R.S. Section 12-47-301(10) by a retail liquor store or a liquor-licensed drugstore licensee, whether by the licensee's employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.
B. Retail liquor store and liquor-licensed drugstore licensees conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to those licensees.

8.08.050 Licensed wineries.

Nothing in this chapter shall affect the ability of a Colorado winery licensed pursuant to C.R.S. Section 12-47-402 or 12-47-403 to conduct a tasting pursuant to the authority of C.R.S. Section 12-47-402(2) or 12-47-403(2)(e). (Ord. 5376 § 9, 2008)

Chapter 8.10

SPECIAL EVENT PERMITS

Sections:

8.10.010 Special event permits authorized

The local licensing authority, as defined in Section 8.04.010 of this Code, may issue a special event permit for the sale, by the drink only, of fermented malt beverages, as defined in C.R.S. Section 12-46-103, or the sale, by the drink only, of malt, spirituous, or vinous liquors, as defined in C.R.S. Section 12-47-103, to organizations and political candidates qualifying under this chapter, subject to the applicable provisions of articles 46 and 47 of title 12, C.R.S., and to the limitations imposed by this chapter.

8.10.020 Qualifications of organizations for permit--qualifications of municipalities or municipalities owning arts facilities--qualifications of candidates

A. A special event permit issued under this chapter may be issued to an organization, whether or not presently licensed under articles 46 and 47 of title 12, C.R.S., which has been incorporated under the laws of this state for purposes of a social, fraternal, patriotic, political, or athletic nature, and not for pecuniary gain, or which is a regularly chartered branch, lodge, or chapter of a national organization or society organized for such purposes and being nonprofit in nature, or which is a regularly established religious or philanthropic institution, or which is a state institution of higher education, and to any political candidate who has filed the necessary reports and statements with the secretary of state pursuant to article 45 of title 1, C.R.S. For purposes of this chapter, a state institution of higher education includes each principal campus of a state system of higher education.

B. A special event permit may be issued to any City owned arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities, subject to the provisions of this chapter.

8.10.030 Grounds for issuance of special event permits

A. (1) A special event permit may be issued under this chapter notwithstanding the fact that the special event is to be held on premises licensed under the provisions of C.R.S. sections 12-47-403, 12-47-403.5, 12-47-416, 12-47-417, or 12-47-422. The holder of a special event permit issued pursuant to this chapter shall be responsible for any violation of article 47 of title 12, C.R.S.

(2) If a violation of article 48 or of article 47 of title 12, C.R.S. occurs during a special event wine festival and the responsible licensee can be identified, such licensee may be charged and the appropriate penalties may apply. If the responsible licensee cannot be identified, the local licensing authority may send written notice to every licensee identified on the permit applications and may fine each the same dollar amount. Such fine shall not exceed twenty-five dollars per licensee or two hundred dollars in the aggregate. No joint fine levied pursuant to this subparagraph (b) shall apply to the revocation of a limited wineries license under C.R.S. section 12-47-601.

B. Nothing in this chapter shall be construed to prohibit the sale or dispensing of malt, vinous, or spirituous liquors on any closed street, highway, or public byway for which a special event permit has been issued.

8.10.040 Fees for special event permits

A. Special event permit fees shall be set at one hundred dollars ($100.00) for each permit issued.
B. All fees are payable in advance to the City Clerk's Office for applications for special event permits submitted to the local licensing authority for approval.

8.10.050 Restrictions related to permits

A. Each special event permit shall be issued for a specific location and is not valid for any other location.
B. A special event permit authorizes sale of the beverage or the liquors specified only during the following hours:
    1. Between the hours of five a.m. of the day specified in a malt beverage permit and until twelve midnight on the same day;
    2. Between the hours of seven a.m. of the day specified in a malt, vinous, and spirituous liquor permit and until two a.m. of the day immediately following.
C. The local licensing authority shall not issue a special event permit to any organization for more than fifteen days in one calendar year.
D. No issuance of a special event permit shall have the effect of requiring the state or local licensing authority to issue such a permit upon any subsequent application by an organization.
E. Sandwiches or other food snacks shall be available during all hours of service of malt, spirituous, or vinous liquors, but prepared meals need not be served.

8.10.060 Grounds for denial of special event permit

A. The local licensing authority may deny the issuance of a special event permit upon the grounds that the issuance would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws.
B. Public notice of the proposed permit and of the procedure for protesting issuance of the permit shall be conspicuously posted at the proposed location for at least ten days before approval of the permit by the local licensing authority.

8.10.070 Applications for special event permit

A. Applications for a special event permit shall be made with the local licensing authority on forms provided by the state licensing authority and shall be verified by oath or affirmation of an officer of the organization or of the political candidate making application.
B. An applicant shall include payment of the fee established by the local licensing authority, not to exceed one hundred dollars, for both investigation and issuance of a permit. In reviewing an application, the local licensing authority shall apply the same standards for approval and denial applicable to the state licensing authority.
C. The local licensing authority shall cause a hearing to be held if, after investigation and upon review of the contents of any protest filed by affected persons, sufficient grounds appear to exist for denial of a permit. Any protest shall be filed by affected persons within ten days after the date of notice pursuant to section 8.10.060(2) of this code. Any hearing required by this subsection (3) or any hearing held at the discretion of the local licensing authority shall be held at least ten days after the initial posting of the notice, and notice thereof shall be provided the applicant and any person who has filed a protest.
D. The local licensing authority may assign all or any portion of its functions under this chapter to an administrative officer.
E. (1) The local licensing authority is not required to notify the state licensing authority to obtain the state licensing authority's approval or disapproval of an application for a special event permit. The local licensing authority is only required to report to the liquor enforcement division, within ten days after it issues a permit, the name of the organization to which a permit was issued, the address of the permitted location, and the permitted dates of alcohol beverage service.

(2) The local licensing authority shall promptly act upon each application and either approve or disapprove each application for a special event permit.
(3) The state licensing authority has established and maintains a web site containing the statewide permitting activity of organizations that receive permits. In order to ensure compliance with C.R.S. section 12-48-105(3), which restricts the number of permits issued to an organization in a calendar year, the local licensing authority shall access information made available on the web site of the state licensing authority to determine the statewide permitting activity of the organization applying for the permit. The local licensing authority shall consider compliance with C.R.S. section 12-48-105(3) before approving any application.

8.10.080 Exemptions

An organization otherwise qualifying under section 8.10.020 of this code shall be exempt from the provisions of this chapter and shall be deemed to be dispensing gratuitously and not to be selling fermented malt beverages or malt, spirituous, or vinous liquors when it serves, by the drink, fermented malt beverages or malt, spirituous, or vinous liquors to its members and their guests at a private function held by such organization on an unlicensed premises so long as any admission or other charge, if any, required to be paid or given by any such member as a condition to entry or participation in the event is uniform as to all without regard to whether or not a member or such member's guest consumes or does not consume such beverages or liquors. For purposes of this section, all invited attendees at a private function held by a state institution of higher education shall be considered members or guests of the institution. (Ord. 5658 § 1, 2011; Ord. 5102 § 1, 2006; Ord. 3743 § 1, 1991)

End Title 8

Title 9

PUBLIC PEACE, ORDER AND MORALS

Chapters:

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 9.04

OBSTRUCTING JUSTICE

Sections:

9.04.010 Resisting or obstructing an officer.

A. It is unlawful for any person to resist arrest by a police officer of the city. A person commits resisting arrest if he knowingly prevents or attempts to prevent a police officer acting under color of his official authority from effecting an arrest of the actor or another by using or threatening to use physical force or violence against the police officer or another, or using any other means which creates a substantial risk of causing physical injury to the police officer or another.

It is no defense to a prosecution under this section that the police officer was attempting to make an arrest which in fact was unlawful, if he was acting under color of his official authority, and in attempting to make the arrest he was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A police officer acts "under color of his official authority" when, in the regular course of assigned duties, he is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that arrest should be made by him.

The term "police officer" as used in this section means a police officer in uniform, or, if out of uniform, one who has identified himself by exhibiting his credentials as such police officer to the person whose arrest is attempted.

B. It is unlawful for a person to obstruct a police officer. A person commits obstructing a police officer when, by using or threatening to use violence, force, or physical interference, or obstacle, he knowingly obstructs, impairs, or hinders the enforcement of the penal law or the preservation of the peace by a police officer acting under color of his official authority.

It is no defense to a prosecution under this section that the police officer was acting in an illegal manner, if he was acting under color of his official authority as defined in subsection A. (Ord. 1931, § 1, 1980; prior code § 29.3)

9.04.020 Aiding prisoner to escape.

It is unlawful for any person to rescue or attempt to rescue, or to aid in the escape of any person in the custody of a police officer or in the custody of the police department at the city jail, or to aid or attempt to aid any person who has escaped from such custody in attempting to avoid recapture. Escape is defined for purposes of this section as beginning with the formation of a plan for escape and continuing until the prisoner has been returned to police custody. (Ord. 1346 § 1, 1974; prior code § 29.4)

9.04.025 Escape.

It is unlawful for any person to escape or attempt to escape from custody or confinement while held for, charged with or convicted of a violation of any ordinance of the City. (Ord. 5253 § 1, 2007)

9.04.030 Failure to obey a lawful order of a police officer.

It is unlawful for any person to fail to obey the lawful order of a police officer. A lawful order is that order issued by a police officer in the exercise of his assigned duties relating to the enforcement of the penal law or the preservation of the peace or the protection of the safety of a person. A police officer may issue a lawful order while performing his assigned duties or preserving the peace or protecting the safety of a person when in uniform, or, if not in uniform, after having identified himself as a police officer. (Ord. 3221 § 1, 1985)

9.04.040 Failure to obey a lawful order of a fire department member.

It is unlawful for any person to fail to obey the lawful order of a fire department member. A "lawful order" is that order issued by a fire department member in the exercise of his assigned duties at the scene of a fire or other emergency relating to the enforcement of the penal law or the preservation of the peace or the protection of the safety of a person. A fire department member may issue a lawful order only after having identified himself as a fire department member. (Ord. 3550 § 1, 1988)

9.04.050 Harassment of police canines and horses.

It is unlawful for any person intentionally to harass, alarm or annoy or attempt to harass, alarm or annoy a canine or horse by taunting, teasing, frightening, agitating, hindering or striking such canine or horse while such animal is serving a law enforcement or police purpose with a governmental entity. (Ord. 3832 § 1, 1992)

9.04.060 False alarm.

It is unlawful for any person to intentionally make, turn in or give a false alarm of fire or need for police or ambulance assistance or aid or abet in the commission of such act. (Ord. 5253 § 1, 2007)

9.04.070 False report.

It is unlawful for any person to make to, or file with, a police officer any false or misleading statement or report concerning the commission or alleged commission of any crime occurring within the city. (Ord. 5253 § 1, 2007)

9.04.080 Impersonating a police officer.

It is unlawful for any person, other than a police officer of the city, to wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of, that adopted or worn or carried by police officers. It is unlawful for any person to in any other way falsely represent himself or herself to be a police officer or to exercise any duty, power or function of a police officer. (Ord. 5253 § 1, 2007)

II. OFFENSES AGAINST THE PERSON

Chapter 9.07

HARASSMENT

Sections:

9.07.010 Harassment.

A. It is unlawful for any person, with intent to harass, annoy or alarm another person, to:
   1. Strike, shove, kick or otherwise touch a person or subject him or her to physical contact; or
   2. In a public place direct obscene language or make an obscene gesture to or at another person; or
   3. Follow a person in or about a public place; or
   4. Initiate communication with a person, anonymously or otherwise, by telephone, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or make any comment, request, suggestion or proposal by telephone, computer, computer network or computer system which is obscene; or
   5. Make a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
   6. Make repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or private property: or
   7. Repeatedly insult, taunt or challenge another in a manner likely to provoke a violent or disorderly response.

B. As used in this section, unless the context otherwise requires, obscene means a blatantly offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

C. Any act prohibited by subsection 4 of paragraph A of this section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received. (Ord. 5253 § 2, 2007)

III. OFFENSES AGAINST PUBLIC DECENCY

Chapter 9.16

INDECENCY-IMMORALITY

Sections:

9.16.010 Prostitution.

It is unlawful for any person to keep or maintain a bawdy house, house of assignation, house of prostitution, house of ill fame, or other place for the practice of prostitution, fornication, adultery or sexual perversion; or to offer to secure another person for the purpose of committing an act of prostitution; or to commit or offer or agree to commit an act of prostitution. (Prior code § 29.13)

9.16.030 Indecent exposure.

It is unlawful for any person to expose his or her genital area, or, in the case of a woman, her breasts below the top of the nipple, or to expose his or her buttocks, in or near any public place or in any place open to the public view. (Ord. 1362 § 3, 1974; Ord. 1340 § 1, 1974; prior code § 29.9)

9.16.040 Window peeping.

It shall be unlawful for any person to be upon any property owned or occupied by another for the purpose of looking or peeping into any window, door, skylight or other opening in any house, room or other building occupied as a residence or loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupant of such house or other building or place occupied as a residence. (Ord. 5253 § 3, 2007)

Chapter 9.20

PROMOTION AND DISPLAY OF OBSCENE MATERIAL

Sections:

9.20.010 Definitions.

As used in this chapter, unless the context otherwise requires:

A. "Material" means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three-dimensional obscene device.

B. "Obscene" means material or a performance that:

1. The average person, applying contemporary community standards, would find that taken as a whole, appeals to the prurient interest in sex;
2. Depicts or describes:
    a. Patently offensive representations or descriptions of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality, or
    b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernibly turgid state; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

C. "Obscene device" means a device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs.

D. "Patently offensive" means so offensive on its face as to affront current community standards of tolerance.

E. "Performance" means a play, motion picture, dance or other exhibition performed before an audience.

F. "Person" means any individual, corporation, association, partnership, trustee, lessee, agent or assignees.

G. "Promote" means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

H. "Prurient interest" means a shameful or morbid interest.

I. "Simulated" means the explicit depiction or description of any of the types of conduct set forth in paragraph 2 of subsection B of this section, which creates the appearance of such conduct.

J. "Wholesale promote" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purpose of resale. (Ord. 3612 § 1 (part), 1989; Ord. 1362 § 4, 1974; Ord. 1338 § 1 (part), 1974; prior code § 29.15-1)

9.20.020 Promotion-Prohibited.

A. It is unlawful for any person to:

1. Promote or possess, with the intent to promote, any obscene material when such person knows the content and character of such material; or

2. Produce, present or direct an obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity, when such person knows the content and character of such performance or portion thereof;
3. Wholesale promote or possess with the intent to wholesale promote any obscene material when such person knows the content and character of such material.

B. This section does not apply to a person who possesses or distributes obscene material or participates in conduct otherwise proscribed by this section when the possession, participation, or conduct occurs in the course of law enforcement activities.

C. This section does not apply to a person's conduct otherwise proscribed by this section which occurs in that person's residence as long as that person does not engage in the promotion of obscene material in his residence.

D. A person who possesses six or more identical obscene materials is presumed to possess them with intent to promote the same. (Ord. 3612 § 1 (part), 1989; Ord. 1412 § 3 (h), 1975; Ord. 1338 § 1 (part), 1974; prior code § 29.15-2)

IV. OFFENSES AGAINST PUBLIC PEACE

Chapter 9.28

DISTURBING THE PEACE-LOITERING-MOLESTING*

Sections:

* For statutory provisions authorizing cities and towns to prevent and suppress riots, affrays and disturbances, see CRS § 31-15-401.

9.28.010 Disturbing the peace.

It is unlawful for any person to disturb the peace and quiet of others by violent, tumultuous, offensive or obstreperous conduct. (Ord. 1988 § 2, 1981; prior code § 29.5)

9.28.015 Disturbing the peace with sound amplifying equipment.

A. It is unlawful for any person to use, operate or allow to be used or operated any loudspeaker, public address system, radio, tape player, disc player or other sound system amplifying equipment in or on a motor vehicle in such a manner as to be plainly audible at twenty-five (25) feet or more from the motor vehicle unless a permit has been issued by the city manager pursuant to Section 7.32.070 of this code and such person is in compliance with the provisions of such permit.

B. For the purposes of this section, the phrase “plainly audible” means that the information content of sound is unambiguously transferred to the auditor, such as but not limited to understanding of spoken speech, comprehension of raised or normal voices or comprehension of musical rhythms.

C. The provisions of this section shall not apply to sound made or controlled by the city, the federal government or to any branch, subdivision or agency of the government of this state or any political subdivision within it or when such sound is made by an activity of the governmental body or sponsored by it or by others pursuant to the terms of a contract, lease or permit granted by such governmental body. (Ord. 4092 § 1, 1995)

9.28.020 Unlawful assemblies.

It is unlawful for any three or more persons to assemble together in the city with an intent to do an unlawful act, or, being assembled, mutually to agree or act in concert to do an unlawful act with force or violence against the person or property of another or against the peace and to the terror of others; or being present at such meeting or assembly, to fail to endeavor to prevent the commission or perpetration of such unlawful act. (Prior code § 29.7)

9.28.030 Disturbance of religious worship.

It is unlawful for any person to disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior or profane discourse within the place of worship or so near the same as to disturb the order or solemnity of the meeting. (Prior code § 29.6)

9.28.040 Definition.

For the purposes of Section 9.28.050, the term "grounds adjacent thereto" includes but is not limited to any highway, street, alley or sidewalks within the city adjacent to the property in question. (Ord. 1077 § 1 (part), 1970; prior code § 29.29-3)

9.28.050 Unlawful presence on school grounds.

A. It is unlawful for any person, with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, to loiter in a school building or on school grounds or within one hundred feet of school grounds when persons under the age of eighteen are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a peace officer.
B. For purposes of this section, the word "loiter" means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide, or tarry in a public place.
C. It shall be an affirmative defense to this section that the defendant's acts were lawful and he was exercising his rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise. (Ord. 3539 § 1, 1988; Ord. 1077 § 1 (part), 1970; prior code § 29.29-1)

9.28.070 Penalties for Sections 9.28.040 through 9.28.050.

Any person found guilty of violating Sections 9.28.040 through 9.28.050 shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars or by imprisonment for a term not to exceed ten days, or by both such fine and imprisonment. (Ord. 3539 § 3, 1988; Ord. 1412 § 5(a) (part), 1975; Ord. 1077 § 1 (part), 1970; prior code § 29.29-4)

9.28.080 Curfew for minors.

No person under the age of eighteen years shall be in or upon any public street, alley, sidewalk, park, playground, school yard, public building or other public place between the hours of midnight on any Sunday through Thursday of each week and five o'clock a.m. of the next day, and between the hours of one o'clock a.m. and five o'clock a.m. on any Saturday or Sunday, unless he or she is:

A. Accompanied by his or her parent or guardian; or
B. In the custody of and accompanied by a person who is over the age of eighteen years, but only if said person has in his or her immediate possession the written consent of the minor's parent or guardian; or
C. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop. (Ord. 4252 § 1, 1997; Ord. 3748 § 1, 1991)

9.28.090 Parent responsibility.

No parent or guardian of a person under the age of eighteen years shall knowingly permit or allow said minor to be in any public place between the hours of midnight on any Sunday through Thursday of each week and five o'clock a.m. of the next day, and between the hours of one o'clock a.m. and five o'clock a.m. on any Saturday or Sunday, unless the minor is:

A. Accompanied by the minor's parent or guardian; or
B. In the custody of and accompanied by a person who is over the age of eighteen years, but only if said person has in his or her immediate possession the written consent of the minor's parent or guardian; or

C. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop. (Ord. 4252 § 2 (part), 1997)

9.28.100 Affirmative defense to curfew violations.

A. It shall be an affirmative defense to charges under Sections 9.28.080 and 9.28.090 of this chapter that the minor was:
   1. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, school, religious organization, or other similar entity; or
   2. Going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, school, religious organization, or other similar entity;
   3. Upon an emergency errand or legitimate business directed by the parent or guardian of the minor.

B. At any trial for a violation of Sections 9.28.080 or 9.28.090 of this chapter at which the defendant raises an affirmative defense set forth in subsection A of this section, the defendant shall have the burden of proving every element of the affirmative defense. (Ord. 4252 § 2 (part), 1997)

Chapter 9.30

PROHIBITED SOLICITATIONS

Sections:

9.30.010 Definitions

When used in this Chapter, the following words, terms and phrases shall have the meanings ascribed to them herein:

A. *Knowingly* shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.
B. *Obscene* shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
C. *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.
D. *Panhandle* shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value. Panhandle does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person, other than in response to an inquiry by that person, unless otherwise prohibited due to the location of the person panhandling.
E. *Traveled portion of a street or highway* shall mean that portion of the road normally used by moving motor vehicle traffic. (Ord. 5943 § 1, 2015)

9.30.020 Panhandling Restricted

It shall be unlawful for any person to panhandle if such panhandling occurs:

A. in a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
B. in a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
C. in a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
D. on a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person. (Ord. 5943 § 2, 2015)

9.30.030 Panhandling and Solicitations on or Near Public Streets and Highways

A. It shall be unlawful for any persons to panhandle or to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

1. such panhandling, solicitation or collection involves the person performing the activity to enter onto the traveled portion of a public street or highway to complete the transaction, including, without limitation, entering onto bike lanes, street gutters or vehicle parking areas; or
2. such panhandling, solicitation or collection involves the person performing the activity being located upon any median area of the traveled portion of a public street or highway which separates traffic lanes for vehicular travel; or
3. the person performing the activity is located such that vehicles cannot move into a legal parking area to safely complete the transaction.

B. Notwithstanding the provisions of paragraph A. above, it shall be unlawful for any person to panhandle or to solicit or attempt to solicit employment, business, or contributions of any kind directly from the occupant of any vehicle on any highway included in the interstate or state highway system, including any entrance to or exit from such highway. (Ord. 5584 § 1, 2011; Ord. 4955 § 1, 2005)

Chapter 9.32

DISORDERLY CONDUCT*

Sections:

* For statutory provisions authorizing cities and towns to prevent all disorderly conduct, see CRS § 31-15-401.

9.32.010 Disorderly conduct.

It is unlawful for any person to intentionally, knowingly or recklessly:

1. Make a coarse and obviously offensive utterance, gesture or display in a public place and such utterance, gesture or display tends to incite an immediate breach of the peace; or
2. Make unreasonable noise in a public place or near a private residence that s/he has no right to occupy; or
3. Fight with another in a public place except in an amateur or professional contest of athletic skill; or
4. Not being a police officer, display a deadly weapon, display any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represent verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm; or
5. To urinate in or near any public place or in any place open to the public view. (Ord. 3912 § 2, 1993; Ord. 3339 § 1, 1986; Ord. 1496 § 1, 1976; Ord. 1412 § 3(i), 1975; Ord. 1309 § 1, 1973; prior code § 29.8; Ord. 5253 § 4, 2007)

Chapter 9.34

THEFT, THEFT BY RECEIVING AND THEFT OF RENTAL PROPERTY

Sections:

9.34.010 Theft, Theft by Receiving and Theft of Rental Property.

A. It is unlawful for any person to knowingly obtain or exercise control over anything of a value less than one thousand dollars ($1,000.00) of another without authorization, or by threat or deception; or receive, loan money by pawn or pledge on, or dispose of anything of value or belonging to another that he or she knows or believes to have been stolen, and:
   1. intend to deprive the other person permanently of the use or benefit of the thing of value;
   2. knowingly use, conceal, or abandon the thing of value in such manner as to deprive the other person permanently of its use or benefit; or
   3. use, conceal, or abandon the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit;
   4. demand any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person; or
   5. knowingly fail to reveal the whereabouts of or retain the thing of value more than seventy-two (72) hours after the agreed-upon time of return in any lease or hire agreement.

B. For the purposes of this section, a thing of value is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein.

C. The date or time specified in any rental or hire agreement signed by the person charged with the violation of this section shall be prima facie evidence of the time or date on which the property should have been returned.

D. This section shall not be applicable to the theft of a thing of value when such theft would constitute a felony under the laws of the state in effect at the time of such theft. (Ord. 5832 § 1, 2013; Ord. 3912 § 1 (part), 1993; Ord. 5235 § 5, 2007)

9.34.020 Concealment.

If any person willfully conceals unpurchased goods, wares, or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his own person or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the offense of theft. (Ord. 3912 § 1 (part), 1993)

9.34.030 Evidence of value.

A. For purpose of this Chapter, when theft occurs from a store, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices.

B. For purposes of this Chapter, in all cases where theft occurs, evidence of the value of the thing involved may be established through the sale price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved. (Ord. 3912 § 1 (part), 1993)

Chapter 9.36

INTOXICATION-LIQUOR CONSUMPTION AND SALE

Sections:

9.36.010 Soliciting sales of drinks.

It is unlawful for any person to be employed in or to frequent or loiter in any tavern or place where fermented malt beverages or intoxicating liquors are sold, for the purpose of soliciting others to purchase such drinks. It is also unlawful for the proprietor or operator of any such establishment to allow the presence of any such person in his establishment for such purpose. Nothing herein shall be construed to prohibit any person employed for the purpose of dispensing or serving such drinks from taking orders for such drinks. (Ord. 3030 § 1, 1983; prior code § 29.12)

9.36.020 Open display of fermented malt beverage, malt, vinous or spirituous liquor.

A. It is unlawful to consume in public or to display openly any open container of fermented malt beverage, malt, vinous or spirituous liquor, which container has a measurable amount of liquid remaining in the container, in or upon any street or highway or alley or parking lot, which lot is provided for public use, or in any city park or recreation area, except that fermented malt beverage, malt and vinous spirits may be consumed in a city park or recreation area pursuant to a valid permit issued in accordance with municipal ordinances and regulations.
B. It is unlawful to keep an open container of fermented malt beverage, malt, vinous or spirituous liquor in any automobile except in a locked trunk, in or upon any street, highway, alley or parking lot, which lot is provided for public use, within the city.
C. It is unlawful to sell, serve or openly display any fermented malt beverage, malt, vinous or spirituous liquor in or upon the premises of any restaurant, lunch stand, store or other place of business within the city, except at such places where the same may be sold lawfully, or sold and served as specifically designated by the laws of the state.
D. Fermented malt beverage, malt liquor, vinous liquor and spirituous liquor shall be defined as in the Colorado Beer Code and Colorado Liquor Code, respectively. (Ord. 3625 § 1, 1989; Ord. 3338 1, 1986; Ord. 1469 § 1, 1975; Ord. 1310 § 1, 1973; Ord. 1122 § 1, 1970; Ord. 1086 § 1, 1970; Ord. 1029 § 1, 1969; prior code § 29.10)

9.36.025 Underage possession and consumption of ethyl alcohol.

A. It is unlawful for any person under twenty-one years of age to:
    1. Obtain or attempt to obtain any ethyl alcohol by misrepresentation of age or by any other method in any place where ethyl alcohol is sold; or
    2. Possess any ethyl alcohol in any store, in any public place, including public streets, alleys, roads or highways or upon property owned by the state of Colorado or any subdivision thereof, or inside vehicles while upon the public streets, alleys, roads or highways; or
    3. Possess any ethyl alcohol anywhere in the city of Loveland, Colorado, other than those locations specified in subsection (A)(2) of this section; or
    4. Consume ethyl alcohol anywhere in the city of Loveland.
B. A violation of any provision of subsection A of this section shall be a strict liability offense. It shall be an affirmative defense to the offenses described in subsection (A)(2) through (A)(4) above that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

1. While such person was legally upon private property with the knowledge and the consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or
2. When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410 (1)(i)(II), CRS, or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes, or solely from the ingestion of a beverage which contained less than one-half of one percent of ethyl alcohol by weight;
3. The possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.

C. Prima facie evidence of the violation of subsection A of this section shall consist of:
1. Evidence that the defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in the city of Loveland, Colorado; or
2. Evidence that the defendant was under the age of twenty-one years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the city of Loveland, Colorado.

D. During any trial for a violation of a provision of this chapter, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. The fact finder may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as “beer,” “ale,” “malt beverage,” “fermented malt beverage,” “malt liquor,” “wine,” “champagne,” “whiskey,” “gin,” “rum,” “armangnac,” “vodka,” “tequila,” “schnapps,” “brandy,” “cognac,” “liqueur,” “cordial,” “alcohol” or “liquor” shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.

E. As used in this section, unless the context otherwise requires:
1. “Ethyl alcohol” means any substance which is or contains ethyl alcohol and includes fermented malt beverage, malt liquor, vinous liquor and spirituous liquor as defined in the Colorado Beer Code and Colorado Liquor Code.
2. “Possession of ethyl alcohol” means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.
3. “Private property” means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation which is not open to the public, and privately owned real property which is not open to the public. Private property shall not include any establishment which has or is required to have a license pursuant to article 46, 47 or 48 of title 12, CRS or any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold or any establishment which leases, rents or provides accommodations to members of the public generally.

F. Upon a plea of guilty or no contest (except when such plea is entered in conjunction with a deferred sentence), or a verdict of guilty by the court or jury, to a violation of subsections (A)(1) or (A)(2) of this section, the court shall forward to the Colorado Department of Revenue a notice of plea or verdict on the form prescribed by the department.

G. The court may, in its discretion and as part of the sentence to be imposed, require a person convicted of violating any portion of this section to complete court-approved public service in an amount to be set by the court.

H. Whenever the court requires that a person complete any amount of public service pursuant to subsection (G) of this section, the court shall also impose upon that person, in addition to any other fine, cost or penalty, a public service fee in an amount set by resolution of the city council.

I. It is unlawful for the parent, guardian or other adult person having the duty of care and custody of a minor under the age of eighteen years to knowingly allow or permit such minor to violate subsection (A) of this section. (Ord. 4292 §§ 1§3, 1997; Ord. 3819 § 1, 1992; Ord. 3804 § 1, 1992; Ord. 3684 § 1, 1990; Ord. 5376 § 5-8, 2008)

Chapter 9.40

TOXIC VAPORS

Sections:

9.40.010 Definition.

As used in this chapter, the term "toxic vapor" means the following substances or products containing such substances:

A. Alcohols, including methyl, isopropyl, propyl, or butyl;
B. Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
C. Acetone;
D. Benzene;
E. Carbon tetrachloride;
F. Cyclohexane;
G. Freons, including freon 11 and freon 12;
H. Gasoline;
I. Hexane;
J. Methyl ethyl ketone;
K. Methyl isobutyl ketone;
L. Naphtha;
M. Perchlorethylene;
N. Toluene;
O. Trichloroethane;
P. Xylene. (Ord. 3964 § 1, 1994; Ord. 1064 § 1 (part), 1969; prior code § 11.16-1)

9.40.020 Abuse of toxic vapors prohibited.

A. No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system. No person shall knowingly possess, buy, or use any such substance for the purposes described in this section, nor shall any person knowingly aid any other person to use any such substance for the purposes described in this section. This section shall not apply to the inhalation of anesthesia or other substances for medical or dental purposes.
B. In a prosecution for a violation of this section, evidence that a container lists one or more of the substances described in Section 9.40.010, as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits fumes thereof. (Ord. 3964 § 2, 1994; Ord. 1064 § 1 (part), 1969; prior code § 11.16-2)

9.40.030 Sales-minors.

It is unlawful to sell, give, deliver or furnish any substance releasing toxic vapors to any minor under the age of eighteen years without the personal or written consent of a parent or guardian of such minor, provided that this section shall not prohibit the sale of one tube of glue simultaneously with or as a part of a sale, purchase or delivery of a hobby or model kit, nor shall this section prohibit the sale of

one bottle of lacquer thinner simultaneously with or as a part of the sale, purchase or delivery of model or hobby paints. (Ord. 1064 § 1 (part), 1969; prior code § 11.16-3)

9.40.040 Sales-From commercial establishments only.

No person, except a person who is at the time of such sale actually employed by or engaged in operating a bona fide commercial establishment at a fixed location, shall sell to any other person any substance releasing toxic vapors, and all sales of such substance not made in or from such an establishment are unlawful. (Ord. 1064 § 1 (part), 69; prior code § 11.16-4)

9.40.050 Sales-Knowledge of unlawful use.

It is unlawful for any person knowingly to sell or offer for sale, deliver, or give away to any other person any substance releasing toxic vapors, where the seller, offerer or deliverer knows or has reason to believe that such substance will be used for the purpose of inducing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses or nervous system. (Ord. 1064 § 1 (part), 1969; prior code § 11.16-5)

9.40.060 Exception.

This chapter shall not apply to the inhalation of anesthesia for medical or dental purposes. (Ord. 1064 § 1 (part), 1969; prior code § 11.16-6)

Chapter 9.41

MARIJUANA AND DRUG PARAPHERNALIA

Sections:

9.41.010 Definitions.

As used in this Chapter, the following definitions shall apply:

A. "Amendment 20" means Article XVIII, Section 14 of the Colorado Constitution added to the Constitution by a statewide voter initiative adopted on November 7, 2000, as amended.

B. "Amendment 64" means Article XVIII, Section 16 of the Colorado Constitution added to the Colorado Constitution by a statewide voter initiative adopted on November 6, 2012, as amended.

C. "Controlled substance" shall have the same meaning as set forth in C.R.S. §18-18-102(5), as amended.

D. "Debilitating medical condition" shall have the same meaning as set forth in Section (1)(a) of Amendment 20.

E. "Item" or "item of drug paraphernalia" means all equipment, products or materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing to the human body a controlled substance in violation of Colorado or federal law, but shall not include marijuana accessories that are possessed or used by persons twenty-one (21) years of age or older.

F. "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin and shall include, without limitation, concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. However, in determining the weight of any amount of marijuana, the weight of any other ingredient combined with that marijuana to prepare topical or oral administrations, food, drink, or other product, shall not be included in that weight determination.

G. "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing into the human body.

H. "Medical use" shall have the same meaning as set forth in Section (1)(b) of Amendment 20.

I. "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.

J. "Open marijuana container" means a receptacle or marijuana accessory that contains any amount of marijuana and that is open or has a broken seal, the contents of which are partially removed, or there is evidence that marijuana has been consumed within the motor vehicle.

K. "Openly" means occurring or existing in a manner that is unconcealed, undisguised, or obvious.
L. "Passenger area" means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position including, but not limited to, the glove compartment.
M. "Patient" shall have the same meaning as set forth in Section (1)(d) of Amendment 20.
N. "Physician" shall have the same meaning as set forth in Section (1)(e) of Amendment 20.
O. "Primary care-giver" shall have the same meaning as set forth in Section (1)(f) of Amendment 20.
P. "Publicly" means occurring or existing in a public place or occurring or existing in any outdoor location where the consumption of marijuana is clearly observable from a public place.
Q. "Public place" means a place to which the public or a substantial number of the public have access and shall include, without limitation: public sidewalks, trails, streets and highways; public transportation facilities and vehicles; schools; places of amusement; parks, playgrounds and other outdoor recreational areas; and the common areas of public and private buildings and facilities.
R. "Registry identification card" shall have the same meaning as set forth in Section (1)(g) of Amendment 20. (Ord. 5839 § 7, 2013)

9.41.020 Marijuana Possession Unlawful.

A. It is unlawful for any person to possess more than one (1) ounce but no more than two (2) ounces of marijuana, except as authorized in Amendment 64.
B. It is unlawful for any person under twenty-one (21) years of age to possess, consume, display, purchase, transfer or use two (2) ounces or less of marijuana.
C. It is unlawful for any person to transfer or provide any amount of marijuana to any person under twenty-one (21) years of age.
D. It is unlawful for any person to openly and publicly consume or use any amount of marijuana.
E. It is unlawful for any person to openly and publicly display more than one (1) ounce of marijuana.
F. It is unlawful for any person to consume any amount of marijuana in a manner that endangers the health, safety or welfare of another person.
G. It is unlawful for any person to consume, use, display, or grow marijuana on or in any city-owned or city-controlled real property, building, facility or vehicle.
H. For enforcement purposes, consumption or use of marijuana shall be deemed possession thereof.
I. Transferring or dispensing two (2) ounces or less of marijuana from one person to another for no consideration shall be deemed possession and not dispensing or sale thereof.
J. The provisions of this section shall not apply to any person who possesses, uses, prescribes, dispenses or administers any drug classified under Group C guidelines of the National Cancer Institute, as amended, approved by the Federal Food and Drug Administration.
K. The provisions of this section shall not apply to any person who possesses, uses, prescribes, dispenses or administers dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product, pursuant to the "Colorado Licensing of Controlled Substances Act," Part 3 of Article 22 of Title 12, C.R.S. (Ord. 5839 § 8, 2013; Ord. 5548, 2010)

9.41.025 Open Container of Marijuana Prohibited in Motor Vehicles.

A. Except as permitted in paragraph B. of this section, it is unlawful for any person while in the passenger area of a motor vehicle that is on a public highway, street, road or any other public right-of-way to knowingly use or consume marijuana or have in his or her possession an open marijuana container.
B. The provisions of paragraph A. of this section shall not apply to:

1. Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;
2. The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a "motor home" or "trailer coach," as these terms are defined in the city's Model Traffic Code as adopted in section 10.04.010 and as modified in section 10.04.020;
3. The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
4. The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk. (Ord. 5839 § 9, 2013)

9.41.030 Sale or Possession of Drug Paraphernalia Unlawful.

A. It is unlawful for any person to knowingly sell, offer for sale, or transfer any item of drug paraphernalia to any other person and shall include, without limitation, the sale, offer for sale or transfer of any marijuana accessory to a person under the age of twenty-one (21). (Ord. 5839 § 10, 2013)

B. It is unlawful for any person to possess any item of drug paraphernalia who knows or reasonably should know that the item could be used for illegal purposes.

9.41.040 Prosecutions-Evidence.

In any prosecution for violation of Section 9.41.030.A., the following factors shall be considered in determining whether the defendant knowingly offered for sale or sold any item of drug paraphernalia:

A. Statements by an owner or anyone in control of the item concerning its use;
B. The proximity of the item to a controlled substance;
C. Knowledge by the defendant of the use to which a purchaser or prospective purchaser intends to put the item;
D. Oral or written instructions provided in connection with the item concerning its use;
E. Descriptive materials accompanying the object or displayed in connection with the item suggesting, explaining, or depicting its use;
F. National or local advertising suggesting, explaining, or depicting the use of the item;
G. The circumstances and manner in which the item is displayed for sale;
H. The character and nature of other merchandise displayed or sold;
I. Knowledge by the defendant of a common use to which the item is put in the community;
J. The existence of common lawful uses for the item in the community;
K. Expert testimony concerning the use of the item;
L. All other relevant evidence showing the character and nature of the item, and the circumstances surrounding its sale or offering for sale.

9.41.050 Medical Marijuana Exception to Enforcement.

A. It shall be an exception from the enforcement of any provision of Sections 9.41.020 and 9.41.030 if the suspected violation relates to any patient or primary care-giver, in lawful possession of a registry identification card, engaging or assisting in the medical use of marijuana unless:
   1. Such use is in violation of any state law promulgated under Section (8) of Amendment 20; or
   2. The patient is engaging in the medical use of marijuana in a way that endangers the health or well-being of any person; or
   3. The patient is engaging in the medical use of marijuana in plain view of, or in a place open to, the general public.

B. The exception to enforcement in paragraph A. of this Section shall not protect any person, including a patient or primary care-giver, from his or her acquisition, possession, manufacture, production, use, sale, distribution, dispensing, or transportation of marijuana for any use other than medical use to the extent authorized in Amendment 20.

9.41.060 Medical Marijuana Affirmative Defense.

A. Except as otherwise provided in paragraph B. of this Section, a patient or primary care-giver charged with a violation under any provision of Section 9.41.020 or 9.41.030 related to a patient's medical use of marijuana will be deemed to have established an affirmative defense to such a charge, where:
   1. The patient was previously diagnosed by a physician as has having a debilitating medical condition;
   2. The patient was advised by his or her physician, in the context of a *bona fide* physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating medical condition; and
   3. The patient and his or her primary care-giver were collectively in possession of only those amounts of marijuana as permitted under Amendment 20.

B. The affirmative defense in paragraph A. of this Section shall not be available with respect to:
   1. A patient engaging in the use of marijuana in a way that endangers the health or well-being of any person; or
   2. A patient engaging in the medical use of marijuana in plain view of, or in a place open to, the general public; or
   3. A patient under eighteen years of age engaging in the medical use of marijuana whose use of medical marijuana does not meet all the requirements of Section (6) of Amendment 20; or
   4. A patient or a primary care-giver in violation of any applicable state law promulgated under Section (8) of Amendment 20.

C. The affirmative defense in paragraph A. of this Section shall not preclude a patient or primary care-giver from asserting any other legally available affirmative defenses to any charge under Section 9.41.020 or 9.41.030. In addition, this affirmative defense shall not protect any person, including a patient or primary care-giver, from his or her acquisition, possession, manufacture, production, use, sale, distribution, dispensing, or transportation of marijuana for any use other than medical use to the extent authorized in Amendment 20. (Ord. 5484 § 1, 2010)

V. OFFENSES AGAINST PROPERTY

Chapter 9.44

OBSTRUCTING, DEFACING OR INJURING PROPERTY

Sections:

9.44.010 Damaging city property.

It is unlawful for any person to willfully, maliciously, wantonly, negligently, or in any other manner injure or destroy real property or improvements thereon, or movable or personal property, belonging to the city. (Prior code § 29.21)

9.44.020 Damaging private property.

It is unlawful for any person to willfully, maliciously or wantonly injure or destroy any real or personal property belonging to any person. (Prior code § 29.22)

9.44.030 Throwing objects.

It is unlawful for any person to throw any stone, snowball or any other object upon or at any vehicle, building, tree or other public or private property, or upon or at any person in any public way or place, or on any enclosed or unenclosed ground. (Prior code § 29.24)

9.44.040 Spitting on sidewalks and floors.

It is unlawful for any person within the city to spit upon the sidewalks or upon the floors of the post office or any other public building therein. (Prior code § 29.25)

9.44.050 Prohibited Posting of Signs.

No person shall post, affix or fasten in any way any sign, notice, poster or other advertising or promotional materials upon publicly-owned property including, without limitation, upon utility or traffic poles, or upon any privately-owned property including, without limitation, personal property, without having permission to do so from the owners or occupants of said property. Any sign, notice, poster or other advertising or promotional material so posted, affixed or fastened in violation of this Section may be removed and disposed of by the property owner or occupant, or by their agent, without any civil or criminal liability. However, permission to fasten or affix such materials by door hangers or by similar means at the entrances or publicly-owned or privately-owned premises shall be implied from the presence of an improved walkway connecting such premises directly to a public right-of-way unless:

A. access to such walkway is physically restricted by a fence, gate or other permanent structure; or
B. a "No Trespassing" or "No Solicitation" sign or a sign prohibiting posting is posted at or near the entrance to such premises. (Ord. 4729 § 8, 2002)

9.44.060 Unlawful Use of City Fire Hydrants.

It shall be unlawful for any person to use a city fire hydrant so as to allow water to flow from that fire hydrant without authorization from the city's water and power department or its fire and rescue department. Any person convicted of violating this section shall be subject to the penalties set forth in City Code Section 1.12.010, except that a fine of one thousand dollars ($1,000) shall be imposed for each such violation.(Ord. 4898 § 1, 2004)

Chapter 9.46

DISTRIBUTION OF HANDBILLS

Sections:

9.46.010 Purposes.

To protect the people against the nuisance of an incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as defined in this chapter, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this chapter are specifically declared to be as follows:

A. To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter;
B. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills;
C. To preserve to the people their Constitutional right to receive and disseminate information by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to receive noncommercial handbills to all who are willing to receive the same. (Ord. 1989 § 2 (part), 1981)

9.46.020 Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. “Commercial handbill” means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
    1. Which advertises for sale any merchandise, product, commodity, or thing; or
    2. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales; or
    3. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to any such event; or
    4. Which while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for private benefit and gain of any person so engaged as advertiser or distributor.
B. “Newspaper” means and includes any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States postal service, in accordance with

federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

C. "Noncommercial handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definition of commercial handbill, and shall also include any newspaper as above defined.

D. "Private premises" means and includes any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

E. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, in any and all public parks, squares, spaces, plazas, grounds and buildings. (Ord. 1989 § 2 (part), 1981)

9.46.030 Throwing handbills broadcast in public places prohibited.

It is unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within the city; and it is also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it is not unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill. (Ord. 1989 § 2 (part), 1981)

9.46.040 Placing in vehicles prohibited.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same. (Ord. 1989 § 2 (part), 1981)

9.46.050 Distribution on uninhabited or vacant private premises prohibited.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. 1989 § 2 (part), 1981)

9.46.060 Distribution on inhabited premises prohibited.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this chapter, such person may, unless requested by anyone upon such premises not to do so, place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations. (Ord. 1989 § 2 (part), 1981)

9.46.070 Distribution where property posted prohibited.

It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 1989 § 2 (part), 1981)

9.46.090 Exemptions.

The provisions of this chapter shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in this chapter. (Ord. 1989 § 2 (part), 1981)

9.46.100 Provisions of chapter additional to current code provisions.

The restrictions, prohibitions and requirements of this chapter are in addition to, and do not repeal or modify, any provisions in this code prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person, using the public streets or places for any private business or enterprise, or for commercial sales. (Ord. 1989 § 2 (part), 1981)

Chapter 9.48

TRESPASSING

Sections:

9.48.010 Trespassing on private or public property.

It shall not be a defense to any violation of the following subsections that the real or personal property involved is commonly used by the public or that the public is invited expressly or by implication to use the real or personal property:

A. It is unlawful for any person to knowingly use or occupy any privately owned real or personal property without the permission of the owner or person entitled to possession thereof.

B. It is unlawful for any person to remain upon or to return to and be upon any privately owned real property after the owner or rightful occupant thereof has requested such person to leave the property.

C. It is unlawful for any person to knowingly use or occupy any publicly owned real or personal property when the property is not open for business with the public or when the property is not normally accessible to the public, without the permission of the owner or person entitled to possession thereof, or to remain thereon when directed to leave by the person in charge.

D. It is unlawful for any person to knowingly use or occupy any publicly owned real or personal property in any manner or for any purpose other than in the manner or for the purpose for which the property was intended. (Ord. 3340 § 1, 1986; Ord. 1306 § 1, 1973; prior code § 29.29)

Chapter 9.49

ABANDONED REFRIGERATORS

Sections:

9.49.010 Abandoned refrigerators.

It shall be unlawful for any person to leave outside of any building or dwelling place or in any uninhabited building or any place accessible to children any abandoned, unattended or discarded refrigerator, icebox or similar container which has an airtight or soundproof door having a snap lock or similar device which cannot be opened from the inside, without first removing the lock or similar device on the door from the refrigerator, icebox or similar container. (Ord. 5253 § 8, 2007)

VI. CONSUMER PROTECTION

Chapter 9.50

KEG IDENTIFICATION TAGS

Sections:

9.50.010 Definitions.

A. “Keg” means any brewery-sealed, individual container of malt beverage having a liquid capacity of more than seven gallons.
B. “Keg identification tag” means the self-locking, plastic, numbered seals given by the Loveland police department to liquor licensees and attached to kegs by liquor licensees through their voluntary involvement in Operation Keg Shadow.
C. “Liquor licensee” means a person or business that has been granted a license to manufacture or sell malt, vinous, or spirituous liquors pursuant to the state liquor code.
D. “Purchaser” means a person who rents a keg. (Ord. 4477 § 1 (part), 1999)

9.50.020 Keg identification tags-City property.

The keg identification tags provided to liquor licensees and attached to kegs through the voluntary Operation Keg Shadow program are city property. (Ord. 4477 § 1 (part), 1999)

9.50.030 Destruction of keg identification tag.

A. No person shall remove a keg identification tag from a keg.
B. The purchaser of a keg to which a liquor licensee has attached a keg identification tag shall return the keg to the liquor licensee with the keg identification tag securely attached to the keg. The purchaser shall be liable to the city for the cost of the damage to city property if the identification tag is cut or removed from the keg in an amount as established by resolution of the city council.
C. It is not a defense to a prosecution of the purchaser under this section that a person other than the purchaser cut or removed the keg identification tag from the keg. In the event a keg identification tag is removed from a keg, it shall be conclusively presumed that the purchaser of the keg removed the keg identification tag. (Ord. 4477 § 1 (part), 1999)

9.50.040 Penalty.

Any person violating any provisions of this chapter, upon conviction thereof, shall be punished as provided in Section 1.12.010 of the Loveland Municipal Code. (Ord. 4477 § 1 (part), 1999)

Chapter 9.52

DEFRAUDING CONSUMERS AND OTHERS

Sections:

9.52.010 Coin operated machines-Defrauding.

It is unlawful for any person to insert or attempt to insert into the coin box or money receptacle of any coin operated machine, device or parking meter, any slug, button or other article or substance, or to manipulate or operate in any manner whatever, any mechanism or device connected or commonly used therewith, in an attempt to obtain goods, service or time there from without proper payment therefore. (Prior code § 29.19)

VII. OFFENSES BY OR AGAINST MINORS

(RESERVED)

VIII. WEAPONS

Chapter 9.60

POSSESSION OR USE OF WEAPONS

Sections:

9.60.020 Discharging-Permit-Exceptions.

It is unlawful for any person, except a law enforcement officer in the performance of his duties, to fire or discharge within the city a revolver or pistol of any description, shotgun or rifle, which may be used for the explosion of cartridges or shells, or any air gun, gas operated gun, spring gun or bows and arrows, without first obtaining a permit therefore from the police department. It shall be an affirmative defense to a violation of this section that the person was reasonably exercising the use of physical force in defense of person, property or premises, as recognized by state law. (Ord. 3468 § 1, 1987; Ord. 1030 § 1, 1969; prior code § 29.2)

9.60.030 Offering of certain weapons prohibited.

A. It is unlawful for the owner, operator, manager, and employee of any carnival or circus to display, sell, give away, or provide as a prize, or offer to sell, give away, or provide as a prize any knife, sword, switchblade knife, gravity knife, blackjack, metallic knuckles, throwing star, or nunchaku.

B. As used in this section, the following words shall be defined as follows:
   1. “Blackjack” means any billy, sand club, or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact.
   2. “Knife” means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting cut-ting, stabbing, or tearing wounds.
   3. “Nunchaku” means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles, connected by a rope, cord, wire, or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense.
   4. “Throwing star” means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

C. In the event that a summons and complaint is issued to any individual or entity for a violation of this section, the issuing law enforcement officer is hereby authorized to seize and hold as evidence in the prosecution of such offense any knife, sword, switchblade knife, gravity knife, blackjack, metallic knuckles, throwing star, or nunchaku which is being displayed or is in view of the officer. (Ord. 4808 § 7, 2003; Ord. 2062 § 1, 1982; prior code § 29.1; Ord. 4514 § 1, 2000)

IX. MISCELLANEOUS PROVISIONS

Chapter 9.64

AIDING AND ABETTING

Sections:

9.64.010 Aiding and abetting.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act violating the provisions of this title, whether individually or in connection with one or more other persons, or as a principal, agent, or accessory, is guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this title is likewise guilty of such offense. (Prior code § 29.27)

Chapter 9.65

LIABILITY OF BUSINESS ENTITIES AND CORPORATE AGENTS

Sections:

9.65.010 Definitions.

As used in this chapter, unless the context otherwise requires:

A. "Agent" means any director, officer, or employee of a business entity, or any other person who is authorized to act in behalf of the business entity, and "high managerial agent" means an officer of a business entity or any other agent in a position of comparable authority with respect to the formulation of the business entity's policy or the supervision in a managerial capacity of subordinate employees.

B. "Business entity" means a corporation or other entity that is subject to the provisions of Title 7 of the Colorado Revised Statutes, including foreign corporations qualified to do business in this state, specifically including federally chartered or authorized financial institutions; a corporation or other entity that is subject to the provisions of Title 11 of the Colorado Revised Statutes; or a sole proprietorship or other association or group of individuals doing business in the state. (Ord. 5253 § 9, 2007)

9.65.20 Liability of an individual for corporate conduct.

A person is criminally liable for conduct constituting an offense which he performs or causes to occur in the name of or in behalf of a corporation to the same extent as if that conduct were performed or caused by him in his own name or behalf. (Ord. 5253 § 9, 2007)

9.65.030 Liability of business entities.

A. A business entity is guilty of an offense if:

1. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the business entity by law; or
2. The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the governing body or individual authorized to manage the affairs of the business entity or by a high managerial agent acting within the scope of his or her employment or in behalf of the business entity. (Ord. 5253 § 9, 2007)

End Title 9

Title 10

VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04

TRAFFIC REGULATIONS

Sections:

10.04.010 Adoption.

There is hereby adopted by reference Articles I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the City of Loveland, Colorado, and may be inspected during regular business hours. The 2003 edition of the Model Traffic Code is adopted as if set out at length herein, subject to the additions and modifications set forth in this chapter. (Ord. 4213 § 1 (part), 1996, Ord. 4894 § 1 (part), 2004)

10.04.020 Additions or modifications to 2003 Model Traffic Code.

The following additions or modifications to the Model Traffic Code are enacted:

A. Section 107 of the Model Traffic Code is amended to read as follows:

107. Obedience to police and fire department officials.

1. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer, or member of the fire department at the scene of an emergency, who is invested by law or ordinance with authority to direct, control, or regulate traffic.

2. Members of the fire department, when at the scene of an emergency, may direct or assist peace officers in directing traffic at the scene of the emergency or in the immediate vicinity.

B. Sections 203(4)(a)(II) and 203(4)(a)(III) of the Model Traffic Code are amended by deleting the phrase "punished by a fine of five dollars" and substituting therefore the phrase "punished by a fine to be set by the court".

C. Section 203(4)(b)(II) of the Model Traffic Code is amended by inserting a comma and the words "he shall be punished by a fine as determined by the court" immediately following the word "registration".

D. Section 203(d) of the Model Traffic Code is amended by inserting the words "and the fine as determined by the court" immediately following the word "section".

E. Section 221 of the Model Traffic Code is amended by the addition of a new subsection (9) to read as follows:

221. Bicycle equipment.

(9) All bicycles and motorized bicycles carrying a passenger in a child's seat which is attached to the bicycle or motorized bicycle shall comply with the following requirements:

1. The operator shall be at least sixteen years of age.

2. The passenger shall weigh no more than fifty pounds and shall remain seated on the child's seat.

3. The child's seat shall be fastened securely to the bicycle or motorized bicycle and shall be located behind the operator's seat, shall be so designed and manufactured for this specific purpose and be equipped with safety belt, arm rest, back rest, foot and spoke protection, and shall be attached to the frame of the bicycle at three or more points.

4. Only one child's seat shall be attached to any bicycle or motorized bicycle.

F. Section 225 of the Model Traffic Code is amended by the addition of a new subsection (4) to read as follows:

225. Mufflers - prevention of noise.

(4) It is unlawful to operate a motor vehicle which produces noise in excess of the sound levels and decibels, measured on the "A" scale on a standard sound level having characteristics established by the American National Standards Institute, and measured at a distance of 50 feet from the center lane of travel or 50 feet or more from a vehicle designed for off-highway use and within the speed limits specified in this section:

1. Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a motor-driven cycle: 86 db(A) at 35 mph or less; 90 db(A) at more than 35 mph but less than 55 mph;

2. Any other motor vehicle or self-propelled recreational vehicle primarily designed for off-road use and for which registration as a motor vehicle is not required, and any combination of vehicles towed by such motor vehicle or self-propelled vehicle: 82 db(A) at 35 mph or less; 86 db(A) at more than 35 mph but less than 55 mph.

This section applies to the total noise from a vehicle or combination of vehicles.

The db(A) limitations for speeds of 35 mph or less shall apply to those vehicles emanating a noise while stationary.

For the purpose of this section a truck, tractor or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

Sound measurement shall be performed as set out in Section 7.32.050 of the Loveland Municipal Code.

F.1 Section 235 of the Model Traffic Code is amended to read as follows:

235. Minimum Standards for commercial vehicles – spot inspections.

(1) A police officer or sheriff's officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer or deputy may inspect the vehicle and all required documents for compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operations of Commercial Vehicles."

(2) No person, as defined in section 42-1-102(69), C.R.S., shall operate a commercial vehicle on any public highway of this local government unless such vehicle is in compliance with the rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operations of Commercial Vehicles."

(3) A police officer or sheriff's officer may immobilize, impound or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the rules and regulation promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operations of Commercial Vehicles."

(4) Any person who violates subsection (2) of this section commits a traffic offense. (Ord. 5218 § 1, 2007)

F.2 The Model Traffic Code is amended by the addition of a new section 238 to read as follows:

238. Blue and red lights - illegal use or possession.

(1) A person shall not be in actual physical control of a vehicle, except an authorized emergency vehicle as defined in C.R.S. 42-1-102 (6), that the person knows contains a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible directly in front of the center of the vehicle.

(2) It shall be an affirmative defense that the defendant was:

(a) A peace officer as described in C.R.S. 16-2.5-101; or

(b) In actual physical control of a vehicle expressly authorized by a chief of police or sheriff to contain a lamp or device that is designed to display, or that is capable of displaying if affixed or attached to the vehicle, a red or blue light visible from directly in front of the center of the vehicle; or

(c) A member of a volunteer fire department or a volunteer ambulance service who possesses a permit from the fire chief of the fire department or chief executive officer of the ambulance service through which the volunteer serves to operate a vehicle pursuant to section 222 (1); or

(d) A vendor who exhibits, sells, or offers for sale a lamp or device designed to display, or that is capable of displaying, if affixed or attached to the vehicle, a red or blue light; or

(e) A collector of fire engines, fire suppression vehicles, or ambulances and the vehicle to which the red or blue lamps were affixed is valued for the vehicle's historical interest or as a collector's item. (Ord. 5218 § 2, 2007)

F.3 The Model Traffic Code is amended by the addition of a new section 239 to read as follows:

239. Misuse of wireless telephone.

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) “Wireless telephone” means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle.

(3) A person eighteen years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsection (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5) (a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless the operator was eighteen years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.

(6) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(7) This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission. (Ord. 5479 § 1, 2010)

F.4 Section 508 of the Mode Traffic Code is amended to read as follows:

508. Gross weight of vehicles and loads.

(1) (a) Except as provided in subsection (1.5) of this section, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge when the gross weight upon any one axle of a vehicle exceeds the limits prescribed in section 507.

(b) Subject to the limitations prescribed in section 507, the maximum gross weight of any vehicle or combination of vehicles shall not exceed that determined by the formula W = 1,000 (L + 40), where W represents the gross weight in pounds and L represents the length in feet between the centers of the first and last axles of such vehicle or combination of vehicles; except that, in computation of this formula, the gross vehicle weight must not exceed eighty-five thousand pounds. For the purposes of this section, where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that these limitations shall not apply to specialized trailers of fixed public utilities whose axles may carry less than ten percent of the weight of the combination. The limitations provided in this section must be strictly construed and enforced.

(c) Notwithstanding any other provisions of this section, except as may be authorized under section 510, a person shall not move or operate a vehicle or combination of vehicles on any highway or bridge that is part of the national system of interstate and defense highways, also known as the interstate system, when the gross weight of such vehicle or combination of vehicles exceeds the amount determined by the formula W = 500 [(LN/N-1) + 12N + 36], up to a maximum of eighty thousand pounds, where W represents the overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L represents the distance in feet between the extreme of any group of two or more consecutive axles, and N represents the number of axles in the group.

(d) For the purposes of this subsection (1), where a combination of vehicles is used, a vehicle must not carry a gross weight of less than ten percent of the overall gross weight of the combination of vehicles; except that this limitation does not apply to specialized trailers whose specific use is to haul poles and whose axles may carry less than ten percent of the weight of the combination.

(1.5) The gross weight limits provided in subsection (1) of this section are increased by one thousand pounds for any vehicle or combination of vehicles if the vehicle or combination of vehicles contains an alternative fuel system and operates on alternative fuel or both alternative and conventional fuel. The provisions of this subsection (1.5) apply only when the vehicle or combination of vehicles is operated on a highway that is not on the interstate system as defined in section 43-2-101 (2), C.R.S. For the purposes of this subsection (1.5), "alternative fuel" has the same meaning provided in section 25-7-106.8 (1) (a), C.R.S.

(2) Any person who drives a vehicle or owns a vehicle in violation of any provision of this section commits a class 2 misdemeanor traffic offense. (Ord. 5836 § 1, 2013)

G. Section 510(1) of the Model Traffic Code is amended by the addition of new subsections (c) and (d) to read as follows:

510. Permits for excess size and weight and for manufactured homes.

(1)(c) When official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amounts specified on such signs at any time upon any of the streets or parts thereof or upon any of the bridges or viaducts described in traffic control schedules maintained by the traffic engineer.

(d) When official signs are erected giving notice thereof, no person shall operate any vehicle transporting hazardous materials upon any street or part thereof described in the traffic control schedules maintained by the traffic engineer. The traffic engineer will determine and maintain the list of the hazardous materials proscribed by this section and shall make such list available to the public at all times.

H. The Model Traffic Code is amended by the addition of a new Section 616 to read as follows:

616. Restricted use of streets.

(1) The use of certain streets and roadways by motor-driven cycles, trucks or other commercial vehicles and horse-drawn vehicles or other non-motorized traffic shall be restricted or prohibited when authorized by the traffic engineer or other designee and when official signs giving notice thereof are erected.

(2) For the purpose of road construction and maintenance, any street or portion thereof may, by action of this municipality or by agreement with other concerned road agencies, be temporarily closed to through traffic or to all vehicular traffic during the work project, and the traffic affected shall be guided along appropriate detours or alternative routes by official traffic control devices.

(3) When signs are erected giving notice of use restrictions or prohibitions upon the streets, any person who fails to comply with the posted restriction and/or prohibition commits a traffic offense.

(4) The provisions of subsection (1) shall not be construed to prohibit the drivers of any excluded vehicles from traveling along such restricted or prohibited streets, other than controlled-access roadways, for the purpose of delivering or picking up materials or merchandise or reaching their destinations which occur on these particular streets, provided such excluded vehicles enter such streets at the intersection nearest the destination of the vehicle and proceed thereon no farther than the nearest intersection thereafter.

H.1 Section 705 of the Model Traffic Code is amended to read as follows:

705. Operation of vehicle approached by emergency vehicle – operation of vehicle approaching stationary emergency vehicle.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of section 213 or 222, the driver of every other vehicle

shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) (a) A driver in a vehicle that is approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by sections 42-4-213 or 42-4-222, C.R.S., shall exhibit due care and caution and proceed as described in paragraphs (b) and (c) of this subsection (2).

(b) On a highway with at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one moving lane apart from the stationary authorized emergency vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in paragraph (c) of this subsection

(c) On a highway that does not have at least two adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in paragraph (b) of this subsection (2), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, weather conditions, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.

(3)(a) Any person who violates subsection (1) of this section commits a traffic offense.

(b) Any person who violates subsection (2) of this section commits careless driving as described in section 1402 of this Code. (Ord. 5218 § 3, 2007)

I. Section 710(2) of the Model Traffic Code is amended to read as follows:

710. Emerging from or entering alley, driveway or building.

(2) The driver of a vehicle entering an alley, driveway or entranceway, shall yield the right-of-way to any pedestrian, bicyclist or other person about to enter the sidewalk or sidewalk area extending across such alleyway, driveway or entranceway.

J. Sections l004(l)(b) and (c) of the Model Traffic Code are amended to read as follows:

1004. When overtaking on the right is permitted.

(1.) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(b) Upon a street marked for two or more lanes of moving vehicles in the direction being traveled, provided the passing vehicle utilizes a lane marked for moving vehicles other than the lane being occupied by the vehicle being passed.

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and marked for two or more lanes of moving vehicles, provided the passing vehicle utilizes the lane marked for moving vehicles other than the lane being occupied by the vehicle being passed.

K. Section 1101(4) of the Model Traffic Code is amended to read as follows:

1101. Speed limits.

(4) No person shall drive a vehicle on a street or highway within this municipality at a speed greater than the speed limit posted on official traffic control signs; or if no speed limit is posted on an official traffic control sign, at a speed greater than set forth in subsection (2) of this section.

L. Section 1101(7) of the Model Traffic Code is hereby deleted.

L.1 Section 1105 of the Model Traffic Code is amended to read as follows:

1105. Speed contests – speed exhibitions.

(1)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed contest on a highway.

(b) For purposes of this section, "Speed contest" means the operation of one or more motor vehicles to conduct a race or a time trial, including but not limited to rapid acceleration, exceeding posted speeds for highways and existing traffic conditions, vying for position, or performing one or more lane changes in an attempt to gain advantage over one or more of the other race participants.

(2)(a) Except as otherwise provided in subsection (4) of this section, it is unlawful for a person to knowingly engage in a speed exhibition on a highway.

(b) For purposes of this section, "Speed exhibition" means the operation of a motor vehicle to present a display of speed or power. "Speed exhibition" includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.

(3)(a) Except as otherwise provided in subsection (4) of this section, a person shall not, for the purpose of facilitating or aiding or as an incident to any speed contest or speed exhibition upon a highway, in any manner obstruct or place a barricade or obstruction, or assist or participate in placing any such barricade or obstruction, upon a highway.

(b) A person who violates any provision of this subsection (3) commits, pursuant to section 1703, the offense that the person aided in or facilitated the commission of an act declared in this section to be a traffic offense, and, therefore, nothing in this subsection (3) shall be construed to preclude charging a person under section 1703 for otherwise being a party to the crime of engaging in a speed contest or engaging in a speed exhibition.

(4) The provisions of this section shall not apply to the operation of a motor vehicle in an organized competition according to accepted rules on a designated and duly authorized race track, race course, or drag strip. (Ord. 5218 § 4, 2007)

M. Section 1202 of the Model Traffic Code is amended by renumbering the provisions of said section to be subsection (1) and by the addition of a new subsection (2) to read as follows:

1202. Parking or abandonment of vehicles.

(2) No person, except physicians or other persons on emergency calls, shall park a vehicle on any street signed to prohibit all-night parking, for a period longer than 30 minutes between the hours of 2 a.m. and 6 a.m. of any day.

N. The Model Traffic Code is amended by the addition of new section 1203 to read as follows:

1203. Parking for certain purposes prohibited. No person shall park a vehicle on the roadway for the purpose of:

(1) Displaying such vehicle for Sale;

(2) Washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency;

(3) Displaying advertising, except as permitted by Section 18.50.075 of the Loveland Municipal Code.

O. Section 1204(1) of the Model Traffic Code is amended by the addition of new subsections (l) through (p) to read as follows:

(l) within an alley except during the necessary expeditious loading and unloading of merchandise, freight, or passengers, and in no case shall a stop for loading or unloading of merchandise, freight, or passengers exceed (20) minutes;

(m) with respect to any vehicle that is required to be licensed by the Colorado Statutes, upon any street, highway, public right of way, or public property within the City unless a valid license is properly displayed upon the vehicle;

(n) upon any street, highway, public right of way, or public property within the City in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance;

(o) upon any street, highway, public right of way, or public property within the City, when parked in such a manner as to leave available less than (3) feet of clearance between the vehicle and previously parked vehicles;

(p) in any place that has been designated by the City as a bus stop; (Ord. 5218 § 5, 2007)

P. Section l204(3)(b) of the Model Traffic Code is amended to read as follows:

1204. stopping, standing or parking prohibited in specified places. (3)(b) At any other place where official signs prohibit or regulate parking.

Q. Section 1204 of the Model Traffic Code is amended by the addition of a new subsection (6) to read as follows:

1204. stopping, standing or parking prohibited in specified places.

(6) No person shall park a semi trailer or truck tractor in any local classification streets, including residential streets, or as designated and posted by the traffic engineer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Q.1 Section 1204 of the Model Traffic Code is amended to add the following subsection (6) as follows:

(6) At any place upon private property within the City where clearly marked signs or markings are posted by the owner or lessee of such property, which sign give notice of any stopping, standing or parking restrictions or prohibitions, no person shall stop, stand, or park any vehicle in any manner in violation of the provisions contained on such sign. Any violation shall be punished as in other cases of unlawful parking; provided however that the police department may require the owner or lessee of the property to sign a complaint prior to taking any action. (Ord. 5218 § 6, 2007)

Q.2 Section 1208 of the Model Traffic Code is amended to read as follows:

1208. Parking privileges for persons with disabilities - applicability.

(1) As used in this section:

(a) “License plate or placard” means a license plate or placard issued pursuant to section 42-3-204(2), C.R.S.

(b) “Person with a disability” has the meaning provided for such term in section 42-3-204(1)(b), C.R.S.

(2) In a jurisdiction recognizing the privilege defined by this subsection (2), a vehicle with a license plate or a placard obtained pursuant to section 42-3-204, C.R.S., or as otherwise authorized by subsection (4) of this section may be parked in public parking areas along public streets regardless of any time limitation imposed upon parking in such area; except that a jurisdiction shall not limit such privilege to park on any public street to less than four hours. Local authorities shall clearly post

the appropriate time limits in such area. Such privilege need not apply to

zones in which:

(a) Stopping, standing, or parking of all vehicles is prohibited;

(b) Only special vehicles may be parked;

(c) Parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

(3)(a) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities whether on public property or private property available for public use. A placard or license plate obtained pursuant to section 42-3-204, C.R.S., or as otherwise authorized by subsection (4)of this section shall be displayed at all times on the vehicle while parked in such space.

(b) The owner of private property available for public use may request the installation of official signs identifying parking spaces reserved for use by persons with disabilities. Such a request shall be a waiver of any objection the owner may assert concerning enforcement of this section by peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(c) Each parking space reserved for use by persons with disabilities whether on public property or private property shall be marked with an official upright sign, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(4) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR part 1235.

(5) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by persons with disabilities unless:

(a) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

(b) A license plate or placard obtained pursuant to section 42-3-204, C.R.S., or as otherwise authorized by subsection (4) of this section is displayed in such vehicle.

(6) Any person who is not a person with a disability and who exercises the privilege defined in subsection (2) of this section or who violates the provisions of subsection (5) or subsection (9) of this section of this section commits a traffic offense.

(7) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to section 42-3-204(2), C.R.S., in order to receive the benefits or privileges available to a person with a disability under this section commits a traffic offense.

(8) Any law enforcement officer or authorized and uniformed parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(9) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified 28 CFR part 36 (appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

(10)(a) For purposes of this subsection (10), “holder” means a person with a disability as defined in section 42-3-204(1)(b), C.R.S., who has lawfully obtained a license plate or placard issued pursuant to section 42-3-204(2), C.R.S., or as otherwise authorized by subsection (4) of this section.

(b) Notwithstanding any other provision of this section to the contrary, a holder is liable for any penalty or fine as set forth in this section or section 42-3-204, C.R.S., or for any misuse of a disabled license plate or placard, including the use of such plate or placard by any person other than a holder, unless the holder can furnish sufficient evidence that the license plate or placard was, at the time of the violation , in the care, custody, or control of another person without the holder’s knowledge or consent.

(c) A holder may avoid the liability described in paragraph (b) of this subsection (10) if, within a reasonable time after notification of the violation, the holder furnishes to the prosecutorial division of local government where the offense took place, the name and address of the person who had the care, custody, or control of such license plate or placard at the time of the violation or the holder reports said license plate or placard lost or stolen to both the appropriate local law enforcement agency and the Colorado department of revenue.

Source: MTC 2003 (1), (2), (3)(a), (4), and (6) amended; (9) and (10) added. (Ord. 5218 § 7, 2007)

R. Section 1209 of the Model Traffic Code is hereby amended to read as follows:

1209. Owner liability for parking violations.

(1) In any prosecution for an alleged violation of any of the parking restrictions imposed by this Part 12, proof that the particular vehicle described in the notice or complaint was stopped, standing or parked in violation of any such rule or regulation, together with proof that the defendant named in the notice or complaint was at the time of such stopping, standing or parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the place where and for the time during which such violation occurred.

(2) In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who lease, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody or control of the motor vehicle. The notice shall inform the operator that the operator name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

S. Section 1211 of the Model Traffic Code is amended to read as follows:

1211. Limitations on backing.

(1) The driver of a vehicle, whether on private or public property, shall not back the same unless such movement can be made with safety and without interfering with other traffic, muscle-powered conveyances or pedestrians.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(3) If the driver backing a vehicle is involved in a collision with a vehicle, muscle-powered conveyance or pedestrian, such collision shall be deemed prima facie evidence of the driver's interfering with other vehicles, muscle-powered conveyances or pedestrians.

T. Section 1403 of the Model Traffic Code is amended to read as follows:

1403. Following fire apparatus prohibited.

The driver of any vehicle other than one on emergency response shall not follow any fire apparatus traveling in response to a fire alarm or other emergency closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm or other emergency. For purposes of this section, fire apparatus includes a private vehicle being operated by a volunteer firefighter.

T.1 Section 1409 of the Model Traffic Code is amended to read as follows:

1409. Compulsory insurance - penalty.

(1) No owner of a motor vehicle required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this local government when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by state law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this local government without a complying policy or certificate of self insurance in full force and effect as required by state law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law.

(4) As used in this section, "evidence of a complying policy or certificate of self-insurance in full force and effect" includes the presentation of such policy or certificate upon a cell phone of other electronic device.

(5) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a traffic offense.

(6) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(7) No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by state law, at the time of the alleged violation.

(8) An operator of a motor vehicle or low-power scooter may use a cell phone or other electronic device to present evidence of a complying policy or certificate of self-insurance in full force and effect, as described in this section. (Ord. 5836 § 2, 2013; Ord. 5218 § 8, 2007)

T.2 The Model Traffic Code is amended by the addition of a new Section 1410 to read as follows:

1410. Providing false evidence of proof of motor vehicle insurance-penalty.

It is unlawful for any person to offer, use, or attempt to offer or use any means, manner, type of paper, document, card, digital image, or any other proof of motor vehicle liability insurance required by state law to a law enforcement officer, judge, magistrate, prosecutor, or employee of a court clerk's office with the intent to mislead that official regarding the status of any motor vehicle liability insurance policy in the course of an official investigation, or for purposes of dismissing any charge under section 1409 or reducing any penalty imposed under section 1409, where such means, manner, type, or kind of proof of insurance offered or used, or that is attempted to be offered or used, is known or should be known by the person to be false, fraudulent, or incorrect in any material manner or way, or which is known or should be known by the person to be altered, forged, defaced, or changed in any material respect, unless such changes are required or authorized by law. (Ord. 5836 § 3, 2013)

U. The second sentence of Section 1412(1) of the Model Traffic Code is amended to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(1) Every person riding a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221, and, when using streets and highways within this municipality or upon any path, trail, or designated bicycle routes set aside for the use of bicycles, shall be subject to local ordinances regulating the operation of bicycles as provided in section 42-4-111, C.R.S.

V. Section 1412(6) of the Model Traffic Code is amended to read as follows:

1412. Operation of bicycles and other human-powered vehicles.

(6) Persons operating bicycles or motorized bicycles upon a roadway shall not ride abreast unless such operation will not interfere with the flow of other traffic.

W. Section 1412(10) of the Model Traffic Code is amended by the addition of a new subsection (e) to read as follows:
1412. Operation of bicycles and other human-powered vehicles.
(l0)(e) No person shall ride a bicycle or skateboard upon a sidewalk within the E or DE zoning districts of the City of Loveland. When signs are erected giving notice thereof, no person shall ride a skateboard upon any other sidewalk within the City of Loveland.

X. Sections 1412(1l)(a) and (b) of the Model Traffic Code are amended to read as follows:
1412. Operation of bicycles and other human-powered vehicles.
(l1)(a) No person shall rest any bicycle or motorized bicycle against any window or park on the main traveled portion of the sidewalk, nor park in such a manner as to constitute a hazard to pedestrians, traffic, or property.
(b) In the event that no bicycle rack, or other facility intended for the use of bicycle parking, is located in the immediate vicinity, bicycles or motorized bicycles may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

Y. Section 1412 of the Model Traffic Code is amended by the addition of new subsections (12) to read as follows:
1412. Operation of bicycles and other human-powered vehicles.
(12) No person operating a bicycle or motorized bicycle shall tow or draw any coaster, wagon, sled, person on a skateboard or roller skates, toy vehicles, or other similar device on any street, highway, or roadway, except trailers that are designed and intended for such towing.

Z. Section 1716(2) of the Model Traffic Code is amended to read as follows:
1716. Notice to appear or pay fine - failure to appear - penalty.
(2) It is a violation of this section for any person to fail to appear to answer any offense charged under this Code.

10.04.25 Operation of Golf Cars

A. "Golf car" shall mean a self-propelled vehicle not designed primarily for operation on roadways and that has:
   1. A design speed of less than twenty miles per hour;
   2. At least three wheels in contact with the ground;
   3. An empty weight of not more than one thousand three hundred pounds; and
   4. A carrying capacity of not more than four persons.

B. Operation of Golf Cars Authorized.
   1. Except as set forth in this Section 10.04.020, no person shall operate a golf car upon any public roadway in the City;
   2. The operation of a golf car on a public roadway shall be authorized as follows:
      i. A golf car may be driven upon streets for no greater than a distance of one mile for the purpose of traveling to one of the City's golf courses. Such distance shall be measured in a one-mile radius from the clubhouse at each golf course, respectively.
      ii. Golf cars shall not be operated upon or across any portion of Colorado State Highway 34, Colorado State Highway 402, Colorado State Highway287, or any other roadway with a posted speed limit of greater than 30 miles per hour, except that a golf car shall be permitted to cross a state highway in accordance with the other requirements set forth herein.
      iii. A golf car shall not be driven upon private roadways, such as those owned by homeowners' associations, without express permission of the owner of such private roadways.

3. It is the responsibility of the golf car driver to know what roads are designated as permissible for the operation of golf cars.
4. Nothing in this section authorizes the operation of a golf car on the rights-of-way under the jurisdiction of the county. It is the duty of each golf car operator to ascertain whether a permissible right-of-way is within the city limits.

C. Golf Cars, Operations.

In addition to the authorized golf car operations set forth in Section 10.04.020(B) above, the following regulations apply to the operation of golf cars:

1. Any operator of a golf car shall be at least sixteen (16) years of age and hold a currently valid driver's license pursuant to Title 42 of the Colorado Revised Statutes, or the equivalent under the law of any other jurisdiction within the United States.
2. Prior to the operation of a golf car on a City street or roadway as allowed herein, each owner shall obtain and carry a liability insurance policy for that golf car meeting the insurance limits required for motor vehicles by Part 6, Article 4, Title 10, C.R.S., as may be amended from time to time.
3. No golf car shall be operated upon any City sidewalk, pedestrian trail, or recreational facility with the exception of golf courses and associated golf facilities, and the emergency access easement in the Fairway West Subdivision between Glen Haven Drive and West 37th Street. Nothing contained herein to the contrary, it shall be legal for a City-authorized golf car to operate on City paths, trails and areas within parks, greenbelts, open spaces, and recreation facilities for public safety, upkeep, maintenance and any other municipal purposes.
4. A golf car shall not be operated between sunset and sunrise, or at any other time when, due to insufficient lights or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead.
5. Golf cars, when permitted to be operated upon a roadway, shall be operated as close to the right side of the roadway as practicable, exercising due care when approaching, overtaking, or passing a standing vehicle or one proceeding in the same direction, or when approaching, overtaking, or passing a pedestrian or bicyclist. In addition, the operator of a golf car must obey all traffic laws and parking regulations otherwise applicable to motor vehicles.

D. Violations.

Violations of this Section 10.04.020 shall be punishable in accordance with the penalty provisions set forth in Section 1.12.010 of the Code or applicable state proceedings.

E. Revocable

1. The operation of golf cars on City streets shall be deemed revocable upon the will of the City Council in its legislative capacity based on its consideration of the health, safety and welfare of the public arising from such use.
2. The operation of golf cars on City streets as included in this section shall not limit or otherwise preclude the City Council from contracting or expanding the streets or roads on which golf cars can be operated.

F. Waiver of Claim

Any person operating a golf car on City streets and all persons who are passengers in such golf cars shall be deemed to have waived any claim against the City for any loss or damages whatsoever while operating golf cars on City streets as permitted herein. (Ord. 6031 § 1, 2016)

10.04.030 Application.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code,

respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

10.04.040 Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

10.04.050 Penalties.

The following penalties, set forth in full, shall apply to the provisions of this chapter.

G. It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.
H. Every person found guilty of or liable for a violation of any provision of this chapter shall be punished as provided in Section 1.12.010 of this code.

Chapter 10.08

ADMINISTRATION OF TRAFFIC*

Sections:

* For statutory provisions authorizing local authorities to regulate or prohibit the parking of vehicles, see CRS § 42-4-111.

10.08.010 Office of traffic engineer-Established.

A. The office of the traffic engineer is hereby established. The traffic engineer shall exercise the powers and duties provided in this chapter.
B. At such times as the traffic engineer may be absent from the city or unable to perform the duties, said duties shall be vested in the director of community services or the designee. (Ord. 4228 § 1 (part), 1996)

10.08.020 Duties and powers of traffic engineer.

Except as provided herein, it shall be the general duty of the traffic engineer to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of the city, and to cooperate with other municipal officials and the Colorado Department of Transportation in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by the city code. (Ord. 4228 § 1 (part), 1996)

10.08.030 Maintenance of traffic control schedules.

A. The traffic engineer shall maintain traffic control schedules for designated streets. The traffic control schedule shall declare the official local speed limit regulations for the designated streets or intersections, which shall thereafter be posted by means of official traffic control devices.
B. The traffic control schedule for designated streets shall be completed and updated as necessary by the traffic engineer. (Ord. 4228 § 1 (part), 1996)

Chapter 10.20

PARKING*

Sections:

* For statutory provisions authorizing local authorities to regulate or prohibit the parking of vehicles, see CRSA § 42-4-111.

10.20.030 Vehicles designed for dwelling or sleeping purposes prohibited on streets and alleys.

No trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be parked or permitted to stand upon any public street or alley for a period longer than seventy two hours, and no such trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be used for dwelling or sleeping purposes while parked in any such place. The terms “trailer coach”, “camper coach”, “camper trailer”, and “motor home” shall have the same meaning as set forth in the 2003 Model Traffic Code the City has adopted, and amended, pursuant to Section 10.04.010. (Ord 6045 § 3 2016; Ord. 812 § 3 (part), 1963; prior code § 31.12)

10.20.040 Residential areas.

No person shall park any truck or bus exceeding six thousand pounds empty weight, or any truck-tractor, any trailer or semitrailer, any trailer coach or mobile home, or any detached camper unit for a period of time longer than one hour on a public right-of-way within a residentially zoned area or on a public right-of-way adjacent to any lot upon which there is a residence in any zoned district; except where the vehicles or trailers are parked adjacent to a lot on which is located a motel or hotel being used by the operator of the vehicle or trailers. The period of time during which such vehicles are engaged in rendering services in the immediate area shall be excluded from computation of the one-hour limit provided by this section. This section shall not apply to a traffic control or traffic monitoring trailer owned or used by a governmental entity. (Ord. 3989 § 1, 1994; Ord. 1596 § 1, 1977)

Chapter 10.24

RAILROADS

Sections:

10.24.010 Speed limits.

It is unlawful for any person to move, propel or run any railway train, locomotive or other railway vehicle at a speed greater than twenty-five miles per hour on any track in the city. (Prior code § 27.9-1)

10.24.020 Ringing bells at crossings.

Any engineer or other person in charge of any locomotive engine within the city, on approaching any public crossing, street or highway, shall ring or cause to be rung, a bell to warn all persons of the approach of such locomotive engine, and shall continue to ring such bell or cause the same to be rung until such locomotive engine and train of cars has cleared such crossing. (Prior code § 27.9-2)

10.24.030 Street obstructions limited.

It is unlawful for any person to obstruct the free passage of any street or public highway within the city by means of any railroad car, locomotive or other railway vehicle, or to permit the same to remain in or upon any street or public highway across which any railroad may be constructed or operated for a period exceeding five minutes at any one time. (Prior code § 27.9-3)

10.24.040 Stepping on or off moving railway vehicles.

It is unlawful for any person to step on or off, or to attempt to step on or off, any railroad car, locomotive or other railway vehicle within the city, while such vehicle is in motion. This section shall not apply to any person acting in the discharge of his duties in relation to such vehicle. (Prior code § 27.9-4)

10.24.050 Flagman required for switching.

It is unlawful for any person to switch any railroad car, locomotive or other railway vehicle across any street, within the city, without having a flagman on the crossing ahead of such vehicle in a position where he may be seen by persons approaching the crossing. It shall be the duty of the flagman to signal and warn the person of the approach of such vehicle. (Prior code § 27.9-5)

10.24.060 Switching hours restricted.

It is unlawful for any railroad locomotive to be moved about, or for any railroad cars to be switched, between Third Street and Sixth Street in the city, between the hours of ten p.m. and five-thirty a.m., except such switching as may be necessary for the setting out or picking up of such cars by a through train. (Prior code § 27.9-6)

10.24.070 Car must have locomotive.

It is unlawful for any person to make or cause to be made within the city any flying switch, or to permit or allow any railroad car to run upon the railroad track detached and loose from a locomotive. (Prior code § 27.9-7)

10.24.080 Pedestrians and drivers obey warnings.

It is unlawful for any person to go upon or across or attempt to go upon or across, or to drive or propel or attempt to drive or propel any vehicle upon or across any railroad track within the city when ordered or warned not to do so by any police officer or by any watchman or flagman stationed at a railroad crossing or by any signal warning device. (Prior code § 27.9-8)

Chapter 10.28

REMOVAL, STORAGE AND DISPOSAL OF ABANDONED AND ILLEGALLY PARKED MOTOR VEHICLES

Sections:

10.28.010 Definitions.

As used in this chapter, unless the context otherwise requires:

A. "Abandon" means to leave a motor vehicle unattended so as to result in the motor vehicle becoming an abandoned motor vehicle, as defined in this section.

B. "Abandoned motor vehicle" means:

1. Any motor vehicle left unattended on private property for a period of twenty-four hours or longer without the consent of the owner, his legally authorized agent, or the person having right to possession of such property;
2. Any motor vehicle left on public property, including any portion of a street, highway, alley or other public right-of-way within the city limits that is reasonably determined to be deserted, discarded or is inoperable. Law enforcement shall consider the duration the vehicle has remained stationary, the existence of debris inside or outside of the vehicle, the structural integrity of the vehicle, the condition of the vehicle's tires, and any other fact that tends to show the vehicle is deserted, discarded, or inoperable. "Inoperable" for purposes of this section shall mean that the totality of the circumstances then existing to law enforcement which would permit a reasonable person to conclude that the vehicle is incapable of being driven or incapable of being driven without damaging the motor vehicle;
3. Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent, or a law enforcement agency, and not removed from the impound lot according to the agreement with the owner or agent or within forty-eight hours from the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If a law enforcement agency requested the storage, the provisions governing public tows of this chapter apply as of the time of abandonment. Otherwise, the private tow provisions of this chapter apply as of the time of abandonment

C. "Appraisal" means a bona fide estimate of reasonable market value made by any motor vehicle dealer licensed in the state or by an employee of the police department.

D. "Disabled motor vehicle" means any motor vehicle which is stopped or parked, either attended or unattended, upon a public right-of-way and which is, due to any mechanical failure or any inoperability because of a collision, a fire, or any other such injury, temporarily inoperable under its own power.

E. "Impound lot" means a parcel of real property which is owned or leased by a government or operator at which motor vehicles are stored under appropriate protection.

F. “Law enforcement agent” means any sheriff, undersheriff, deputy sheriff, police officer, marshal, Colorado State Patrol officer or agent of the Colorado Bureau of Investigation.
G. “Operator” means a person or a firm licensed by the public utilities commission as a towing carrier.
H. “Private property” means any real property which is not public property.
I. “Private tow” means any tow of an abandoned motor vehicle not requested by a law enforcement agency.
J. “Public property” means any real property having its title, ownership, use or possession held by the federal government, the state or any county or municipality, as defined in Section 31-1-101(6), CRS, or other governmental entity of the state.
K. “Public tow” means any tow of an abandoned motor vehicle requested by a law enforcement agency.
L. “Responsible law enforcement agency” means:
In the case of a public tow, the law enforcement agency authorizing the original tow of an abandoned motor vehicle, whether or not the vehicle is towed to another law enforcement agency's jurisdiction;
1. In the case of a private tow, the law enforcement agency having jurisdiction over the private property where the motor vehicle becomes abandoned. (Ord. 6045 § 1, 2016; Ord. 3423 § 1 (part), 1987)

10.28.020 Abandonment of motor vehicles-Public tow.

A. It is unlawful for any person to abandon any motor vehicle upon public property. Any law enforcement agent who finds a motor vehicle which he has reasonable grounds to believe has been abandoned shall require such motor vehicle to be removed or cause the same to be removed and placed in storage in any impound lot designated or maintained by the law enforcement agency employing such officer.
B. Whenever any law enforcement agent finds a motor vehicle, attended or unattended, standing upon any portion of a street, highway, alley or other public right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance or refuse removal, such agent is authorized to cause the motor vehicle to be moved or towed to eliminate any such obstruction, and neither the law enforcement agent or anyone acting under his direction shall be liable for any damage to such motor vehicle occasioned by such removal. (Ord. 3423 § 1 (part), 1987)

10.28.21 Report of abandoned motor vehicles.

A. As soon as possible, but in no event later than ten working days after having an abandoned or illegally stopped or parked vehicle towed, the responsible law enforcement agency shall report the same to the Department of Revenue.
B. The responsible law enforcement agency, upon identifying the last-known owner of record and any lienholder of record for the abandoned vehicle, shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify the owner of record and terminate the abandonment proceedings under this chapter. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle. The responsible law enforcement agency, within ten working days of identifying the last-known owner of record and any lienholder of record, shall notify by first-class mail the owner of record, if ascertained and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 10.28.050 of this chapter and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned, the location of the motor vehicle and the location from which it was towed, and

that, unless claimed within thirty calendar days from the date the notice was sent as determined from the postmark on the envelope containing the notice or the affidavit of the law enforcement agent, the motor vehicle is subject to sale. Such notice shall also inform the owner of record or lienholder(s) of the opportunity to request a post-seizure hearing concerning the legality of the towing of his abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose. Such request shall be made in writing to the responsible law enforcement agency within five days of the date of sending such notice. Such hearing shall be conducted pursuant to local hearing rules. (Ord. 6045 § 2, 2016; Ord. 3423 § 1 (part), 1987)

10.28.030 Abandonment of motor vehicles-Private tow.

A. It is unlawful for any person to abandon any motor vehicle upon private property other than his own. Any owner or lessee, or his agent authorized in writing, may have an abandoned motor vehicle removed from his property by having it towed and stored by an operator.

B. Any operator having in his possession any abandoned motor vehicle from a private tow occurring within the city shall immediately notify the chief of police, or his designee, of the city, as to the name of the operator and the location of the storage lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate, and the vehicle identification number. Upon such notification, the law enforcement agency shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, such agency shall recover and secure the motor vehicle and notify the owner of record and terminate the abandonment proceedings under this chapter. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

C.

1. Any operator shall, as soon as possible, but in no event later than three working days after receipt of determination that such motor vehicle has not been reported stolen, report the same to the Department of Revenue by first-class or certified mail or by personal delivery, which report shall be on a form prescribed and supplied by the Department of Revenue.
2. The report shall contain the following information:
    a. The fact of possession, including the date possession was taken, the location of storage of the abandoned motor vehicle and the location from which it was towed, and the identity of the law enforcement agency determining that the vehicle was not reported stolen;
    b. The identity of the operator possessing the abandoned motor vehicle, together with his business address and telephone number and the carrier number assigned by the public utilities commission; and
    c. A description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state, and expiration date of the license plate, and the vehicle identification number and a list of the names and addresses of any known drivers.

D. Within ten days of the receipt of a Department of Revenue report concerning owner of record and lienholders of record, the operator shall notify, by certified mail or by personal delivery to the owner of record, and any lienholder of record. The operator shall send a copy of the notice by certified mail or by personal delivery to the responsible law enforcement agency. The notice shall contain the following information:

1. That the identified motor vehicle has been reported abandoned to the department;
2. The claim, if any, of a lien under Section 10.28.050 of this chapter;
3. The location of the motor vehicle and the location from which it was towed; and
4. That, unless claimed within thirty calendar days from the date the notice was sent as determined from the postmark on the envelope containing the notice, the motor vehicle is subject to sale. (Ord. 3423 § 1 (part), 1987)

10.28.040 Appraisal of abandoned motor vehicles-Sale.

A. Public tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a public tow shall be appraised and sold by the responsible law enforcement agency at a public or private sale held not less than thirty nor more than sixty days after the date the notice required by Section 10.28.021 of this chapter was mailed.

B. Private tow abandoned motor vehicles or motor vehicles abandoned in an impound lot subsequent to a private tow shall be appraised and sold by the operator in a commercially reasonable manner at a public or private sale held not less than thirty days nor more than sixty days after the date the notice required by Section 10.28.030 of this chapter was mailed.

C. If the appraised value of an abandoned motor vehicle sold pursuant to this section is to hundred dollars or less, the sale shall be made only for the purpose of junking, scrapping or dismantling such motor vehicle, and the purchaser thereof shall not, under any circumstances, be entitled to a state certificate of title. The operator or responsible law enforcement agency making the sale shall promptly submit a report of sale, with a copy of the bill of sale, to the Department of Revenue and shall deliver a copy of such report of sale to the purchaser of the motor vehicle.

D. If the appraised value of an abandoned motor vehicle sold pursuant to this section is more than two hundred dollars, the sale may be made for any intended use by the purchaser thereof. The operator or responsible law enforcement agency making the sale shall cause to be executed and delivered a bill of sale, together with a copy of the report described in Section 10.28.021 of this chapter (for public tow abandoned motor vehicles) or Section 10.28.030 (for private tow abandoned motor vehicles) and an application for a state certificate of title signed by a legally authorized representative of the operator or responsible law enforcement agency conducting the sale, to the person purchasing such motor vehicle. (Ord. 3423 § 1 (part), 1987)

10.28.050 Liens upon towed motor vehicles.

Whenever an operator recovers, removes or stores a motor vehicle upon instructions from the owner of record thereof or any other legally authorized person in control of such motor vehicle, or from the owner or lessee of real property upon which a motor vehicle is illegally parked or his agent authorized in writing, or from any duly authorized law enforcement agent who has determined that such motor vehicle is an abandoned motor vehicle, such operator shall have a possessory lien upon such motor vehicle and its attached accessories or equipment for all costs of recovery, towing and storage. Such lien shall be a first and prior lien on the motor vehicle and its attached accessories or equipment and such lien shall be satisfied before all other charges against such motor vehicle. (Ord. 3423 § 1 (part), 1987)

10.28.051 Perfection of lien.

The lien provided for in Section 10.28.050 of this chapter shall be perfected by taking physical possession of the motor vehicle and its attached accessories or equipment and by sending to the Department of Revenue within three working days of the time possession was taken a notice containing the information required in the report to be made under the provisions of Section 10.28.021 or 10.28.030 of this chapter. In addition, such report shall contain a declaration by the operator that a possessory lien is claimed for all past, present and future charges up to the date of redemption and that the lien is enforceable and may be foreclosed pursuant to the provisions of this chapter. (Ord. 3423 § 1 (part), 1987)

10.28.060 Proceeds of sale.

A. If the sale of any motor vehicle and its attached accessories or equipment under the provisions of Section 10.28.040 of this chapter produces an amount less than or equal to the sum of all charges of the operator who has perfected his lien, then the operator shall have a valid claim against the

owner of record for the full amount of such charges, less the amount received upon the sale of such motor vehicle. Such charges shall be assessed in the manner provided for in subsection B1 of this section.

B. If the sale of any motor vehicle and its attached accessories or equipment under the provisions of Section 10.28.040 of this chapter produces an amount greater than the sum of all charges of the operator who has perfected his lien:
    1. The proceeds shall first satisfy the operator's charges as follows: The cost of towing the abandoned motor vehicle with a maximum charge of fifty dollars; the mileage for tows of greater than twenty-five miles one way, to be computed at the rate of one dollar per mile for each mile in excess of twenty-five miles one way; and the storage of the abandoned motor vehicle to be charged at the rate of four dollars per day for a maximum of sixty days. In the case of an abandoned motor vehicle weighing in excess of ten thousand pounds, the provisions of this subsection shall not apply and the operator's charges shall be determined by negotiated agreement between the operator and the responsible law enforcement agency.
    2. Any balance then remaining shall be paid to the responsible law enforcement agency to satisfy the cost of mailing notices, having an appraisal made, advertising and selling the motor vehicle, and any other costs of the responsible law enforcement agency, including administrative costs, taxes, fines and penalties due.
    3. Any balance then remaining shall be next subject to payment of any taxes, fees or penalties due to the Department of Revenue with respect to such motor vehicle after having given notice to the Department of Revenue that such balance exists.
    4. Any balance then remaining shall be paid: First, to any lienholder of record as his interest may appear upon the official records of the Department of Revenue; second, to any owner of record as his interest may so appear; and then to any person submitting proof of his interest in such motor vehicle upon the application of such lienholder, owner or person. If such payments are not requested and made within ninety days of the sale of the abandoned motor vehicle, the balance shall be credited to the general fund. (Ord. 3423 § 1 (part), 1987)

10.28.070 Exemptions.

A. Nothing in this chapter shall be construed to include, or apply to, the driver of any disabled motor vehicle who temporarily leaves such vehicle on the paved or improved main travel portion of a street, alley or highway subject, when applicable, to the emergency lighting requirements as set forth in 42-4-227, CRS.

B. Nothing in this chapter shall be construed to include or apply to authorized emergency motor vehicles while such vehicles are actually and directly engaged in coming from or going to an emergency. (Ord. 3423 § 1 (part), 1987)

10.28.100 Penalties.

Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished as provided in Section 1.12.010 of this code. (Ord. 3845 § 5 (part), 1992; Ord. 3423 § 1 (part), 1987)

Chapter 10.32

TRAFFIC INFRACTIONS

Sections:

10.32.010 Definitions.

As used in this chapter:

A. "Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice, parking assessment or other document charging the person with the commission of a traffic infraction or infractions.

B. "Judgment" means the admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic infraction. (Ord. 4291 § 1 (part), 1997)

10.32.020 Civil traffic infractions.

Notwithstanding any provision to the contrary in this municipal code, all violations of any provision classified as a traffic infraction in Section 1.12.010 shall be civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to civil traffic infractions, except as stated in this chapter. (Ord. 4291 § 1 (part), 1997)

10.32.030 Trial before court.

Traffic infractions shall be tried only to the municipal judge or associate municipal judge. (Ord. 4291 § 1 (part), 1997)

10.32.040 No jury trial for traffic infractions.

A defendant brought to trial solely upon a traffic infraction or infractions shall have no right to a trial by jury as contemplated by Section 13-10-114, CRS, or Rule 223, Colorado Municipal Court Rules, and trial of traffic infractions shall be to the court. No defendant found liable for a traffic in- fraction shall be punished by imprisonment. (Ord. 4291 § 1 (part), 1997)

10.32.050 Commencement of action.

An action under these rules is commenced by the tender or service of a charging document upon a defendant or by conspicuously attaching a parking assessment to the subject vehicle and by the filing of a charging document with the Municipal Court. (Ord. 4291 § 1 (part), 1997)

10.32.060 Payment before appearance.

A. The court clerk shall accept payment of a penalty assessment notice by a defendant without an appearance before the court if payment is made following the date of issuance of the charging document and prior to the date scheduled for the first hearing.

B. Other than speeding violations in school zones which are ineligible for point reduction, if the defendant pays the fine for the penalty assessment prior to the date scheduled for the first hearing, the points assessed for the violation shall be reduced as follows:

1. For a violation having an assessment of three or more points pursuant to Section 42-2-127(5), C.R.S., as amended, the points are reduced by two points;
2. For a violation having an assessment of two points pursuant to Section 42-2-127(5), C.R.S., as amended, the points are reduced by one point. (Ord. 5244 § 1, 2007)

C. At the time of payment, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability or tender a no contest plea upon a form approved by the Judge.

D. This procedure shall constitute an entry and satisfaction of judgment. (Ord. 4291 § 1 (part), 1997)

10.32.070 First hearing.

A. If the defendant has not previously acknowledged guilt or liability and satisfied the judgment, he or she shall appear before the court on the date and the time scheduled for first hearing.

B. The date of the first hearing shall be not less than twenty-one days following the date the charging document was tendered to or served upon the defendant. (Ord. 4291 § 1 (part), 1997)

10.32.080 Judgment after final hearing.

A. If it finds all elements of a traffic infraction beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter appropriate judgment.

B. The judgment shall be satisfied upon payment to the clerk of the total penalty and court costs.

C. If the defendant fails to satisfy the judgment upon the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then the court shall treat such nonpayment, in the full amount of the penalty, fees and costs, as a default. (Ord. 4291 § 1 (part), 1997)

10.32.090 Post-trial motions and appeal.

There shall be no post-trial motions except motions to set aside a default judgment. (Ord. 4291 § 1 (part), 1997)

10.32.100 Default.

A. If the defendant fails to appear for any hearing, the court shall enter judgment against the defendant.

B. The amount of the judgment shall be the specified penalty assessed after a finding of guilt or liability, fees and additional costs assessable to municipal violations generally upon conviction of noncivil municipal charges. The court shall not add such fees and additional costs to parking assessment default judgments.

C. The court may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. The defendant may move to set aside the judgment within seven calendar days after entry of judgment.

D. The defendant may satisfy a judgment entered under this rule by paying the clerk.

E. No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment. (Ord. 4291 § 1 (part), 1997)

10.32.110 Collection of judgments.

Upon finality of a judgment under this chapter and in addition to all legal and administrative enforcement or collection procedures and remedies otherwise available, the city attorney is authorized to file a civil action with any state court having appropriate jurisdiction, which filing shall include the record of the case certified by the clerk of the municipal court, praying for judgment based thereon, and on the entry of a judgment, the city attorney is authorized to proceed with a judgment execution and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in the proceedings and legal interest. (Ord. 4291 § 1 (part), 1997)

End Title 10

10.32.110 Collection of judgments.

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End Title 10

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

Chapter 12.04

12.04.010 Definitions.

As used herein, the following words shall have the following meanings:

A. “Sidewalk” means that portion of the street which is set aside for the use of pedestrians and which has been surfaced with cement, stone or other similar material.
B. “Street” means the entire width of every dedicated public way, and shall include the traveled portion thereof known as the roadway, the portion used for sidewalks, and the portion between the property line and the roadway known as the parking. The term shall also include an alley.
C. “City development standards” means the current “Development Standards and Specifications Governing the Construction of Public Improvements” on file with the city clerk and available for purchase from the department of public works and utilities. (Ord. 1914 § 1, 1980; prior code § 20.2)

Chapter 12.08

NAMING AND NUMBERING OF STREETS*

Sections:

*For statutory provisions authorizing cities and towns to name and change the name of any street, alley, avenue or other public place, see CRS § 31-15-702.

I. NUMBERING

12.08.010 Lots and buildings running north and south.

For the purpose of numbering the lots or buildings on all streets in the city running north and south, First Street shall be used as a base, beginning with one hundred and one on the southeast corner of all blocks on the north side of First Street, thence numbering to the north, the odd numbers on the west side and the even numbers on the east side of all such streets, the numbers continuing regularly until another street is reached, when the number shall commence with another hundred and one, thus continuing numbering the entire length of each street. (Prior code § 20.26(c))

12.08.020 Streets running east and west.

For the purpose of numbering streets running east and west, Railroad Avenue/railroad tracks between Twenty-second Street and Third Street Southeast shall be used as a base. Beyond Twenty-second Street and Third Street Southeast-Garfield Avenue shall be used as a base, beginning on the east side of the railroad track and the east side of Garfield Avenue extended, with one hundred and one on the southwest corner of all blocks immediately east of the track or street, thence numbering east, the odd numbers on the north side and the even numbers on the south side of all streets, the numbers continuing regularly until another street is reached when the numbers shall commence with another hundred and one, thus continuing the numbering the entire length of each street; and on the west side of the railroad track or street, beginning with one hundred and one on the southeast corner of all blocks immediately west of the track, thence numbering west, the odd numbers on the north side of and the even numbers on the south side of all streets, the numbers continuing regularly until another street is reached when the numbers shall commence with another hundred and one, thus continuing the numbering the length of each street. (Ord. 813 § 2, 1963; prior code § 20.26(d); Ord. 4920 § 2, 2004)

12.08.030 Streets running north and south.

All streets running north and south and lying south of First Street shall be numbered consecutively in the same manner as provided in Section 12.08.010, beginning so that the odd numbers south of First Street shall be on the same side of the street as odd numbers on the north side of First Street on the same street or avenue, providing that Garfield Avenue extended south of Third Street Southeast, formerly Mason Street, shall be used as the base dividing line. (Ord. 813 § 5, 1963; prior code § 20.26(j))

II. NAMING

12.08.040 Definitions.

For purposes of naming streets, the following definitions shall be used:

A. Through streets less than four hundred feet in length shall be designated as “Places.” Cul-de-sac streets shall be designated as “Courts.”
B. Streets four hundred feet in length or longer, running north and south, shall be designated as “Avenues.” Streets four hundred feet in length or longer, running east and west, shall be designated as “Streets.”
C. Curving streets shall be designated as “Drives” and may be of any length.
D. A looped street may have only one name if it intersects the same street to form two tee-intersections. Looped streets shall be designated as “Circles.” (Ord. 4059 § 2, 1995; prior code § 20.26(e))

12.08.045 Guidelines for names.

The names for streets shall be selected in such a manner so that no repetition shall appear in any of the names given to different streets. The names for streets used in any area shall not be unduly similar to those names used in other areas. The length of the names for streets shall be kept to a reasonable minimum. Anytime that a street makes a directional change of approximately ninety degrees, the street name shall change. A directional change of approximately ninety degrees shall mean a horizontal curve where a reduction in the design speed is required (i.e. a sharp turn vs. a sweeping curve). Street names from each category shall be readily recognizable to the general public. Street names may not reflect any corporate or brand names. Existing street names shall continue across intersections and round-abouts. (Ord. 4557 § 1, 2000; Ord. 4059 § 3, 1995)

12.08.050 Continuity of numbered streets.

All numbered streets which are in the same relative position within the city, although not being connected, shall have the same name as though the numbered street were a continuous street. (Ord. 4059 § 4, 1995; Ord. 813 § 7, 1963; prior code § 29.26(1))

12.08.060 East and west prefix.

The Burlington Northern Railroad running through the city shall divide all streets running east and west so that all that portion of any and all such streets lying east of the railroad track shall be known by their present names or numbers with the word “East” prefixed thereto, and all that portion of any and all streets lying west of the railroad track shall be known by their present names or numbers with the word “West” prefixed thereto. This shall apply to all streets bounded by the railroad track between Twenty-second Street on the north and Mason Street on the south, and beyond these points Garfield Avenue extended north and south will be the dividing line for purposes of naming and numbering in accordance with the provisions of this section. (Ord. 4981 § 1 (part), 2005; Prior code § 20.26(a))

12.08.070 North and south suffix.

First Street shall divide all streets running north and south so that all that portion of any and all such streets lying north of the street shall be known by their present names or numbers with the word “North” prefixed thereto, and any and all such streets lying south of First Street and east of Garfield shall be known by their present names or numbers with the word “Southeast” suffixed thereto and all such streets lying south of First Street and west of Garfield shall be known by their present names or numbers with the words “Southwest” suffixed thereto. (Ord. 1343 § 1, 1974; Ord. 813 § 1, 1963; prior code § 20.26(b))

12.08.080 North of Eisenhower Boulevard, east of Taft Avenue and west of Madison Avenue.

In the area north of Eisenhower Boulevard, east of Taft Avenue and west of Madison Avenue, all streets shall have the names of evergreen and deciduous trees, national forests, state parks, and winter and Olympic sports. (Ord. 4869 § 1, 2004 (part); Ord. 4778 § 4, 2003; Ord. 4557 § 2, 2000; Ord. 4059 § 5, 1995; Ord. 1084 § 1, 1970; prior code § 20.26(f))

12.08.090 North of Eisenhower Boulevard and west of Taft Avenue.

In the area north of Eisenhower Boulevard and west of Taft Avenue, all streets shall have the names of states, Colorado towns, Colorado counties, famous historical persons (not generals or pilots), agricultural (crops, equipment but not animals) and oceans, seas and bays. (Ord. 4778 § 4, 2003; Ord. 4557 § 3, 2000; Ord. 4059 § 6, 1995; prior code § 20.26(g))

12.08.100 South of Eisenhower Blvd., north of First Street and west of Railroad Avenue.

In the area south of Eisenhower Boulevard and north of First Street and west of Railroad Avenue all streets shall have the names of pioneers of the Loveland area, Loveland Mayors, native Colorado animals, prominent geographical features of the area, golf terms, Native American tribe names and

Native American chief names. (Ord. 4778 § 4, 2003; Ord. 4557 § 4, 2000; Ord. 4115 § 1, 1995; Ord. 4059 § 7, 1995; Ord. 813 § 3, 1970; prior code § 20.26(h))

12.08.110 North-south avenues lying east of Madison Avenue.

Except as provided for in Section 12.08.160, all north-south avenues lying east of Madison Avenue shall be named for state capitols and be designated as "Avenues". All north-south streets lying west of Madison Avenue, shall be named for presidents of the United States, or governors of the state should the supply of names of presidents be exhausted. (Ord. 4981 § 1 (part), 2005;, Ord. 4869 § 1, 2004 (part); Ord. 4059 § 8, 1995; Ord. 813 § 4, 1970; prior code § 20.26(i))

12.08.120 South of First Street and west of Garfield.

In the area south of First Street and west of Garfield, all streets shall have the names of flowers, felines, names commonly given to girls, colors and cactus. (Ord. 4557 § 5, 2000; Ord. 4059 § 9, 1995; Ord. 813 § 6, 1970; prior code § 20.26(k))

12.08.130 East of Railroad Avenue, north of First Street and south of Eisenhower Boulevard.

In the area east of Railroad Avenue, north of First Street and south of Eisenhower Boulevard, all streets shall have the names of minerals, gems, stones, constellations, planets and astrological terms. (Ord. 4778 § 4, 2003; Ord. 4557 § 6, 2000; Ord. 4059 § 10, 1995; Ord. 813 § 8, 1970; prior code § 20.26(m))

12.08.140 East of Garfield and south of First Street.

In the area east of Garfield and south of First Street, all streets shall have the names of birds, canines and names commonly given to boys. (Ord. 4059 § 11, 1995; Ord. 813 § 9, 1970; prior code § 20.26(n))

12.08.150 East of Boyd Lake, west of I-25 and north of 37th Street (Airport Area), excluding the area south of Crossroads Boulevard between Rocky Mountain Avenue and I-25.

In the area east of Boyd Lake, west of I-25 and north of 37th Street, known as the Airport Area, excluding the area south of Crossroads Boulevard between Rocky Mountain Avenue and I-25, all streets shall have the names of aircraft, pilots, airports, other names commonly associated with aviation and nautical terms. (Ord. 4869 § 1, 2004 (part); Ord. 4778 § 4, 2003; Ord. 4557 § 7, 2000; Ord. 4059 § 12, 1995; Ord. 4920 § 2, 2004)

12.08.160 North of Eisenhower Boulevard, east of Madison Avenue, south of County Road No. 30, west of County Road No. 11C continuing south along the east side of Boyd Lake to the east-west projection of 37th Street (County Road No. 24E), south of East 37th Street and its east-west projected line, excluding the area north of the Union Pacific Railroad and west of 1-25; the area north of the Union Pacific Railroad, east of 1-25, west of Centerra parkway, and south of the east-west projection of 37th Street; and the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad.

In the area north of Eisenhower Boulevard, east of Madison Avenue, south of County Road No. 30, west of County Road No. 11C continuing south along the east side of Boyd Lake to the east-west projection of 37th Street (County Road No. 24E), south of East 37th Street and its east-west projected line, excluding the area north of the Union Pacific Railroad and west of 1-25, the area north of the Union Pacific Railroad, east of 1-25, west of Centerra Parkway, and south of the east-west projection of 37th Street and the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad, all streets shall have the names of (a) Colorado streams, rivers, lakes, mountain valleys, peaks, and passes, fish, wetlands/water (aquatic) plants and animals (not fish), or (b) agriculture. Notwithstanding the foregoing, within a PUD General Development Plan containing at least 1,000 acres,

one street may have the marketing name of the development and one street in this area may be named Kendall Parkway. (Ord. 6073 § 1, 2016; Ord. 5208 § 1, 2007; See also Section 12.08.110) (Ord. 5036 § 1, 2005; Ord.4981 § 1, 2005 (part); Ord. 4869 § 1, 2004 (part); Ord. 4557 § 8, 2000; Ord. 4059 § 13, 1995; Ord. 4920 § 2, 2004)

12.08.170 East of I-25 & north of the east-west projected line of 37th Street.

In the area east of I-25 and north of the east-west projected line of 37th Street, all streets shall have the names of generals, battle sites and equestrian terms (horses). (Ord. 4869 § 1, 2004 (part); Ord. 4778 § 4, 2003; Ord. 4557 § 9, 2000; Ord. 4059 § 14, 1995; Ord. 4920 § 2, 2004)

12.08.180 North of the Union Pacific Railroad, east of Rocky Mountain Avenue, west of 1-25, and south of Crossroads Boulevard; and north of the Union Pacific Railroad, east of 1-25, west of Centerra Parkway, and south of the east-west projection of 37th Street.

In the area north of the Union Pacific Railroad, east of Rocky Mountain Avenue, west of 1-25, and south of Crossroads Boulevard and in the area north of the Union Pacific Railroad, east of 1-25, west of Centerra Parkway, and south of the east-west projection of 37th Street all streets shall have the names of automotive or technological terms. (Ord. 5208 § 1, 2007; Ord. 4981 § 1, 2005)

12.08.190 North of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad.

In the area north of Eisenhower Boulevard, east of Centerra Parkway, and south of the Union Pacific Railroad all streets shall have names of railroads and railroad related terms. (Ord. 5208 § 1, 2007)

12.08.194 Downtown Area Alley Names

In the area north of East 1st Street, east of Railroad Avenue, south of East 7th Street and west of North Washington Avenue, alleys shall have names related to arts and entertainment or to Loveland history, and shall be designated as an "Alley". (Ord. 5553 § 1, 2011)

12.08.200 Council May Grant Exceptions.

The City Council may, in its discretion, grant by resolution exceptions to the provisions of this Chapter 12.08 with respect to the naming of streets. (Ord. 5208 § 1, 2007)

12.08.210 Director May Grant Exceptions.

The Director of Development Services may, in his or her discretion, grant exemptions to the provisions of this Chapter 12.08 with respect to the naming of streets provided that:

A. the Loveland Fire Department determines that any such exemption would not create a threat to public safety and welfare and would not likely increase the response time for emergency vehicles;
B. no addresses are assigned to the street subject to the exemption;
C. the name of the street subject to the exemption is not a name that would otherwise comply with the street naming standards set forth in Sections 12.08.080 through 12.08.180; and
D. except for the street naming standards set forth in Sections 12.08.080 through 12.08.180, the name of the street subject to the exemption complies with all other requirements set forth in Chapter 12.08. (Ord. 5208 § 1, 2007)

12.08.220 Minor Corrections to Existing Street Names.

The Director of Development Services may authorize minor corrections, such as, but not limited to, suffix, prefix, and spelling errors, to existing street names, provided there are no developed properties addressed on the street subject to the correction. (Ord. 5208 § 1, 2007)

Chapter 12.16

USE OF CITY RIGHTS-OF-WAY

Sections:

12.16.010 Purpose and objectives.

A. The purpose of this chapter is to establish principles and procedures for the placement of structures and facilities, construction excavation encroachments, and work activities within or upon the rights-of-way, and to require adequate payment for said activities, in order to protect the integrity of the road system. To achieve this purpose, it is necessary to require permits of private users of the rights-of-way, establish permit procedures, and fix and collect fees and charges.

B. Public and private uses of rights-of-way for location of facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the city must ensure that the primary purpose of the right-of-way, passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, roadways, facilities, and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the rights-of-way by private users is secondary to these public objectives, and the movement of traffic. This chapter is intended to strike a balance between the public need for efficient, safe transportation routes and the use of rights-of-way for location of facilities by public and private entities. It thus has several objectives:

1. To ensure that public safety is maintained and that public inconvenience is minimized;
2. To protect the city's infrastructure investment by establishing repair standards for pavement, facilities, and property in the rights-of-way when work is accomplished;
3. To facilitate work within the rights-of-way through the standardization of regulations;
4. To maintain an efficient permit process;
5. To conserve and fairly apportion the limited physical capacity of the rights-of-way held in public trust by the city;
6. To establish a public policy for enabling the city to discharge its public trust consistent with the rapidly-evolving federal and state regulatory policies, industry competition, and technological development;
7. To promote cooperation among the permittees and the city in the occupation of the rights-of-way, and work therein, in order to: (i) eliminate duplication that is wasteful, unnecessary, or unsightly; (ii) lower the permittees' and the city's costs of providing services to the public; and (iii) minimize street cuts; and
8. To ensure that the city can continue to fairly and responsibly protect the public health, safety, and welfare. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings set forth below:

A. "Access vault" means any structure containing one or more ducts, conduits, manholes, handhole, or other such facilities in the permittee's facilities.
B. "Appurtenances" means transformers, switching boxes, gas regulator stations, terminal boxes, meter cabinets, pedestals, junction boxes, handholes substations, system amplifiers, power supplies, pump stations, manholes, valves and valve housings and other devices that are necessary to the function of electric, communications, cable television, water, sewer, storm water, natural gas and other utilities and services.
C. "City" means the City of Loveland, Colorado.
D. "Contractor" means a person, partnership, corporation, or other legal entity who undertakes to construct, install, alter, move, remove, trim, demolish, repair, replace, excavate, or add to any improvements covered by this chapter, that requires work, workers, and/or equipment to be in the right-of-way in the process of performing the above named operations.
E. "Degradation" means a decrease in the useful life of the right-of-way or damage to any landscaping within the rights-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the surface and/or subsurface structure of such right-of-way earlier than would be required if the excavation or disturbance did not occur.
F. "Developer" means the person, partnership, corporation, or other legal entity who is improving a parcel of land within the city and who is legally responsible to the city for the construction of improvements within a subdivision or as a condition of a building permit.
G. "Director" means the director of public works of the city or his authorized representative.
H. "Duct" or "conduit" means a single enclosed raceway for cables, fiber optics or other wires, or a pipe or canal used to convey fluids or gases.
I. "Emergency" means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain

conduit systems, damaged electrical and communications facilities, and advanced notice of needed repairs is impracticable under the circumstances.

J. "Excavate" means to dig into or in any way remove or penetrate any part of a right-of-way.

K. "Facilities" means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, street lights, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing utility and other services.

L. "Fence" means any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected to enclose partition, beautify, mark, or screen areas of land.

M. "Infrastructure" means any public facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and structures, streets, alleys, traffic signal poles and appurtenances, conduits, signs, landscape improvements, sidewalks, and public safety equipment.

N. "Landscaping" means materials, including without limitation, grass, ground cover, shrubs, vines, hedges, or trees and non-living natural materials commonly used in landscape development, a well as attendant irrigation systems.

O. "Permit" means any authorization for use of the public rights-of-way granted in accordance with the terms of this chapter, and the laws and policies of the city.

P. "Permittee" means the holder of a valid permit issued pursuant to this chapter.

Q. "Person" means any natural person, firm, partnership, government district, association, corporation, company, or other organization or entity of any kind.

R. "Right-of-way" means any city-owned street, way, place, alley, sidewalk, easement, park, square, plaza, right-of-way, or other grounds dedicated to public use.

S. "Routine maintenance" means: (a) for all streets, any maintenance activity operating in the right-of-way that is outside of the actual roadway area and does not disrupt the flow of vehicular or pedestrian traffic; (b) for streets classified as local or minor collector, any maintenance activity that does not require a street cut and will not disrupt traffic for more than sixty minutes.

T. "Specifications" means engineering regulations, construction specifications, and design standards adopted by the city.

U. "Structure" means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies, and canopies.

V. "Surplus ducts or conduits" are conduits or ducts other than those occupied by permittee or any prior permittee, or unoccupied ducts held by permittee as emergency use spares, or other unoccupied ducts that permittee reasonably expects to use within three years from the date of a request for use.

W. "Work" means any labor performed on, or any use or storage of equipment or materials, including but not limited to, construction of streets and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, bus shelters, bus loading pads, street lights, and traffic signal devices. It shall also mean construction, maintenance, and repair of all underground structures such as pipes, conduit, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar structure located below surface, and installation of overhead poles used for any purpose. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.030 Police powers.

The permittee's rights hereunder are subject to the police powers of the city, which include the power to adopt and enforce ordinances, including amendments to this chapter, necessary to the safety, health, and welfare of the public. The permittee shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the city or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The city reserves the right to exercise its police powers, notwithstanding anything in this chapter or the permit to the contrary. Any conflict between the provisions of the chapter or the permit and any other present or future lawful exercise of the city's police powers shall be resolved in favor of the latter. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.040 Permit required.

A. No person shall undertake or permit to be undertaken any construction, excavation, or work in the rights-of-way without first obtaining a permit from the city as set forth in this chapter, except as provided in Section 12.16.210. Each permit obtained, along with associated documents, shall be maintained on the job site and available for inspection upon request by any officer or employee of the city. Notwithstanding anything herein to the contrary, this chapter shall not apply to:
   1. The initial development of property as provided in the city development standards and ordinances;
   2. The construction, excavation, or work that is part of a city project approved by the city engineer; or
   3. Routine maintenance of existing facilities; provided, however, that routine maintenance requiring lane closures or other traffic control (including manhole access on arterial or collector streets and activities that will span multiple locations within the city) shall require a permit.

B. No permittee shall perform construction, excavation, or work in an area larger or at a location different, or for a longer period of time than that specified in the permit or permit application. If, after construction, excavation, or work is commenced under an approved permit, it becomes necessary to perform construction, excavation, or work in a larger or different area than originally requested under the application or for a longer period of time, the permittee shall notify the director immediately and within twenty-four hours shall file a supplementary application for the additional construction, excavation, or work.

C. The permittee may subcontract the work to be performed under a permit provided that the permittee shall be and remain responsible for the performance of the work under the permit and all insurance and financial security as required. Permits are transferable and assignable if the transferee or assignee posts all required security pursuant to this chapter and agrees to be bound by all requirements of the permit and this chapter.

D. Within the city, the physical construction of public infrastructure in new developments is the responsibility of the developer of the land. Ownership of that infrastructure remains with the developer of the land until acceptance by the city. Any developer of land where work is undertaken on infrastructure that is within a right-of-way, but prior to acceptance by the city, shall obtain a permit from the city. The city will not accept public infrastructure improvements where work performed is not in accordance with applicable city specifications and applicable provisions of this chapter.

E. Any person or utility found to be conducting any excavation activity within the right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A civil penalty to be set by resolution of the city

council shall be required in addition to all applicable permit fees. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.050 Permit application; permit contents.

A. An applicant for a permit to allow construction, excavation, or work in the right-of-way under this section shall:
   1. File a written application on forms furnished by the city which include the following: the date of application; the name and address of the applicant; the name and address of the developer, contractor, or subcontractor licensed to perform work in the right-of-way; the exact location of the proposed construction, excavation, or work activity; the type of existing public infrastructure (street pavement, curb and gutter, sidewalks, or utilities) impacted by the construction, excavation, or work; the purpose of the proposed construction, excavation, or work; the dates for beginning and ending the proposed construction, excavation, or work; proposed hours of work; itemization of the total cost of restoration based upon R.S. Means Estimating Standards, or at the discretion of the director, other published street repair cost estimating standards; and type of work proposed.
   2. Include an affirmative statement that the applicant or its contractor is not delinquent in payments due the city on prior work.
   3. Attach copies of all permits or licenses (including required insurance, deposits, bonding, and warranties) required to do the proposed work, and to work in the rights-of-way, if licenses or permits are required under the laws of the United States, the State of Colorado, or the ordinances or regulations of the city. If relevant permits or licenses have been applied for but not yet received, the applicant must provide a written statement so indicating. Copies of any such permits or licenses shall be provided to the city within forty-eight hours after receipt.
   4. Provide a satisfactory plan of work acceptable to the director showing protection of the subject property and adjacent properties.
   5. Provide a satisfactory plan for the protection of existing landscaping acceptable to the director when the city determines that damage may occur.
   6. Include a signed statement verifying that all orders issued by the city to the applicant requiring the applicant to correct deficiencies under previous permits issued under this chapter have been satisfied. This verification shall not apply to outstanding claims which are honestly and reasonably disputed by the applicant, if the applicant and the city are negotiating in good faith to resolve the dispute.
   7. Include with the application engineering construction drawings or site plans for the proposed construction, excavation, or work.
   8. Include with the application a satisfactory traffic control and erosion protection plan for the proposed construction, excavation, or work.
   9. Include a statement indicating any proposed joint use or ownership of the facility; any known existing facility or permit of the applicant at this location; any known existing facility of others with which the proposed installations might conflict; and the name, address, and telephone number of a representative of the applicant available to review proposed locations at the site.
   10. Pay the fees prescribed by this chapter.

B. Applicants shall update any new information on permit applications within ten days after any material change occurs.

C. There shall be only one applicant for each application. Joint applications are prohibited. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.060 Permit fee.

A. Before a permit is issued pursuant to this chapter, the applicant shall pay to the city a permit fee, which shall be determined in accordance with a fee schedule adopted by the city council by resolution. Fees will be reasonably related to the costs inherent in managing the rights-of-way. As used in this chapter, these costs include, but are not necessarily limited to, the costs of permitting rights-of-way occupants, verifying rights-of-way occupation, mapping rights-of-way occupations, inspecting job sites and rights-of-way restorations, administering this chapter, and costs incurred by the city relating to the degradation of the rights-of-way, i.e., the cost to achieve a level of restoration as determined by the city at the time the permit is issued.

B. The portion of the permit fee relating to degradation/restoration costs shall be reduced by the city in cases where the applicant demonstrates to the satisfaction of the director that the excavation proposed will be used by two or more entities, legally and financially unrelated, for the installation, maintenance, or repair of facilities. The degradation/restoration cost portion of the permit fee shall be further reduced in cases where the applicant demonstrates to the satisfaction of the director that the excavation to be made will be commenced and completed during the twenty-four month period immediately prior to the scheduled repaving or resurfacing of a street, as indicated in the most recent edition of the city's repaving plan.

C. Any permit for temporary use or occupation of the rights-of-way, where there is no construction involved, shall not require payment of a degradation fee as part of the permit fee.

D. That portion of any permit fee relating to degradation/restoration costs shall be segregated by the city into an account to cover general street maintenance and construction. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.070 Insurance and indemnification.

A. Unless otherwise specified in a franchise agreement between the permittee and the city, prior to the granting of any permit, the permittee shall file with the city a certificate of insurance in a form satisfactory to the city with coverage as follows:

1. The permittee shall carry and maintain in full effect at all times a commercial general liability policy, including broad form property damage, completed operations contractual liability, explosion hazard, collapse hazard, underground property damage hazard, commonly known as XCU, for limits not less then one million dollars each occurrence for damages of bodily injury or death to one or more persons; and five hundred thousand dollars each occurrence for damage to or destruction of property; and
2. Workers compensation insurance as required by state law.

B. Whenever any person has filed with the city evidence of insurance as required, any additional or subsequent permit holder in the employ of said initial person may, at the discretion of the city, be excused from depositing or filing any additional evidence of insurance if such employee is fully covered by the permittee's insurance policy.

C. Each permittee shall construct, maintain, and operate its facilities in a manner which provides protection against injury or damage to persons or property in accordance with the permit conditions. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.080 Letter of credit.

A. Except as provided in Section 12.16.240, before any permit required by this chapter shall be issued to an applicant, the applicant shall file with the director a letter of credit in favor of the city in an amount equal to the total cost of construction, including labor and

materials, or five thousand dollars, whichever is greater. The letter of credit shall be conditioned upon the applicant fully complying with all provisions of city ordinances, rules, and regulations, and upon payment of all judgments and costs rendered against the applicant for any material violation of city ordinances or state statutes that may be recovered against the applicant by any person for damages arising out of any negligent or wrongful acts of the applicant in the performance of work done pursuant to the permit. The letter of credit must be approved by the city attorney as to form and as to the responsibility of the surety thereon prior to the issuance of the permit. However, the city may waive the requirements of any such letter of credit upon finding that the applicant has financial stability and assets located in the state to satisfy any claims intended to be protected against the security required by this section.

B. A letter of responsibility will be accepted in lieu of a letter of credit from all public utilities, all franchised entities, and all metropolitan, water, and sanitation districts operating within the city.

C. The letter of credit or letter of responsibility shall remain in force and effect for the duration of the warranty period. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.090 Performance warranty; guarantee.

A. Performance warranty and guarantee requirements applicable to this chapter are set forth in Chapter 24 of the Larimer County Urban Area Street Standards.

B. At any time prior to completion of the warranty period, the city may notify the permittee in writing of any defects in need of repair. If a defect is determined by the director to be an imminent danger to the public health, safety, or welfare, the director may authorize the repair of said defect, and the permittee shall reimburse the city for actual costs, including administrative costs. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.100 Inspections.

The city may inspect the permittee's work as it deems necessary within its sole discretion. If the work is unsatisfactory, the director may issue a stop work order or draw against the posted security. Any fee(s) related to city inspections shall be adopted by resolution of the city council. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.110 Public safety.

The permittee shall maintain a safe work area, free of safety hazards. The city may make any repair necessary to eliminate any safety hazards not performed as directed. Any such work performed by the city shall be completed and billed to the permittee at overtime rates. The permittee shall pay all such charges within thirty days of the statement date. If the permittee fails to pay such charges within the prescribed time period, the city may, in addition to taking other collection remedies, seek reimbursement through the warranty surety. The city shall not issue any further permits of any kind to said permittee until all outstanding charges have been paid in full; provided, however, that permits shall not be withheld for outstanding charges which are honestly and reasonably disputed by the permittee, if the permittee and the city are negotiating in good faith to resolve the dispute. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.120 Time of completion.

All work covered by the permit shall be completed by the date stated on the application. Permits shall be void if work has not commenced six months after issuance, unless an extension has been granted by the director. Letters of credit or letters of responsibility deposited as a performance/warranty surety for individual permits will be returned after voiding of the permit,

with administrative and any other city costs deducted. (Ord. 5232 § 2, 2007; Ord. 3209 § 1 (part). 1985)

12.16.130 Traffic control.

A. When it is necessary to obstruct traffic, a traffic control plan shall be submitted to the city prior to starting construction. No permit will be issued until the plan is approved by the city. No permittee shall block access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless the permittee provides the city with written verification of written notice delivered to the owner or occupant of the facility, equipment, or property at least forty-eight hours in advance. If a street closing is desired, the applicant will request the assistance and obtain the approval of the director. It shall be the responsibility of the permittee to notify and coordinate all work in the right-of-way with police, fire, ambulance, other government entities, and transit organizations.

B. Traffic control devices, as defined in Part VI of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices are to be supplied by the permittee. If used at night, they must be reflectorized and must be illuminated or have barricade warning lights.

C. Oil flares or kerosene lanterns are not allowed as means of illumination. Nighttime work area flood lighting shall not be allowed to spill out of the construction area in such a way as to disturb or endanger the comfort, health or peace of others.

D. Part VI of the Manual on Uniform Traffic Control Devices or any successor publication thereto shall be used as a guide for all maintenance and construction signing. The permittee shall illustrate on the permit the warning and control devices proposed for use. At the direction of the director, such warning and control devices shall be modified.

E. The permittee shall be responsible for maintaining all work area signing and barricading during construction operations as well as any signs and barricades that are needed to protect roadway users and pedestrians during non-work hours. During non-work hours, all construction work area signs that are not appropriate shall be removed, covered, or turned around so that they do not face traffic. Any deficiencies noted by the city shall be corrected immediately by the permittee. If the permittee is not available or cannot be found, the city may make such corrections, and the permittee shall pay the actual costs, including administrative costs, plus a civil penalty to be set by resolution of the city council. (Ord. 5232 § 2, 2007)

12.16.140 General rights-of-way use and construction.

A. The permittee shall make reasonable efforts to attend and participate in meetings of the city, of which the permittee is made aware, regarding right-of-way issues that may impact its facilities, including planning meetings to anticipate joint trenching and boring. The permittee shall identify the person(s) it desires to attend the meetings and the manner in which said person(s) is to be notified of the meetings. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, permittee shall work with other providers, licensees, permittees, and franchisees so as to reduce so far as possible the number of right-of-way cuts within the city and the amount of pedestrian and vehicular traffic that is obstructed or impeded.

B. Work in the right-of-way, on other public property, near public property, or on or near private property shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. The permittee's

facilities shall be constructed and maintained in such manner as not to interfere with sewers, water pipes, or any other property of the city, or with any other pipes, wires, conduits, pedestals, structures, or other facilities that may have been laid in the rights-of-way by, or under, the city's authority. The permittee's facilities shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons, existing utilities, new improvements the city may deem proper to make, or unnecessarily hinder or obstruct the free use of the rights-of-way or other public property. The permittee's facilities shall not interfere with the travel and use of public places by the public during the construction, repair, operation, or removal thereof, and shall not obstruct or impede traffic except in accordance with Section 12.16.130.

C. Underground construction and use of poles.
   1. When required by general ordinances, resolutions, regulations, or rules of the city or applicable state or federal law, the permittee's facilities shall be placed underground at no cost to the city. Placing facilities underground does not preclude the use of ground-mounted appurtenances.
   2. Where all facilities are installed underground at the time of the permittee's construction, or when all such facilities are subsequently placed underground, all permittee facilities shall also be placed underground at no expense to the city unless funding is generally available for such relocation to all users of the rights-of-way. Related equipment, such as pedestals, must be placed in accordance with the city's applicable code requirements and rules. In areas where existing facilities are aerial, the permittee may install aerial facilities.
   3. For above ground facilities, the permittee shall utilize existing poles wherever possible. Said use shall be conditioned upon the permittee's entrance into a pole attachment agreement and payment of the pole attachment fee.
   4. Should the city desire to place its own facilities in trenches or bores opened by the permittee, the permittee shall cooperate with the city in any construction by the permittee that involves trenching or boring, provided the city has first notified the permittee in some manner that it is interested in sharing the trenches or bores in the area where the permittee's construction is occurring. The permittee shall allow the city to place its facilities in the permittee's trenches and bores, provided the city incurs any incremental increase in cost of the trenching and boring. Should the city desire to install ducts or conduit for the possible use of other entities, then the permittee shall allow the city to place these facilities in the permittee's trenches and bores, provided the city shares proportionally in the cost of trenching and boring. The city shall be responsible for maintaining city facilities buried in the permittee's trenches and bores under this subsection.

D. Unless otherwise restricted by tariff, the city may install or affix and maintain its own facilities for city purposes in or upon any and all of the permittee's ducts, conduits, or equipment in the rights-of-way and other public places, at a charge to be negotiated between the parties, to the extent space therein or thereon is reasonably available, and pursuant to all applicable ordinances and codes. For the purposes of this subsection, "city purposes" includes, but is not limited to, the use of the structures and installations for city fire, police, water, wastewater, power, telephone, traffic, signal systems, and parks.

E. Common users.
   1. The rights-of-way have a finite capacity for containing facilities. Therefore, whenever the city determines it is impracticable to permit construction of an underground conduit system by any other entity which may at the time have authority to construct or maintain conduits or ducts in the rights-of-way, but excluding entities providing services in competition with the permittee, and unless otherwise prohibited

by federal or state law or regulations, the city may require the permittee to afford to such entity the right to use the permittee's surplus ducts or conduits in common with the permittee, pursuant to the terms and conditions of an agreement for use of surplus ducts or conduits entered into by the permittee and the other entity. Nothing herein shall require the permittee to enter into an agreement with such entity if, in the permittee's reasonable determination, such an agreement could compromise the integrity of the permittee's facilities, or if the permittee requires the availability of the surplus ducts or conduits for other reasonable business uses.

2. All facilities shall meet all applicable local, state, and federal clearance and other safety requirements, be adequately grounded and anchored, and meet the provisions of contracts executed between the permittee and the other common user. The permittee may, at its option, correct any attachment deficiencies and charge the common user for its costs. Each common user shall pay the permittee for any fines, fees, damages, or other costs the common user's attachments cause the permittee to incur. (Ord. 5232 § 2, 2007)

12.16.150 Joint planning and construction; coordination of excavations.

A. Any permittee owning, operating, or installing in the rights-of-way facilities in providing water, sewer, gas, electric, communication, video, or other utility services shall meet annually with the director, at the director's request, to discuss the permittee's excavation master plan. At such meeting, to the extent not already in possession of the city, the permittee shall submit documentation, in a form required by the director, showing the location of the permittee's existing facilities in the city rights-of-way. The permittee shall discuss with the director its excavation master plan and identify planned major excavation work in the city. The director may make his own record on a map, drawing, or other documentation of each permittee's planned major excavation work in the city; provided, however, that no such document prepared by the director shall identify a particular entity, or the planned major excavation work of that particular entity. The permittee shall meet with the director to discuss an initial excavation master plan no later than sixty days after submitting its first permit application. Thereafter, each permittee shall submit annually, on the first regular business day of January, a revised and updated two-year excavation master plan. Such revised and updated plan shall be submitted in both hard copy and digital format. As used in this subsection, the term "planned major excavation work" refers to any future excavations planned by the permittee when the excavation master plan or update is submitted that will affect any right-of-way for more than five days, provided the permittee shall not be required to identify future major excavations planned to occur more than three years after the date that the permittee's master plan or update is discussed. Between the annual meetings to discuss planned major excavation work, the permittee shall use its best efforts to inform the director of any substantial changes in the planned major excavation work discussed at the annual meeting.

B. The director shall prepare a two-year repaving plan showing the street resurfacing planned by the city. For purposes of this section, the repaving plan shall include a landscaping or other right-of-way improvement plan. The repaving plan shall be revised and updated on an annual basis after meeting to discuss the permittee's and city department's master plans and updates. The director shall make the city's repaving plan available for public inspection. In addition, after determining the street resurfacing work that is proposed for each year, the director shall send a notice of the proposed work to all permittees that have had an annual meeting with the director.

C. In addition to the meeting described in subsection A. above, all permittees shall attend any meeting scheduled by the director, provided the permitee is given at least thirty days prior written notice. (Ord. 5232 § 2, 2007)

12.16.160 Minimizing the impacts of work in the rights-of-way.

All work performed in the rights-of-way shall be done in accordance with Chapter 25 of the Larimer County Urban Area Street Standards. (Ord. 5232 § 2, 2007)

12.16.170 Standards for repairs and restoration.

A. The permittee shall be fully responsible for the cost and actual performance of all work in the rights-of-way. The permittee shall do all work in conformance with any and all engineering regulations, construction specifications, and design standards adopted by the city. These standards shall apply to all work in the rights-of-way unless otherwise indicated in the permit.
B. All pavement cuts shall be restored in accordance with Chapter 25 of the Larimer County Urban Area Street Standards. (Ord. 5232 § 2, 2007)

12.16.180 Construction and restoration standards for newly-constructed and overlayed streets.

No person shall cause an open trench excavation or potholing of utilities in the pavement of any right-of-way for a period of three years from the completion of construction or resurfacing except in compliance with the provisions of this section.

A. Any application for a permit to excavate in a right-of-way subject to the requirements of this section shall contain the following information:
    1. A detailed and dimensional engineering plan that identifies and accurately represents the rights-of-way or property that will be impacted by the proposed excavation, as well as adjacent streets, and the method of construction.
    2. The street width or alley width, including curb and gutter, over the total length of each city block that will be impacted by the proposed excavation.
    3. The location, width, length, and depth of the proposed excavation.
    4. The total area of existing street or alley pavement in each individual city block that will be impacted by the proposed excavation.
    5. A written statement addressing the criteria for approval.
B. No permit for excavation in the right-of-way of new streets shall be approved unless the director finds that all of the following criteria have been met:
    1. Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.
    2. Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.
    3. The proposed excavation cannot reasonably be delayed until after the three year deferment period has lapsed.
C. Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Persons with prior authorization from the city to perform emergency maintenance operations within the rights-of-way shall be exempted from this section. Any person commencing emergency maintenance operations shall submit detailed engineering plans, construction methods, and remediation plans no later than three working days after initiating the emergency maintenance operation.
D. A permittee may apply to the director for an exemption under this section when the construction is necessary in the public interest or to provide a public service. By way of

example, but not by limitation, an exemption could be requested in order to provide services to a part of the city where no service would be available without construction. If a non-emergency exemption is granted to disturb a right-of-way within the three year period, the director may, in his sole discretion, impose additional restoration requirements, including, but not necessarily limited to, repaving of a larger area, such as an entire block in which the construction occurs.

E. The streets shall be restored and repaired in accordance with design and construction standards adopted by the city and guaranteed in accordance with Section 12.16.090. (Ord. 5232 § 2, 2007)

12.16.190 Relocation of facilities.

A. If at any time the city, on its behalf or on behalf of any other public entity, requests, in the exercise of its police power, a permittee to relocate its facilities located within a right-of-way, the city shall notify the permittee at least ninety days in advance, except in the case of emergencies, of the city's or other public entity's intention to perform or have such work performed. The permittee shall thereupon, at no cost to the city or other public entity, accomplish the necessary relocation, removal, or change within a reasonable time from the date of the notification, but in no event later than three working days prior to the date the city has notified the permittee that it intends to commence its work, or immediately in the case of emergencies. Upon the permittee's failure to accomplish such work, the city or other public entity may perform such work at the permittee's expense, and the permittee shall reimburse the city or other public entity within thirty days after receipt of a written invoice. Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to construction by the permittee at the permittee's expense. Notwithstanding the requirements of this section, a permittee may request additional time to complete a relocation project. The director shall grant a reasonable extension if, in his sole discretion, the extension will not adversely affect the city's or other public entity's project. Notwithstanding anything herein to the contrary, the owner of any facility installed prior to the dedication of the right-of-way shall not be required to pay for the initial relocation of said facility requested by the city, which shall be done at the city's sole cost and expense; provided, however, that all subsequent relocations of said facility shall be done without cost to the city or other public entity as set forth herein.

B. The city recognizes that from time to time certain projects performed by developers within the rights-of-way benefit the city as a whole, and are in the best interests of the public safety, health, and welfare of the city and its inhabitants. Accordingly, the director, in his sole discretion, may designate such projects as "city projects." Upon such designation the utility relocation provisions of Section 12.16.190 shall apply to said project on the same terms as if the project were commenced by the city or other public entity, and the city may require any affected permittee to relocate its facilities at no cost to the city, the other public entity, or the developer. (Ord. 5232 § 2, 2007)

12.16.200 Abandonment and removal of facilities.

A. Any permittee that intends to discontinue use of any facilities within the rights-of-way shall notify the director in writing of the intent to discontinue use. Such notice shall describe the facilities for which the use is to be discontinued, a date of discontinuance of use (which shall not be less than thirty days from the date such notice is submitted to the director), and the method of removal and restoration. The permittee may not remove, destroy, or permanently disable any such facilities during said thirty day period without written approval of the director. After thirty days from the date of such notice, the

permittee shall remove and dispose of such facilities as set forth in the notice, as the same may be modified by the director, and shall complete such removal and disposal within six months, unless additional time is requested from and approved by the director.

B. At the discretion of the city, and upon written notice from the director, the permittee may either:
   1. Abandon the facilities in place, and shall further convey full title and ownership of such abandoned facilities to the city. The consideration for the conveyance is the city's permission to abandon the facilities in place. The permittee is responsible for all obligations as owner of the facilities, or other liabilities associated therewith, until the conveyance to the city is completed.
   2. Abandon the facilities in place, but the permittee still retains the responsibility for all obligations as owner of the facilities, or other liabilities associated therewith. (Ord. 5232 § 2, 2007)

12.16.210 Emergency procedures.

A. Any person maintaining facilities in the rights-of-way may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. The person doing the work shall apply to the city for a permit on or before the third working day after such work has commenced. All emergency work will require prior telephone notification to the Loveland police department central dispatch.

B. If any damage occurs to an underground facility or its protective covering, the permittee shall notify the facility's operator promptly. When the facility's operator receives a damage notice, the facility's operator shall promptly dispatch personnel to the damage area to investigate. If the damage results in the escape of any flammable, toxic, or corrosive gas or liquid or endangers life, health, or property, the permitee responsible shall immediately notify the facility's operator and 911 and take immediate action to protect the public and nearby properties. (Ord. 5232 § 2, 2007)

12.16.220 Revocation of permits and stop work orders.

A. Any permit may be revoked or suspended by the director, after written notice to the permittee, for:
   1. Violation of any material condition of the permit or of any material provision of this chapter;
   2. Violation of any material provision of any other ordinance of the city or state law relating to the work; or
   3. Existence of any condition or performance of any act which the city determines constitutes or causes a condition endangering life or damage to property.

B. A stop work order may be issued by the director to any person or persons doing or causing any work to be done in the right-of-way for:
   1. Working without a permit, except for routine maintenance or emergency repairs to existing facilities as provided for in this chapter;
   2. Doing work in violation of any provisions of this chapter, or any other ordinance of the city, or state law relating to the work; or
   3. Performing any act that the city determines constitutes or causes a condition that either endangers life or property.

C. A suspension or revocation by the director and a stop work order shall take effect immediately upon notice to the person performing the work in the right-of-way, or to the permittee's last known address. (Ord. 5232 § 2, 2007)

12.16.230 Appeals procedure.

Any permit denial or revocation, or suspension or revocation or stop work order, may be appealed by the permittee to the city manager by filing a written notice of appeal within fifteen days of the action. (Ord. 5232 § 2, 2007)

12.16.240 Emergency snow removal permit.

A. The director may issue emergency snow removal permits to metropolitan districts, urban renewal authorities, homeowners associations, and other quasi-governmental agencies to facilitate the removal of snow within the city in the event of an emergency. The city will not provide cost reimbursement for privately-contracted plowing services authorized under the permit.

B. The director shall set the requirements for minimum snowfall or weather conditions to activate the permit. All permits must be renewed annually between April 1 and June 30 of each year. Any fee associated with the issuance of the permit shall be set by resolution of city council.

C. Prior to any permit being issued, the city will inspect the qualified commercial area or neighborhood and document current conditions, existing damage, storm drainage inlets and outfalls, and perceived obstructions to snow removal. The city will also identify areas for piling or dumping of plowed snow, as well as identify areas that snow may not be piled for drainage considerations.

D. The director may require the permittee to supply a letter of credit or cash deposit to be held for protection of the rights-of-way in the case of damage. (Ord. 5232 § 2, 2007)

12.16.250 Penalty.

If any person violates or causes the violation of any of the provisions of this chapter, they shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continues, or is permitted, and upon conviction of any such violation, such person shall be punished as provided in Section 1.12.010 of this code for each such violation. (Ord. 5232 § 2, 2007)

Chapter 12.20

SIDEWALK, CURB AND GUTTER CONSTRUCTION AND REPAIR

Sections:

Prior history: Prior code §§ 20.29, 20.32 and 20.33; Ords. 716, 906, 1090, 1914 and 2029.

12.20.010 Required.

The owner of any property bordering one or more public streets (except as otherwise provided herein) shall provide curb, gutter and sidewalk on that portion of each street in front, alongside and behind the property, constructed and located in accordance with the city development standards. (Ord. 3801 § 1 (part), 1992)

12.20.020 Prior to construction of dwelling.

No building permit shall be issued or residence commenced until all curb and gutter, except driveway curb cut, have been constructed, and no certificate of occupancy shall be issued for any dwelling or residence until all curb, gutter and sidewalk have been constructed, except:

A. When, in the opinion of the city engineer, frost conditions prevent such construction, in which case a building permit may be issued subject to curb, gutter and sidewalk being constructed prior to the issuance of the certificate of occupancy provided for in Section 307 of the Uniform Building Code; or
B. Where the construction of sidewalks is not immediately necessary for the protection of the area residents or the safety of the public generally as determined by the council and an arrangement for the construction thereof suitable to the council is made by the landowner. The arrangement shall provide that construction shall be accomplished at such time as the city engineer determines that the needs of the area residents and the general public would require a sidewalk. (Ord. 3801 § 1 (part), 1992)

12.20.030 Permit Required.

It is unlawful for any person to construct or reconstruct any curb, gutter, or sidewalk without first obtaining a permit in accordance with Chapter 12.16, except when such improvements are associated with the initial development of property as provided in the city development standards and ordinances, or when such work is part of a city project reviewed and approved by the city engineer. (Ord. 5232 § 3, 2007; Ord. 3801 § 1 (part), 1992)

12.20.035 Minimum standards required.

All curb, gutter and sidewalk improvements on any portion of the public streets or alleys of the city shall meet or exceed the minimum design and construction specifications of the most current development standards. (Ord. 3801 § 1 (part), 1992)

12.20.040 Grade and alignment.

The city engineer shall approve the alignment and grade for curb, gutter, sidewalk and other like improvements on streets, alleys or other public places prior to their placement. (Ord. 3801 § 1 (part), 1992)

12.20.050 Construction by city order.

The city may order the construction or reconstruction of sidewalks, curbs and gutters, whenever, in the opinion of the city engineer, it is proper because sufficient sidewalks have been laid in the vicinity to make it reasonable that the intervening sidewalk areas shall be provided with sidewalks, or because the safety or welfare of the inhabitants of the area requires such construction or reconstruction. The city engineer shall give not less than thirty days' notice to the owner to construct or reconstruct such walks, curbs and gutters in accordance with plans and specifications approved by the city engineer. (Ord. 3801 § 1 (part), 1992)

12.20.060 Required maintenance.

All curbs, gutters and sidewalks shall be maintained with an even surface in good repair and in conformity with the established grade of the streets along which they are constructed. All curbs, gutters and sidewalks shall be repaired with concrete, except that stone sidewalks may be repaired by setting stones of similar quality and like dimensions. (Ord. 3801 § 1 (part), 1992)

12.20.070 Time for repair by city notice.

When any sidewalk, curb or gutter in front, alongside, or behind any lot or premises has been destroyed or is out of repair, the city engineer shall give not less than thirty days' notice to the owner of such premises to repair such sidewalk, curb or gutter. The owner of such premises shall not be required to repair a sidewalk at the owner's cost if such repair is made necessary by a tree lawfully planted and growing in the right-of-way. (Ord. 4035 § 1, 1994; Ord. 3801 § 1 (part), 1992)

12.20.080 Obstructions prohibited.

All sidewalks, curbs and gutters shall be kept free of obstructions, depressions or driveway ramps that may in any way impede or diminish the continuous flow of water or pose a hazard to pedestrians, bicycles or vehicles. (Ord. 3801 § 1 (part), 1992)

12.20.090 Obstruction removal.

The city may order the removal of any driveway ramp, sidewalk, curb or gutter obstruction. The city engineer shall give not less than thirty days' notice to the owner to remove the driveway ramp or obstruction and restore the curb, gutter and sidewalk to meet city development standards or other specifications approved by the city engineer. (Ord. 3801 § 1 (part), 1992)

12.20.100 Notice for construction, repair or removal-Lien.

The notice for construction or repair of curb, gutter or sidewalk, or for the removal of any obstruction shall be in writing to the property owner and may be served in person upon the owner or may be served by registered or certified United States mail. In the event the property owner cannot be found, sufficient notice will be by publication for ten days in a daily newspaper in the city. If such construction, repair or removal is not made by the owner within thirty days after service of the notice, the city may make such construction, repair or removal. The entire expense thereof, together with five percent additional charge for administration shall be assessed against the property bordering the

improvements. If the expense is not paid within thirty days thereafter, the city clerk may certify such assessment to the county treasurer who shall collect the same in the manner of taxes, together with an additional ten percent penalty thereon to defray the cost of collection. The city council may, by resolution, approve longer time periods for repayment of construction, repair, or removal costs assessed to the owner by the city. The city council may also, by resolution, authorize the use of appropriated street maintenance funds to defray some portion of the cost to construct, repair or remove curb, gutter, sidewalk or obstructions. (Ord. 3801 § 1 (part), 1992)

Chapter 12.24

STREET AND SIDEWALK MAINTENANCE

Sections:

12.24.010 Dangerous places fenced.

All holes, depressions, excavations or other dangerous places within the city that are below the natural or artificial grades of the surrounding or adjacent highway or street shall be properly enclosed with fences or walls, or shall be filled up so as to prevent persons and animals from falling into them. The superintendent of streets shall notify the owner or occupant of premises on which such dangerous places exist to cause fences or walls to be built around them or to cause the same to be filled up. It is unlawful for any owner or occupant so notified to fail to comply with such notification forthwith. (Prior code § 20.16)

12.24.020 Duty to construct walkway.

Whenever in the construction, rebuilding or repairing of any building it becomes necessary to blockade, obstruct or remove the sidewalk, the person in charge of such work shall build and maintain a good and substantial walkway, to be approved by the superintendent of streets, around the obstructed portion of such sidewalks. (Prior code § 20.17)

12.24.030 Snow removal.

A. It is unlawful for any owner or occupant of any lot, block or parcel of ground within the city, or for any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four hours from the time of the last accretion of such snow or ice.
B. There is imposed upon the owner or occupant of any lot, block or parcel of ground within the city the duty to take reasonable action to remove snow or ice from any sidewalk alongside or abutting such property within twenty-four hours from the time of the last accretion of such snow or ice, providing such sidewalk is alongside or abutting that person's property and is also alongside or abutting a street.
C. The owner or occupant shall be liable for any injuries and property damage incurred by any person as a result of the failure of such owner or occupant to comply with the provisions of subsection B of this section. (Ord. 3514 § 1, 1988; prior code § 20.34)

12.24.035 Removal of snow and ice by city-Assessment.

If any person fails to comply with Section 12.24.030, a written notice of assessment may be served upon the owner, tenant or agent in charge of such property requiring the removal of such snow or ice, or both. If the snow or ice, or both, is not removed within twenty-four hours after the service of such notice, the city may remove the snow or ice, or both, and assess the whole cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lot, block or parcel of

real property from which the snow or ice, or both, is removed. Such notice shall be served by delivering a copy thereof to such owner, occupant or agent in charge of said property, or by leaving such copy with some person, above the age of fifteen years, who is a member of such owner's, occupant's, or agent's family and residing with such owner, occupant or agent, if such owner, occupant or agent resides within the limits of the city, or, in the event that no one is on the property from which the snow or ice, or both, is to be removed or at the residence of such owner, occupant or agent in charge, if within the city, then by posting such copy in some conspicuous place on the property from which the snow or ice, or both, is to be removed. Failure to pay the amount assessed for snow or ice removal including inspection and incidental costs within thirty days (30) of the notice of assessment shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. The laws of the state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessment. (Ord. 5683 § 5, 2012; Ord. 1477 § 1, 1976)

12.24.037 Administrative review of assessment.

Any owner who disputes the amount of assessment made against such owner's property under Section 12.24.035 may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code. (Ord. 5683 § 6, 2012)

12.24.040 House-moving permit.

It is unlawful for the owner of any building or the contractor for its removal, or either of them, to move any building over the streets of the city without first obtaining a permit therefor from the city engineer. In granting such permit, the city engineer may impose such restrictions or conditions as he deems necessary to protect the streets of the city or any utilities from damage, and he may make any other reasonable requirements which he deems necessary for the protection of the public. (Prior code § 20.24)

Chapter 12.26

LOCAL EVENTS

Sections:

12.26.010 Intent.

This Chapter establishes the standards for the issuance of a permit for local events and demonstrations on any property that is owned, leased or controlled by the city. (Ord. 5569 § 2, 2011)

12.26.020 Definitions.

As used in this chapter, the following words and terms shall be defined as follows, unless the context requires otherwise:

A. "Applicant" mean any person who or organization that seeks a permit from the city to conduct or sponsor an event governed by this Chapter. An applicant must be eighteen (18) years of age or older.
B. "Block party" means a festive gathering on a residential street requiring the closure of a street or a portion thereof to vehicular traffic and use of the street for the festivity, including barbecues, picnics, music or games.
C. "Coordinator" means the Chief of Police or his/her designee.
D. "Demonstration" means a rally, picketing, speechmaking, marching, vigil, religious services or any other similar gathering or parade that primarily involves the communication or expression of views or grievances, engaged in by more than one (1) person, that occurs on any property that is owned, leased or controlled by the city including, without limitation, streets, highway and sidewalks, and which demonstration does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any city affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the demonstration or other persons.
E. "Event" means all demonstrations and local events for which permits have been applied for or given. (Ord. 5569 § 3, 2011)

F. "Local event" means a parade, athletic contest, street fair, art and craft show, carnival, block party, or other outdoor event which is not a demonstration as defined in this Section, that occurs on any property that is owned, leased or controlled by the city including, without limitation, streets, highway and sidewalks, and which event does not comply with traffic laws and controls or which may, in the judgment of the Coordinator or the service area director responsible for the administration of any city affairs on the property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the public or participants in the event or other persons. (Ord. 5569 § 3, 2011)

G. "Parade" means a march or procession consisting of persons, animals or vehicles, or combination thereof, on any street or highway, including sidewalks, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls. (Ord. 5569 § 3, 2011)

H. "Permit" or "event permit" means a permit issued for either a demonstration or local event.

I. "Permittee" means any person who or organization that has been issued an event permit by the Coordinator.

J. "Street or highway" has the same meaning as defined in the Model Traffic Code, adopted by the City of Loveland pursuant to Code Chapter §10.04, and includes bike and pedestrian lanes or paths.

12.26.030 Permit Required.

Any person desiring to conduct an event in the city shall first obtain a permit from the Coordinator; provided, however, that an event permit shall not be required for the following:

A. Events that occur exclusively within city natural areas or recreation areas, as the same are defined in this Chapter, and do not involve the closure of any streets or sidewalks that are normally open to the public. All events within city natural areas or recreation areas that do involve the closure of such streets or sidewalks shall be reviewed by the Coordinator and shall be subject to the permit requirements of this Chapter but only with regard to that portion of the event which occurs upon or affects the streets or sidewalks. Other activities conducted within the natural areas or recreation areas in conjunction with such events shall be governed by the City's Natural Areas Policies;

B. Parades involving a total of forty (40) or fewer pedestrians marching along a route that is restricted to sidewalks and who cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls; provided that pedestrians participating in such parades shall cross streets in groups of fifteen (15) people or less, and shall allow vehicles to pass between each group;

C. Funeral processions; and

D. All events that occur solely on privately owned property are not covered by this Chapter 12.26, but remain subject to all other applicable code provisions.

12.26.040 Application Procedure; Fee.

A. Any person desiring to sponsor an event not exempted by §12.26.030 shall apply for an event permit by filing a verified application with the Coordinator on a form supplied by the Coordinator. Applications must be submitted not less than twenty (20) business days nor more than one (1) year before the event date.

B. If the application is for a demonstration, the Coordinator shall, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. Good cause may be demonstrated by the applicant by showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.

C. If the application is for a block party or other small local event, the Coordinator may consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain police services for the event. (Ord. 5569 § 4, 2011)

D. A nonrefundable permit application fee may be set by the City Council in accordance with §3.04.025. The fee, if set, shall cover, but not exceed, the full cost of processing and investigating permit applications and administering the permit program. If established, the fee shall be submitted by the applicant with the permit application; provided however that no permit application fee shall be charged to organizations qualified for exemption from the payment of city sales and use taxes pursuant to §13.16.

12.26.050 Action on Application.

The Coordinator shall approve, conditionally approve or deny an application on the grounds specified below. Such action shall be taken no later than ten (10) business days after receiving a completed application and fee, if applicable. If the application is denied or conditionally approved, the Coordinator shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal. If the Coordinator relied on information about the event other than that contained in the application, he/she shall inform the applicant of such information. If the Coordinator refuses to consider a late application, he/she shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

12.26.060 Grounds for Denial of Application.

A. The Coordinator shall approve an application for an event permit unless he/she determines, from a consideration of the application and other pertinent information, that:
   1. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail; or
   2. The applicant failed to complete the application form after having been notified of the need for additional information or documents; or
   3. Another event permit or application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the Police Department is unable to meet the needs for police services for both events; or
   4. The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to traffic congestion; or
   5. The size, nature or location of the event will present a substantial risk to the health or safety of the public or participants in the event or other persons; or
   6. The size of the event will require diversion of so great a number of peace officers of the city to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the rest of the city; nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers available to police the event; or
   7. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets or a previously granted encroachment permit; or
   8. The event shall occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class; or
   9. The event involves the use of hazardous, combustible or flammable materials which could create a fire hazard; or

10. The event will violate an ordinance or statute.

B. When the grounds for denial of an application for permit specified in subsections A.4. through A.9. above can be corrected by altering the date, time, duration, route or location of the event, the Coordinator shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said subsections.

12.26.070 Permit Conditions.

The Coordinator may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include but are not limited to the following:

A. Alteration of the date, time, route or location of the event;
B. Conditions concerning the area of assembly and disbanding of parades or other events occurring along a route;
C. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;
D. Requirements for the use of traffic cones, barricades or other traffic-control devices to be provided, placed and removed by the permittee at its expense;
E. Requirements for provision of first aid or sanitary facilities;
F. Requirements for arrangement of supplemental fire protection personnel to be present at event at the permittee's expense;
G. Requirements for use of event monitors and providing notice of permit conditions to event participants;
H. Restrictions on the number and type of vehicles, animals or structures at the event and inspection and approval of floats, structures and decorated vehicles for fire safety by the City of Loveland Fire and Rescue Department;
I. Requirements for use of garbage containers, cleanup and restoration of city property;
J. Restrictions on use of amplified sound;
K. A requirement that an event permit to conduct a block party may be conditioned on the giving of notice to the residents of dwellings along the affected street(s); and/or
L. Compliance with any relevant law and obtaining any legally required permit or license.

12.26.080 Appeal Procedure.

The applicant shall have the right to appeal the denial of a permit or a permit condition. A notice of appeal shall be filed with the City Manager's office setting forth the grounds for the appeal within five (5) business days after mailing or personal delivery of a notice of denial or permit condition. The City Manager or his or her designee shall hold a hearing no later than five (5) business days after the filing of the appeal and shall render his or her decision no later than one (1) business day after the hearing. In the event that a notice of appeal is filed in accordance herewith but fewer than six (6) business days prior to the requested date for an event for which a permit has been denied, the City Manager shall hold a hearing and issue his or her decision no later than two (2) business days after the filing of the appeal. If the City Manager determines that circumstances do not permit the completion of such hearing and decision at least one (1) full business day prior to the time and date for the initiation of an event regarding which an appeal is pending, he or she shall notify the appealing applicant of said determination in writing and said applicant shall be entitled, but not required, to seek judicial review of the permit denial with no further administrative review. The City Manager's decision shall be final, subject only to such judicial review as may be permitted by law.

12.26.090 Permit Issuance.

If, after review of the criteria contained in §12.26.080 above, the Coordinator determines that a permit should be granted, the Coordinator shall issue the event permit once the applicant has agreed in writing to comply with all terms and conditions of the permit and the following sections of this Chapter have been complied with:

A. Section 12.26.100 - pertaining to indemnification;
B. Section 12.26.110 - pertaining to insurance;
C. Section 12.26.120 - pertaining to traffic-control fees; and
D. Section 12.26.130 - pertaining to cleanup deposits (when applicable).

12.26.100 Indemnification Agreement.

Prior to the issuance of an event permit, the Coordinator shall require the applicant and authorized officer of the sponsoring organization (if any) to sign an agreement for the permittee to reimburse the city for any costs incurred by it in repairing damage to city property occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. The agreement shall also provide that the permittee shall defend the city against, and indemnify and hold the city harmless from, any liability to any persons resulting from any damage or injury occurring in connection with the permitted event proximately caused by the actions of the permittee, its officers, employees or agents, or any person who was under the permittee's control. Persons who merely join in an event are not considered by that reason alone to be "under the control" of the permittee.

12.26.110 Insurance.

A. Prior to the issuance of an event permit, the Coordinator may require the applicant and authorized officer of the sponsoring organization (if any) to possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the event. The Coordinator shall determine whether to require such insurance, and the amount of insurance that shall be required, based upon the considerations routinely taken into account by the city in evaluating loss exposures, including, without limitation, whether the event poses a substantial risk of damage or injury due to the anticipated number of participants, the nature of the event and activities involved and the physical characteristics of the proposed site. Such insurance shall name on the policy or by endorsement as additional insureds the city, its officers, employees and agents.
B. If insurance coverage is required pursuant to subsection A above, a copy of the policy or a certificate of insurance along with all necessary endorsements must be filed with the Coordinator no less than five (5) days before the date of the event unless the Coordinator for good cause changes the filing deadline, in which event such documents shall be provided prior to the event.
C. The insurance requirements of subsections A and B above shall be waived by the Coordinator for demonstrations if the applicant or an officer of the sponsoring organization signs a verified statement that he/she believes the event is a demonstration under the definition in this Chapter, and that he/she has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression, or that it has been impossible to obtain insurance coverage. The statement shall include the name and address of one (1) insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage.
D. If the Coordinator waives the insurance requirements set forth in subsections A and B, the city may, in its discretion, require the applicant to apply for insurance coverage for the event under a policy selected by the city. The applicant must provide any information pertinent to qualifying

for the insurance coverage. The premium for such insurance coverage would be paid by the city rather than the applicant.

12.26.120 Traffic-Control Fees; Optional Use of Pre-established Event Routes.

A. Upon approval of an application for an event permit, the Coordinator shall provide the applicant with a statement of the estimated cost of providing peace officers for traffic control at the event. The applicant of the event shall be required to pay the actual traffic-control fees no later than thirty (30) days after the event unless the Coordinator extends the payment deadline. Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.

B. Traffic-control fees will be computed based on an hourly rate with a minimum charge of two (2) hours per officer or supervisor. The hourly rate is based upon negotiated benefits for peace officers and will be updated periodically. The Coordinator shall keep a record of such rate.

C. The Coordinator shall pre-establish several event routes within the city which may be, but are not required to be, used by applicants. The routes shall specify the number of officers and traffic-control devices or marshals needed for traffic control on the routes, if any. Such pre-established event routes and the fee schedule for traffic-control services shall be made available to the public.

D. Traffic-control fees will be waived by the Coordinator for demonstrations if the applicant signs a verified statement that he/she believes the event's purpose is First Amendment expression, and that he/she has determined that the cost of traffic-control fees is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

12.26.130 Cleanup Deposits for Certain Events.

A. In connection with an event involving the sale of food or beverages, erection of structures, presence of horses or other large animals, or erection of water aid stations, the applicant may be required to provide a cleanup deposit prior to the issuance of a permit. The cleanup deposit shall be in the amount established by the Coordinator, based upon an estimate of the actual costs reasonably estimated to be incurred by the city in the cleanup of an event of like nature and size.

B. The cleanup deposit shall be returned after the event if the area used for the event has been cleaned and restored to the same condition as existed prior to the event.

C. If the property used for the event has not been properly cleaned or restored, the applicant shall be billed for the actual cost to the city for cleanup and restoration, and the cleanup deposit (or a portion thereof) shall be applied toward payment of the bill. If the applicant disputes the bill, he/she may appeal to the Coordinator within ten (10) days of the date of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant. Should the amount of the bill exceed the cleanup deposit, the difference shall be billed to the applicant by the city and the applicant shall pay the same within ten (10) days of the date of the bill.

12.26.140 Duties of Permittee.

A. The permittee shall comply with all terms and conditions of the local event permit. (Ord. 5569 § 5, 2011)

B. The permittee shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event, is familiar with all the provisions of the permit and carries the event permit on his or her person for the duration of the event.

C. The permittee shall ensure that the area used for the event is cleaned and restored to the same condition as existed prior to the event, immediately following the completion of the event.

12.26.150 Revocation of Permit.

A. The Coordinator or a designee may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.
B. The Coordinator or a designee may revoke or terminate the permit during the course of the event if continuation of the event presents a clear and present danger to the participants or the public.

12.26.160 Violations.

A. It is unlawful for any person to sponsor or conduct a parade, athletic event, other special event or demonstration requiring an event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.
B. It is unlawful for any person to interfere with or disrupt a lawful parade, athletic event or other special event.
C. The event permit authorizes the permittee to conduct only such event as is described in the permit in accordance with the terms and conditions of the permit. It is unlawful for the permittee to knowingly violate the terms and conditions of the permit, or for any event participant with knowledge thereof to knowingly violate the terms and conditions of the permit.
D. Any person, firm, corporation or other entity violating any provision of this Chapter 12.26 shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5164 § 2, 2007)

Chapter 12.28

PROHIBITED USES OF STREETS AND OTHER PUBLIC PLACES*

Sections:

*For statutory provisions authorizing cities and towns to prevent encroachments, etc., on sidewalks, see CRS § 31-15-702.

12.28.010 Injury to streets or sidewalks.

It is unlawful for any person to injure, cut, mutilate, destroy, or deface any street, sidewalk, curb, or gutter, the paving or other surface thereof, the streets or plants located therein, or any property maintained or used in connection therewith, except in accordance with a permit issued by the city pursuant to Chapter 12.16. (Ord. 5232 § 4, 2007; Prior code § 20.13)

12.28.020 Right-of-way obstruction permit – Generally.

Except as otherwise provided in this code, it is unlawful for any person to obstruct a street or sidewalk with any debris, lumber, sand, gravel, dirt, abandoned or wrecked automobiles, or other material or substance without first obtaining a permit in accordance with Chapter 12.16. Such permits may be granted only where the obstruction is necessary for the construction, alteration, or repair of the adjoining property and such permitted obstructions shall be limited to as short a time as is reasonably possible. Each day that such an unlawful obstruction is permitted to exist constitutes a separate and distinct offense. (Ord. 5232 § 5, 2007; Prior code § 20.14)

12.28.030 Obstruction of public right-of-way.

A. It is unlawful for any person to intentionally, knowingly, or recklessly: (1) obstruct a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway ,or hallway to which the public, or a substantial group of the public, has access or any other place used for the passage of persons, vehicles, or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or (2) disobey a reasonable request or order to move issued by a person he or she knows to be a peace officer, a firefighter, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

B. For the purposes of this section, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous except as follows:

1. Any property owner, tenant, or occupant of any business building within the city may display and demonstrate merchandise on the sidewalk adjacent to such building, provided the following conditions are met:

a. Not more than fifty percent of the lineal footage of the sidewalk may be so occupied;
b. A clear path of not less than six feet in width along the length of the sidewalk shall be maintained for pedestrian access;
c. Only merchandise available for purchase or rental inside such building shall be displayed or demonstrated;
d. No display shall exceed five feet in height;
e. No display which is separated from such building by the path required by subsection B.1.b. of this section, shall exceed two feet in width, or shall be located so as to interfere with persons exiting from or entering vehicles parked in the street adjacent to the sidewalk;
f. All displays shall be neat and orderly at all times, and shall be controlled so that no litter is generated therefrom;
g. No loudspeakers, radios, televisions, stereos, or other devices capable of producing sound shall be demonstrated as a part of any such display or used to attract attention to any such display, except that any such device may be operated upon request for a demonstration thereof, at a sound level not in excess of a normal speaking level, by a bona fide shopper.

2. Any person with a legal privilege including:
a. Any person holding a permit issued pursuant to Chapter 12.30 of this title, while operating in compliance with the provisions of such chapter.
b. Any person holding an encroachment permit issued by the city engineer or his or her designee. The city engineer or his or her designee shall establish guidelines for the issuance of such a permit to ensure that the proposed encroachment does not constitute a nuisance, impair the use of the right-of-way by the public, constitute a traffic hazard, or in any other way adversely affect the public health, safety, or welfare. Such permit shall be revocable with or without cause upon thirty days notice to the permittee.
c. Any person holding a permit issued by the city pursuant to Chapter 12.16. (Ord. 5232 § 6, 2007; Ord. 4113 § 1, 1995)

12.28.050 Transportation of loose materials.

It is unlawful for any person to convey or cause to be conveyed through the streets of the city any earth, manure, mortar, shavings, rubbish, waste paper, garbage or loose material of any description except in tight receptacles, boxes, or truck bodies equipped with covers which prevent the escape of any material contained therein. (Prior code § 20.22)

12.28.060 Hauling offensive smelling material.

It is unlawful for any person to transport beet pulp or any other offensive or foul smelling material over, across or upon any of the streets within the city, or to allow any wagon, truck or other vehicle loaded with such material to stand upon any of the streets unless such material is carried in watertight tanks or containers and not overloaded so as to allow such materials to fall over the sides thereof. (Prior code § 20.25)

12.28.070 Littering.

It is unlawful to litter or deposit in any street or other public place, ashes, sod, earth, grass clippings, sand or gravel, rubbish, waste paper, garbage or any other waste material. (Ord. 1109 § 1, 1970; prior code § 20.21)

12.28.080 Burning leaves or trash.

It is unlawful for any person to burn any leaves, trash, rubbish or any other substance upon the streets of the city. (Prior code § 20.19)

12.28.090 Washing vehicles on city streets.

It is unlawful for any person to wash any automobile or other vehicle on the streets of the city. (Prior code § 20.20)

12.28.100 Restrictions on tire equipment.

It is unlawful for any person to operate or move upon any surfaced street in the city any vehicle with metal or solid rubber tires or tires which have any flange, cleat, spike, lug or other protuberance of any material other than rubber; provided, however, that nothing in this section shall prohibit the use on the streets of the city of studded snow tires. (Ord. 1345 § 1, 1974; prior code § 20.23)

12.28.110 Barbed wire fences.

It is unlawful for any person to construct or maintain within the city any fence, cellar or window guard containing barbs, barbed wire, sharpened nails, or any other pointed or sharpened thing or metallic substance; except that barbed wire fences shall be permitted in zoning districts Be, B, F and I when used solely for security purposes in said districts. (Ord. 1497 § 1, 1976; prior code § 20.35)

12.28.120 Riding certain devices on streets.

No person shall ride a skateboard upon a street located within the city except as may be permitted pursuant to a special event permit authorized by Section 12.28.035 of this code. (Ord. 3531 § 1, 1988)

Chapter 12.30

LICENSING OF VENDORS IN PUBLIC RIGHTS-OF-WAY AND CERTAIN OTHER PUBLIC PLACES

Sections:

12.30.010 Intent.

It is the intent of this chapter to set forth the conditions and restrictions which shall apply to the sale of merchandise from the streets, sidewalks and other public rights-of-way within the city which are deemed necessary in order to regulate and limit congestion, promote a neat and wholesome atmosphere, discourage littering, encourage diversity of activity, enhance and promote a festive atmosphere, attract shoppers, provide opportunities for entrepreneurs and advance vehicular and traffic safety. It is the further intent of this chapter to implement the power reserved to the city council in Section 5.12.040 of this code, as to public rights-of-way defined in this chapter. (Ord. 5828 § 1, 2013; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.020 Definitions.

As used in this chapter, the following definitions of terms apply:

A. "Food" means any item intended for human consumption, including beverages.
B. "Licensee" means any person licensed pursuant to this chapter.
C. "Mobile food truck" means a motorized wheeled vehicle or wheeled vehicle designed and equipped to serve food while being towed by a motorized vehicle.
D. "Park" means any area, field, trail, open land, golf course, and or other recreational facility operated, managed, and supervised by the city's parks and recreation department.
E. "Public right-of-way" means any public street, road, highway, alley, lane, or sidewalk, as well as any public parking lot or place of any nature open to the public and held by the public for vehicular or pedestrian travel.
F. "Sell" means the act of holding out a thing of value for acquisition by another upon the payment of, or the promise to pay, anything of value thereof.
G. "Sidewalk" means that part of the public right-of-way designated for the use of pedestrians and ordinarily used to the exclusion of motor vehicles. Such term does not include crosswalks within streets.
H. "Vend" means to sell, attempt to sell, or otherwise offer to provide to the public any services, merchandise, or food.
I. "Vendor" means any person who sells or attempts to sell, or who offers to the public free of charge, any service, merchandise, or food.

12.30.030 License required.

It is unlawful for any person to vend from or upon any public right-of-way without first obtaining a vendors license in compliance with the provisions of this chapter. (Ord. 5828 § 1, 2013; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.040 Exceptions.

A vendors license shall not be required under any of the following circumstances:

A. operating within the public right-of-way pursuant to a valid encroachment permit issued under section 12.28.030;
B. vendors operating within any park or other city-owned property pursuant to a concessionaire agreement or other agreement with the city;
C. vendors operating at a city-sponsored event pursuant to an agreement with the city; or
D. vendors participating in a local event pursuant to a valid permit issued under chapter 12.26 of this code. (Ord. 5828 § 1, 2013; Ord 5569 § 7, 2011; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.050 Application.

Any person desiring to obtain a vendors license shall make an application in writing to the city clerk upon forms provided by the city. Applications for new licenses may be filed at any time. Applications for renewal of existing licenses may be filed on or after December 1 of the year prior to the year for which the license is requested. The application shall contain, without limitation, the following information:

A. name, address, and telephone number of the vendor;
B. type of operation to be conducted, including the particular type of service, merchandise, or food to be sold;
C. description of the design of any vehicle, pushcart, kiosk, table, chair stand, box, container, or other structure or display device to be used in the operation;
D. for mobile food trucks, the vehicle license plate number and a photograph of each of the four sides of the vehicle;
E. proposed days and hours of operation;
F. proposed location of operation. For mobile food trucks, location may be specified as "within the city of Loveland." For all other vendors, location must be specified by block or address. A separate application shall be made for each location, and in the case of mobile food trucks, for each vehicle. Specific block or address locations shall be assigned on a first-come, first-served basis. In the event the city clerk has applications filed as of December 1 for the same block or address location, preference shall be determined by lot;
G. proof of liability insurance in an amount acceptable to the city;
H. sales and use tax license in good standing issued by the state, the county, and the city; and
I. for the vending of food, all licenses and permits required by Larimer County and the State of Colorado. (Ord. 5828 § 1, 2013; Ord. 3208 § 2 (part), 1985)

12.30.060 Application fee.

Vendors shall pay an application fee for each application filed. The application fee shall be established by resolution of the city council. There shall be no proration of the fee where the application is for a vendors license less than one full year in duration. There shall be no refund of the fee for applications that are denied. (Ord. 5828 § 1, 2013; Ord. 3208 § 2 (part), 1985)

12.30.070 Review of application.

The city clerk shall endeavor to review the application and make a determination as to whether

issuance of a vendors license is consistent with the requirements of this chapter and compatible with the public interest within fifteen working days of receiving a complete application and the application fee. In making such determination, the city clerk shall consider the following factors:

A. degree of congestion of any public right-of way that may result from the proposed use, design, and location of any operation, including the probable impact of the proposed operation on the safe flow of vehicular and pedestrian traffic;
B. proximity, size, design, and location of existing street fixtures at or near the proposed location, including, without limitation, sign posts, street lighting, bus stops, benches, planters, public art, and newspaper vending devices;
C. probable impact of the proposed use on the maintenance, care, and security of the specified location;
D. number and types of vendors already licensed for the proposed location; and
E. probable impact that issuance of the vendors license would have on surrounding properties. (Ord. 5828 § 1, 2013; Ord. 3208 § 2 (part), 1985)

12.30.080 License.

A. Upon determination that issuance of a vendors license is consistent with the requirements of this chapter and compatible with the public interest, the city clerk shall issue a vendors license. Subject to the licensee's compliance with the provisions of this chapter, the vendors license shall entitle the vendor and vendor's bona fide employees to operate the business at the location or locations specified in the license.
B. Each license shall be valid for one year beginning January 1 or the date of issuance, whichever is later, and ending December 31 of the same year.
C. Each license shall contain the following information:
    1. the name, address, and telephone number of the vendor;
    2. the type of operation;
    3. the length of time for which the license was issued;
    4. the days and hours of operation;
    5. the location of operation;
    6. a brief description of any vehicle, cart, kiosk, table, chair, stand, box, container, or other structure or display device to be used by the licensee;
    7. for mobile food trucks, the vehicle's license plate number;
    8. a statement that the license is personal to the vendor and is not transferrable in any manner;
    9. a statement that the license is valid only when used at the location designated in the license; and
    10. a statement that the license is subject to the provisions of this chapter.
D. The license must be posted and available for inspection at any time. (Ord. 5828 § 1, 2013; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.090 Renewal.

Renewal of a license shall be treated as a new application under the provisions of this chapter. Any violation by the licensee of the provisions of this chapter and chapter 3.16 shall be an additional factor to be considered in the review and approval set forth in section 12.30.070. (Ord. 5828 § 1, 2013)

12.30.100 Transfer.

If the licensee requests the transfer of a license to a new licensee or to a new location, or requests an additional location, such request shall be treated as a new application. (Ord. 5828 § 1, 2013; Ord. 5569 § 8, 2011; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.110 Restrictions.

The following conditions and restrictions shall apply to all licensees unless otherwise specified. Failure to abide by such conditions and restrictions shall result in suspension or revocation of the license as set forth in this chapter.

A No licensee shall operate in such a manner as to block any alleys, doors, fire exits, parking spaces, bus stops, taxi stands, loading zones, driveways, pedestrian crosswalks, or otherwise impede or interfere with or visually obstruct the safe movement of vehicular and pedestrian traffic.

B. Mobile food trucks shall have an affirmative and independent duty to determine the safety, suitability, and legality of any particular stopping point or location of operation, both in general and at any particular time, and to operate in a manner reasonably calculated to avoid and prevent harm to others in the vicinity of the licensee's operations, including, without limitation, potential and actual customers, pedestrians, and other vendors and vehicles; provided, however, that in no case shall a mobile food truck stop to vend from a federal or state highway or "arterials" as this term is defined in the city's master transportation plan.

C. Mobile food trucks shall use flashing lights and other similar warning and safety indicators when stopped to vend in the street portion of any public right-of-way.

D. Mobile food trucks must serve the public only from the sidewalk and not from the street or adjacent parking spaces.

E. Mobile food trucks shall not stop to vend within two hundred feet of the property boundary of any kindergarten or primary or secondary school.

F. No licensee shall operate in such a manner as to leave less than a six-foot wide, unobstructed passageway for pedestrians along the sidewalk.

G. No licensee shall operate within a park, on a public street or sidewalk abutting a park, or within any city-owned facility except as a concessionaire pursuant to an agreement with the city.

H. No licensee shall operate within one hundred feet of any business with which such licensee is in direct competition unless the licensee receives prior written approval-from such business.

I. No licensee shall use any amplified music or public address system in the conduct of business in a manner that violates the sound limitations set forth in chapter 7.32 of this code.

J. Any licensee offering merchandise or food with throwaway or disposable wrappers or containers shall provide containers for their disposal, shall keep the area within fifty feet of such licensee's location free of all such containers and wrappers, and shall dispose of all accumulated trash in other than public trash disposal facilities.

K. No licensee shall offer any food without all valid licenses and permits required by Larimer County and the State of Colorado.

L. No licensee shall use or operate any open fire, barbeque, grill, or other heat source without first having obtained approval from the city's fire marshal.

M. No licensee shall leave unattended any vehicle, pushcart, kiosk, table, chair stand, box, container, or other structure or display device or merchandise or food in the public right- of-way. Any items left unattended may be impounded by the city at the licensee's sole cost and expense.

N. Each license, when issued, shall specify the days of the week and the hours during the day the licensee shall operate as stated in the application. The licensee shall generally operate during such hours on all of such days. Failure to operate for a period of fourteen consecutive days for which the license is issued may be deemed to be an abandonment of the licensed location, and such location shall be open for assignment to another vendor. (Ord. 5828 § 1, 2013; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.120 Local events.

Whenever a permit has been issued pursuant to chapter 12.26 of this code, no licensee shall operate in the area covered by such permit during the hours of such local event without also securing the written approval of the sponsor of such event. (Ord. 5828 § 1, 2013; Ord. 5569 § 8, 2011; Ord. 5506 §1, 2010; Ord. 3208 § 2 (part), 1985)

12.30.130 Suspension or revocation of license.

The city clerk, upon five days written notice to the licensee, may suspend or revoke the vendor's license for violation of any of the provisions of this chapter. The written notice shall specify the alleged violations and shall afford the licensee an opportunity to request a hearing before the city clerk. If the hearing is requested within five days of the receipt of the notice, the suspension or revocation shall be held in abeyance pending the hearing; otherwise, it shall take effect at the expiration of the five-day period. Any licensee aggrieved by the decision of the city clerk following a hearing shall have the right to appeal such decision to the city manager. The filing of such appeal shall not abate or otherwise suspend the decision of the city clerk. The city manager shall review the record of the hearing before the city clerk and shall render a decision within ten working days following the filing of the appeal. The decision of the city manager shall be final, subject to judicial review in accordance with Colorado law. (Ord. 5828 § 1, 2013; Ord. 3208 § 2 (part), 1985)

Chapter 12.32

TREES AND SHRUBS

Sections:

12.32.060 Business license-Required.

It is unlawful for any person to engage in the business of cutting, trimming, pruning, removing, spraying, or otherwise treating trees and shrubs within the city without first procuring an annual license therefore from the city. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4)

12.32.070 Business license-Revocation.

Failure to adhere to the standards established by the city for trimming or removal shall be cause to have the license revoked. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(1))

12.32.080 Business license-Application.

Any person desiring a license pursuant to the ordinance shall make application therefore at the office of the city clerk on forms to be provided by the city. The applicant in applying for a license shall agree to perform all trimming and removal in accordance with standards established by the city. No license shall be issued or reissued without the approval of the city. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(2))

12.32.090 Business license-Contents.

Every license issued hereunder shall show on its face the types, classifications or kinds of services for which the licensee is licensed and authorized to perform. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(3))

12.32.100 Business license-Insurance requirement.

No such license shall be issued until the applicant therefor has presented to the city clerk a satisfactory public liability insurance policy covering all proposed operations of the applicant in such business in the city in the sum of at least one hundred thousand dollars for the injury or death of any one person, three hundred thousand dollars for the injury or death of any number of persons in one accident,

and twenty-five thousand dollars for damage to property. Such policy may allow the first one hundred dollars for liability to be deductible. Such insurance policy shall require at least thirty days advance notice to the city before cancellation. In the event of the cancellation or termination of any such required insurance policy during the license term, the license shall be terminated and the holder thereof shall surrender the same to the city clerk unless the licensee presents to the city clerk a substitute insurance policy meeting the requirements of this section. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(4))

12.32.110 Business license-Fee.

No license shall be issued thereunder until the applicant has paid the license fee of fifty dollars for original license and twenty-five dollars for the renewal of a license. Every license issued hereunder expires one year after the date of its issuance. Renewal applications may be submitted at the office of the city clerk at any time within thirty days of the date a license will expire. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(5))

12.32.120 Business license-Vehicle identification.

All automobiles, trucks, trailers or other vehicles operated by any licensee for the transportation of the equipment used by hand in such business and all self-propelled, drawn or towed equipment used by any licensee in such business shall have the name and address of such licensee displayed on both sides thereof in plain and legible figures and letters not less than three inches in height which shall be kept in such condition as to permit the same to be readily distinguished and read at a distance of at least sixty feet and it is unlawful on grounds for revocation of his license for any licensee to operate any such vehicle or cause any such vehicle to be operated or drawn or towed upon the street, alleys or other public rights-of-way or places within the city unless or without the same being so displayed thereon. (Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-4(6))

12.32.130 Property owner responsibilities.

It shall be the duty of the owner of property abutting the right-of-way of any street, alley, sidewalk, or other public place to maintain and care for all shrubs and vegetation, other than trees, on such abutting right-of-way. The city shall have the power to require any such property owner to perform such maintenance on any shrub or vegetation, other than trees, on the right-of-way abutting such owner's property as may be necessary, including to maintain any applicable sight distance triangle pursuant to Section 18.48.070. The city shall further have the power to require any property owner to trim, remove, or protect any tree, shrub, or other vegetation on such owner's property which may project past the property line onto or over the right-of-way abutting the same. The city shall cause a notice requiring such work to be performed to be served upon the property owner in accordance with Section 12.32.170 and such work shall be done within the reasonable time specified in the notice. (Ord. 4500 § 1, 1999; Ord. 4031 § 1, 1994; 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5)

12.32.140 Removal of dead or dangerous trees.

It shall be the duty of the owner of any property to remove any dead trees, dead or hanging limbs which are dangerous to life or property and which are located on the premises of such owner upon receipt of written notice pursuant to Section 12.32.170 to do so and within such reasonable time as specified in said notice. (Ord. 4031 § 2, 1994; 1356 § 1, 1974; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5(1))

12.32.150 Removal or treatment of infected or infested trees.

Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, life or well-being of other trees or plants in the city or which is capable of causing an epidemic spread of communicable disease or insect infestation, such as Dutch elm disease,

the city shall at once cause written notice to be served upon the owner of the property upon which such diseased tree is situated which notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice. (Ord. 4031 § 3, 1994; 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5(2))

12.32.155 Trees on city property.

The city shall maintain and care for all trees located on city owned right-of-way or other city owned property, unless otherwise provided in a written agreement approved by the city. Such maintenance and care obligation shall not however, alter the abutting property owner's obligations for repair of sidewalks, curbs and gutters as set forth in Chapter 12.20. It is unlawful for any person to knowingly plant a tree upon city owned right-of-way of other city property without the written consent of the city. (Ord. 4031 § 4, 1994)

12.32.160 Sight obstructions.

Whenever the condition of any tree, shrub, or other vegetation interferes with, obstructs, or in any other way endangers the safe public use of streets, alleys, sidewalks, or other public places, the city shall have the power at its own expense to treat, trim, remove, or otherwise care for trees, shrubs, or other vegetation causing the problem. Conditions warranting city action under this section would include, but not be limited to, obstructions which affect the operation and maintenance of utility facilities, signs, or traffic control devices, and interference within the sight distance triangle pursuant to Section 18.48.070(B)(5) of the code. (Ord. 4500 § 2, 1999; Ord. 4036 § 1, 1994; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-5(3))

12.32.170 Notice of compliance.

It is unlawful for any person to fail to comply with the requirements of any notice given pursuant to Sections 12.32.130 through 12.32.160 within the time specified in such notice. In all cases the city shall notify the owner or his agent to maintain and care for all trees and shrubs within thirty days or other period of time thereof deemed reasonable by the city from the date of service of such notice. The owner shall have the right to care for and maintain their trees and shrubs in conformity with the rules, regulations and standards of the city. The notice shall be in writing and served in person upon the owner if found within the city, and if not, it may be served by registered or certified United States Mail or by publication in a daily newspaper published in the city. If, at the end of the thirty days, or other time established, the property owner has failed to care for and maintain the tree or shrub as required by the city, the city may have the work done by day labor or contract and when work is done issue to the person doing the work a certificate therefore stating the just amount due him, which certificate shall draw interest at a rate of six percent per year until paid. The city shall mail a copy of such certificate to the property owner at his last known address and amount of the certificate plus all accrued interest shall become and remain a lien upon the property until it is paid. Failure to pay the amount assessed for tree or shrub maintenance, care or removal including inspection and incidental costs within thirty days (30) of the mailing of the certificate shall cause the owner of the property to be subject to the lien and collection provisions of Chapter 3.50 of this code. (Ord. 5683 § 7, 2012; Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-6)

12.32.180 Appeal procedure.

Any owner who disputes the terms of any notice or assessment made against such owner’s property pursuant to Sections 12.32.130 through 12.32.170, may, within twenty (20) days of receipt of notice, petition the City Manager for a revision or modification of such notice or assessment, in accordance with Chapter 7.70 of this code. (Ord. 5308 § 1 , 2008; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-7)

12.32.190 Right to inspect.

In order to accomplish the purposes of this chapter, the city or its authorized representative is authorized to go upon any property in the city for the purpose of inspecting trees, shrubs or other plants. (Ord. 3823 § 3 (part), 1992; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-8)

12.32.200 Penalty limitation.

The imposition of any penalty for a violation of the ordinance codified herein shall not be construed as a waiver of the right of the city to collect the cost of removal or treatment of any tree, shrub or other plant in accordance with provisions of this chapter. (Ord. 1412 § 5(a) (part), 1975; Ord. 1155 § 1 (part), 1971; Ord. 818 § 1 (part), 1963; prior code § 20.27-9)

Chapter 12.36

DITCHES AND CANALS

Sections:

12.36.010 Ditches must be bridged.

Any person owning or constructing any ditch, race, drain or flume in, upon or across any public street within the city, shall keep the same open for safe and convenient travel by constructing bridges over the same. Such bridges shall be of substantial construction, shall cover the full width of the street, and after such construction the owner thereof shall keep the same in good condition and repair. (Prior code § 20.18)

12.36.020 Swimming or floating on objects prohibited.

It is unlawful for any person to swim or float upon any device or thing in or upon the waters of any canal or ditch within the city. (Ord. 1412 § 3(e), 1975; Ord. 1046 § 1 (part), 1969; prior code § 29.28-1)

12.36.030 Dumping trash prohibited.

It is unlawful for any person to dump, discard, throw or in any manner place trash, refuse or any objects whatsoever into a ditch or canal within the city limits. (Ord. 1046 § 1 (part), 1969; prior code § 29.28-2)

12.36.040 Penalties for Sections 12.36.020 and 12.36.030.

Every person convicted of a violation of Sections 12.36.020 and 12.36.030 shall be punished as provided in Section 1.12.010 of this code. (Ord. 3903 § 1, 1993; Ord. 1412 § 5(a) (part), 1975; Ord. 1046 § 1 (part), 1969; prior code § 29.28-3)

Chapter 12.40

RECREATIONAL FACILITIES

Sections:

12.40.010 Rules and regulations.

The parks and recreation department shall have the authority to establish and enforce such rules and regulations as it deems necessary pertaining to the operation of all parks and recreational facilities owned or operated by the city. (Ord. 3572 § 1, 1989)

Chapter 12.44

PARKS*

Sections:

*For statutory provisions authorizing cities to acquire lands for park purposes, see CRS § 31-25-201 et seq.

12.44.010 Hours of use-Special permit.

It is unlawful for any person to use any public park or city-owned recreational facility between the hours of ten-thirty p.m. and six a.m. daily unless a special permit is obtained from the parks and recreation department for that event. (Ord. 3823 § 4, 1992; Ord. 1336 § 2 (part), 1974; prior code § 15.7)

12.44.020 Hours of use-Evidence of violation.

The use or occupancy of the public parks or city-owned public facilities between the hours of ten-thirty p.m. and six a.m. without a permit shall be prima facie evidence of a violation of this chapter. (Ord. 3823 § 5, 1992; Ord. 1336 § 2 (part), 1974; prior code § 15.7-1)

12.44.030 Restriction for horses and motorized vehicles-Penalties.

A. No person having in his possession or under his control any horse or motorized vehicle shall permit the horse or motorized vehicle to leave an established roadway while in any city park.
B. No person having in his possession or under his control any horse or motorized vehicle, shall permit the horse or motorized vehicle to enter upon those areas of the recreational trail system which are not contiguous with and part of the public street system.
C. The following horses and motorized vehicles shall be exempt from the provisions of subsections A and B, above:
    1. Law enforcement horses and vehicles;
    2. Authorized emergency vehicles as defined by the Model Traffic Code, as adopted by the city;
    3. Battery-operated, one-passenger vehicles when actually being operated by a person with a mobility-debilitating, physical disability;
    4. Motorized vehicles specifically exempted by policy of the parks and recreation department as adopted by the director of the department;
    5. Horses being ridden or led on a portion of the recreational trail system specifically designated and posted for that purpose by the city.
D. For the purposes of this section, the term “motorized vehicle” shall include all motor vehicles, motorcycles, mopeds, motorized bicycles and motorized toy vehicles capable of carrying a person. (Ord. 3823 § 6, 1992; Ord. 1336 § 2 (part), 1974; prior code § 15.8)

12.44.040 Disposal of refuse and trash.

A. It shall be unlawful for any person to bring into or dump in any park any bottles, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash, except such refuse or trash as is generated by visitors to the park during ordinary recreational use of the park.
B. It shall be unlawful for any person to leave any refuse or trash described in subsection A of this section anywhere on the grounds of any park, but the same shall be placed in receptacles

designated for the purpose where such are provided; where receptacles are not provided, all such refuse or trash shall be carried away from the park by the person responsible for its presence. (Ord. 2032 § 1, 1982)

12.44.050 Mountain Park-Park pass required.

A. Every motor vehicle parking within the Viestenz-Smith Mountain Park shall be required to have visibly displayed in its front windshield a valid and unexpired Viestenz-Smith Mountain Park pass. It is unlawful for any person to park any motor vehicle within the Viestenz-Smith Mountain Park without first obtaining and displaying in the front windshield of the motor vehicle a valid and unexpired Viestenz-Smith Mountain Park pass. The amount of the fee for the park pass shall be set by resolution of the city council.

B. Every motor vehicle entering the Viestenz-Smith Mountain Park shall only be parked within designated parking areas. It is unlawful for any person to park a motor vehicle in an area other than those areas specifically designated for parking.

C. Any person violating subsection A or B of this section shall be subject to a fine of ten dollars for a first offense and a fine of up to one hundred dollars for a second and subsequent offense.

D. For the purposes of the enforcement of this section, employees of the city parks and recreation department are authorized and duly appointed to issue summonses and complaints and penalty assessment notices for a violation of this section only.

E. In any prosecution charging a violation of this section, proof that the particular vehicle described in the complaint or penalty assessment notice was parked in violation of this section, together with proof that the defendant named in the complaint or penalty assessment notice was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle at the point where and for the time during which such violation occurred.

F. The following motor vehicles shall be exempt from the provisions of subsection A above:
   1. City motor vehicles on official business;
   2. Motor vehicles parked in specifically designated reservation-only areas for which a valid reservation has been obtained from the city parks and recreation department;
   3. Motor vehicles specifically exempted by policy of the parks and recreation department as adopted by the director of the department. (Ord. 3605 § 1, 1989)

Chapter 12.48

Sections:

12.48.010 Definitions.

As used in this chapter, the following words shall have the following meanings:

A. "Aircraft" means any airplane, helicopter, flying machine, gasbag, balloon, or any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air.

B. "Airport" means the Northern Colorado Regional Airport.

C. "Federal Aviation Administration" means the Federal Aviation Administration of the government of the United States of America.

D. "Heliport" means the area of land, water, or a structure used or intended to be used for the landing and takeoff of helicopters, together with appurtenant buildings and facilities.

E. "Lease" means a contract by which the city grants to another the right to possess, use, and enjoy real property owned or leased in the name of the city, for ten days or longer, in exchange for the payment of rent in an agreed amount.

F. "Manager" means the airport manager. (Ord. 6017 § 3, 2016, Ord. 5733 § 5, 2012; Prior code § 18.15)

12.48.020 Airport manager; authority.

A. The manager shall have the duty and authority to organize, direct, and manage the airport and shall perform such other functions as may be prescribed by the city manager.

B. The manager is hereby authorized to approve and execute leases of real property owned in the name of the city and located at the airport, provided that:

1. The use to which the real property is to be put under the lease is an aeronautical or general aviation use or a use which directly augments an aeronautical or general aviation use;
2. The use to which the real property is to be put is permitted by the land use and zoning codes and regulations applicable to the real property;
3. The lease and the use to which the real property is to be put is in compliance with all federal, state, and local laws, regulations, and agreements applicable to the property to be leased;
4. The lease is for a term of no more than twenty-five years; and
5. The lease provides that the city shall receive a rental amount that reasonably represents, as of the date of the lease, the fair market rental value for the lease of the real property.

C. Notwithstanding the foregoing, to the extent that this section conflicts with the terms of any intergovernmental agreements and subsequent amendments between the city of Loveland and the city of Fort Collins and any bylaws, rules and regulations respecting the operation of the Northern Colorado Regional Airport, the provisions of such intergovernmental agreements, subsequent amendments, bylaws, rules and regulations shall apply.

D. The manager shall notify the city manager in writing of the granting of any lease pursuant to this section within fifteen days after such lease is fully executed. (Ord. 6017 § 4, 2016, Ord. 5733 § 6, 2012) (Ord. 6044 § 1, 2016; Ord. 6017 § 5, 2016;1987Ord. 3389 § 1, 1987; Ord. 2089 § 1, 1983; Ord. 1568 § 1, 1977; prior code § 18.12)

Chapter 12.52

CEMETERIES*

Sections:

*For statutory provisions relating to municipal cemeteries, see CRS § 31-25-701 et seq.

12.52.010 Establishment and control.

The city has created and established two municipally owned cemeteries, known as Loveland Burial Park and Lakeside Cemetery. The city council shall have control of the operation of the cemeteries through the establishment of cemetery rules and regulations which shall cover among other things the sale of the right of interment and care of cemetery lots. Within the guidelines established by the rules and regulations, the city manager shall have the final administrative responsibility for management of the municipal cemeteries. (Ord. 3705 § 1, 1990; Ord. 1362 § 9, 1974; Ord. 1342 § 1, 1974; prior code § 16.1)

12.52.020 Hours of operation.

The hours during which the cemeteries shall be open to the public are as follows:

A. From September 1st to April 1st, from sunrise to sunset;
B. From April 1st to September 1st from sunrise to one hour after sunset.

It is unlawful for any person to enter upon the grounds except during the above hours unless special permission is obtained from the city. (Ord. 3823 § 7, 1992; Ord. 791 § 1, 1962; prior code § 16.1-1)

12.52.030 Sale of right of interment.

The city council shall from time to time, by resolution, establish the price at which the right of interment in lots in the cemetery are sold. No right of interment in a lot or part of a lot shall hereafter be sold unless the purchaser thereof also pays for its perpetual care. The right to interment may be purchased on contract by the payment of a minimum of ten dollars upon the signing of a purchase contract with the balance of the purchase price paid in full in equal monthly installments within one year of the date the purchase contract is entered into. (Ord. 3705 § 2, 1990; Ord. 3680 § 1, 1990; prior code § 16.2)

12.52.040 Definition of perpetual care.

"Perpetual care" means the cutting and watering of the grass at reasonable intervals; the raking and cleaning of the lots; the general care and pruning of the trees and shrubs that may be placed along the walks, roadways and boundaries; meaning and intending the general preservation of the lots and the grounds, walks, roadways, boundaries and structures to the end that the grounds shall remain and be reasonably cared for as cemetery grounds forever. "Perpetual care" shall not include the maintenance,

repair or replacement of any grave stones, monuments or memorials; nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the cemetery; nor the construction or reconstruction of any marble, granite, bronze or concrete work on any lot where the same is damaged from any cause whatsoever. “Perpetual care” shall however include the maintenance, repair or replacement of any public mausoleum for which perpetual care has been paid to the city. (Ord. 926 § 1, 1965; prior code § 16.5)

12.52.050 Issuance of interment certificate.

Upon the payment to the city of the purchase price of the right of interment in any lot and the sum charged for perpetual care, the city shall execute and deliver a proper interment certificate therefore, which certificate shall state that the owner of the right of interment is entitled to perpetual care as provided in the rules and regulations governing such cemeteries. (Ord. 3823 § 8 (part), 1992; Ord. 3705 § 3, 1990; Ord. 3680 § 2, 1990; prior code § 16.3)

12.52.060 Perpetual care for prior purchasers.

The owner of the right of interment of any lot or part of a lot who purchased the right of interment in the lot without obtaining perpetual care therefore may pay the same charge that has been established by the council for perpetual care upon the purchase of a right of interment in a lot, and upon such payment, the city shall issue a certificate for perpetual care to the owner of the right of interment in the lot. (Ord. 3823 § 8 (part), 1992; Ord. 3705 § 4, 1990; Ord. 3680 § 3, 1990; prior code § 16.4)

12.52.070 Perpetual care fund.

There is created a fund to be known as the “perpetual care fund” and all moneys received on account of charges for perpetual care shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the city and it shall be held in trust. The principal of the fund shall not be expended for any purpose, but shall be invested and the income therefrom shall be used only for cemetery operations and other cemetery capital expenditures or improvements. (Ord. 3705 § 5, 1990; Ord. 931 § 9, 1965; prior code § 16.7)

12.52.080 Proceeds from the sale of the right of interment in cemetery lots.

All moneys received from the sale of the right of interment in cemetery lots shall be placed in the general operating fund of the city. (Ord. 3705 § 6, 1990; Ord. 931 § 8, 1965; prior code § 16.6)

12.52.090 Records kept.

Accurate records shall be kept of all rights of interment in lots or parcels of lots, and accurate records shall also be kept on plats of such cemeteries showing the location of each burial made therein. (Ord. 3705 § 7, 1990; prior code § 16.8)

Chapter 12.56

PUBLIC BUILDINGS

Sections:

12.56.010 Community building.

The community building, its operation and maintenance, shall be under the supervision of the city manager; subject, however, to such rules and regulations as the city council shall adopt. (Ord. 931 § 10, 1965; prior code § 21.1-1)

12.56.020 Loveland Museum established.

There is created and established a city museum to be known as the Loveland Museum. (Prior code § 21.2)

Chapter 12.60

ART IN PUBLIC PLACES

Sections:

12.60.010 Purpose.

The purpose of this chapter is to provide a means to fund the acquisition of works of art by the city, which shall become the city's collection, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection. (Ord. 3214 § 1 (part), 1985)

12.60.020 Definitions.

For the purpose of this chapter the following words or phrases shall be defined as set out below:

A. “Art in public places” means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.
B. “Commission” means the visual arts commission created and codified in Section 2.60.260 of this code.
C. “Construction cost” means actual cost of any construction project with an estimated construction cost of fifty thousand dollars or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.
D. “Construction project” means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any building, street, park, utility line or other public improvement by or for the city, including all associated landscaping, parking and the like, but excluding any improvements made by any special improvement district and any other improvements excepted by the city council from the requirement of Section 12.60.030 of this chapter after a public hearing thereon.
E. “Reserve account” means the art in public places reserve account established by this chapter.
F. “Work of art” includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Work of art would normally not include landscaping, paving, architectural ornamentation or signs. (Ord. 3214 § 1 (part), 1985)

12.60.030 Funds for works of art.

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least one percent of the construction cost. If any project is partially funded from any source which precludes art as

an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside for works of art shall be paid into the reserve account. (Ord. 3214 § 1 (part), 1985)

12.60.040 Account established.

There is established a reserve account within the general fund-capital to be known as the art in public places reserve account. Such reserve account shall be credited with such funds as determined by the city council and with all funds received by the city for visual art in public places, whether contributed, earned, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for acquisition of works of art, maintenance and repair of works of art and expenses of administration of this chapter. (Ord. 3214 § 1 (part), 1985)

12.60.050 Administration.

The visual arts commission shall administer the provisions of this chapter relating to acquisition of works of art and display. The Loveland Museum and Gallery shall provide administrative support and assistance to the commission as necessary to accomplish the purposes of this chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The commission shall submit, not later than March of each year, a report of its activities for the prior year. (Ord. 3214 § 1 (part), 1985)

12.60.060 Guidelines.

The commission shall adopt guidelines:

A. To identify suitable art objects for city buildings;
B. To facilitate the preservation of art objects and artifacts that may be displayed in public places;
C. To prescribe a method or methods for competitive selection of art objects for display;
D. To prescribe procedures for the selection, acquisition and display of art in public places; and
E. To set forth any other matter appropriate to the administration of this chapter. (Ord. 3214 § 1 (part), 1985)

12.60.070 Selection and display standards.

In performing its duties with respect to art in public places, the commission shall give special attention to the following matters:

A. Conceptual compatibility of the design with the immediate environment of the site;
B. Appropriateness of the design to the function of the site;
C. Compatibility of the design and location with a unified design character or historical character of the site;
D. Creation of an internal sense of order and desirable environment for the general community by the design and location of the work of art;
E. Preservation and integration of natural features for the project;
F. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design and media throughout the community. (Ord. 3214 § 1 (part), 1985)

12.60.080 Display of art in public places.

A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the city. Works of art owned by the city may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the commission. City officials responsible for the design and construction of public improvements in

the city shall make appropriate space available for the placement of works of art, in consultation with the commission. The commission shall advise the department responsible for the particular public improvement of the commission's decision regarding the design, execution and placement of work of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expense, the commission shall obtain prior written approval of the department head responsible for such operation or maintenance before approving the same.

B. All art in public places shall receive the prior review and approval of the commission. None shall be removed, altered or changed without the prior review and approval of the commission.

C. No work of art financed or installed either wholly or in part with city funds or with grants procured by the city shall be installed on privately owned property without a written agreement between the commission, acting on behalf of the city, and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the city attorney. In addition, such written agreement shall specify that the private property owner shall assure:
    1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
    2. That the work of art will be maintained in good condition; and
    3. That insurance and indemnification will be provided as is appropriate.

D. Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.

E. The director and the Loveland Museum and Gallery shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists and names of architects whenever feasible. The director shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. (Ord. 3214 § 1 (part), 1985)

12.60.090 Ownership.

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the city. (Ord. 3214 § 1 (part), 1985)

12.60.100 Exemptions.

The following are exempt from the provisions of this chapter:

A. All works of art in the collections of, or on display at, or under the auspices of, the Loveland Museum and Gallery and the Loveland Public Library; and

B. All works of art in display in private city offices or other areas of city-owned facilities which are not generally frequented by the public. (Ord. 3214 § 1 (part), 1985)

End Title 12

Title 13

UTILITIES

Chapters:

Chapter 13.02

UTILITY BILLING

Sections:

13.02.010 Definitions.

As used in this title, the following definitions of terms apply:

A. "Bill" and "utility bill" mean the bill rendered by the city to a utility customer for utilities furnished, charges assessed, extended payments, late payment fees, penalties and all other sums due to the city pursuant to this code or resolution of the city council.

B. "Customer" and "utility customer" mean a person to whom the city furnishes water service, wastewater service, stormwater service, electric service or refuse service, or any combination thereof.

C. "Delinquent" means a utility bill for which payment is not received by the city at 500 East Third Street, Loveland, Colorado, before five p.m. on the thirty-second calendar day after the billing date.
D. "New customer" means a customer who has no existing utility service from the city at the time application for utility service is made.
E. "Nondelinquent customer" means a customer who paid his utility bills in full, or, in the case of extended payments, the portions thereof currently due, before the same became delinquent, for the preceding twelve-month period, provided that all sums subject to any extension agreement have been fully paid at the end of such period.
F. "Utility billing manager" means the person appointed by the director of the department of water and power to manage the utility billing activities of the city. (Ord. 4151 §§ 1, 2, 1996; Ord. 3420 § 2, 1987; Ord. 3137 § 1 (part), 1985)

13.02.020 Deposit required--When.

A refundable deposit in the amount of one hundred dollars, payable upon application for utility service, is required as a condition of providing any utility service to a customer under the following circumstances:

A. Any new customer, except when such new customer has been a nondelinquent customer during the most recent twelve-month period such customer was furnished with any city utility service, provided all such twelve-month period occurred within the preceding three years; or
B. Any customer who changes address to which utility service is furnished, except when such customer is a nondelinquent customer. (Ord. 3137 § 1 (part), 1985)

13.02.030 Deposit in installments--When.

Upon application to, and approval by, the utility billing manager, any person required to pay a deposit may pay the same in four consecutive monthly installments, the first of which shall be payable with the first utility bill, upon a determination by the utility billing manager that a genuine hardship exists which prevents payment of the deposit as required in Section 13.02.020. (Ord. 3137 § l (part), 1985)

13.02.040 Deposit refunded--When.

Any deposit held by the city shall be refunded to the customer who paid the deposit at such time as the customer qualifies as a nondelinquent customer. Any deposit held by the city at the time of disconnection of service shall be applied in a manner set forth in Section 13.02.090, and the balance of the deposit, if any, shall be refunded to the customer who paid the deposit. The utility billing manager may require such evidence as he deems appropriate to establish the right of any person to receive a refund. (Ord. 3137 § 1 (part), 1985)

13.02.050 Interest on deposit.

Any utility deposit paid as required in Section 13.02.020 shall bear simple interest at the rate of six and one-fourth percent per annum.

Such interest shall be paid upon the refund of the deposit. Any utility deposit paid in installments pursuant to Section 13.02.030 shall bear no interest. (Ord. 3137 § 1 (part), 1985)

13.02.060 Late payment penalty.

A late payment penalty in an amount as established by resolution of the city council adopted after two readings shall be imposed upon each bill which is delinquent. (Ord. 4871 § 1, 2004 (part); Ord. 4395 § 1, 1999; Ord. 3137 § 1 (part), 1985)

13.02.070 Service terminated.

All utility service to a customer shall be terminated upon the failure of such customer to pay the amount due on the utility bill for such service. Such termination shall be made as soon as practicable after the bill becomes delinquent, provided that no service shall be terminated sooner than eight a.m. on the eighth day after written notice of termination of service is posted on the premises or mailed to the customer at the billing address carried on the records of the utility billing department and to the service address, if different from the billing address. A written notice of intent to disconnect utility service shall be mailed to the customer at the address carried on the records of the utility billing department not less than eight days prior to the issuance of any notice of termination. The notices required by this section shall be printed in both the English and Spanish languages. (Ord. 5122 § 1, 2006; Ord. 3137 § 1 (part), 1985)

13.02.071 Suspension of service termination.

Termination of utility service may be suspended by the field service representative at the service address upon immediate payment of all amounts then due, plus a collection fee in an amount as established by resolution of the city council. (Ord. 4395 § 2, 1999; Ord. 3837 § 1, 1992)

13.02.080 Service reinstated.

Utility Service terminated pursuant to Section 13.02.070 shall not be restored until all delinquent fees and charges, together with the expenses of terminating and restoring service, including costs of labor and materials and specified fees, and payment of a deposit in the amount set forth in Section 13.02.020 are paid in full; provided however, that utility service may be restored upon such other arrangement for extended payment of the amounts due as may be approved by the utility billing manager. (Ord. 4952 § 1 (part), 2005Ord. 3137 § 1 (part), 1985)

13.02.090 Application of payment.

Every payment made to the city for utility service shall be accepted as payment and applied in the following order: first, all charges incurred in a prior billing period and not yet paid, except those amounts for which extended payment has been arranged and which are not yet due; second, all charges incurred during the current billing period; third, all charges presently due pursuant to an extended payment arrangement. Within each of the above three categories, payment will be prorated among the outstanding receivables. (Ord. 4175 § 1, 1996; Ord. 3137 § 1 (part), 1985)

13.02.100 Returned check charge.

There is imposed a returned check charge, in an amount to be set by resolution of the city council. Such charge shall be imposed whenever a check accepted by the city is returned unpaid for any reason not the fault of the city. Such charge shall be paid in addition to all other fees and charges imposed by the city. (Ord. 3137 § 1 (part), 1985)

13.02.110 Other fees.

The fees imposed elsewhere in this title in conjunction with the furnishing of utilities by the city are in addition to the fees and charges set forth in this chapter. (Ord. 3137 § 1 (part), 1985)

13.02.120 Charges due--When.

All charges for the use of utilities as provided for in this title are due and payable fifteen days after the billing date, and are considered in arrears if not paid by said date. (Ord. 3137 § 1 (part), 1985)

13.02.130 Interfering or tampering with a utility meter.

A. It shall be unlawful for any person to:
   1. interfere with or remove, alter, or tamper with any meter provided for measuring or registering the quantity of gas, water, or electricity passing through said meter without the knowledge and consent of the utility supplying such gas, water or electricity; or
   2. connect any pipe, tube, stopcock, wire, cord, socket, motor, or other instrument or contrivance with any main, service pipe, or other medium conduction or supplying gas, water, or electricity to any building, lot or parcel without the knowledge and consent of the utility supplying such gas, water, or electricity.

B. If any evidence of interfering with or removal of, altering, or tampering with a meter or unlawful startup of service is found, the utility may terminate service immediately. All costs for gas, water, or electricity received, and expenses related to terminating service pursuant to this section, including costs of labor and materials and specified fees, shall be paid by the person responsible for such interference, removal, alteration, tampering or unlawful startup.

C. Presumption:
   1. There is rebuttable presumption that the customer or occupant of any premises where interference, removal, altering, tampering, or unlawful startup is proven to exist caused or permitted such interference, removal, altering, tampering, or unlawful startup if the tenant or occupant had access to the part of the utility supply system on the premises where the interference, removal, altering, tampering, or unlawful startup is proven to exist and if said customer or occupant was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services provided for the premises.
   2. The presumption provided in this section shall only shift the burden of going forth with evidence and shall in no event shift the burden of proof to the defendant in any action brought pursuant to this section.

D. Any person convicted of violating this section shall be subject to the penalties set forth in City Code Section 1.12.010, except that a minimum mandatory fine of five hundred dollars ($500) shall be imposed for each such violation. (Ord. 4952 § 2, (part) 2005Ord. 3564 § 1, 1989; Ord. 3553 § 1, 1989)

13.02.135 Access to utility meter and other city facilities and appurtenances.

A. Authorized city employees shall, at all reasonable times, have clear access to any premises within or without the city served by a city utility for the examination or survey thereof or for inspection and repair of city facilities and appurtenances, connection and disconnection of services, reading meters, or for any other purpose whatever in connection with the necessary discharge of their duties and the enforcement of the provisions of this chapter.

B. In the event an authorized city employee is not provided clear access to the premises for the purposes set forth above, the customer shall be notified in writing at the address carried on the records of the utility billing division to schedule an appointment for the authorized representative to have clear access the premises. If the customer fails to schedule an appointment within ten days after receipt of the notification, or if any scheduled appointment is not kept by the customer,

a second notice shall be mailed to the customer at the address carried on the records of the utility billing division advising the customer that service may be discontinued after the tenth day following the mailing of such notice if clear access to the premises is not permitted prior to such day. In the event clear access is not permitted prior to said day, the applicable utility service shall be discontinued.

C. Any customer who fails to provide clear access for the purposes set forth in this section shall be liable for all expenses related to the city's attempts to gain clear access, including costs of labor and materials and specified fees. For the purposes of this section, clear access shall be deemed to be denied whenever, because of locked gates, animals confined in the same space as the meter, facility or appurtenance location, or for any other reason, and after making a reasonable attempt to locate a person upon the premises to gain access, an authorized city employee is unable to perform function as such employee is lawfully authorized to perform.

Chapter 13.04

WATER SERVICE

Sections:

13.04.010 Application.

Every person desiring water service from the city, and every person desiring additional or larger water taps for property receiving water from the city, shall make application therefore with the city. Such application shall designate the property to be served and shall state the purpose for which the water may be required. All such applications shall be made in the name of the owner of the property, and not in the name of any tenant, except when the city clerk determines that it is not practical to keep the account in the owner's name, in which event he may allow the application to be made in the tenant's name. (Ord. 1659 § 1, 1978; Ord. 1078 § 5, 1970; Ord. 997 § 1 (part), 1968; Ord. 715 § 1, 1961; Ord. 696 § 1, 1961; prior code § 13.4)

13.04.030 Water connection fees.

Unless otherwise provided in this section, at the time of making application as required in Section 13.04.010 and before any water tap is made, the applicant shall pay to the city the following charges:

A. The applicant for a water tap shall pay all meter and tapping charges and fees, which shall be paid at the time of application for the tap. Said charges and fees shall be as established by resolution of the city council adopted after two readings and shall be recalculated periodically by staff to reflect the costs of providing the services and materials included with the tap. A list of the services and materials provided by the city shall be available from the water and power department. Said charges and fees may be decreased or waived if the applicant provides all or a portion of the required labor and materials associated with the tap.

B. System impact fees. In addition to the meter and tapping charges and fees there shall also be a system impact fee for all residential meters, nonresidential meters smaller than two inches in diameter, and dedicated irrigation meters. Nonresidential meters two inches or larger shall be paid through a capital recovery surcharge in accordance with Section 13.04.034. System impact fees shall be imposed and due at the time a building permit is requested for the property being served, or if no building permit is required for that property or structure which the meter will serve, at the time a request is made for activation of the meter. Such fees shall be paid not later than at the time that a final inspection for a certificate of occupancy is requested for the property being served, or if no building permit was required for that property, at the time the request is made for activation of the meter. The system impact fee shall be a one-time charge for each new connection to the water system, and for increases to meter size as provided for in Section 13.04.031F., and shall be credited to the property as long as the building use and size of the water connection remain unchanged. Except as provided in Section 13.04.032 and Section 13.04.033, no refund of fees shall be made for the removal or decrease in the size of water service connected to the city water system. The definitions set forth in Chapters 16.04 and 18.04 of this code shall apply to this section. System impact fees shall be in an amount as established by resolution of the city council adopted after two readings. (Ord. 5229 § 1, 2007; Ord. 4871 § 2, 2004 (part); Ord. 4487 § 1, 1999; Ord. 4446 §§ 1, 2, 1999; Ord. 4395 §§ 3, 4, 1999; Ord. 4176 § 1, 1996; Ord. 4152 §§ 1--4, 1996; Ord. 3836 § 1, 1992; Ord. 3727 §§ 1, 2, 1991; Ord. 3611 § 1, 1989; Ord. 3315 §§ 1, 2, 3, 1986; Ord. 3184 § 1, 1985; Ord. 3138 §§ 1, 2, 1985; Ord. 3021 §§ 4 and 5, 1983; Ord. 2067 §§ 1--5, 1982; Ord. 1990 § 1, 1981; Ord. 1938 § 1, 1980; Ord. 1828 § 1, 1979; Ord. 1813 § 1, 1979; Ord. 1659 § 2, 1978; Ord. 1484 § 1, 1976; Ord. 1287 § 1, 1973; Ord.

1267 § 1 (part), 1973; Ord. 1197 § 6, 1972; Ord. 997 § 2, 1968; Ord. 803 § 1, 1963; Ord. 747 § 1, 1961; prior code § 13.5)

13.04.031 System impact fee regulations.

A. Property annexed to the city within six months after the system impact fee has been paid shall qualify for a refund of a portion of the fee. The refund shall be the difference between the system impact fee for inside city customers and the system impact fee for customers outside the city limits as established by resolution of the city council adopted after two readings. No refund shall be made except upon application by the person who paid the original system impact fee.

B. Payment of the system impact fee by a residential customer shall allow for a tap on the city water system to be used for residential water consumption. The meter diameter allowed shall be a three-quarter inch meter unless a larger diameter meter is required by the fire department for water supply for a fire sprinkler system, in which case the system impact fee for the larger meter shall be charged at the same rate as the three-quarter inch meter.

C. Dedicated irrigation meters shall require payment of a system impact fee, as established by resolution of the city council adopted after two readings, prior to activation of the meter. The meter size requested shall first be approved by the water & power department.

D. Additional residential meters for a single family residential lot or parcel already served by an existing water meter for incidental uses, such as swimming pools, drinking fountains, bath houses, restrooms, and the like, shall require payment of all meter and tapping charges and fees as established pursuant to Section 13.04.030A. No system impact fee shall be charged for such additional meters. Any single residential meter being increased to a larger size shall require payment of additional meter and tapping charges and fees as established pursuant to Section 13.04.030A. and system impact fees as established by resolution of the city council adopted after two readings. No refund of fees shall be made for the removal or decrease in the size of the water service.

E. Nonresidential system impact fees shall be as established by resolution of the city council adopted after two readings. System impact fees for meter sizes two inches or larger shall be paid in accordance with the provisions of Section 13.04.034. Meter sizes two inches or larger shall be based on water main size, connected fixtures, equipment devices, area irrigated, and available water pressure. The customer shall be responsible for calculating and designing an adequate service size and shall apply all current plumbing codes and engineering practices as well as all city requirements when determining the proper meter size. The actual meter size proposed shall be approved by the water & power department. A diameter larger than the calculated size may be required by the fire department for water supply for a fire sprinkler system, in which case the system impact fee for the larger meter shall be charged at the same rate as the meter for the calculated size.

F. System impact fees relative to requests to increase size of non-residential meters (dedicated irrigation meters excluded).

   1. Increase to less than two-inch meter. Customers who request an increase in the size of an existing meter to anything less than a two-inch meter shall pay additional system impact fees and raw water development fees to be calculated based upon the difference between the fees established for the existing meter size and the requested larger meter size in effect on the date of the request. The meter size requested shall first be approved by the water and power department.

2. Increase to two-inch meter or greater. Customers who request an increase in the size of an existing meter to two inches or greater shall pay the capital recovery surcharge as provided for pursuant to Sections 13.04.034 and 13.04.040. No additional charge for system impact fees or raw water development fees shall be assessed. The meter size requested shall first be approved by the water and power department.

G. No refund of system impact fees shall be made for the removal or decrease in the size of a meter except as set forth in Sections 13.04.032 and 13.04.033.

H. Water service connections by school districts are unique due to the water use and public financing of their operations. Accordingly, notwithstanding the provisions of this section and Section 13.04.040, the system impact fee and raw water development fee to be paid by the school district shall be eighty-five percent of the fees established by resolution of the city council adopted after two readings for meters of a similar size.

I. Raw water development fees as established pursuant to Section 13.04.040 shall be imposed and due for all residential and nonresidential meters smaller than two inches in diameter at the time a building permit is requested for the property to be served. In the event no building permit is required for the property or structure which the meter will serve, said fees shall be due at the time a request is made for activation of the meter. Such fees shall be paid not later than at the time a final inspection for a certificate of occupancy is requested for the property being served, or if no building permit was required for said property, at the time the request is made for activation of the meter. Raw water development fees for nonresidential meters two inches and greater in diameter shall be paid through a capital recovery surcharge in accordance with Section 13.04.040.

J. At the time system impact fees are due and payable for a property, the applicant for a water service meter shall also pay any charges for open area system impact fees which have previously been paid and which the city has, by contract, agreed to collect from dwellings appurtenant thereto, and any applicable sewer system impact fees as set forth in Chapter 13.08. (Ord. 5849 § 1, 2014)

K. The initial water furnished to premises during construction of improvements thereon when no water meter has been previously installed, shall be furnished at a flat rate as established by resolution of the city council adopted after two readings based upon the meter size applied for. The charges established by resolution of the city council adopted after two readings shall create an allotment of water to be used during the construction period. The allotment in thousands of gallons shall be determined by dividing the construction water charge by the inside commercial rate per thousands of gallons. Water used in excess of the allotment amount during the construction period shall be billed subsequent to the issuance of the certificate of occupancy at the regular metered rate applicable for that service address.

L. The meter and tapping charges and fees and system impact fee set forth in Section 13.04.030 shall not be assessed against any water meter which was secured prior to April 18, 1978 if all applicable meter and system investment fees for such meters were paid prior to said date; provided, however, that an increase in the size of such meter shall require payment of the fees as set forth in this section. (Ord. 5229 § 2, 2007; Ord. 4871 § 3, 2004 (part); Ord. 4395 § 6, 1999)

13.04.032 Conversion to raw water irrigation.

In the event the owner of any common area currently being irrigated with treated water from the city's water treatment plant receives approval from the city to convert the same to the use of raw water for irrigation, the owner may apply to the city to receive a refund of any system impact fees and/or raw water development fees previously paid by the owner or the owner's predecessor(s) in interest in connection with the irrigation of the common area. Upon verification that the water tap was legally installed, the city shall refund such fees to the current owner at the rate existing at the time of the request for refund. (Ord. 4487 § 2, 1999)

13.04.033 Conversion to irrigation subject to water budget.

Customers who request a decrease in the size of an existing meter in order to meet the requirements of Section 19.06.050 shall be entitled to receive a refund of system impact fees in an amount equal to the difference between the fees established for the existing meter size and the requested smaller meter size in effect on the date of request. The meter size requested shall first be approved by the water and power department. (Ord. 5229 § 3, 2007)

13.04.034 Capital recovery surcharge for system impact fees.

A. A capital recovery surcharge shall be required for all new, nonresidential, water taps, which are two inches in diameter and greater.
   1. The capital recovery surcharge shall replace the initial payment and requirement of the system impact fee described in Section 13.04.030. The capital recovery surcharge shall be paid for each one thousand gallons of water billed, to the owner of the property, or the responsible party of the water charges. Rules and regulations which apply to all other charges for utility bills which are described in Chapters 13.02, 13.04 and 13.08, shall also apply to the capital recovery surcharge.

B. The capital recovery surcharge for inside city taps shall be in an amount as established by resolution of the city council adopted after two readings.

C. The original owner(s) requesting water service at that property, and all subsequent tenants or owners of the property, shall be required to pay the capital recovery surcharge.

D. The capital recovery surcharge shall be charged for all water use billed at the requesting property and will remain in effect as long as the water service remains active and is activated on the parcel of property. (Ord. 4871 § 4, 2004 (part); Ord. 4395 §§ 5 (part), 7, 1999; Ord. 4152 § 5, 1996; Ord. 3836 § 2, 1992)

13.04.038 Change in service--Credit.

A. Whenever an existing service is changed, there shall be a credit in the amount of the then current charges, for the size and type of service being discontinued, for the system impact fee and the raw water development fee imposed in Sections 13.04.030 and 13.04.040. Such credit shall be applied, first, to the amounts due for such fees on account of any new service established on the same or adjacent premises which are a part of a site being developed or redeveloped, and second, to the amounts due for such fees on account of any new service established elsewhere to serve buildings moved from the premises previously served.

B. Whenever an existing service for a two inch or larger tap is changed, and the former plant investment fee was previously paid as recognized by city staff, a credit for the existing service shall be in the form of an exchange for a new tap of the same size, or two or more taps of smaller sizes. All new taps must serve some portion or all of the same area as served by the original tap. The number and size of new taps that may be received in place of an existing tap shall be

determined as follows: the ratio of the sum of the total of the system impact fees for all replacement taps, to the current system impact fee for the original tap size, shall be less than or equal to one. Since the current system impact fees as established by resolution of the city council adopted after two readings are proportional to the former plant investment fees for each tap size, these ratios are calculated using current system impact fees. (Ord. 4871 § 5, 2004 (part); Ord. 4395 §§ 5 (part), 8, 1999; Ord. 4093 § 1, 1995; Ord. 3836 § 3, 1992; Ord. 3328 § 1 (part), 1986)

13.04.040 Raw water development fee.

A. Nonresidential raw water development fees for commercial and industrial uses, for tap sizes less than two inches in diameter shall be based on tap size and shall be in an amount as established by resolution of the city council adopted after two readings.
B. Single-family residential water development fees shall be in an amount as established by resolution of the city council adopted after two readings.
C. Multifamily residential fees shall be charged per dwelling unit and shall be in an amount as established by resolution of the city council adopted after two readings.
D. A raw water development capital recovery surcharge shall be required for all new, nonresidential water taps which are two inches in diameter and greater. The capital recovery surcharge shall replace the initial payment and requirement of the raw water development fee.
    1. The capital recovery surcharge shall be paid for each one thousand gallons of water billed to the owner of the property, or the responsible party of the water charges. Rules and regulations which apply to all other charges for utility bills which are described in Chapters 13.02, 13.04 and 13.08, shall also apply to the capital recovery surcharge.
    2. The raw water development fee capital recovery surcharge shall be in an amount as established by resolution of the city council adopted after two readings. The surcharge for outside city customers shall be the same.
    3. The original owner(s) requesting water service at that property, and all subsequent tenants or owners of the property, shall be required to pay the capital recovery surcharge.
    4. The capital recovery surcharge shall be charged for all water use billed at the requesting property will remain in effect as long as the water service remains active on the parcel of property.
E. Except for taps provided for in this section, every applicant for a new water tap or for an increase in existing taps as provided for in Section 13.04.031(G) shall pay a raw water development fee which shall be based on the size of the water tap requested, in an amount as established by resolution of the city council adopted after two readings. (Ord. 4871 § 6, 2004 (part); Ord. 4395 §§ 5 (part), 9--13, 1999; Ord. 3836 § 4, 1992)

13.04.044 Water facilities expansion fund.

There is created a fund to be known as the water facilities expansion fund, and all moneys received from the collection of water plant investment fees shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the city and expenditures there from shall be made only for the purposes of paying for the costs of improvement, expansion, or extension of the water source, treatment and distribution systems of the city; provided that, in the event that the city council determines that an emergency exists affecting the immediate health, peace, safety and welfare of the citizens, such funds may be used as necessary to alleviate the emergency if provisions are made for repayment to the fund, together with reasonable interest thereon, of the funds so used. (Ord. 4395 § 5 (part), 1999; Ord. 1842 § 1, 1980)

13.04.046 Raw water fund--Created.

All raw water fees and raw water development fees collected pursuant to Section 13.04.030 and all charges collected pursuant to Sections 13.04.245 A and C shall be paid into the treasury of the city and set aside in a separate fund. No expenditures shall be made out of such fund except for the following purposes: acquiring water and water rights, ditch and ditch rights which the city council determines to be in the best interests of the city to acquire; developing and acquiring raw water storage facilities and raw water storage rights; satisfying any portion of the obligation to the Municipal Subdistrict of the Northern Colorado Water Conservancy District arising out of the city's allotment contract with said subdistrict which is attributable to other than maintenance and operating expense; and expenses necessarily incurred in connection with the above purposes. (Ord. 4395 § 5 (part), 1999; Ord. 3021 § 7, 1983; Ord. 2064 § 1, 1982)

13.04.050 Maintenance of water service lines.

The property owner shall provide all necessary maintenance, repair and replacement of the service line from the curb stop to and within the building structure which it serves, excluding water meter, meter yoke, meter pit and meter related appurtenances. (Ord. 1861 § 1, 1980)

13.04.055 Connections by school districts.

It is recognized that the use and nature of public school facilities and the public financing of their operations are unique among users of city water services. Therefore, notwithstanding the provisions of Section 13.04.030, the plant investment fee to be paid to the city by school districts making connection to city water services shall be eighty-five percent of the applicable plant investment fee schedule set forth in Section 13.04.030. (Ord. 1659 § 3, 1978; Ord. 1609 § 1, 1977)

13.04.060 Revocable water permit.

In lieu of the development tap, meter service connection, and water plant investment fees required under Section 13.04.030, application may be made to the city council for a revocable water permit for a water service connection for inside or outside the city nonresidential use. (The applicant shall pay to the city an application fee based on the size of the connection, which application fee shall be set by resolution of the city council adopted after two readings.) Said fee shall include the cost of making the tap to the water main and furnishing the corporation stop, curb stop, curb stop box, water meter and appurtenances as provided in 13.04.030, and the cost of making the tap to the water main in a trench excavated by the applicant. The revocable permit shall be issued on the further condition that the applicant pay to the city an annual permit fee for service inside the city, based upon the amount of the plant investment fee shown in subsection C of Section 13.04.030 for the size of the tap, amortized over a period of time not to exceed five years, or an annual permit fee, for service outside the city, based upon the amount of the plant investment fee as shown in subsection D of Section 13.04.030 for the size of the tap, amortized over a period of time not to exceed five years. In the event application is made for a revocable permit and the permit is granted, and all annual fees are paid as determined in this chapter, the applicant shall be entitled to a water connection at such time as the final annual permit fee has been paid to the city, subject only to the payment for water service as would be applicable to any other water user, except that the applicant for outside city use shall also execute a water tap agreement for outside city use and subject to the conditions of the agreement. (Ord. 4871 § 7, 2004 (part); Ord. 1813 § 2, 1979; Ord. 1659 § 4, 1978; Ord. 1287 § 2, 1973; Ord. 1267 § 1 (part), 1973; prior code § 13.5-3)

13.04.070 Extensions.

All water trunk lines or main extensions to serve areas not presently available for service and outside the city limits shall be approved by the city council. (Ord. 4149 § 1, 1996; Ord. 4087 § 1, 1995; Ord. 1267 § 1 (part), 1973; prior code § 13.5-4)

13.04.080 Water system connections outside the city limits.

A. Except as set forth in subsection B. below, there shall be no water taps made outside the city limits unless approved by the city council by resolution.

B. The city manager or his designee is authorized to approve water taps made outside the city limits if the property to be served by the tap does not meet the city's requirements for annexation. (Ord. 5347 § 1, 2008; Ord. 2075 § 1, 1983; Ord. 776 § 1, 1962; prior code § 13.6)

13.04.090 Tap connections--Who may make.

All necessary work and materials used in connecting services to water mains shall be done in accordance with the city water/ wastewater department's requirements and will require inspection by the city prior to activation of the water service. (Ord. 3836 § 5, 1992; Ord. 3727 § 4, 1991; Ord. 1659 § 5, 1978; Ord. 696 § 2, 1961; prior code § 13.7)

13.04.100 Water supply service.

Two or more lots cannot be supplied with water from one and the same connection, unless: (a) the lots are occupied by attached single-family units; (b) the connection is used for lawn or landscape irrigation only; or (c) the director determines that to require each lot to have a separate connection would be impractical or would create a hardship for the customer. No person shall place water pipes or conduits across lots or buildings to supply water to adjacent premises or dwellings. All service connections shall be in accordance with the requirements of the water/waste-water department. (Ord. 5443 §, 2009; Ord. 4643 § 1, 2001; Ord. 3836 § 6, 1992; prior code § 13.8)

13.04.110 Supplying water to others prohibited.

No occupant or owner of any building or premises which obtains water from the city shall supply water to other persons or families or to other premises. Such persons will be required to pay double the price of water so used and the department may shut off the water supply for such violation. (Prior code § 13.9)

13.04.120 Penalty for unreported additional service.

The owner or occupant of any premises desiring additional services, or to apply the water for a purpose not stated at the time of the original application, must obtain permission therefore from the water department. When additional services are added and not reported, the same shall be charged for at double the rate for such time as the services are in use, in addition to the possibility that the water department may shut off the water supply for such violation. (Ord. 1412 §§ 3(ff), 5(a) (part), 1975; Ord. 997 § 3, 1968; prior code § 13.10)

13.04.150 Pollution of water supply unlawful.

It is unlawful for any person to permit any livestock to stand in, congregate together in, or in any wise defile or pollute, or for any person to pollute or defile the water supply of the city by throwing or

placing any manure, dead animals, or other matter into the water of the Big Thompson River at any place for a distance of five miles above the "Home Supply Dam" which is the source of supply of water for the city. (Prior code § 13.21)

13.04.151 Protection of water systems from flood damage.

The city council, in conjunction with the planning commission, the water and sewer superintendent, and other relevant city officials and agencies, shall require that new or replacement water supply systems, whether such systems are intended to serve residents of the city or to be connected to the city system, be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. 1445 § 8, 1975)

13.04.160 Duty to make water connection before paving.

Before any street or alley in which a water line is laid shall be paved or hard-surfaced, the owners of all lots abutting thereon shall make proper water connection with such water lines, whether the immediate use thereof is required or not. (Ord. 1197 § 2, 1972; prior code § 13.22)

13.04.170 Wasting water.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, and other fixtures, must be kept in repair so that they will not cause unnecessary waste of water. The supplying of water may be discontinued for any violation of this section. (Ord. 997 § 6, 1968; prior code § 13.13)

13.04.180 Inspectors.

Any authorized representative of the water department, when properly identified, shall have the right to enter any premises or building where water is used for the purpose of making an inspection of pipes, meters, fixtures or appliances, and for the purpose of detecting and eliminating all abuses whether from waste or improper use of water. (Prior code § 13.14)

13.04.190 Metered service--When.

All water service furnished by the city shall be metered. Until such time as water meters are installed pursuant to Section 13.04.310, the rates for water service set forth in Section 13.04.240 shall apply. (Ord. 4446 § 3, 1999; Ord. 1899 § 1, 1980; Ord. 1866 § 1, 1980; Ord. 1803 § 1, 1979; Ord. 1659 § 6, 1978; Ord. 997 § 7, (part), 1968; prior code § 13.15)

13.04.205 Fire protection tap service.

Any person desiring fire protection tap service shall make application on forms provided by the city. The applicant shall pay the entire cost of making connection for such service and shall pay the tapping charges and monthly fees as provided in this chapter for such service. Such service shall be for the purpose of supplying water for stand pipes and fire sprinkler systems for institutional, commercial and industrial buildings only. Any such service supplied to a building outside the city limits which is not receiving water service from the city shall also require the completion of an outside city water tap application and the payment of a fire tap plant investment fee in an amount as established by resolution of the city council adopted after two readings. No fire protection tap shall be used for any purpose other

than fire protection service. Such service shall be discontinued, and all fees paid therefore shall be forfeited, if it is used for any other purpose, or for failure to pay the monthly charges therefore.

Monthly fees and plant investment fees for fire protection taps requiring flows in excess of one thousand two hundred gallons per minute shall be determined on a case by case basis. (Ord. 4871 § 8, 2004 (part); Ord. 3608 2001; Ord. 4395 § 14, 1999; Ord. 3739 § 2, 1991; Ord. 3315, 1986; Ord. 1387 § 1, 1974; prior code § 13.15-2)

13.04.207 Domestic water pressure booster systems.

All domestic water pressure booster systems shall meet the requirements of the International Plumbing Code, as adopted by the city. (Ord. 5689 § 1, 2012)

13.04.210 Sprinkling--Use limits.

Consumers shall not use a larger hose than three-fourths of an inch in diameter, and sprinkling without a nozzle or with a nozzle opening larger than one-fourth inch is strictly forbidden. Maximum use at one time shall be limited by the following gallons per minute:

Lot areas up to ten thousand square feet, ten gallons per minute;

For each additional ten thousand square feet, five gallons per minute. (Ord. 997 § 8, 1968; prior code § 13.16)

13.04.220 Underground sprinkling system--Application for permit.

A. It is unlawful for any person to install an underground sprinkling system in the city without first obtaining a written permit therefore. Application for such permit shall be made to the city clerk in writing on blanks furnished for that purpose. Such application must contain or be accompanied by plans and specifications covering the construction of the underground sprinkler system and which are sufficient to determine whether such system will comply with the provisions of this code. Upon the approval of the application by the superintendent of the water department, the clerk shall issue the required permit.
B. For manually operated underground sprinkling systems, the maximum demand shall be as stated in Section 13.04.210. For approved clock-operated systems operated at the time designated by the water superintendent, the maximum demand may be double the figures set forth in Section 13.04.210.
C. All underground systems shall have cross-connection prevention devices as approved by the State Board of Health. (Ord. 4446 § 4, 1999; Ord. 997 § 9, 1968; prior code § 13.16-1)

13.04.230 Restrictions.

The city council shall from time to time adopt by resolution such rules, regulations, and restrictions upon the use of water as are necessary to protect the water supply or water system of the city. (Ord. 1567 § 1, 1977)

13.04.235 Emergency ban on certain outdoor uses of potable water.

A. In the event of a catastrophic event or other type of emergency which, in the judgment of the city manager, results in the water utility's current supply of potable water being insufficient to meet the current demand for outdoor water use by the water utility's customers, the city manager may impose a ban on all or certain specified uses of potable water by the water utility's customers.

B. It shall be unlawful for any person or customer to use or permit the use of potable water from the city's water utility on any premises in violation of a ban on water use imposed by the city manager under this section.

C. To impose such a ban, the city manager shall cause a notice to be published in a Loveland daily newspaper notifying the public as to the specific date when the ban shall take effect and the notice shall expressly specify the kinds of uses of potable water prohibited by the ban. The date on which the ban will take effect shall not be earlier than the next day after the notice is so published. In addition to publishing notice, the city manager shall take such other actions as he or she deems reasonable to educate the public about the ban. If the city manager determines that the water utility's current supply of potable water is no longer insufficient to meet the current demand for water use by the water utility's customers, the city manager may, following the same procedure set forth in this paragraph, terminate the ban on the use of potable water. Using the same procedure set forth in this paragraph and when circumstances warrant because of further reductions in the water utility's current supply of potable water, the city manager may modify the ban to impose additional prohibited outdoor uses.

D. The city manager and his or her designees are authorized as peace officers to enforce this section by the issuance of summonses and complaints in accordance with the Colorado Municipal Court Rules of Procedure. A written warning shall be issued for a first violation of any provision of this section. Second and subsequent violations of any provision of this section shall be punished by a minimum fine of fifty dollars ($50) up to a maximum fine of one thousand dollars ($1,000). Each day during which a violation of any provision of this section occurs or continues shall constitute a separate misdemeanor offense. In addition to the fine set forth herein, any lawn irrigation or watering by a water utility customer in violation of any provision of this section shall be deemed a wasting of water as prohibited under section 13.04.170 for which that customer's water service may be terminated by the water utility.

13.04.240 Water rates established.

Except as provided in Section 13.04.241, all water sold by the city shall be sold at rates to be established by resolution of the city council adopted after two readings. (Ord. 4871 § 9, 2004 (part); Ord. 4706 § 2, 2002; Ord. 4395 § 15, 1999; Ord. 3894 §§ 1--3, 1993; Ord. 3740 § 1, 1991; Ord. 3739 § 3, 1991; Ord. 3608 §§ 1--5, 1989; Ord. 3315 §§ 4--7, 1986; Ord. 3117 § 1, 1984; Ord. 3021 § 1, 1983; Ord. 2060 § 1, 1982; Ord. 2005 § 1, 1981; Ord. 1939 § 1, 1980; Ord. 1866 § 2, 1980; Ord. 1749 § 1, 1979; Ord. 1528 § 1, 1976; Ord. 1517 § 1, 1976; Ord. 1476 § 1, 1976; Ord. 997 § 10, 1968; Ord. 742 § 1, 1961; Ord. 696 § 5, 1961; prior code § 13.19)

13.04.241 Rental of surplus raw water.

If in the judgment of the city manager, or his or her designee, the city's water utility has sufficient supplies of raw water in any one year for the needs of the water utility's potable water customers, the city manager, or his or her designee, may rent the city's surplus raw water on a year-to-year basis up to a three year term at rates which reflect at the time of rental the market rental rates prevailing for the raw water rights rented and which take into account the city's annual assessments paid for those water rights. Such rental agreements may not be for more than three years and shall be upon such other terms and conditions as the city manager, or his or her designee, deems to be in the best interests of the city's water utility. (Ord. 4706 § 3, 2002)

13.04.245 Excess water use-- Surcharge.

It is the policy of the city to require each commercial and industrial customer to furnish raw water for treatment adequate to meet such customer's demand for treated water, in accordance with the provisions of this section:

A. Surcharge Established. Each commercial and industrial customer shall pay a surcharge in an amount to be established by resolution of the city council adopted after two readings for the usage of excess water, as defined in this section, which sum shall be payable together with and in addition to the water rates established pursuant to Section 13.04.240.

B. Excess water use is defined as all water use through a meter in excess of the annual base amount set forth in the following table for each meter size in any calendar year:

Meter size	Annual Base Amount in Gallons
3/4"	270,000
1"	1,080,000
1 1/2"	2,160,000
2"	3,510,000
3"	7,020,000
4"	10,800,000
Greater than 4"	To be set by city council

Whenever water use through a meter totals less than the annual base amount set forth above during any calendar year, the difference between actual use and the annual base amount may be credited to any other meter on the same property and under the same ownership upon application to and approval of the director of water and power, or his or her designee. Upon approval, all water furnished through separate meters on the property shall be combined for billing purposes and for determination of excess water use. A special billing charge may be imposed at the discretion of the director of water and power, or his or her designee, to cover additional billing and administrative costs. Such charge may be increased or decreased from time to time to reflect changes in such costs. "Calendar year," for the purpose of this section, means the twelve billing periods starting with the first billing period beginning on or after January 1st in each year.

C. The annual base amount for a meter may be increased upon satisfaction of any of the following conditions:

1. The annual base amount shall be increased by two hundred seventy thousand gallons for each acre foot of raw water rights furnished to city. The provisions of Section 19.04.040 of this code shall apply to such raw water rights.
2. Upon furnishing of evidence by the customer satisfactory to the city council that the city has received raw water rights in conjunction with annexation or rezoning of a property served in excess of the required raw water rights according to meter size as set forth in the following table, the annual base amount shall be increased by two hundred seventy thousand gallons for each excess acre foot of raw water rights:

Meter Size	Required Raw Water in Acre Feet
3/4"	1
1"	4
1 1/2"	8
2"	13
3"	26

4"	40
Greater than 4"	To be set by city council

3. All increases in annual base amount shall be in increments of two hundred seventy thousand gallons only. Whenever available credits are for fractions of acre feet, cash may be paid at the rate established by Section 19.04.040(A)(l) to make up the difference between available credits and the next full acre foot required.

D. The following rules shall be applied to determine the amount of raw water previously furnished in conjunction with prior city annexation and zoning requirements:
   1. Where property has been subdivided at or after the time of the furnishing of raw water rights, the raw water rights furnished shall be prorated among the parcels of the subdivision, based upon the respective land areas.
   2. Where a property is served by more than a single meter, the raw water rights received shall be prorated among all such meter on the basis of the required raw water by meter size for all such meters according to the above table.
   3. All inside city water meters as of November 1, 1982 shall be deemed to satisfy the required raw water set forth above, regardless of actual raw water furnished.
   4. All land annexed to the city between December 5, 1978, and November 1, 1982, except such land as was zoned DR developing resource district on November 1, 1982, shall be deemed to have had furnished to the city three acre feet of water rights, unless the director of water and power, or his or her designee determines otherwise, based upon competent evidence.
   5. All land annexed to the city prior to December 5, 1978, except such land as was zoned DR developing resource district on the date shall be deemed to have had furnished to the city two acre feet of water rights, unless the director of water and power, or his or her designee determines otherwise, based upon competent evidence. (Ord. 4871 § 10, 2004 (part); Ord. 4446 §§ 5, 6, 1999; Ord. 4395 § 16, 1999; Ord. 3391 § 1, 1987; Ord. 3382 § 1, 1987; Ord. 2064 § 2, 1982)

13.04.250 Turnon and shutoff charges.

Once water service has been commenced at any premises, there shall be no charge for turning the water off. The charge to turn water service on again, after once turned off, shall be as established by resolution of the city council adopted after two readings. (Ord. 4871 § 11, 2004 (part); Ord. 4395 § 17, 1999; Ord. 3642 § 1, 1990; Ord. 3056 § 1, 1984)

13.04.260 Billing period--Notice to users.

The city shall bill water users not less than once every three months and not more often than once a month. Billings for water service and any other notices relating to the water utility shall be effective upon mailing the billing or notice to the last known address of the water user as shown on the records of the city, flat rate water will be billed in advance. (Ord. 994 § 1, 1968; Ord. 696 § 4, 1961; prior code § 13.18)

13.04.290 Unpaid water bills--Lien.

All water bills shall be a lien upon the respective lots or parcels of land where the water is used from the time of use and shall be a perpetual charge against the lots or parcels of land until paid, and in the event the charges are not paid when due, the city clerk shall certify such delinquent charges to the

treasurer of Larimer County and the charges shall be collected in the same manner as though they were part of the taxes. (Ord. 3436 § 1, 1987; Ord. 696 § 6, 1961; prior code § 13.20)

13.04.310 Meters installed--Cost.

A. The city shall install, or provide for the installation of, and shall pay the cost of, facilities for the metering of all residential water service which was being furnished by the city on July 24, 1979.
B. The applicant for all other water service shall pay the cost of providing facilities for the metering of all such water service.
C. Any person who paid the cost of providing facilities for the metering of residential water service on or after July 24, 1979, for water service to a residence which was being furnished with such service prior to said date may file an application for a refund with the city clerk's office on forms provided by the city clerk. The city council shall, by resolution adopted after two readings, provide for the amount of the money, if any, to be refunded to such applicant.
D. All meters, vaults, remote readout devices and other facilities shall meet the specifications and be located in accordance with the rules, regulations and policies of the city governing such specifications and locations. (Ord. 4952 § 6, 2005; Ord. 4871 § 13, 2004 (part); Ord. 1899 § 3, 1980)

13.04.320 Reimbursement for water mains.

A. When a developer extends a water main through or adjacent to other property in order to serve his development, and where such other property has the potential to develop in the future in a way that could require use of the main, the developer may request a third-party reimbursement agreement in accordance with the provisions of this section. Any developer requesting a third-party reimbursement agreement must submit a draft agreement to the water and power department prior to the time the department signs the final public improvement construction plans, and must submit a final agreement to the department within thirty (30) days after initial acceptance of the water main by the city. All such reimbursement agreements shall be in a form approved by the director of the water and power department in consultation with the city attorney. The reimbursement amount shall be determined on a cost per linear foot of the property adjacent to the water main. The city shall attempt to collect the reimbursement amount, but shall not be obligated to collect the reimbursement amount, initiate or defend any legal proceeding to collect the reimbursement amount, or pay the developer a sum equal to the reimbursement amount if collection efforts are unsuccessful. The term of any third-party reimbursement agreement established hereunder shall be ten (10) years from the date of execution, regardless of whether the developer has been reimbursed. Prior to expiration of the agreement, the developer may request that the City Council approve a one-time extension of the term of the agreement, not to exceed an additional ten (10) years, for good cause shown. All third-party reimbursement agreements, and any extensions thereof, shall be recorded with the Larimer County Clerk and Recorder at the developer’s expense.
B. An applicant desiring to connect to the city’s water system to serve property subject to a third-party reimbursement agreement shall pay to the city the reimbursement amount attributable to the applicant’s property. The reimbursement amount shall be due and paid prior to connection to the city’s water system, or prior to the city’s approval of a subdivision final plat if the property is subdivided after the date of the reimbursement agreement, whichever occurs first. No building permit for property subject to a third-party reimbursement agreement shall be issued until the reimbursement amount is paid.

C. When the city extends a water main as a system improvement at the city's expense, the city may require adjacent property owners to pay a portion of the cost of the main. The reimbursement amount shall be determined on a cost per linear foot of property adjacent to the water main. The reimbursement amount shall be due and paid prior to connection to the city's water system, or prior to the city's approval of a subdivision final plat if the property is subdivided after the date on which the main is placed into service, whichever occurs first. No building permit for property subject to the payment requirement set forth herein shall be issued until the reimbursement amount is paid. The reimbursement obligation shall remain in effect and shall be enforceable as long as the main is in service. The city shall record with the Larimer County Clerk and Recorder a notice of the encumbrance and reimbursement amount due for each encumbered property.

D. If the city installs or causes a developer to install a water main larger than that required to serve the water demands of the developer's property, or the water demands of the developer's property and adjacent properties in the case of a main intended to serve both of them, the city shall be responsible for the cost of the oversizing. The method for determining the city's share of the oversizing costs shall be established at the time the installation of the main is authorized, and payment of that oversizing amount shall be made over a period not to exceed ten (10) years following the city's acceptance of the main, subject to the limitations of Article X, Section 20 of the Colorado Constitution. The city and the developer shall enter into an oversizing reimbursement agreement, the form of which shall be approved by the director of the water and power department in consultation with the city attorney.

E. Notwithstanding anything herein to the contrary, if the owner of property encumbered by a third-party reimbursement agreement or a recorded notice of reimbursement due to the city files a successful petition to be removed from the city's water service area, said owner shall not be required to pay the reimbursement amount, and the city shall not be required to collect it. (Ord. 5849 § 2, 2014)

13.04.330 Reimbursement for water booster stations.

A. The water and power department is authorized to cause surveys or engineering studies to be made for the purpose of determining those areas either within or without the city that would require the installation and operation of water booster stations to ensure adequate water pressure and supply to the area. The booster station service areas may include areas outside the city that might by annexation become a part of the city or that pursuant to an agreement with the city are being provided out-of-city water service.

B. When a booster station is required because of development within the booster station service area, the cost of its construction is entirely the responsibility of the owners of the property to be served by the booster station. If only a part of a booster station service area is initially developed, the developer shall be required to install a booster station of sufficient capacity to serve the entire area. The developer may request a third-party reimbursement agreement in accordance with the provisions of this section. Any developer requesting a third-party reimbursement agreement must submit a draft agreement to the water and power department prior to the time the department signs the final public improvement construction plans, and must submit a final agreement to the water and power department within thirty (30) days after initial acceptance of the water booster station by the city. All such reimbursement agreements shall be in a form approved by the director of the water

and power department in consultation with the city attorney. The reimbursement amount shall be determined on a cost per developable area being served by the water booster station, as determined by the director of the water and power department. The city shall attempt to collect the reimbursement amount, but shall not be obligated to collect the reimbursement amount, initiate or defend any legal proceeding to collect the reimbursement amount, or pay the developer a sum equal to the reimbursement amount if collection efforts are unsuccessful. The term of any third-party reimbursement agreement established hereunder shall be ten (10) years from the date of execution, regardless of whether the developer has been reimbursed. Prior to expiration of the agreement, the developer may request that the City Council approve a one-time extension of the term of the agreement, not to exceed an additional ten (10) years, for good cause shown. All third-party reimbursement agreements, and any extensions thereof, shall be recorded with the Larimer County Clerk and Recorder at the developer's expense

C. An applicant desiring to connect to the city's water system to serve property subject to a developer's third-party reimbursement agreement with the city shall pay to the city the reimbursement amount attributable to that applicant's property. The reimbursement amount shall be due and paid prior to connection to the city's water system. No building permit for property subject to a third-party reimbursement agreement shall be issued until the reimbursement amount is paid.

D. When the city constructs a water booster station at the city's expense, the city may require property owners within the booster station service area to pay their share of the cost of the booster station. The reimbursement amount shall be determined on a cost per developable area to be served by the booster station, as determined by the director of the water and power department. The reimbursement amount shall be due and paid prior to connection to the city's water system. The reimbursement obligation shall remain in effect and shall be enforceable as long as the booster station is in service. No building permit for property subject to the payment reimbursement set forth herein shall be issued until the reimbursement amount is paid. The city shall record with the Larimer County Clerk and Recorder a notice of the encumbrance and reimbursement amount due for each encumbered property.

E. Notwithstanding anything herein to the contrary, if the owner of property encumbered by a third-party reimbursement agreement or a recorded notice of reimbursement due to the city files a successful petition to be removed from the city's water service area, said owner shall not be required to pay the reimbursement amount, and the city shall not be required to collect it. (Ord. 5849 § 3, 2014)

Chapter 13.06

CROSS-CONNECTION CONTROL

Sections:

13.06.010 Definitions.

Except where specifically designated in this section, all words used in this Chapter 13.06 shall carry their customary meanings. Any word, term, or phrase not found in this section shall be determined as set forth in the Colorado Primary Drinking Water Regulations or in the Colorado Cross-Connection Control Manual, if not found in such regulations.

A. "Air gap" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressure-receiving vessel. To be an "approved air gap," the separation must be at least twice the diameter of the inlet piping (supply pipe)

measured vertically, and never be less than one inch.

B. "Approved backflow prevention assembly," "backflow assembly," or "assembly" means an assembly to counteract backpressures or prevent backsiphonage. This assembly must be approved by the American Society of Sanitary Engineers ("ASSE") or the University of Southern California ("USC") and must be purchased and installed as a complete unit including shut-off valves and test cocks.
C. "Auxiliary supply" means any water source or system other than the city's water.
D. "Backflow" means the flow of water or other liquids, gases, or solids from any source back into the public water system in the opposite direction of its intended flow.
E. "Certified Cross-Connection Control Technician" or "CCCCT" means a person holding a valid CCCCT certification issued in accordance with the Colorado Department of Public Health and Environment Water Quality Control Division.
F. "Closed system" means any water system or portion of a water system in which water is closed to atmosphere.
G. "Colorado Cross-Connection Control Manual" means the latest version of the manual published by the Backflow Prevention Education Council of Colorado and is endorsed by the State addressing cross-connection control practices, which shall be used as a guidance document for the water supplier in implementing a Cross-Connection Control Program.
H. "Colorado Primary Drinking Water Regulations" or "CPDWR" means the most recent edition of the regulations adopted by the Colorado Department of Public Health and Environment Water Quality Control Division.
I. "Containment" means a method of protecting the public water system by the installation of an approved air gap or approved backflow prevention assembly at the point of service (end of the city's service pipe) to separate the customer's plumbing system from the city's distribution system.
J. "Contamination" means the entry into or presence in a public water system of any substance which may be harmful to health and/or quality of the water.
K. "Cross-connection" means any physical arrangement where the public water system is connected, directly or indirectly, actual or potential, with any other non-potable water system or auxiliary system, well, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, or any other device which contains, or may contain, contaminated or polluted water, sewage, used water, or other liquid of unknown or unsafe quality which may be capable of imparting contamination or pollution to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections.
L. "Degree of hazard" means the low or high hazard classification that shall be attached to all actual or potential cross-connections.
M. "Director" means the director of the water and power department or his designee.
N. "Double check valve backflow prevention assembly," "double check assembly," "double check," "DCVA," or "DC" means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. This assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks.
O. "High hazard" means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the public water system.
P. "In-premises protection" means a method of protecting the health of consumers served by the

customer's plumbing system (*i.e.* located within the property lines of the customer's premises) by the installation of an approved air gap or backflow prevention assembly at the point of hazard.

Q. "Low hazard" means the classification assigned to an actual or potential cross-connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the public water system.

R. "Mobile unit" means a unit connecting to the public water system through a hydrant, hose bibb, or other appurtenance of a permanent nature that is part of the public water system. Examples include, but are not limited to, the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment, rock quarry or asphalt/concrete batch plants, or any other mobile equipment or vessel. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with city ordinances pertaining to recreational vehicles, and homeowner devices that are used by the property owner in accordance with city ordinances pertaining to the provision of water service to premises.

S. "Plumbing code" means the most current plumbing code adopted by the city.

T. "Plumbing hazard" means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines, and lawn sprinkling systems. Plumbing-type cross-connections can be located in all types of structures including, but not limited to, homes, manufactured homes, apartment houses, hotels, and commercial or industrial establishments.

U. "Pollutional hazard" means an actual or potential threat to the physical properties of the public water system or the potability of the public's or the consumer's potable water system but which would not constitute a health or system hazard. The maximum degree of intensity of pollution to which the public water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the public water system or its appurtenances.

V. "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use that meets all requirements established by the Safe Drinking Water Act and the CPDWR.

W. "Premises" means any piece of property to which water is provided including, but not limited to, all improvements, mobile structures, and structures located on it.

X. "Public water system" means that part of the water system that is owned and maintained by the city including all pipes, valves, and appurtenances up to the outlet side of the curb stop or meter connection.

Y. "Reduced pressure principle backflow prevention assembly" or "reduced pressure backflow assembly" or "RP assembly" means an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves. The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.

Z. "Specialist" means an employee or contractor of the city who meets the requirements of this Chapter 13.06 and the city's Standard Operating Procedures Manual to carry out inspections and surveys for cross-connections.

AA. "Standard Operating Procedures Manual" or "SOP Manual" means the most recent edition of the city's Standard Operating Procedures Manual related to cross-connection control.

BB. "Technician" means a Cross-connection Control Technician certified to test backflow

assemblies.

CC. "Thermal expansion" means the pressure created by the expansion of heated water.

DD. "Unapproved substance" means any substance, gas, or liquid other than the city's drinking water or the city's used drinking water.

EE. "Used water" means any water supplied by the city to a customer's property after it has passed through the service connection and is no longer under the control of the city.

13.06.020 Purpose.

The purpose of this Chapter 13.06 is to protect the public water system from contamination or pollution due to any existing or potential cross-connections as defined in CPDWR Article 12, or as amended, and this Chapter 13.06 which is necessary for the public's health, safety, and welfare.

13.06.030 Cross-connections regulated.

A. No cross-connections shall be created, installed, used, or maintained within the territory served by the city, except in accordance with this Chapter 13.06.

B. The specialist shall carry out or cause inspections and surveys to be carried out to determine if any actual or potential cross-connections exist. If found necessary by the specialist, an assembly commensurate with the degree of hazard will be required to be installed at the service connection or at the point of hazard. The location will be determined by the specialist.

C. The owner, occupant, or person in control of the property shall be responsible for all cross-connection control within the premises.

D. Notwithstanding anything in this section to the contrary, the Director of Water and Power shall be authorized to require such additional information or documentation he deems reasonably necessary, in his sole discretion, to ensure the safety of the city's water supply.

13.06.040 Application and responsibilities.

This Chapter 13.06 applies throughout the city and to every premises and property served by the public water system. It applies to any premises, public or private, regardless of date of connection to the public water system. Every owner, occupant, and person in control of any concerned premises is responsible for compliance with the terms and provisions contained herein.

13.06.050 Backflow prevention assembly requirements.

The specialist shall approve the type of backflow assembly to be installed within the area served by the city. All users shall install an approved backflow assembly commensurate with the degree of hazard determined by the specialist on each service line that is directly connected to the city's water supply system. All assemblies shall be installed within the user's potable water system between the service connection and the first branch line leading off the service line, unless it is determined by the specialist to install the assembly at an alternate location for containment protection or in-premises protection. The cross-connection shall be eliminated or an assembly shall be required by the specialist to be installed in each of the following circumstances, but the specialist is in no way limited to the following circumstances:

A. The nature and extent of any activity on the premises, or the materials used in connection with any activity on the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.

B. Premises having any one or more cross-connections or potential cross-connections.

C. When a cross-connection survey report form is required by the city to be filled out and returned and it has not been received by the city.

D. Internal cross-connections are present that are not correctable.
E. Intricate plumbing arrangements exist or plumbing subject to frequent changes is present that make it impractical to ascertain whether or not cross-connections exist.
F. There is a repeated history of cross-connections being established or re-established.
G. There is unduly restricted entry so that inspections and surveys for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.
H. Materials, chemicals, or other substances or apparatus are being used and if backflow occurred, contamination or pollution could result.
I. Installation of an approved backflow prevention assembly is deemed to be necessary in the judgment of the specialist to comply with any provision of CPDWR Article 12 or this Chapter 13.06.
J. Any premises having an auxiliary water supply.
K. In the event an in-premises assembly that protects the distribution system has not been tested or repaired as required by CPDWR Article 12 and this Chapter 13.06, a containment assembly will be required or water service will be terminated in accordance with this Chapter 13.06.
L. If it is determined that additions or rearrangements have been made to the plumbing system without obtaining proper permits as required by City Code.
M. When a garden hose attachment is connected to the premises' plumbing, including, but not limited to, fertilizer applicators, pesticide applicators, and radiator flush kits.
N. If the required building or sprinkler permits are not obtained.

13.06.060 Containment protection.

A. Service connections to premises posing a high health cross-connection hazard shall have an approved air gap or reduced pressure backflow assembly installed for containment protection.
B. If the specialist determines that no hazard exists for a connection serving such a premises, the requirements of subsection 13.06.060A. shall not apply.

13.06.070 Irrigation systems.

A. All irrigation systems which are plumbed off of the main service line to the premises shall be protected in accordance with the plumbing code.
B. All designated laterals which serve only irrigation systems shall install a reduced pressure backflow assembly or a pressure vacuum breaker assembly. These assemblies must be installed at a location established by the specialist and tested in accordance with this Chapter 13.06 and the SOP Manual.

13.06.080 Fire systems.

A. An approved double check backflow prevention assembly shall be the minimum protection on all fire sprinkler systems using piping material that is not approved for potable water use or that does not provide for periodic flow-through. A reduced pressure backflow assembly must be installed if any solution other than the potable water can be introduced into the sprinkler system.
B. All fire system assembly testing shall be in accordance with the Colorado Cross-Connection Control Manual, this Chapter 13.06, and the SOP Manual. Any conflict between the requirements set forth therein shall be resolved in favor of the more stringent requirement.

13.06.090 Temporary meters.

Backflow protection shall be required on temporary meters. The type of assembly shall be commensurate with the degree of hazard and shall be determined on a case-by-case basis by the specialist.

13.06.100 Wholesale customers.

Any customer or special water district that has a wholesale contract for water services with the city must have an active, ongoing cross-connection program. The cross-connection program must be in compliance with CPWDR Article 12 requirements pertaining to public water systems. The city reserves the right at all times to require a reduced pressure backflow assembly at the interconnect.

13.06.110 Mobile units.

Unless a city's designated fill station is being used, any mobile unit that uses the city's water from any premises or piping shall have an air gap or RP assembly installed. Mobile units not using the designated fill station may be subject to inspection or survey by the city to ensure compliance with this section.

13.06.120 Right-of-way encroachment.

A. No person shall install or maintain a backflow prevention assembly upon or within any city right-of-way except as provided in this Section 13.06.120.
B. The city reserves the right to require that a backflow prevention assembly be installed in the right-of-way.
C. A backflow prevention assembly required by the city may be installed upon or within any city right-of-way only if the owner proves to the city that there is no other feasible location for installing the assembly and that installing it in the right-of-way will not interfere with traffic or utilities. The city retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.
D. All permits required by the Loveland Municipal Code to perform work in the right-of-way shall be obtained.
E. A property owner shall, at the request of the city and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any city right-of-way when such relocation is necessary for street or utility construction or repairs.
F. All city ordinances relevant to right-of-way encroachment shall be abided by.

13.06.130 Plumbing code.

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the plumbing code.

13.06.140 Access to premises and records.

The specialist, authorized city employees, and persons contracted by the city to perform cross-connection inspections and surveys shall, at all reasonable times, have clear access, as defined in Section 13.02.135, to any premises within or outside the city served by the city's water utility for the purpose of inspecting, surveying, or testing any connection or potential connection to the public water system or for any other purpose whatsoever in connection with the necessary discharge of their duties and the enforcement provisions of this chapter. Said specialist, employees, and contractors shall also have access to all relevant records. If clear access to the premises or access to records is denied, a reduced pressure backflow assembly shall be required to be installed at the service connection to that premises, or service may be suspended in accordance with Section 13.06.280.

13.06.150 Testing and repairs.

Containment backflow prevention assemblies, or assemblies which have been identified and accepted by the city as protection for the public water system, shall be tested, and retested following repair, by a CCCCT in accordance with the requirements set forth in CPDWR Article 12, this Chapter 13.06, and the SOP Manual. Any conflict between the requirements set forth therein shall be resolved in favor of the more stringent requirement.

13.06.160 Responsibilities of cross-connection control technicians.

All cross-connection control technicians operating within the city shall be certified in accordance with all applicable regulations and shall comply with all requirements in this Chapter 13.06 and the SOP Manual.

13.06.170 Maintenance of assemblies.

Backflow prevention assemblies shall be maintained in accordance with the requirements set forth in the Colorado Cross-Connection Control Manual and the SOP Manual.

13.06.180 Installation requirements and specifications.

A. Backflow prevention assemblies shall be installed in accordance with the requirements set forth in the Colorado Cross-Connection Control Manual and the SOP Manual.
B. In the event the specialist allows a containment assembly to be installed at an alternate location, there shall be no connection between the meter and the backflow assembly.

13.06.190 Thermal expansion.

If a closed system has been created by the installation of a backflow prevention assembly, it shall be the responsibility of the property owner to eliminate the possibility of thermal expansion.

13.06.200 Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

13.06.210 Parallel installation.

Premises where non-interruption of water supply is critical shall have two assemblies of the same type installed in parallel. They shall be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum water requirements.

13.06.220 New construction.

In all new non-residential buildings, an approved reduced pressure backflow assembly shall be installed on each potable water service line directly connected to the city's water system. All assemblies shall be installed within the user's potable water system between the service connection and the first branch line leading off the service line.

13.06.230 Residential service connections.

Any residential property that has been determined to have an actual or potential cross-connection or has violated the plumbing code or this Chapter 13.06 in any way shall be required to install an approved backflow prevention assembly in accordance with this Chapter 13.06.

13.06.240 Rental properties.

The property owner shall be responsible for the installation, testing, and repair of all backflow assemblies on owner's property or approved right-of-way locations. When tenants change, or if the plumbing is altered in any way, it shall be the owner's responsibility to notify the City.

13.06.250 Retrofitting.

Retrofitting shall be required on all service connections where an actual or potential cross-connection exists, and wherever else the specialist deems retrofitting necessary.

13.06.260 Costs of compliance.

All costs and expenses associated with the purchase, installation, inspection, survey, testing, replacement, maintenance, parts, and repair of the backflow assembly are the financial responsibility of the property owner.

13.06.270 Emergency suspension of service.

The director or his designee may, without prior notice, suspend water service to any premises when such suspension is necessary to stop the imminent threat of any actual or potential cross-connection as defined in this Chapter 13.06 and the SOP Manual.

13.06.280 Non-emergency suspension of service.

The director or his designee may suspend, with twenty-four hours notice, the water service to any premises where the conditions of this Chapter 13.06 or the SOP Manual have been violated.

13.06.290 Termination of service.

Failure on the part of any property owner to discontinue the use of all cross-connections, to physically separate cross-connections, or to abide by all the conditions of this Chapter 13.06 is sufficient cause for the immediate termination of water service by the city to the premises.

13.06.300 Recovery of costs.

Any property owner who violates any provision of this Chapter 13.06 shall be liable to the city for all costs and expenses incurred by the city as a result of such violation, including, without limitation, all costs and expenses related to suspending or terminating service and costs of labor, materials, and specified fees. Refusal to pay the assessed costs and expenses shall constitute a violation of this Chapter 13.06 and may result in termination of water service. All said costs and expenses shall constitute a lien upon the property where the water is used from the time of use and shall be a perpetual charge against said property until paid, and in the event the charges are not paid when due, the city clerk may certify such delinquent charges to the treasurer of Larimer County and the charges may be collected in the same manner as though they were part of the taxes.

13.06.310 Violations.

Any person who violates any provision of this Chapter 13.06 shall be guilty of a misdemeanor subject to the general penalty clause of the Loveland Municipal Code.

13.06.320 Falsifying information; tampering.

Any person who knowingly makes any false statement, representation, record, report or other document filed or required to be maintained pursuant to this Chapter 13.06, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly or method required under this Chapter 13.06 shall, in addition to civil and criminal penalties provided by state law, be guilty of a misdemeanor subject to the general penalty clause of the Loveland Municipal Code.

Chapter 13.08

SEWER SYSTEM

Sections:

13.08.010 Connections to city sanitary sewer system.

A. All buildings located within the city and within four hundred feet of any established sewer line, which are used for residence or business purposes, or in which persons congregate or are employed, must be connected to the city's sanitary sewer system, and all drainage or plumbing fixtures therein shall be connected therewith. It is unlawful for any person to maintain within the city when his property is within four hundred feet of any established sewer line any vault, privy or cesspool except temporary privies at construction sites authorized by the building official.

B. Whenever any premises served by any on-site sewage disposal system is annexed to the city, such system may continue to be used, notwithstanding the provisions of this section, provided that such system complies with all of the requirements of the state and county, is maintained in good working order, and does not represent a threat to public health or safety. Nothing in this chapter shall preclude inclusion of any such premises in a special improvement district or other district formed for the purpose of supplying sewer service to the premises and adjacent properties.

C. Downspouts, roof drainage, yard drainage, foundation drains (underdrains), areaway drains, groundwater, surface water (runoff), water from natural springs, and subsurface drainage shall not be connected, directly or indirectly, to the city's sanitary sewer system unless such connection is first approved in writing by the Director of the Department of Water and Power. (Ord. 5142 § 1, 2006; Ord. 3187 § 1, 1985; Ord. 743 § 1, 1961; prior code § 14.4)

13.08.020 Permit--Required.

It is unlawful for any person to open, uncover, or in any manner make connection with any sewer main or line of the city, or lay drain or sewer pipes on any premises or in any street or alley in the city without obtaining a written permit therefore. (Prior code § 14.5)

13.08.030 Sewer connection fees.

Application for the permit required by Section 13.08.020 shall be made to the city by the licensed plumber who will perform the work. Such application must contain or be accompanied by plans and specifications covering the construction of the sewer and which are sufficient to determine whether such work will comply with the provisions of this code. Upon approval by the city water/wastewater department, or at the time of making application and before any sewer tap is made, the applicant shall pay to the city the following charges:

A. Sewer Tap Charge. Applicants for a sewer tap shall pay a tap charge to be paid at the time of application for the tap. The tap charge shall be established by resolution of the city council adopted after two readings and shall be recalculated periodically to reflect the costs of providing the services and materials included with the tap charge. The customer shall be responsible for excavating a trench to the sewer main where the tap will be made. A list of the services and materials provided for by the city shall be available from the city water/wastewater department. No charge will be assessed where a sewer connection is to be made to a service which has been previously installed in the main sewer line.

B. System Impact Fees. In addition to the sewer tap charge, system impact fees as described in Section 13.08.040 shall be imposed and due at the time a building permit is requested for the property being served, or, if no building permit is required for that property or structure which the tap will serve, at the time a request is made for activation of the tap. Such fees shall be paid not later than at the time that a final inspection for a certificate of occupancy is requested for the property being served, or if no building permit was required for that property, at the time the request is made for activation of the tap. The system impact fee shall apply to all residential properties; commercial and industrial water taps smaller than two inches in diameter and taps for schools.

C. Capital recovery surcharge shall be charged for all new commercial and industrial sewer taps, using a water tap two inches or larger in diameter, and increases in existing taps as provided for in Section 13.08.040J.

D. No charges will be assessed against any sewer tap which was secured prior to the effective date of the ordinance codified in this section if all applicable tap and impact fees for such taps were paid prior to the effective date of said ordinance; provided, that a change in the size of such tap, or a change in the size of the water tap serving the premises served by the sewer tap, shall require payment of fees as set forth in this section. (Ord. 4871 § 14, 2004 (part); Ord. 3836 § 7, 1991; Ord. 1659 § 9, 1978; prior code § 14.6)

13.08.040 System impact fees.

A. System impact fees shall be paid for commercial and industrial taps using water taps smaller than two inches in diameter and all residential taps. Commercial and industrial sewers using water taps two inches or larger shall be paid through a capital recovery surcharge in accordance with Section 13.08.041. The system impact fee shall be a one-time charge for each new connection to the sewer system and shall be credited to the property as long as the building use and size of the

sewer connection remain unchanged. No refund of fees shall be made for the removal or decrease in the size of sewer service connected to the city sewer system. The definitions set forth in Chapters 16.04 and 18.04 of this code shall apply to this section.

B. The system impact fee designation replaces the former "plant investment fee" designation and any meaning, calculations or reference to the former designation shall be applied to and replaced by "system impact fees."

C. Outside-city customers shall pay system impact fees and capital recovery surcharges as described in Section 13.08.041 in an amount as established by resolution of city council adopted after two readings.

D. Properties annexed to the city within six months after the system impact fee has been paid shall qualify for a refund. The refund shall be the difference between the system impact fee for inside-city customers and the system impact fee for outside-city customers as shown in subsection C of this section. No such refund shall be made except upon application by the person who paid the original system impact fee.

E. The applicant shall also pay, at the time that system impact fees are paid, any applicable water system impact fees as set forth in Section 13.04.030. (Ord. 5849 § 4, 2014)

F. The system impact fee shall be charged based on the building use type in the following amounts:
   1. Inside-city, single-family residential system impact fees shall be in an amount as established by resolution of the city council adopted after two readings. Payment of the system impact fee shall allow for a tap on the sewer system to be used for residential sewage discharge. The tap diameter allowed shall be a four inch tap unless a larger diameter tap is approved by the water/wastewater department.
   2. Additional residential taps, for a single-family lot already served by an existing sewer tap, shall require payment of a sewer tap charge as described in Section 13.08.030. No system impact fee shall be charged for these taps. Any sewer taps serving a premises where the water tap is being increased to a larger size shall pay an additional sewer tap charge as provided for in Section 13.08.030 and additional system impact fees, if applicable, as provided for in subsection J of this section. No refund of fees shall be made for the removal or decrease in the size of the water service.

G. Multifamily residential system impact fees shall be in an amount as established by resolution of city council adopted after two readings.

H. Nonresidential system impact fees for commercial and industrial uses fees shall be in an amount as established by resolution of city council adopted after two readings.

I. The tap size for all nonresidential taps shall be calculated as provided for in Section 13.04.031(F) regarding water tap sizes.

J. Customers requesting to increase their existing water tap size shall pay an additional sewer charge based on the difference in size from the existing water tap size and the requested water tap size as set forth in Section 13.08.030. No refund of fees shall be made for the removal or decrease in the size of the sewer service. The tap size requested must be approved by the water/wastewater department.
   1. For requests to a water tap size which is less than a two inches diameter increase over the current size, the customer shall pay additional sewer system impact fees. The charge shall be the difference between the current water tap size, as shown in the table set out in subsection L of this section, and the requested size water tap shown in the same table.

2. For requests to a water tap size which is greater than a two inches diameter increase over the current size, the customer shall pay the capital recovery surcharge as provided for in Section 13.08.041. No additional charge for sewer system impact fees will be assessed.

K. Connections by school districts are recognized to be unique due to the water use and the public financing of their operations. Therefore, notwithstanding the provisions of Section 13.08.030, the sewer system impact fee paid by the school district shall be determined by the water tap size as shown in the table set out in subsection L of this section. These charges shall be eighty-five percent of the amounts shown in the tables.

L. System impact fees based on the diameter of the requested water tap shall be charged for all taps not provided for in Section 13.08.030 and shall be in an amount as established by resolution of city council adopted after two readings. (Ord. 4871 § 15, 2004 (part); Ord. 4395 §§ 19--24, 1999; Ord. 4153 §§ 1--4, 1996; Ord. 3836 § 8, 1992; Ord. 3611 § 2, 1989; Ord. 3523 § 4, 1988; Ord. 3315 §§ 8, 9, 1986; Ord. 3138 §§ 4, 5, 1985; Ord. 2067 § 6, 1982; Ord. 1990 § 2, 1982; Ord. 1938 § 2, 1980; Ord. 1828 § 2, 1979; Ord. 1813 § 3, 1979; Ord. 1728 § 2, 1978; Ord. 1659 § 10, 1978; Ord. 1609 § 2, 1977; Ord. 1536 §§1, 2, 1976; Ord. 1484 § 2, 1976; Ord. 1197 § 3, 1972; Ord. 995 § 1, 1968; Ord. 802 § 1, 1963; Ord. 707 § 1, 1961; prior code § 14.7)

13.08.041 Capital recovery surcharge.

A. The capital recovery surcharge shall be required for all new, nonresidential, sewer taps, except those exempted in Chapter 13.08, which use water taps two inches or greater in diameter.

1. The capital recovery surcharge for inside-city taps shall replace the initial payment and requirement of the system impact fee described in Sections 13.08.030 and 13.08.040. The capital recovery surcharge shall be paid for each one thousand gallons of sewer billed, to the owner of the property, or the responsible party of the sewer charges. Rules and regulations which apply to all other charges for utility bills which are described in Chapters 13.02, 13.04 and 13.08, shall also apply to the capital recovery surcharge.

B. The sewer capital recovery surcharge shall be in an amount as established by resolution of city council adopted after two readings.

C. The original owner(s) requesting sewer service at that property, and all subsequent tenants or owners of the property, shall be required to pay the capital recovery surcharge.

D. The capital recovery surcharge shall be charged for all sewer service billed at the requesting property and will remain in effect as long as the sewer service remains active and is activated on the parcel of property. (Ord. 4871 § 16, 2004 (part); Ord. 4395 § 25, 1999; Ord. 4153 § 5, 1996; Ord. 3836 § 9, 1992)

13.08.042 Change in service--Credit.

A. Whenever an existing service is changed, there shall be a credit in the amount of the then current charges for the size and type of service being discontinued, for the system impact fee imposed by Section 13.08.040. Such credit shall be applied, first, to the amounts due for such fees on account of any new service established on the same or adjacent premises which are a part of a site being developed or redeveloped, and second, to the amount due for such fee on account of any new service established elsewhere to serve buildings moved from the premises previously served.

B. Whenever an existing service for a 2" or larger tap is changed, and the former plant investment fee was previously paid as recognized by City staff, a credit for the existing service shall be in the form of an exchange for a new tap of the same size, or two or more taps of smaller sizes. All new taps must serve some portion or all of the same area as served by the original tap. The

number and size of new taps that may be received in place of an existing tap shall be determined as follows: the ratio of the sum of the total of the system impact fees for all replacement taps, to the current system impact fee for the original tap size, shall be less than or equal to one. Since the current system impact fees in Section 13.08.040(L) are proportional to the former plant investment fees for each tap size, these ratios are calculated using current system impact fees. (Ord. 4093 § 2, 1995; Ord. 3328 § 1 (part), 1986)

13.08.045 Sewer facilities expansion fund.

There is created a fund to be known as the sewer facilities expansion fund, and all moneys received from the collection of sewer plant investment fees shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the city and expenditures therefrom shall be made only for the purposes of paying for the costs of improvement, expansion, or extension of the sewage collection and treatment system of the city; provided that, in the event that the city council determines that an emergency exists affecting the immediate health, peace, safety and welfare of the citizens, such funds may be used as necessary to alleviate the emergency if provisions are made for repayment to the fund, together with reasonable interest thereon, of the funds so used. (Ord. 1842 § 2, 1980)

13.08.050 Maintenance of service lines.

The property owner shall maintain the entire service line to the city sewer main at his sole expense. (Ord. 1197 § 4, 1972; prior code § 14.7-1)

13.08.060 Requirements for private sewers.

Every private sewer line which is connected with the city sewage system shall meet the following requirements:

A. Size. No private sewer shall be less than four inches nor more than six inches inside diameter, except that where two or more houses will, because of their situation, require a private sewer for their joint use, such sewer shall be not less than eight inches inside diameter.
B. Quality. Private sewers shall be constructed of good, hard, sound, vitrified clay, whole socket pipes, asbestos cement pipes with root-resistant joints, or such pipes and materials of equal quality which may be approved by the superintendent of sewers. The inside of the sewer, after it is laid, must be smooth and clean throughout its entire length, and the ends of all pipes not to be immediately used must be securely guarded against the introduction of sand or earth by bricks and cement or other watertight and impervious material.
C. Fall. All private sewers shall be laid with a fall of not less than one-eighth inch to one foot, and as much greater as possible.
D. Connections. All connections of one length of sewer pipe to another shall be made with "Y" branches or "T" saddles and long radius eighth bends.
E. Backfilling. The backfilling shall be hard packed with care and well rammed to prevent the slightest settling of any drain. (Prior code § 14.8)

13.08.070 Taps on city sewer main.

No person other than an employee of the city shall be permitted or allowed to make a tap on any city sewer line. (Ord. 1217 § 1, 1972; Ord. 707 § 2, 1961; prior code § 14.9)

13.08.075 Extensions.

All sanitary sewer line or interceptor extensions to serve areas not presently available for service and outside the city limits shall be approved by city council. (Ord. 4150 § 1, 1996; Ord. 4087 § 2, 1995)

13.08.080 Sewer system connections outside the city limits.

A. Except as set forth in subsection B. below, there shall by no sewer taps made outside the city limits unless approved by the city council by resolution.

B. The city manager or his designee is authorized to approve sewer taps made outside the city limits if the property to be served by the tap does not meet the city's requirements for annexation. (Ord. 5347 § 2, 2008; Ord. 2075 § 2, 1983; Ord. 1419 §1, 1975; prior code § 14.10)

13.08.090 Duty to make sewer connections before paving.

Before any street or alley in which a sewer line is laid shall be paved or hard-surfaced, the owners of all lots abutting thereon shall make proper sewage connection with such sewer, whether the immediate use thereof is required or not. Until used, such connecting sewer shall be supplied with a proper covering or cap sufficient to prevent the escape of sewer gas. (Prior code § 14.11)

13.08.100 Wastewater charge.

Every property upon which is located any building connected with the City's wastewater system shall pay a monthly wastewater charge set by resolution of the city council adopted after two readings. The wastewater charge shall be determined as follows:

A. For all residential properties with metered city water service, the wastewater charge shall be as follows: (a) for the months of December, January, and February, the wastewater charge shall be based on the metered water consumption for the month being billed; and (b) for the months of March through November, the wastewater charge shall be based on the lesser of the average monthly water consumption determined by the meter readings shown in the immediately preceding December, January, and February utility billings (the "winter quarter average") or the metered water consumption for the month being billed. However, a customer may request, in writing, to be charged the monthly flat rate provided for in subsection C, below, for the months of March through November. The request must demonstrate to the satisfaction of the city's water and power director that the property's winter quarter average is not representative of the property's wastewater discharge. If the request is approved, the property shall be charged the monthly flat rate set forth in subsection C, below, for the months of March through November. Said approval shall be valid only for that calendar year.

B. For all nonresidential properties with metered water service, the wastewater charge for all months shall be based on metered water consumption. However, a customer may request, in writing, that it be billed for the months of March through November based on the lesser of the property's winter quarter average or the metered water consumption for the month being billed. The request must demonstrate to the satisfaction of the city's water and power director that only a portion of the metered water consumption is discharged to the wastewater system. If the request is approved, the property shall be billed for the months of March through November based on the lesser of the property's winter quarter average or the metered water consumption for the month being billed. Said approval shall be valid only for that calendar year. For all nonresidential properties with metered water service from non-city providers, the customer must sign a release permitting the city to have

ongoing access to the customer's water consumption data. The city shall not be obligated to provide wastewater service to any customer with water service from a non-city provider who refuses or fails to sign the release required herein.

C. The monthly flat rate for residential and nonresidential properties shall apply to all properties that do not qualify for billing based on metered water consumption as provided in subsections A and B above. (Ord. 5590 § 1, 2011; Ord. 5456 § 1, 2009; Ord. 4871 § 17, 2004 (part); Ord. 4701 §§ 1 and 2, 2002; Ord. 3959 §§ 1--5, 1993; Ord. 3315 §§ 10--17, 1986; Ord. 3117 § 2, 1984; Ord. 3021 § 2, 1983; Ord. 2060 § 2, 1982; Ord. 2005 § 2, 1981; Ord. 1939 § 2, 1980; Ord. 1867 § 1, 1980; Ord. 1608 §§ 1--3, 1977; Ord. 1563 § 1, 1977; Ord. 1536 § 4, 1976; Ord. 1197 § 5, 1972; Ord. 1057 § 1, 1969; Ord. 995 § 2, 1968; prior code § 14.12)

13.08.101 High strength sewage surcharge.

Anything else in this code notwithstanding, every non-residential property from which is discharged a higher than standard strength sewage as defined by this code for five-day biochemical oxygen demand ("BOD") and total suspended solids ("TSS"), shall be charged a monthly surcharge as follows:

A. Metered Water Services – Inside City.
   1. A charge, in an amount set by resolution of the city council adopted after two readings, per pound of BOD when the BOD of wastewater discharged to the city's sewer system exceeds two hundred forty-six milligrams per liter, plus;
   2. A charge, in an amount set by resolution of the city council adopted after two readings, per pound of TSS when the TSS of wastewater discharged to the city's sewer system exceeds two hundred forty-nine milligrams per liter.

B. Metered Water Services – Outside City.
   1. A charge, in an amount set by resolution of the city council adopted after two readings, per pound of BOD when the BOD of wastewater discharged to the city's sewer system exceeds two hundred forty-six milligrams per liter, plus;
   2. A charge, in an amount set by resolution of the city council adopted after two readings, per pound of TSS when the TSS of wastewater discharged to the city's sewer system exceeds two hundred forty-nine milligrams per liter. (Ord. 5266 § 1, 2007; Ord. 4871 § 18, 2004 (part); Ord. 4153 § 6, 1996; Ord. 3995 § 1, 1994; Ord. 3959 § 6, 1993; Ord. 3884 § 1, 1993; Ord. 3315 § 18, 1986; Ord. 3117 § 3, 1984; Ord. 3021 § 3, 1983; Ord. 2060 § 3, 1982; Ord. 2040 § 1, 1982; Ord. 2005 § 3, 1981; Ord. 1939 § 3, 1980; Ord. 1867 § 2, 1980; Ord. 1536 § 5, 1976)

13.08.102 Rate review.

The city council will review all established sewer rates on an annual basis and adjust the user charge system as may be proper. (Ord. 1536 § 6, 1976)

13.08.110 Method of collection.

All sewer rental charges shall be added to and made a part of the monthly water rental bill and shall be paid in the same manner and shall be subject to the same rules, regulations and penalties as provided for payment of water bills. All sewer rental charges shall constitute a lien upon any lots, land, building or premises served from the time of use, and in the event the charges are not paid when due, the city clerk shall certify such delinquent charges to the county commissioners of Larimer County and the

charges shall be collected in the manner as though they were part of the taxes. (Ord. 3436 § 2, 1987; Ord. 1962 § 1, 1981; prior code § 14.13)

13.08.120 Sewer fund.

The revenue derived from the connections with the sewer system shall be placed in the treasury of the city and may be kept in a separate fund to be known as the "sewer fund." If the revenue is placed in such separate fund, it shall not be paid out or distributed except for the purpose of operating, renewing, improving or extending the sewage system and the payment of salaries of the employees engaged in operating the sewage system; provided, however, that the council may by ordinance divert to the general fund any surplus moneys in excess of the amounts reasonably required for the aforesaid purposes. (Prior code § 14.14)

13.08.130 Stoppage of sewers prohibited.

It is unlawful for any person to place or cause to be placed any solids or insoluble matter of any kind or nature whatsoever within any sewer belonging to the city, or any part thereof, or within any connection thereto. (Prior code § 14.15)

13.08.140 Reimbursement for wastewater mains.

A. Any developer extending a wastewater main through or adjacent to other undeveloped property in order to serve his development and such other undeveloped property has the potential to develop in the future, the developer may request a third-party reimbursement agreement in accordance with the provisions of this section. Any developer requesting a third-party reimbursement agreement must submit a draft agreement to the water and power department prior to the time the department signs the final public improvement construction plans, and must submit a final agreement to the water and power department within thirty (30) days after initial acceptance of the wastewater main by the city. All such reimbursement agreements shall be in a form approved by the director of the water and power department in consultation with the city attorney. The reimbursement amount shall be determined on a cost per linear foot of the other undeveloped property adjacent to the wastewater main. The city shall attempt to collect the reimbursement amount, but shall not be obligated to collect the reimbursement amount, initiate or defend any legal proceeding to collect the reimbursement amount, or pay the developer a sum equal to the reimbursement amount if collection efforts are unsuccessful. The term of any third-party reimbursement agreement established hereunder shall be ten (10) years from the date of execution, regardless of whether the developer has been reimbursed. Prior to expiration of the agreement, the developer may request that the City Council approve a one-time extension of the term of the agreement, not to exceed an additional ten (10) years, for good cause shown. All third-party reimbursement agreements, and any extensions thereof, shall be recorded with the Larimer County Clerk and Recorder at the developer’s expense

B. An applicant desiring to connect to the city’s wastewater system to serve property subject to a third-party reimbursement agreement shall pay to the city the reimbursement amount attributable to the applicant’s property. The reimbursement amount shall be due and paid prior to connection to the city’s wastewater system, or prior to the city’s approval of a subdivision final plat if the property is subdivided after the date of the reimbursement agreement, whichever occurs first. No building permit for property subject to a third-party reimbursement agreement shall be issued until the reimbursement amount is paid.

C. When the city extends a wastewater main as a system improvement at the city's expense, the city may require adjacent property owners to pay a portion of the cost of the main. The reimbursement amount shall be determined on a cost per linear foot of property adjacent to the wastewater main. The reimbursement amount shall be due and paid prior to connection to the city's wastewater system, or prior to the city's approval of a subdivision final plat if the property is subdivided after the date on which the main is placed into service, whichever occurs first. No building permit for property subject to the payment requirement set forth herein shall be issued until the reimbursement amount is paid. The reimbursement obligation shall remain in effect and shall be enforceable as long as the main is in service. The city shall record with the Larimer County Clerk and Recorder a notice of the encumbrance and reimbursement amount due for each encumbered property.

D. If the city installs or causes a developer to install a wastewater main larger than that required to serve the wastewater demands of the developer's property, or the wastewater demands of the developer's property and adjacent properties in the case of a main intended to serve both of them, the city shall be responsible for the cost of the oversizing. The method for determining the city's share of the oversizing costs shall be established at the time the installation of the main is authorized, and payment of that oversizing amount shall be made over a period not to exceed ten (10) years following the city's acceptance of the main, subject to the limitations of Article X, Section 20 of the Colorado Constitution. The city and the developer shall enter into an oversizing reimbursement agreement, the form of which shall be approved by the director of the water and power department in consultation with the city attorney.

E. Notwithstanding anything herein to the contrary, if the owner of property encumbered by a third-party reimbursement agreement or a recorded notice of reimbursement due to the city files a successful petition to be removed from the city's wastewater service area, said owner shall not be required to pay the reimbursement amount, and the city shall not be required to collect it. (Ord. 5849 § 5, 2014)

13.08.150 Reimbursement for lift stations.

A. The water and power department is authorized to cause surveys or engineering studies to be made for the purpose of determining those areas either within or without the city that would require the installation and operation of lift stations to ensure adequate wastewater service to the area. The lift station service areas may include areas outside the city that might by annexation become a part of the city or that pursuant to an agreement with the city are being provided out-of-city wastewater service.

B. When a lift station is required because of development within the lift station service area, the cost of its construction is entirely the responsibility of the owners of the property to be served by the lift station. If only a part of a lift station service area is initially developed, the developer shall be required to install a lift station of sufficient capacity to serve the entire area. The developer may request a third-party reimbursement agreement. Any developer requesting a third-party reimbursement agreement must submit a draft agreement to the water and power department prior to the time the department signs the final public improvement construction plans, and must submit a final agreement to the water and power department within thirty (30) days after initial acceptance of the lift station by the city. All such reimbursement agreements shall be in a form approved by the director of the water and power department in consultation with the city attorney. The

reimbursement amount shall be determined on a cost per developable area to be served by the lift station, as determined by the director of the water and power department. The city shall attempt to collect the reimbursement amount, but shall not be obligated to collect the reimbursement amount, initiate or defend any legal proceeding to collect the reimbursement amount, or pay the developer a sum equal to the reimbursement amount if collection efforts are unsuccessful. The term of any third-party reimbursement agreement established hereunder shall be ten (10) years from the date of execution, regardless of whether the developer has been reimbursed. Prior to expiration of the agreement, the developer may request that the City Council approve a one-time extension of the term of the agreement, not to exceed an additional ten (10) years, for good cause shown. All third-party reimbursement agreements, and any extensions thereof, shall be recorded with the Larimer County Clerk and Recorder at the developer's expense.

C. An applicant desiring to connect to the city's wastewater system to serve property subject to a developer's third-party reimbursement agreement with the city shall pay to the city the reimbursement amount attributable to that applicant's property. The reimbursement amount shall be due and paid prior to connection to the city's wastewater system. No building permit for property subject to a third-party reimbursement agreement shall be issued until the reimbursement amount is paid.

D. When the city constructs a lift station at the city's expense, the city may require property owners within the lift station service area to pay a portion of the cost of the lift station. The reimbursement amount shall be determined on a cost per developable area to be served by the lift station, as determined by the director of the water and power department. The reimbursement amount shall be due and paid prior to connection to the city's wastewater system. No building permit for property subject to the payment requirement set forth herein shall be issued until the reimbursement amount is paid. The reimbursement obligation shall remain in effect and shall be enforceable as long as the lift station is in service. The city shall record with the Larimer County Clerk and Recorder a notice of the encumbrance and reimbursement amount due for each encumbered property.

E. Notwithstanding anything herein to the contrary, if the owner of property encumbered by a third-party reimbursement agreement or a recorded notice of reimbursement due to the city files a successful petition to be removed from the city's wastewater service area, said owner shall not be required to pay the reimbursement amount, and the city shall not be required to collect it. (Ord. 5849 § 6, 2014)

Chapter 13.10

WASTEWATER PRETREATMENT PROGRAM

I. General Provisions

13.10.101 Purpose and policy.

A. This chapter sets forth uniform requirements for all users of the publicly owned treatment works for the City of Loveland and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and the general pretreatment regulations (40 C.F.R. Part 403). The objectives of this chapter are:
   1. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
   2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
   3. To prevent adverse impacts to worker health and safety;
   4. To provide for and promote the general health, safety, and welfare of Loveland's citizens;
   5. To enable the city to comply with its Colorado discharge permit system conditions, biosolids use and disposal requirements, and all other state and federal laws to which the POTW is subject; and
   6. To improve opportunities to recycle and reclaim municipal and industrial wastewater and sludges from the POTW.

B. This chapter applies to all users of the POTW, regardless of whether those users are located inside or outside the city limits, and including those who are users by contract or agreement.

C. This chapter authorizes the issuance of wastewater discharge permits and other control mechanisms; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires industrial user monitoring and reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

13.10.102 Administration.

Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director may be delegated by the director to other water and power department personnel.

13.10.103 Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD	Biochemical oxygen demand
BMP	Best management practice
C	Celsius
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
CDPS	Colorado discharge permit system
EPA	Environmental Protection Agency
F	Fahrenheit
gpd	Gallons per day
gpm	Gallons per minute
mg/1	Milligrams per liter
POTW	City of Loveland publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
s.u.	Standard units
TRC	Technical review criteria violations
TSS	Total suspended solids
U.S.C.	United States Code

13.10.104 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

"Amalgam" means any mixture or blending of mercury with another metal or with an alloy used in dental applications.

"Amalgam waste" means any waste containing mercury or residues from the preparation, use or removal of amalgam. This includes, but is not limited to, any waste generated or collected by chair-side traps, screens, filters, vacuum systems filters, amalgam separators, elemental mercury, and amalgam capsules.

"Approval authority" means the appropriate EPA regional administrator, or upon approval of Colorado's pretreatment program, the chief administrator of such pretreatment program.

"Authorized representative of the industrial user" means the following:

(1) If the industrial user is a corporation: the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;

and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the industrial user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(4) The individuals described above may designate another authorized representative if the authorization is in writing, specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and is submitted to the city.

"Best management practices" means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed at 40 C.F.R. 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20º C, usually expressed as a concentration (*e.g.*, mg/L).

"Categorical pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) that apply to a specific category of industrial users and that appear at 40 C.F.R. Chapter I, Subchapter N, Parts 405 – 471.

"City" means the City of Loveland, Colorado.

"Categorical industrial user" means an industrial user subject to a categorical pretreatment standard or categorical standard.

"Chemical oxygen demand" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

"Clean Water Act" means the Federal Water Pollution Control Act amendments of 1972, PL 92-500, and subsequent amendments, 33 U.S.C. Section 1251 et seq.

"Composite sample" means a sample formed either by continuous sampling or by mixing discrete samples. The sample may be a time proportional composite sample or a flow proportional composite sample. If composite sampling is not an appropriate technique then a composite sample shall consist of a minimum of four grab samples collected at equally spaced intervals.

"Control authority" means the entity directly administering and enforcing the pretreatment standards and requirements of this chapter. The director is the control authority for the POTW.

"Control mechanism" means those mechanisms used to control the discharges of significant industrial users and other industrial users of the POTW. Control mechanisms may include wastewater discharge permits, BMPs, written authorizations to discharge, liquid waste hauler permits, and other requirements enforceable under this chapter.

"Daily maximum limit" means the allowable discharge limit of a pollutant during a calendar day. Where the daily maximum limit is expressed in units of mass, the allowable discharge limit is the total mass discharged over the course of a calendar day. Where the daily maximum limit is expressed in terms of a concentration, the allowable discharge limit is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"Day" or "days" means calendar days except where otherwise noted.

"Dental facility" means any facility used for the practice of dentistry or dental hygiene that

discharges wastewater containing amalgam.

"Director" means the director of the department of water and power or his or her duly authorized representative.

"Domestic wastewater" or "domestic wastestream" means liquid waste from noncommercial preparation, cooking, and handling of food, or liquid waste containing only human excrement and similar matter from sanitary conveniences (*e.g.*, toilets, showers, bathtubs) of dwellings or commercial, industrial, or institutional buildings.

"Enforcement response plan" means the written plan that sets forth the specific actions the city will take to investigate and respond to violations of this chapter.

"Environmental Protection Agency" means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

"Existing source" means any source of discharge that is not a new source.

"Fats, oil, and grease" means nonpetroleum organic polar compounds derived from animal or plant sources such as fats, nonhydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established at 40 C.F.R. Part 136.

"Flow proportional sample" means a composite sample where each discrete sample is collected based upon the flow (volume) of wastewater.

"Food service establishment" means any nondomestic discharger where preparation, manufacturing, or processing of food occurs including, but not limited to, restaurants, cafes, fast food outlets, pizza outlets, delicatessens, sandwich shops, coffee shops, schools, nursing facilities, assisted living facilities, and other facilities that prepare, service, or otherwise make foodstuff available for consumption.

"Grab sample" means a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

"Grease interceptor" means a large in-ground tank intended to remove, hold, or otherwise prevent the passage of fats, oil, and grease in the wastewater discharged to the POTW by gravity separation considering calculated retention times and volumes for each facility. Such interceptors include baffle(s) and a minimum of two (2) compartments and generally are located outside a building.

"Grease trap" means a device designed to reduce the amount of fats, oil, and grease in wastewater discharged into the POTW. Grease traps usually serve no more than four (4) fixtures and generally are located inside a building.

"Grease removal device" means a grease trap, grease interceptor, or other device (*i.e.*, hydromechanical) that is designed, constructed, and intended to remove, hold, or otherwise prevent the passage of fats, oil, and grease to the sanitary sewer.

"Hauled waste" means any waste from holding tanks, including, without limitation, chemical toilets, vacuum pump tank trucks, and septic tanks. Hauled waste does not include domestic waste from an individual's recreational vehicle (*e.g.*, camper or trailer).

"Indirect discharge" means the introduction by, without limitation, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of pollutants into the POTW from any nondomestic source.

"Individual control mechanism" means a control mechanism (*i.e.*, permit) that only is issued to a specific industrial user.

"Industrial user" means a source of indirect discharge.

"Instantaneous limit" means the maximum concentration of a pollutant or measurement of a pollutant property allowed to be discharged at any time.

"Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its biosolids processes, use, or disposal; and therefore is a cause of a violation of the city's CDPS permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act; any state regulations contained in any state biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"Local limit" means the specific discharge limits and BMPs developed, applied, and enforced by the city upon significant industrial users to implement the general and specific discharge prohibitions listed at 40 C.F.R. 403.5(a)(1) and (b).

"Monthly average limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"Nanomaterials" means, without limitation, an engineered product developed using a microscopic particle(s) whose size is measured in nanometers.

"New source" means the following:

(1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that: (a) the building, structure, facility, or installation is constructed at a site at which no other source is located; (b) or the building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; (c) or the production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria in (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has: (a) begun, or caused to begin, as part of a continuous onsite construction program, (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"Oil and sand separator" means a trap, interceptor, or other device designed, constructed, and intended to remove, hold, or otherwise prevent the passage of petroleum products, sand, sediment, sludge, grease, or similar substances in the wastewater discharged to the POTW by gravity separation considering calculated retention times and volumes for each facility. Such separators include baffle(s) and a minimum of two (2) compartments and generally are located outside a building.

"Pass through" means a discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's CDPS permit, including an increase in the magnitude or duration of a violation.

"Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

"pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (*e.g.*, TSS, turbidity, color, BOD, COD, toxicity, or odor) and other substance or material (*e.g.*, nanomaterial) as determined by the director.

"Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

"Pretreatment standards" or "standards" means prohibited discharge standards, categorical pretreatment standards, and local limits. There are two different circumstances in which BMPs may be pretreatment standards. The first is when the director establishes BMPs to implement the prohibitions of Section 13.10.202 or the local limits of Section 13.10.205. The second is when the BMPs are categorical pretreatment standards established by the EPA.

"Publicly owned treatment works" means any devices, facilities, structures, equipment, or works owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, collection lines, pumping, power and other equipment, and their appurtenances and excluding service lines; extensions, improvements, additions, alterations or any remodeling thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from the treatment, or reuse of treated water for irrigation, recreation or commercial purposes. It does not include the stormwater system, a separate municipal operation that is not part of POTW. The municipality, as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

"Significant industrial user" means, except as provided in (3) and (4) below:

(1) An industrial user subject to categorical pretreatment standards; or

(2) An industrial user that: (a) discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); (b) contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (c) is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gpd of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met: (a) the industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements; (b) the industrial user annually submits the certification statement required at 40 C.F.R. 403.12(q) together with any additional information necessary to support the certification statement; and (c) the industrial user never discharges any untreated concentrated wastewater.

(4) Upon a finding that the industrial user meeting the criteria in (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures at 40 C.F.R. 403.8(f)(6), determine that such industrial user should not be considered a significant industrial user.

"Significant noncompliance" means an industrial user that violates one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limitations, for the same pollutant parameter.

(2) Technical review criteria violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of a numeric pretreatment standard or requirement including instantaneous limitations multiplied by the applicable TRC (TRC = one and four-tenths (1.4) for BOD, TSS, fats, oil, and grease, and one and two-tenths (1.2) for all other pollutants except pH).

(3) Any other violation of a pretreatment standard or requirement (daily maximum limit, long term average limit, instantaneous limit, narrative standard, or BMP) that the director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent a discharge.

(5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide, within thirty (30) days after the due date, any required reports such as baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations, which may include a violation of BMPs, that the director determines will adversely affect the operation or implementation of the pretreatment program.

"Spill" or "slug discharge" means any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 13.10.202, or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits, or control mechanism.

"Solids interceptor" means a device designed, constructed, and intended to remove, hold, or otherwise prevent the passage of solid foodstuff (*e.g.*, coffee grounds) to the sanitary sewer.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Time proportional composite sample" means a sample of equal-volume aliquots taken at regular intervals throughout the sampling period.

"Total suspended solids" or "suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

"Wastewater" means liquid and water-carried industrial, domestic, or other polluted wastes from dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, that are contributed to the POTW.

"Wastewater treatment plant" or "treatment plant" means that portion of the POTW that is designed to provide treatment of wastewater.

II. General Sewer Use Requirements

13.10.201 Legal authority.

A. The city operates pursuant to legal authority enforceable in federal, state, or local courts that authorizes or enables the city to apply and enforce the requirements of this chapter and 40 C.F.R. Part 403. This authority allows the director to:

1. Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants to the POTW by industrial users where:
   a. Such contributions do not meet applicable federal, state, or local pretreatment standards and requirements;
   b. Could cause the treatment plant to violate its CDPS permit; or
   c. Could cause problems in the POTW.
2. Control through permit, order, or similar means the wastewater contributions to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements.
3. Require compliance with applicable pretreatment standards and requirements by industrial users.
4. Identify, locate, and notify all possible industrial users that might be subject to the pretreatment program.

13.10.202 Prohibited discharge standards.

1. General prohibitions. No industrial user shall introduce or cause to be introduced into the POTW any pollutant that causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.
2. Specific prohibitions. No industrial user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
    1. Pollutants that create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified at 40 C.F.R. 261.21.
    2. Wastewater having a pH less than five and one-half (5.5) or greater than eleven and one-half (11.5), or otherwise causing corrosive structural damage to the POTW.
    3. Solid or viscous substances in amounts that will cause obstruction to the flow in the POTW resulting in interference.
    4. Pollutants, including oxygen-demanding pollutants (*e.g.*, BOD), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW.
    5. Wastewater having a temperature greater than 104° F (40° C), or that will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
    6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
    7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
    8. Trucked or hauled pollutants, except at discharge points designated by the director in accordance with Section 13.10.305.E.
    9. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance or repair.
    10. Wastewater that imparts color that cannot be removed by the treatment plant process, such as, by not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
    11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations, or as otherwise limited by the director.
    12. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
    13. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
    14. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW or otherwise cause pass through or interference.
    15. Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.
3. Pollutants, chemicals, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.10.203 National categorical pretreatment standards.

Significant industrial users must comply with the categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405 through 471.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with this section.
B. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 C.F.R. 403.6(e).
D. A categorical industrial user may apply for a net/gross adjustment to a categorical pretreatment standard in accordance with 40 C.F.R. 403.15.

13.10.204 State pretreatment standards.

State pretreatment standards and requirements adopted pursuant to the Colorado Water Quality Control Act shall apply in any case where they are more stringent than federal standards.

13.10.205 Local limits.

A. The following pollutant limits are established to protect against pass through and interference and to protect beneficial use of biosolids. No significant industrial user shall discharge wastewater containing in excess of the following daily maximum limits (all concentrations are total):

Pollutant	Daily Maximum Limit
Arsenic	0.30 mg/l
Cadmium	0.12 mg/l
Chromium	1.49 mg/l
Copper	4.04 mg/l
Cyanide	0.44 mg/l
Iron	256 mg/l
Lead	1.53 mg/l
Mercury	0.0001 mg/l
Molybdenum	0.99 mg/l
Nickel	2.49 mg/l
Selenium	0.09 mg/l
Silver	1.67 mg/l
Zinc	11.12 mg/l

B. The above daily maximum limits may apply at the significant industrial user's end of process or where the significant industrial user's facility wastewater is discharged to the POTW.
C. The director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

D. The director may develop specific discharge limitations for any other toxic or inhibiting pollutant as necessary to prevent interference, pass through, danger to the health and safety of POTW personnel or the general public, environmental harm, a POTW permit violation, or to avoid rendering the POTW's biosolids unacceptable for economical reclamation, disposal, or beneficial use. (Ord 6098 § 1, 2017)

13.10.206 City's right of revision.

The city reserves the right to establish, by ordinance, control mechanism, or other appropriate means more stringent or additional standards or requirements for any industrial user to protect the POTW against pass through, interference, or as necessary, in the director's opinion, to protect the health and safety of POTW personnel or the general public.

13.10.207 Dilution.

No industrial user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

III. Pretreatment of Wastewater

13.10.301 Pretreatment facilities.

A. All industrial users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with applicable categorical pretreatment standards, local limits, BMPs, and the prohibitions set out in Sections 13.10.202 through 13.10.205 within the time limitations specified by the EPA, the state, or the director, whichever is more stringent. Any facilities necessary for compliance shall be provided and properly operated and maintained at the industrial user's expense. The director may require that detailed plans describing such facilities and operating procedures be submitted for review and be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the industrial user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the director under the provisions of this chapter.

B. The director may require an industrial user to install sampling, monitoring, or other appropriate pretreatment equipment as necessary to ensure compliance with the pretreatment standards and requirements. The equipment shall be installed, operated, and maintained at all times in a safe and proper operating condition by the industrial user at its own expense.

C. Industrial users shall notify the director prior to any remodeling, or equipment modification or addition, that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.

13.10.302 Additional pretreatment measures.

A. Whenever deemed necessary, the director may require industrial users to restrict their discharge during peak or low flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastestreams from nondomestic wastestreams, and impose such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

B. Backflow prevention devices shall be installed and maintained by the industrial user in accordance with Chapter 13.06.
C. Industrial users with the potential to discharge flammable substances may be required to install and maintain proper treatment equipment or an approved combustible gas detection meter.
D. Individual water meters, sub-meters, or flow meters shall be installed where the director has determined it is necessary to ascertain flow data. Such devices shall be installed, tested, inspected, and repaired as needed by the industrial user at its expense.

13.10.303 Accidental discharge; slug discharge control plans.

A. Each industrial user shall provide protection from accidental discharge of substances that have a reasonable potential to violate the POTW's regulations, local limits, or CDPS permit conditions.
B. The director shall evaluate whether a significant industrial user needs a plan or other control mechanism to control slug discharges within one (1) year of the date on which the industrial user is designated a significant industrial user.
C. The director may require any industrial user to develop, submit for approval, and implement a slug control plan. If the director decides that a slug control plan is needed, the plan shall include, at a minimum, the following elements:
    1. Description of discharge practices, including nonroutine batch discharges;
    2. Description of stored chemicals;
    3. Procedures for immediately notifying the director of any accidental or slug discharge, including procedures for follow-up written notification within five (5) days as required by Section 13.10.606; and
    4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
D. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.
E. Significant industrial users are required to notify the POTW immediately of any changes at their facilities affecting potential for a slug discharge.

13.10.304 Best management practices.

A. The director may develop BMPs, or require an industrial user to develop BMPs, to implement the prohibitions of Section 13.10.202 and the local limits of Section 13.10.205. BMPs shall be considered pretreatment standards and local limits for purposes of this chapter and Section 307(d) of the Clean Water Act. Additionally, BMPs may be categorical pretreatment standards established by the EPA.
B. The director may develop general BMPs that are applicable to categories of industrial users, categories of activities, or geographic areas.
C. Elements of a BMP may include, but are not limited to:
    1. Installation of treatment.
    2. Requirements for or prohibitions on certain practices or discharges.
    3. Requirements for the operation and maintenance of treatment equipment.
    4. Timeframes associated with key activities.
    5. Procedures for compliance certification, reporting, and records retention.

6. Provisions for reopening and revoking BMPs.

D. Any industrial user may be required to comply with BMPs. BMPs may be incorporated in categorical pretreatment standards, control mechanisms, or orders.

13.10.305 Sector control programs.

A. General requirements.
   1. The director may establish specific sector control programs for industrial users to control specific pollutants as necessary to meet the objectives of this chapter. Pollutants subject to these sector control programs shall generally be controlled using BMPs.
   2. The director shall implement procedures as necessary to identify industrial users for inclusion into applicable sector control programs.
   3. Facilities undergoing any physical change, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge shall notify the director and may be required to submit specific documentation to ensure that current sector control program requirements are incorporated and implemented.
   4. The industrial user shall inform the director prior to:
      a. Sale or transfer of ownership of the business;
      b. Change in the trade name under which the business is operated; or
      c. Change in the nature of the services provided that affect the potential to discharge sector control program pollutants.
   5. Inspections.
      a. The director may conduct inspections of any facility with or without notice for the purpose of determining applicability and/or compliance with sector control program requirements.
      b. If any inspection reveals non-compliance with any provision of a sector control program requirement, corrective action shall be required pursuant to the applicable sector control program.
      c. Inspection results will be provided in writing to the facility.
   6. Closure. The director may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include, for example, the removal of equipment, the filling in and/or cementing, capping, or plugging of the device or structure.

B. Mercury best management practices.
   1. These BMPs establish requirements for dental facilities for reducing the amount of amalgam waste discharged into the sanitary sewer. All dental facilities shall be required to comply with subsections A. and B. of this section as of July 1, 2013.
   2. The city's BMPs include two general requirements:
      a. The dental facility must submit a completed amalgam waste registration form with the city; and
      b. The dental facility must implement the required BMPs.
   3. Dental facilities that have not registered shall file a registration on a form provided by the director prior to discharging any waste to the POTW generated from dental-related activities.
   4. Annual BMP compliance certification. Dental facilities shall provide an annual certification to the city that the industrial user has implemented all required BMPs during the calendar year. This certification shall be submitted by January 28 of each year for the previous calendar year on a form provided by the director.

5. All dental facilities shall implement the following BMPs:
    a. International Organization for Standardization 11143 certified amalgam separators shall be installed and maintained according to manufacturer's specifications. Amalgam separators shall provide a clear view of the waste collected in the device (*i.e.*, no "black box" type devices).
    b. All amalgam separators shall be appropriately sized for the dental facility. The amalgam separator shall be installed so that all amalgam-contaminated wastewater will flow to the unit for treatment before being discharged.
    c. All amalgam separtors shall be located to provide easy access for cleaning and inspection.
    d. Each dental facility shall inspect and maintain the amalgam separator at a frequency that would reasonably identify problems (*e.g.*, leaks, early removal of sludge).
    e. Use precapsulated amalgam alloy and implement practices to minimize the discharge of amalgam to any drain.
    f. Properly dispose of all amalgam waste and maintain all records that contain sufficient information to verify proper off-site disposal.
    g. Use line cleaners designed to minimize dissolution of amalgam. Bleach, chlorine-containing, or low acidic line cleaners are specifically prohibited.
    h. Implement the BMPs provided by the American Dental Association.
    i. The dental facility shall maintain records of amalgam recycling on site for at least three (3) years. These records shall include the date, the name and address of the facility to which any waste amalgam is shipped, and the amount shipped. These records may be periodically reviewed by the city.

C. Fats, oil, grease, and solids requirements.
1. The requirements established in this section shall apply to food service establishments connected to, or proposing to connect to, the POTW.
2. All food service establishments that discharge to the POTW wastewater containing fats, oil, grease, or solids in quantities sufficient to cause sanitary sewer line restriction or necessitate increased POTW maintenance shall install a properly-sized grease removal device and/or solids interceptor. The director may require food service establishments to replace or upgrade the grease removal device or solids interceptor if either, in combination with BMPs, does not cause a reduction in the quantity of fats, oil, grease, or solids, or the food service establishment changes in nature, adds fixtures or equipment, or is renovated in such a manner as to increase the likelihood of discharging to the POTW wastewater contributing fats, oil, and grease or solids in quantities sufficient to cause sanitary sewer line restriction or necessitate increased POTW maintenance. Food service establishments that are unable to comply with this section due to site or plumbing constraints that make compliance impossible or financially impracticable shall apply in writing to the director for an exemption, which may be granted by the director in his sole discretion. The written request shall include the reason(s) why the food service establishment cannot comply with this section and steps the food service establishment will take to prevent sanitary sewer line restriction and increased POTW maintenance.
3. Grease removal device requirements.
    a. Grease interceptors shall be seven hundred fifty (750) gallon minimum capacity and provide a minimum of thirty (30) minutes retention time at total peak flow. The maximum size shall be two thousand, five hundred (2,500) gallons. A series of interceptors may be necessary for grease interceptor capacities greater than two thousand, five hundred (2,500) gallons based on cleaning and maintenance frequency.

b. Grease traps, when permitted, shall be fifty (50) gpm flow rated or provide one hundred (100) pound grease capacity. Grease traps require a flow restriction device.
c. Other grease removal devices may be allowed by the director if it is shown that an alternative pretreatment technology is equally effective in controlling the discharge of fats, oil, and grease.
d. Grease removal devices shall be located to provide easy access for cleaning and inspection.
e. Unless directed otherwise, a professional engineer registered in the State of Colorado shall properly size and provide documentation to the director to support the proposed grease removal device or solids interceptor size.
f. If required by the director, an engineer licensed by the State of Colorado shall file a written, signed certification with the director stating that the required grease removal device or solids interceptor has been installed and all sources of fats, oil, grease, or solids are discharging to the device before discharging wastewater to the POTW.

4. Food service establishments shall use the following BMPs to reduce the amount of wastewater containing fats, oil, grease, or solids discharged into the POTW:
    1. Disconnect or minimize the use of garbage disposals (garbage grinders);
    2. Install a 1/8" or 3/16" mesh screen over all kitchen sinks, mop sinks, and floor sinks;
    3. Use "dry" clean-up methods, including scraping or soaking up fats, oil, and grease from plates and cookware before washing;
    4. Use pre-wash sinks to clean plates and cookware;
    5. Recycle fats, oil, and grease and beneficial food waste when possible;
    6. Pour remaining liquid fats, oil, and grease from pots, pans, and other cookware into containers to be disposed of in the trash once congealed; and
    7. Post BMPs and provide training to each employee on such BMPs.
5. Grease removal devices and solids interceptors shall be inspected, cleaned, and maintained in proper working order at all times by the industrial user at its expense. Grease removal devices in active use shall be cleaned at the frequency specified in the industrial user's control mechanism.
    a. In the event that a grease interceptor is larger than the capacity of a vacuum truck, the interceptor shall be completely evacuated within a twenty-four (24) hour period. The industrial user's documentation shall accurately reflect each pumping event.
    b. Food service establishments shall retain a State of Colorado registered waste grease transporter to completely evacuate all contents, including floating materials, wastewater, bottom solids, and accumulated waste on the walls of the grease removal device. Waste must be disposed of in accordance with federal, state, and local laws.
    c. Any food service establishment desiring a cleaning schedule less frequent than that required by the director shall submit a written request to the director requesting a change and the reasons for the change. A reduction in cleaning frequency may be granted by the director when it has been determined that the grease removal device has adequate capacity and detention time for fats, oil, grease, and solids removal. The cleaning frequency will depend on factors such as the location of the facility, type of facility, type of food prepared, hours of operation, capacity of the device, the anticipated amount of fats, oil, grease, and solids in the wastewater, and the type of BMPs in place.
6. The following are strictly prohibited:
    a. Connecting garbage grinders, garbage disposals, and dishwashers to grease traps.
    b. Altering or tampering with a grease removal device or solids interceptor.

c. Discharging or permitting another to discharge any liquid, semi-solid, or solid back into a grease removal device or solids interceptor at any time during maintenance or cleaning operations.
d. Discharging or permitting another to discharge any grease removal device or solids interceptor wastes into any drain, public or private sewer, or other grease removal device or solids interceptor.
e. Using hot water or chemicals, bacteria, enzymes, or other products that will emulsify fats, oil, and grease.

D. Petroleum oil, grease, and sand requirements.
1. Applicability. The requirements established in this section shall apply to industrial users that generate sand, sediment, grit, gravel or other aggregate, grease, petroleum oil, or other petroleum products that may discharge to the POTW. Examples of such facilities include, without limitation, vehicle service or repair facilities, small or large equipment service or repair facilities, vehicle and equipment wash facilities, machine shops, garden nurseries, warehouses, and parking garages (if connected to sewer).
2. Oil/sand general requirements.
a. An oil/sand separator shall be provided for the proper handling of wastewater containing sand, sediment, sludge, grease, petroleum products, or similar substances.
b. An oil/sand separator shall be properly sized to provide adequate retention time to prevent the discharge of wastewater containing sand, sediment, sludge, grease, petroleum products, or similar substances to the POTW.
c. Oil/sand separators shall be installed, inspected, cleaned, and maintained, as needed, by the industrial user at its expense. All such devices shall be located to be easily accessible for cleaning and inspection.
d. Unless directed otherwise, a professional engineer registered in the State of Colorado shall properly size and provide documentation to the director to support the proposed oil/sand separator size.
e. If required by the director, an engineer licensed by the State of Colorado shall file a written, signed certification with the director stating that the required oil/sand separator has been installed and all sources of sand, sediment, sludge, grease, petroleum products, or similar substances are discharging to the device before discharging wastewater to the POTW.
3. Maintenance.
a. Oil/sand separators shall be serviced at a frequency that will prevent the separator from discharging sand, sediment, sludge, grease, petroleum products, or similar substances to the POTW. The city recommends that servicing occur when the total volume of waste in the separator reaches twenty-five percent (25%) of the separator's capacity. The director is authorized to issue a control mechanism if a separator is not serviced at an appropriate frequency as required herein.
b. The industrial user must document each cleaning with an invoice, waste manifest, or other acceptable document, which must be kept on site for at least three (3) years.
c. The industrial user must take reasonable steps to ensure that all waste is properly disposed of at a facility in accordance with federal, state and local regulations (*i.e.*, certification by the hauler included on a waste manifest).

E. Hauled waste requirements.
1. Any hauled waste meeting the definition of an RCRA hazardous waste as defined at 40 C.F.R. Part 261 will not be accepted and shall not be discharged to the POTW.

2. Persons proposing to discharge non-RCRA hazardous waste shall apply for and obtain a control mechanism from the director. Control mechanisms will be issued on a case-by-case basis. No hauled waste may be discharged without prior written consent of the director. Hauled waste may only be discharged at locations designated by the director. Hauled waste is subject to all the requirements of this chapter.
3. Any violation of the terms and conditions of a control mechanism, failure to apply for a control mechanism as required, or discharging without authorization shall be deemed a violation of this chapter.
4. The director may collect samples of each hauled waste load to ensure compliance with this chapter. The director may require the waste hauler to provide a waste analysis of any load or a waste-tracking form for every load prior to discharge.
5. The director has the right to reject any hauled waste that may be harmful to, or cause obstruction of, the wastewater collection system, or that may cause or contribute to interference or pass through of the POTW, or that may violate any local limits adopted by the city.

F. Pharmaceutical sector control program. The director has the authority to establish specific BMPs for industrial users to control discharges of applicable pharmaceuticals to the POTW, as necessary, to meet the objectives of this chapter. These BMPs shall be required through permit, where necessary, for significant industrial users and by control mechanism for other industrial users.

G. Nanomaterial sector control program. The director has the authority to establish specific BMPs for industrial users to control discharges of nanomaterial to the POTW, as necessary, to meet the objectives of this chapter. These BMPs shall be required through permit, where necessary, for significant industrial users and by control mechanism for other industrial users.

H. Nonylphenol sector control program. The director has the authority to establish specific BMPs for industrial users to control discharges of nonylphenol to the POTW, as necessary, to meet the objectives of this chapter. These BMPs shall be required through permit, where necessary, for significant industrial user and by control mechanism for other industrial users.

IV. Wastewater Discharge Permits

13.10.401 Wastewater analysis.

When requested by the director, an industrial user must submit information on the nature and characteristics of its wastewater within the time specified by the director. The director is authorized to prepare a form for this purpose and may periodically require industrial users to update this information.

13.10.402 Wastewater discharge permit requirement.

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that a significant industrial user that has filed a timely application pursuant to Section 13.10.404 may continue to discharge for the time period specified therein.

B. The director may require other industrial users to obtain a wastewater discharge permit as necessary to carry out the purposes of this chapter.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this section.

D. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements, or with any other requirements of federal, state, and local law.

13.10.403 Wastewater discharge permitting.

Any industrial user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to beginning or recommencing such discharge. An application for this wastewater discharge permit, in accordance with Section 13.10.404, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

13.10.404 Wastewater discharge permit application contents.

A. All industrial users required to obtain a wastewater discharge permit must submit an application on a form prepared by the director. The director may require industrial users to submit as part of an application any or all of the following information:

1. Identifying information, including:
   a. Name and address of the facility.
   b. Name and contact information for the owner and operator.
   c. Description of facilities, activities, and plant production processes on the premises.
2. List of any environmental control permits held by or for the facility.
3. Description of operations, including:
   a. Brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
   b. Types of wastes generated and a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally or intentionally be, discharged to the POTW.
   c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
   d. Type and amount of raw materials processed (average and maximum per day).
   e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
4. Time and duration of discharges.
5. Location for monitoring all wastes covered by the permit.
6. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in subsection 13.10.203.C.
7. Measurement of pollutants, including:
   a. Categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
   b. Results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process.
   c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
   d. The sample shall be representative of daily operations and shall be analyzed in accordance with Section 13.10.610. Where the standard requires compliance with a BMP or pollution

prevention alternative, the industrial user shall submit documentation as required by the director or the applicable standards to determine compliance with the standard.

e. Sampling must be performed in accordance with Section 13.10.611.

8. Any other information as may be deemed necessary by the director to evaluate the wastewater discharge permit application.

B. Incomplete or inaccurate applications will be returned to the industrial user for revision.

13.10.405 Wastewater discharge permit decisions.

The director will evaluate the data furnished by the industrial user and may require additional information. Within forty-five (45) business days of receipt of a complete wastewater discharge permit application, the director will determine whether to issue a wastewater discharge permit. The director may deny any application for a wastewater discharge permit.

V. Wastewater Discharge Permit Issuance Process

13.10.501 Wastewater discharge permit duration.

A wastewater discharge permit may be issued for a period no greater than five (5) years from the date of issuance. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the director. Each wastewater discharge permit shall indicate a specific date upon which it shall expire.

13.10.502 Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:
   1. A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date.
   2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with Section 13.10.504 and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
   3. Effluent limits, including BMPs, based on applicable pretreatment standards.
   4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
   5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
   6. Requirements to control slug discharge, if determined by the director to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
   1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
   2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.

3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
5. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those that become effective during the term of the wastewater discharge permit.
7. Other conditions as deemed appropriate by the director to ensure compliance with this chapter and state and federal laws, rules, and regulations.

13.10.503 Wastewater discharge permit modification.

A. The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
   1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
   2. To address alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
   3. A change to the POTW's CDPS permit;
   4. Information indicating that the permitted discharge poses a threat to the POTW, city personnel, or the receiving waters;
   5. Violation of any terms or conditions of the individual wastewater discharge permit;
   6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
   7. Revision of or the grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13;
   8. To correct typographical or other errors in the wastewater discharge permit; or
   9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 13.10.504

13.10.504 Wastewater discharge permit transfer.

A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) business days advance written notice to the director, and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator that:
   1. States that the new owner and/or operator has no intent to change the facility's operations and processes within ninety (90) days after the transfer;
   2. Identifies the specific date on which the transfer is to occur; and
   3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

13.10.505 Wastewater discharge permit revocation.

A. The director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
   1. Failure to notify the director of changes to the wastewater prior to the changed discharge;
   2. Failure to provide prior notification to the director of changed conditions pursuant to Section 13.10.605;
   3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
   4. Falsifying self-monitoring reports and certification statements;
   5. Tampering with sampling or monitoring equipment;
   6. Refusing to allow the director timely access to the facility premises and records;
   7. Failure to meet effluent limitations;
   8. Failure to pay fines;
   9. Failure to pay wastewater charges and fees;
   10. Failure to meet compliance schedules;
   11. Failure to complete a wastewater survey or the wastewater discharge permit;
   12. Failure to provide advance notice of the transfer of the wastewater permit to a new owner or operator; or
   13. Violation of any pretreatment standard or requirement, any terms of the wastewater discharge permit, or this chapter.

B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership to a new owner or operator without the director's approval in violation of Section 13.10.504 All wastewater discharge permits issued to an industrial user are void upon the issuance of a new wastewater discharge permit to that industrial user.

13.10.506 Wastewater discharge permit reissuance.

An industrial user with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 13.10.404, a minimum of sixty (60) business days prior to the expiration of the industrial user's existing wastewater discharge permit. In no case shall the reissued permit be for a period greater than five (5) years from the date of reissuance. A wastewater discharge permit may be reissued for a period less than five (5) years, at the discretion of the director.

13.10.507 Waste received from other jurisdictions.

If another jurisdiction, or industrial user located within another jurisdiction, contributes wastewater to the POTW, the city shall enter into an intergovernmental agreement with the contributing jurisdiction. Such intergovernmental agreement shall ensure that discharges received from entities outside of the city's jurisdictional boundaries are regulated to the same extent as are discharges from within the city's jurisdictional boundaries.

VI. Reporting Requirements

13.10.601 Baseline monitoring reports.

A. Within one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report that contains the

information listed in subsection B. below. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report that contains the information listed in subsection B. below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Industrial users described above shall submit the following information:
   1. All information as may be required by subsection 13.10.404.A.1. through 6. and 8.
   2. Measurement of pollutants.
      a. The industrial user shall provide the information required in subsection 13.10.405.A.7.a. through d.
      b. The industrial user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.
      c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the pretreatment standards.
      d. Sampling and analysis shall be performed in accordance with Section 13.10.610.
      e. The director may allow the submission of a baseline report that utilizes only historical data so long as data provides information sufficient to determine the need for industrial pretreatment measures.
      f. The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
   3. Compliance certification. A statement, reviewed by the industrial user's authorized representative as defined in Section 13.10.104 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
   4. Compliance schedule. If additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements, the shortest schedule by which the industrial user will provide such additional operation and maintenance and/or pretreatment must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 13.10.602.
   5. Signature and report certification. All baseline monitoring reports must be certified and signed by an authorized representative in accordance with Section 13.10.614.

13.10.602 Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 13.10.601.B.4.:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards (such events include,

without limitation, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

B. No increment referred to above shall exceed nine (9) months.

C. The industrial user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the industrial user to return to the established schedule.

D. In no event shall more than nine (9) months elapse between such progress reports to the director.

13.10.603 Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections 13.10.404.A.6. and 7, and subsection 13.10.601.B.2. For industrial users subject to equivalent mass or concentration limits established in accordance with Section 13.10.203, this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.10.614. All sampling must be done in conformance with Section 13.10.611.

13.10.604 Periodic compliance reports.

A. All significant industrial users shall, at a frequency determined by the director but in no case less than once per six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and/or maximum daily flow for the reporting period.

B. All wastewater samples must be representative of the industrial user's discharge. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

C. If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the director, using the procedures prescribed in Section 13.10.610, the results of this monitoring shall be included in the report.

13.10.605 Reports of changed conditions.

A. All industrial users shall promptly notify the director in advance of any significant changes to the industrial user's operations or system that might alter the nature, quality, or volume of its wastewater. For the purposes of this section, a "significant change" shall mean a change that will be in effect for a period of ten (10) days or more and shall include, but is not limited to, the following:

1. A change in number of shifts or shift hours, an additional processing operation, or the new use or discharge of any substances regulated under Section 13.10.202 or 13.10.205.
2. A twenty percent (20%) increase or decrease in the wastewater flow or production volume, or any other change which may alter the average normal wastewater characteristics.

3. Any other change that triggers the applicability of a categorical pretreatment standard that previously had not applied to the industrial user.

B. The director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 13.10.404.

C. The director may reissue an individual wastewater discharge permit under Section 13.10.506 or modify an existing wastewater discharge permit under Section 13.10.503 in response to changed conditions or anticipated changed conditions.

13.10.606 Reports of potential problems.

A. In the case of any discharge, including, without limitation, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug discharge, that may cause potential problems for the POTW, the industrial user shall immediately telephone and notify the director of the incident. This notification shall include, at a minimum, the location of the discharge, type of waste, concentration and volume, and corrective actions taken by the industrial user.

B. Within five (5) days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measure(s) to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, penalties, or other liability that may be imposed pursuant to this chapter.

C. Significant industrial users are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

13.10.607 Reports and information.

All industrial users connected to, or proposing to connect to, the POTW shall provide appropriate reports or information to the director as the director may require to meet the requirements of this chapter. It is unlawful for any person to knowingly make a false statement, representation, or certification in any record, report, or other document submitted or required to be maintained under this chapter.

13.10.608 Notice of violation; repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. If the city performed the sampling and analysis in lieu of the industrial user, the city shall have the authority to require the industrial user to perform the repeat sampling and analysis.

13.10.609 Notification of the discharge of hazardous waste.

A. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste under 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one hundred

(100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known or readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expended to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.10.605. The notification requirement in this section does not apply to pollutants already reported by industrial users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 13.10.601, 13.10.603, and 13.10.604.

B. Dischargers are exempt from the requirements of subsection A. above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified at 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified at 40 C.F.R. 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the director, the EPA regional waste management division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a control mechanism issued thereunder, or any applicable federal or state law.

13.10.610 Analytical requirements.

All pollutant analyses, including sampling techniques, required by the director shall be performed in accordance with the techniques prescribed at 40 C.F.R. Part 136, and any amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or approved by the EPA.

13.10.611 Sample collection.

A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

B. Except as indicated in subsections C. and D. below, an industrial user must collect wastewater samples using twenty-four (24) hour flow-proportional composite collection sampling techniques.

In the event flow proportional composite collection sampling is not feasible, the director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the industrial user demonstrates that this will provide a representative sample of the discharge. Using protocols (including appropriate preservation) specified at 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

C. Grab samples must be used for oil and grease, temperature, pH, cyanide, total phenols, and volatile organic compounds. Temperature and pH must be an instantaneous measurement.

D. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in Sections 13.10.601 and 13.10.603, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by Section 13.10.604, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

13.10.612 Date of reports received.

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not postmarked the date of receipt of the report shall govern.

13.10.613 Recordkeeping.

A. Industrial users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the industrial user independent of such requirements, and documentation associated with BMPs.

B. Records shall include, at a minimum, the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample(s); the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses.

C. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the industrial user, or where the industrial user has been specifically notified of a longer retention period by the director.

13.10.614 Signature of authorized representative; certification.

A. All documents submitted to the director pursuant to this chapter shall be signed by an authorized representative of the industrial user as defined in Section 13.10.104.

B. The following certification shall be required on all industrial user applications and reports, and may be required by the director on surveys and questionnaires:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on

my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

VII. Compliance Monitoring

13.10.701 Right of entry: inspection and sampling.

A. The director shall have the right to enter the premises of any industrial user to determine whether the industrial user is complying with all requirements of this chapter and any control mechanism or order issued hereunder. Industrial users shall allow the director ready access to all parts of the premises for the purposes of inspection, identifying the character or volume of pollutants, sampling, records examination and copying, photographs, noncompliance investigation, and the performance of any additional duties.
B. Where an industrial user has security measures in force that require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the director will be permitted to enter without delay for the purposes of performing specific responsibilities.
C. The director may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.
E. Unreasonable delays in allowing the director access to the industrial user's premises shall be a violation of this chapter.

13.10.702 Search warrants.

If the director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample to verify compliance with this chapter or any control mechanism or order issued hereunder, or any other pretreatment standard or requirement, or to protect the overall public health, safety, and welfare of the community, the director may seek issuance of a search warrant from the court with appropriate jurisdiction.

13.10.703 Tampering prohibited.

It shall be unlawful to interfere with or remove, alter, or tamper with sampling, monitoring, or other pretreatment equipment.

VIII. Confidential Information

13.10.801 Confidential information.

Information and data on an industrial user obtained from reports, surveys, permit applications, wastewater discharge permits, monitoring programs, and inspection and sampling activities shall be available to the public without restriction, subject to the provisions of the Colorado open records law. Wastewater constituents and characteristics and other effluent data, as defined at 40 C.F.R. 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

IX. Publication of Industrial Users in Significant Noncompliance

13.10.901 Publication of industrial users in significant noncompliance.

The director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the industrial users that, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall be applicable to all significant industrial users, and any other industrial user that violates sections (3), (4), or (8) of the definition of "significant noncompliance" set forth in Section 13.10.104.

X. Administrative Enforcement Remedies

13.10.1001 Notification of violation.

When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter or any control mechanism or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon the industrial user a written notice of violation. Within five (5) business days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction of prevention thereof, to include specific required actions, shall be submitted by the industrial user to the director. Submission of such a plan in no way relieves the industrial user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

13.10.1002 Consent orders.

The director may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any industrial user responsible for noncompliance. Such documents shall include specific actions to be taken by the industrial user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 13.10.1004 and Section 13.10.1005 and shall be judicially enforceable.

13.10.1003 Show cause hearing.

A. The director may order an industrial user that has violated, or continues to violate, any provision of this chapter, control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the industrial user show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally, by registered or certified mail (return receipt requested), or by commercial carrier at least ten (10) calendar days prior to the hearing. Such notice may be served on any authorized representative of the industrial user as defined in Section 13.10.104 and

required by Section 13.10.614. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the industrial user.

B. The director may conduct the hearing and take the evidence, or may designate a representative to:
   1. Issue, in the name of the director, a notice of hearing requesting the attendance and testimony of witnesses and the production of relevant evidence;
   2. Take the evidence; and
   3. Transmit an audio recording or written transcript of any testimony, and any other evidence, to the director, together with a written recommendation for action thereon.

C. Upon review of the evidence, the director shall make written findings of fact and conclusion upholding, modifying, or striking the proposed enforcement action.

13.10.1004 Compliance orders.

When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter, control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, the director may issue an order to the industrial user responsible for the discharge directing that the industrial user come into compliance within a specific time. If the industrial user does not come into compliance within the time provided, water or wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the industrial user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

13.10.1005 Cease and desist orders.

When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter, control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, or that the industrial user's past violations are likely to recur, the director may issue an order to the industrial user directing it to cease and desist all such violations and directing the industrial user to: (a) immediately comply with all requirements; and (b) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the industrial user.

13.10.1006 Administrative fines.

A. When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter, control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, the director may fine such industrial user an amount not to exceed one thousand dollars ($1,000.00) per day, per violation. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Industrial users desiring to dispute such fines must file a written request for the director to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Such request shall set forth the nature of the order or determination being appealed, the date of such order or determination, the reason for the appeal, and a request for a hearing.

C. Fines assessed under this section shall be included on the industrial user's utility bill.
D. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the industrial user.

13.10.1007 Emergency suspensions.

A. The director may immediately suspend an industrial user's discharge, after written or verbal notice to the industrial user, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The director may also immediately suspend an industrial user's discharge, after written or verbal notice and an opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment.
B. Any industrial user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the water or wastewater connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The director may allow the industrial user to recommence its discharge when the industrial user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless termination proceedings in Section 13.10.1008 are initiated against the industrial user.
C. An industrial user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the director prior to the date of any show cause hearing under Section 13.10.1003, or termination hearing under Section 13.10.1008.
D. Nothing herein shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.10.1008 Termination of discharge.

A. In addition to the provisions in Section 13.10.505 any industrial user who violates the following conditions is subject to discharge termination:
    1. Violation of control mechanism conditions;
    2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
    3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
    4. Refusal of reasonable access to the industrial user's premises for the purpose of inspection, monitoring, or sampling; or
    5. Violation of the pretreatment standards in this chapter.
B. The industrial user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 13.10.1003 why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the industrial user.

XI. Judicial Enforcement Remedies

13.10.1101 Injunctive relief.

When the director finds that an industrial user has violated, or continues to violate, any provision of this chapter, control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, the director may petition the appropriate court for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the control mechanism, order, or other requirement imposed by this chapter on activities of the industrial user. The director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the industrial user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an industrial user.

13.10.1102 Civil penalties.

A. An industrial user who has violated, or continues to violate, any provision of this chapter, control mechanism, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of one thousand dollars ($1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
B. The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.
C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, without limitation, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the industrial user, and any other factor as justice requires.
D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an industrial user.

13.10.1103 Criminal prosecution.

A. An industrial user who willfully or negligently violates any provision of this chapter, a control mechanism, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000) per violation, per day.
B. An industrial user who willfully or negligently introduces any substance into the POTW that causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of up to one thousand dollars ($1,000) per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
C. An industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained pursuant to this chapter, a control mechanism, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine not more than one thousand dollars ($1,000.00) per violation, per day.

13.10.1104 Remedies nonexclusive.

The remedies provided for in this chapter are not exclusive. The director may take any, all, or any combination of these actions against a noncompliant industrial user. Enforcement of pretreatment

violations will generally be in accordance with the city's enforcement response plan. However, the director may take other action against any industrial user when the circumstances warrant.

XII. Supplemental Enforcement Action

13.10.1201 Performance bonds.

The director may decline to issue or reissue a control mechanism to any industrial user who has failed to comply with any provision of this chapter, a previous control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, unless such industrial user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance.

13.10.1202 Liability insurance.

The director may decline to issue or reissue a control mechanism to any industrial user who has failed to comply with any provision of this chapter, a previous control mechanism, or order issued hereunder, or any other pretreatment standard or requirement, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.10.1203 Payment of outstanding charges, fees, fines, and penalties.

The director may decline to issue or reissue a control mechanism to any industrial user who has failed to pay any outstanding charges, fees, fines, or penalties incurred as a result of any provision of this chapter, a previous control mechanism, or order issued hereunder.

13.10.1204 Suspension of water or wastewater service.

A. The director may suspend water or wastewater service when such suspension is necessary, in the opinion of the director, to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, or causes the POTW to violate any condition of its CDPS permit.
B. Any industrial user notified of suspension of its water or wastewater service or their control mechanism shall immediately stop the discharge. In the event of a failure of the industrial user to comply voluntarily with the suspension order, or in the event notification has been attempted but not accomplished, the director may take such steps as deemed necessary, including the entry onto private property, for the purpose of immediately severing the sewer connection or otherwise ceasing the flow, to prevent or minimize damage to the POTW or endangerment to any individual. The city and its officers, agents, and employees shall not be liable for any damages resulting from any such entry or service suspension. The director may reinstate the water or wastewater service upon proof of the cessation of the noncomplying discharges. A detailed written statement submitted by the industrial user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within fifteen (15) days of the date of suspension.
C. The industrial user shall pay all costs and expenses for any such suspension and restoration of service.

13.10.1205 Public nuisances.

A violation of any provision of this chapter, a control mechanism, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person creating a public nuisance shall be subject to the provisions of the city code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

XIII. Affirmative Defenses to Discharge Violations

13.10.1301 Upset.

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C. below are met.

C. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   1. An upset occurred and the industrial user can identify the cause(s) of the upset;
   2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and
   3. The industrial user has submitted the following information to the director within twenty four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
      i. A description of the indirect discharge and cause of noncompliance;
      ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
      iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have burden of proof.

E. Industrial users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Industrial users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.10.1302 Bypass.

A. For the purposes of this section:
   1. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.
   2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss

of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. An industrial user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of subsections C. and D. below.

C. Bypass notifications. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the director at least ten (10) days before the date of the bypass, if possible. An industrial user shall provide verbal notice to the director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass. Bypass is prohibited, and the director may take an enforcement action against an industrial user for a bypass, unless:
   1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
   2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
   3. The industrial user submitted notices as required in subsection C. above.

XIV. Wastewater Pretreatment Charges and Fees

13.10.1401 Pretreatment charges and fees.

The city may adopt reasonable charges and fees for reimbursement of the costs of operating the city's pretreatment program in an amount as established by resolution of the city council adopted after two readings. These charges and fees, which shall be included on the industrial user's utility bill, may include the following:

A. Fees for wastewater discharge permit applications, including the cost of processing such applications;

B. Charges for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users;

C. Charges for reviewing accidental spill/slug control procedures and construction;

D. Charges for the cost of publication in the newspaper for annual significant noncompliance notifications;

E. Fees for filing appeals; and

F. Other charges and fees as the city may deem necessary to carry out the requirements contained herein.

13.10.1402 Cost recovery.

A. Any industrial user that violates any of the provisions of this chapter or that discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the POTW shall be liable to the city for any expense, loss, or damage caused by such violation or discharge, including, without limitation, all costs and expenses related to suspending or terminating service and costs of labor, materials, and specified fees.
B. The city shall charge the industrial user for the cost incurred by the city for any monitoring surveillance, cleaning, repair, or replacement work caused by the violation or discharge and for costs incurred by the city in investigating the violation or discharge and in enforcement this chapter, including reasonable attorneys' fees, court costs, and other expenses of litigation.
C. In the event that an industrial user discharges pollutants that cause the city to violate any condition of its CDPS permit and the city is fined by the EPA or the state for such violation, then such industrial user shall be fully liable for the total amount of the fine.

13.10.1403 Lien.

All fines, charges, fees, costs, and expenses imposed by this chapter shall constitute a lien upon the property where the wastewater is used from the time of use and shall be a perpetual charge against said property until paid, and in the event the charges are not paid when due, the city clerk may certify such delinquent charges to the treasurer of Larimer County and the charges may be collected in the same manner as though they were part of the taxes.

XV. Miscellaneous Provisions

13.10.1501 Leased property.

Where the industrial user is leasing the property subject to the control mechanism, the director shall notify the record owner of the property where the industrial user is in significant noncompliance with applicable pretreatment standards and requirements. The property owner shall be responsible for ensuring that the industrial user is in compliance with this chapter and shall be subject to enforcement under this chapter for noncompliance.

13.10.1502 Enforcement response plan.

The director is authorized to develop and maintain an enforcement response plan containing procedures indicating how the director will investigate and respond to industrial user noncompliance in conformance with this chapter and all applicable state and federal laws and regulations. (Ord. 5702 all, 2012; Ord. 5143 § 1, 2006)

Chapter 13.12

ELECTRICITY

Sections:

All cross-references to such sections in the Loveland Municipal Code shall be updated in accordance with the renumbering set forth in this Section 1. (Ord. 5850 § 1, 2014)

13.12.010 Establishment of service.

All electric energy consumed in the city for residential, institutional, commercial and industrial purposes, shall be furnished by Loveland Water and Power, also referred to in this chapter as the "department," unless the city council has granted a franchise to a different provider, pursuant to state law, authorizing such other provider to furnish electric energy. (Ord. 4276 § 1, 1997; Ord. 3480 § 1, 1987; Ord. 3434 § 4, 1987; prior code § 12.1)

13.12.020 Electric Development Standards.

All electric facilities that are to become part of or to be connected with the city's electric utility shall be constructed and connected in accordance with the "Requirements for Electric Service," adopted in Section 16.24.012. (Ord. 5511 § 1, 2010)

13.12.030 Electric cooperatives.

Notwithstanding any provision of this code to the contrary, when the city annexes any land, all or part of which includes territory certificated to a cooperative electric association by the Colorado Public Utilities Commission, the city reserves the right to allow the cooperative electric association to continue to serve existing customers and to serve future customers with existing facilities, all in competition with Loveland Water and Power. If the city does allow the cooperative electric association to continue to

serve existing customers and to serve future customers with existing facilities, such decision will constitute a recognition of the cooperative electric association's grandfathered rights and does not represent the consent of the city to use public rights-of-way or to expand the cooperative electric association facilities. The city reserves the right to impose reasonable police power regulations on any cooperative electric association operating within the city and reserves all authority to impose all lawful taxes and fees on any such association. (Ord. 4276 § 2, 1997; Ord. 3860 § 1, 1992)

13.12.040 Electric meters.

The department shall furnish and install all necessary meters, and the same shall remain the property of the city. The location of all new meters for new construction shall be determined by the city and installed on the outside of the customer's premises. All meters now located on the inside of a customer's premises shall be moved to the outside when there is a change of service. (Ord. 5850 § 2, 2014; Ord. 3480 § 8 (part), 1987; Ord. 3071 § 1, 1984; Ord. 1776 § 2 (part), 1979)

13.12.050 Overhead electrical systems.

The city shall design, furnish material, install, and energize all overhead electric system extensions, and the same shall remain the property of the city. The cost of the system necessary to provide service, including direct and indirect costs of design, inspection, labor, material, and equipment, shall be borne by the customer, owner, developer, or contractor receiving the service. The electric department shall furnish material, energize, and maintain all individual overhead services up to the weatherhead, and the same shall remain the property of the city. (Ord. 5850 § 3, 2014; Ord. 3480 § 8 (part), 1987; Ord. 2074 § 1, 1983; Ord. 1776 § 2 (part), 1979)

13.12.060 Underground electrical systems--Residential.

The city shall design, furnish material, and energize all underground electric system extensions. The cost of the system necessary to provide service, including direct and indirect costs of design, inspection, labor, material, and equipment, shall be borne by the customer, owner, developer, or contractor receiving the service. Such person receiving the service will provide the earth work, including installation of vaults, trenching, backfilling, and compaction, and install primary and secondary CIC cables at his own expense and to city specifications. Contractor personnel designated to handle the primary and secondary cables must first be qualified by the electric department. The city may elect to bid the earth work and installation of CIC cables, and perform such work if so requested. The city's bid price is to be based on current electric department unit prices; such prices to periodically be reviewed and updated. The installation of transformers and all primary and secondary terminations will be performed by the electric department. The underground service from the secondary/service splice box or transformer to the meter shall be installed by, and at the expense of, the person receiving the service, and such work shall be owned and installed by the city at the expense of the customer, owner, developer, or contractor receiving the service. (Ord. 5850 § 4, 2014; Ord. 3295 § 1 (part), 1986; Ord. 3169 § 1, 1985)

13.12.070 Underground electrical systems--Commercial and industrial.

The city shall design, furnish, install and energize all primary underground commercial and industrial electric system extensions necessary to provide service up to and including the transformer or transformers. The cost of the system necessary to provide service, including direct and indirect costs of design, inspection, labor, material and equipment shall be borne by the consumer, owner, developer or

contractor receiving the service. The person receiving the service shall supply and install all subsurface structures required, including conduits and vaults. Service cables, from the transformer or transformers to the premises, shall be supplied and installed by the person receiving service at his cost and in accordance with city specifications. Thereafter, the portion of the service between the transformer(s) and the premises shall be owned and maintained by the owner of the premises. (Ord. 3295 § 1 (part), 1986; Ord. 3169 § 2, 1985)

13.12.080 Oversizing of electric lines.

The cost of any capacity designed into the system in excess of that necessary to serve the customer, as determined by the city, shall be borne by the city. (Ord. 5850 § 5, 2014)

13.12.090 Electric line extensions.

As determined necessary by the department, electric feeders shall be installed to the furthest point(s) of a development project area and within all rights-of-way. Such installation is intended to facilitate the orderly continuation of the electric system and to provide adequate service to the properties beyond a development project area. All feeders and electric lines providing service to or within a development project area shall be at the sole cost of the developer. For the purposes of this section, "development project area" shall mean an area approved by the city for development or re-development. (Ord. 5850 § 6, 2014)

13.12.100 Costs--How paid.

The city shall begin engineering of facilities upon receipt of a deposit sufficient to cover estimated engineering costs. The city shall provide material and perform their portion of the construction upon receipt of an advance in aid-of-construction in the amount estimated by the city to cover the cost of the city's expenditures. The requirement for an advance may be satisfied by paying one-half thereof before materials are supplied and one-half before the system is energized; provided, that the city has been furnished with a letter of credit or other security satisfactory to the city attorney to assure the payment of the entire balance due. All charges of the city for engineering and construction will be based on unit prices in effect at the time the work is requested, provided, however, that if the work is delayed beyond six months from such request for reasons beyond the control of the city, such charges may, at the option of the city, be based upon unit prices in effect at the time the work is accomplished. All unit prices shall be reviewed at least annually, and shall be adjusted as necessary to reflect actual costs to the city. If the actual cost of any work done by the city is less than the estimated costs, the excess amount of advance or deposit will be refunded . If the actual cost of any work done by the city is more than the estimated costs, the additional costs shall be paid by the person receiving the service. (Ord. 3480 § 2, 1987; Ord. 3169 § 3, 1985)

13.12.110 Undergrounding of existing overhead electrical systems.

The city shall, if sufficient funds are available, underground existing overhead electrical systems located adjacent to or in proximity of the boundary of any lot or parcel upon the request of the owner or developer receiving the electrical service at said lot or parcel. The cost of said undergrounding shall be paid as follows: the requesting party shall pay all costs of construction and material for the substructure work, including excavation, vaults, conduit, backfill and associated labor; the city shall pay for wire, terminations, risers and labor necessary to incorporate the new underground facilities into the electrical system. If an existing underground substructure system is present and can be used which would accommodate placement of all or a portion of the overhead electrical system, then the requesting party

shall pay to the city, in addition to the above recited costs, the estimated value of the substructure system to be used. The estimated value shall be based on a pro rata portion of the current new installation cost for a like substructure system. The city shall pay all costs associated with removal of the overhead system, including, if appropriate, the installation of underground fed street light poles, mast arms and street lights. Prior to the commencement of the undergrounding project, the requesting owner or developer shall post a deposit with the city as described in Section 13.12.098 of this Code. (Ord. 3677 § 1, 1990)

13.12.120 Interior wiring.

All interior wiring shall be furnished and installed by the consumer and the department shall have no responsibility with reference thereto. (Ord. 3480 § 8 (part), 1987; Ord. 1149 § 2 (part), 1971; prior code § 12.7-3)

13.12.130 Electrical system disturbances.

Whenever an electrical consumer's equipment causes system disturbances such as, but not limited to, voltage dips, spikes or harmonics, the department may require such consumer to take corrective action, including disconnection of such equipment, at the consumer's expense. In the event the consumer fails to take such corrective action, the department may discontinue electric service to the consumer until such time as corrective action has been taken. (Ord. 3480 § 3, 1987)

13.12.140 Dangerous conditions

Electric service may be disconnected by the City's electric utility immediately and without notice upon determination by the electric utility that the installation or use of any electrical equipment is dangerous to persons or property. A notice of disconnect and the reasons therefore shall be placed upon the premises at the time of disconnect. It shall be unlawful for any person to remove said notice or to reconnect electric service until the cause of the dangerous condition has been remedied to the electric utility's satisfaction.

13.12.150 Electric facilities expansion fund.

There is created a fund to be known as the electric facilities expansion fund, and all moneys received from the collection of electric plant investment fees shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the city and expenditures therefrom shall be made only for the purposes of paying the costs of improvement, expansion, or extension of the electric distribution systems of the city; provided that, in the event that the city council determines that an emergency exists affecting the immediate health, peace, safety and welfare of the citizens, such funds may be used as necessary to alleviate the emergency if provisions are made for repayment to the fund, together with reasonable interest thereon, of the funds so used. (Ord. 1842 § 3, 1980)

13.12.160 Street lighting.

The city shall install and maintain at its own expense all street lighting equipment except the unmetered commercial lighting approved by the Director pursuant to this Section and the unmetered lighting provided for in Section 13.12.200. The original installation cost for new street lights on city arterials and major collectors shall be borne by the city. The original installation cost for street lights required by the city within the boundaries of new residential subdivisions or within commercial or industrial or other developments shall be borne by the developer. The street lights shall be furnished and installed by the city at the developer's expense, except that the owner of a commercial development may

install and maintain street lights at the developer's own expense if approval is first obtained from the Director of the Water and Power Department. Area lighting, parking lot lighting or lighting for other than dedicated city streets shall be the responsibility of the owner or developer. (Ord. 4276 § 3, 1997; Ord. 3480 § 5, 1987; Ord. 3097 § 1 (part), 1984; Ord. 2004 § 5, 1981; Ord. 1776 § 2 (part), 1979)

13.12.170 Unmetered service for street lighting.

The city shall furnish unmetered current for one forty-watt lamp to each residential unit and unmetered current for two forty-watt lamps to each residential unit located on a corner lot in subdivisions for which the electrical substructure design has been completed prior to August 4, 1997. Post lights shall be installed by the builder of a residential unit, at the builder's own expense, for each residential unit to which the city furnishes such unmetered electric service. Upon approval of the Director of the Water and Power Department, a developer may elect to install additional street lights at the developer's expense in a subdivision for which the electrical substructure design has been completed prior to August 4, 1997 in order to remove the post light requirement. All post lights shall be for the purpose of lighting the streets in residential sections of the city. These post lights are, unless specifically excepted, subject to the following regulations:

A. Multiple units at ground level and facing the street may have individual lights provided the lights are located not less than fifty feet apart.
B. The lighting fixture must be affixed to a post or pedestal at least four feet high on the street side of the residence.
C. No unmetered current shall be allowed for lamps on enclosed porches, camp cottages or apartment houses.
D. Wiring shall be a continuous run extending from either the meter box, if the electric system source is at the rear of the residence, or from the electric system source, if it is located at the front of the residence. The run shall be protected with a proper fuse to limit the carrying capacity of the circuit to a maximum of forty watts to the light fixture, and shall serve no other light fixture or appliance.
E. This circuit shall be fed at a point easily accessible and easily changed to feed through the meter if so desired.
F. Any customer abusing the privilege of unmetered current either by burning the light during the daylight or by attaching any fixture or appliance thereto, or using a lamp of more than forty-watt rating shall be subject to having such unmetered service discontinued.
G. Each new post light installation shall have an electric eye installed as part of the unmetered street light system to turn the post light on at dusk and off at daylight. (Ord. 4276 § 4, 1997; Ord. 3480 § 6, 1987; Ord. 3097 § 1 (part), 1984; Ord. 1149 § 7, 1971; Ord. 826 § 1, 1963; prior code § 12.12)

13.12.180 Cogeneration and small power production.

A. The city is contractually obligated to purchase all of its requirements for electric power and energy from the Platte River Power Authority ("Platte River"). Therefore, the city cannot purchase power or energy from qualifying cogeneration and small power production facilities ("qualifying facilities") as required by the appropriate sections of the Public Utility Regulatory Policies Act ("PURPA") and Federal Energy Regulatory Commission ("FERC") regulations, without breaching its contractual obligations. A "qualifying facility" is a cogeneration or small power production facility as defined herein and which is a "qualifying facility" under Subpart B

of Section 201 of the Public Utilities Regulatory Policy Act of 1978 as may be amended from time to time.

B. In order to meet its obligations under federal law and avoid breaching its contractual obligations, the city has arranged for Platte River to purchase any power or energy offered to the city by a qualifying facility located in the city's service territory. This arrangement is governed by the Parallel Generation Purchase and Sale Agreement, dated June 24, 1981, as is amended from time to time (the "agreement"), between the city and Platte River and applicable tariffs of Platte River governing purchases from qualifying facilities. The city will fulfill all of its obligations under this agreement and may, in its discretion, exercise any rights provided by the agreement or applicable Platte River tariffs.

C. The city will provide electric service to all qualifying facilities located in its service territory pursuant to applicable rate schedules and the city's rules and regulations governing electric service. Supplementary, backup, maintenance and interruptible power may be provided to qualifying facilities, upon request, at a rate determined on a case-by-case basis.

D. The city must be consulted in advance of any construction by the qualifying facility. The qualifying facility shall provide to the city all information requested by the city relevant to the proposed construction. The city will evaluate each proposal on a case-by-case basis and may prescribe reasonable terms and conditions governing operations and interconnection of the qualifying facility.

E. The city may require the execution of a written agreement prior to interconnection containing such terms and conditions as deemed reasonable by the city governing the relationship between the city and the qualifying facility.

F. The qualifying facility shall indemnify and hold harmless the city from any and all liability arising from the operation or interconnection of the qualifying facility. All facilities constituting the qualifying facility are subject to the inspection and approval of the city at any time after construction has begun. The qualifying facility is required to procure and maintain such insurance as is deemed necessary by the city, solely at the expense of the qualifying facility. The city may require disconnection of the qualifying facility from the city's system for reasons of safety, reliability or at the request of Platte River.

G. Any and all costs of interconnection, including those incurred by the city, shall be the sole responsibility of the qualifying facility. The city may require any costs that the city may incur to be estimated and paid in advance.

H. Based on mutual agreement, the city may transmit energy or power and energy, supplied by the qualifying facility, to another utility, other than Platte River, pursuant to an appropriate contract, to the extent that transmission capacity is available. The city may make an appropriate charge to the qualifying facility for such transmission. (Ord. 3097 § 2 (part), 1984)

13.12.190 Interconnection Standard.

All private electric facilities that are interconnected with the city’s electric utility shall be interconnected in accordance with the “Standard for Interconnecting Distributed Resources with the City of Loveland Electric Power System,” which are contained within the “Requirements for Electric Service,” adopted in Section 16.24.012. (Ord. 5511 § 2, 2010)

13.12.200 Pole Attachments.

A. Definitions

"Assigned space" means space on the poles that can be used, as defined in the city's electric standards and all other standards adopted in Title 16, for the attachment or placement of wires, cables, small cell facility, and associated equipment for the provision of communications facilities, small cell facility, or electric service. The neutral zone or safety space is not considered assigned space.

"Attachments" means each point of contact between licensee's communications facilities or small cell facility and the poles, whether placed directly on the poles or overlashed onto an existing attachment, but does not include a riser or a service drop attached to a single pole where licensee has an existing attachment on such pole. Attachment(s) shall include, without limitation, the following points of strain: down guys, main line attachments, and any other attachment that could shorten the life cycle of the pole.

"Capacity" means the ability of a pole segment to accommodate an additional attachment based on applicable standards, including space and loading considerations.

"Climbing space" means that portion of a pole's surface and surrounding space that is free from encumbrances to enable city employees and contractors to safely climb, access, and work on city facilities and equipment.

"Common space" means space on the poles that is not used for the placement of wires or cables but which jointly benefits all users of the poles by supporting the underlying structure and/or providing safety clearance between attaching entities and electric utility facilities.

"Communications facilities" means wire or cable facilities including, but not limited to, fiber optic, copper, and/or coaxial cables or wires utilized to provide communications service including any and all associated equipment. The term communications facilities does not include wireless antennas, small cell facilities, receivers, or transceivers.

"Micro wireless facility" means a small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

"Overlash" means to place an additional wire or cable communications facility onto an existing attachment owned by licensee.

"Pole" means a pole owned by the city used for the distribution of electricity and/or Communications Service that is capable of supporting attachments for communications facilities or small cell facilities.

"Small cell facility" means a wireless services facility that meets both of the following qualifications:

i. each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

ii. primary equipment enclosures are no larger than seventeen cubic feet in volume, excluding equipment located outside of the primary equipment enclosure. A small cell facility includes a micro wireless facility.

B. Pole Attachments in general.

1. No one may attach communication facilities or a small cell facility without obtaining a license and permits for each pole. Unauthorized attachments shall be issued a penalty and shall come into compliance with this section.

2. All attachments to electrical facilities, poles or towers, must be licensed by the Water and Power Department. Applications for attachments in the right-of-way must be submitted to the Public Works Department for initial review. The Water and Power Department (hereafter "Department") will provide final review and issue the license and permits for each pole approved for an attachment.
3. Any modifications or additions necessary to make a pole ready for safe attachment will be the responsibility of the applicant, as well as all associated design and engineering or other costs. Licensee is responsible for payment for all work performed by the city to accommodate the applicant's attachments.
4. The city may refuse to issue a permit where safety concerns cannot be adequately addressed through engineering.
5. A permit is authorization for attachment to specific poles, one for each pole or overlash.
6. One license application may be submitted for multiple pole attachments.
7. The city will issue a permit only when the city determines, in its sole judgment, exercised reasonably, that the pole has sufficient capacity to accommodate the request safely.

C. Annual Fees
1. Fees shall be published in the Water and Power Rates, Fees, and Charges
2. Fees will be charged annually for all attachments. The city shall invoice annually for the attachment fee, for a period that shall conclude each December 31. All attachments shall comply with all applicable standards. Attachments, overlash, or other components shall not interfere with the operation of any city facilities. Any changes or work needed to safely attach to a pole is the responsibility of the applicant.

D. Permit Application Process

An applicant for any attachment to any city utility pole shall file a written application on forms furnished by the city.

1. An applicant for a license to attach to any poles or other power utility facility shall submit a written request to perform a pre-construction inspection. The request must include a preliminary route description and minimum design review information.
2. Following a pre-construction inspection, applicant shall submit a completed permit application that includes route map, utility pole number(s), pole height and class, guy attachments, attachment height, number of inches below utility while maintaining clearance, span length for each attachment, inches sag, ground clearance, and recommendations on work required to allow the pole to safely support the attachment.
3. The application must include an affirmative statement that the applicant or its contractor is not delinquent in payments due the city on prior work.
4. The applicant must include or provide copies of all permits, licenses, or easements (including required insurance, deposits, bonding and warranties) required to do the proposed work and to work in the rights-of-way, if licenses or permits are required under the laws of the United States, the State of Colorado, any other political subdivision, or the ordinances or regulations of the city.
5. Applicants shall update any new information on permit applications within ten days after any material change occurs.
6. Applicants seeking multiple attachments may submit one application for a license and include permit applications for each pole or overlash. Applicants will receive permits for

each pole or overlash approved for attachment deemed to be safe after any modifications or construction in accordance with standards adopted by the city.

7. The city will review recommendations from the inspection and the application and discuss any issues or changes needed with the applicant.
8. Upon finalization of a written agreement, the city will work with the applicant to perform any work needed for installation.
9. The applicant's professional engineer or city-approved employee shall submit written certification that he/she completed a post-construction inspection and that the installation was done in accordance with the provisions of the permit.

E. Specifications
   1. When a permit is issued, applicant agrees to install and maintain attachments in accordance with all applicable standards and in accordance with a pole attachment agreement.
   2. For any work not performed by the city, the applicant shall comply with the insurance requirements set forth in Section 12.16.070.

F. Abandonment and Removal
   1. At its sole expense, the holder of the license shall remove any of its attachments or any part thereof that becomes nonfunctional, creates a safety hazard, violates any provision of applicable law or violates the license holder's pole attachment agreement. Removal shall occur within sixty days of written notification that an attachment must be removed due to becoming nonfunctional or a safety hazard.
   2. If the city desires at any time to abandon, remove, or underground any utility facilities to which licensee's communications facilities or small cell wireless facility is attached, city shall provide licensee notice in writing at least sixty days prior to the date on which it intends to abandon or remove such facilities, and licensee shall remove its communications facilities or small cell wireless facility at its sole cost and expense within that time period. The city may grant an option to purchase the pole in its sole discretion.
   3. Failure to pay the annual fee shall be considered abandonment. The city shall issue a notice to remove the attachment(s) if such fee is more than sixty days past due.
   4. Licensee may surrender any permit or license for attachment(s) and remove them from affected poles. Licensee must notify city of the plan for removal, including the name of the party performing the work and dates and times when such work will be performed.
   5. If licensee abandons communications facilities or small cell wireless facility or surrenders its license and fails to remove its attachments, the city shall have the right to remove licensee's attachments at licensee's expense. (Ord 6119 § 1, 2017)

Chapter 13.14

PUBLIC RECORDS

Sections:

13.14.010 Requests for billing information for residential properties.

The Department will release actual billing records for a residential property only after receipt of a request signed by the customer residing at that address or after a request received over the telephone if the person making the request provides sufficient information to identify that person as the customer. When a request is received over the telephone, the information will only be sent to the address listed for the customer. (Ord. 4230 § 1 (part), 1996)

13.14.020 Trade secrets, privileged information and confidential commercial and financial data and information otherwise protected.

The Department will treat as confidential and will refuse to release information provided to the Department by its customers if such information is characterized by the customer as confidential, privileged or a trade secret.

Because of the sensitive nature of consumption data to certain industries, the consumption data for customers in the Small General Service (Schedule SG), Large General Service (Schedule LG), Primary Service (Schedule PS), Primary Service with Transformer (PT and HP), and Transmission Voltage (Schedules FP and IP) rate classes are deemed confidential and will not be released by the Department without written authorization by the customer. Any such authorization must be on the customer's letterhead, signed by customer or an employee of customer with authority to request the release of such information.

The Department shall refuse access to any information otherwise protected under statutory exceptions to the Open Records Act, including, for example, contracts entered into with customers having competitive alternatives. (Ord. 4230 § 1 (part), 1996)

Chapter 13.16

CABLE SYSTEMS*

Sections:

*Prior history: Ords. 1787, 3814, 3845 and 4577.

13.16.010 Cable system franchises.

A. Franchise Required. To the extent allowed by law, no person, corporation, or other business entity shall own or operate a cable system (including a cable television system) in the city, except by virtue of a franchise granted by the city. No exclusive franchise shall ever be granted by the city.

B. Public Hearing Required. The city council shall award a franchise only after a public hearing on the application or proposal, notice of which hearing shall be published in a local newspaper of general circulation at least twenty days before the date of the hearing.

C. Franchise Agreement. An applicant awarded a franchise by the city council shall execute a franchise agreement with the city in such a form as may be required by the city council. Said agreement shall cover all matters provided for herein and such other provisions as the city council may consider necessary or appropriate.

D. Local Access. The cable system shall have available on one or more channels, as designated in the franchise agreement, public access, educational access, local governmental access and leased access channels.

E. Franchise Fees. During the term of any franchise granted pursuant to this section, the franchisee shall pay to the city for the use of streets and public ways and the privilege to construct and operate a cable system, franchise fees pursuant to the provisions of the franchise agreement. (Ord. 4048 § 1 (part), 1994)

13.16.020 Unlawful acts.

A. It is unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, to any part of the franchisee's cable system for the purpose of enabling himself or others to receive any television signals, radio signals, data signals, or other telecommunication signals transmitted over franchisee's cable system without payment to the franchisee.

B. It is unlawful for any person, without the consent of the owner, to wilfully tamper with, remove or injure any cable, wires or other equipment used for the distribution of television signals, radio signals, data signals, or other telecommunication signals transmitted over franchisee's cable system.

C. Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished as provided in Section 1.12.010 of this code. (Ord. 4048 § 1 (part), 1994)

13.16.030 Customer service standards.

A. Policy.

1. The cable operator should resolve citizen complaints without delay and interference from the city. Where a given complaint is not addressed by the cable operator to the citizen's satisfaction, the city should intervene. In addition, where a pattern of unremedied complaints or noncompliance with the standards is identified, the city should prescribe a cure and establish a reasonable deadline for implementation of the cure. If the noncompliance is not cured within established deadlines, monetary sanctions should be imposed to encourage compliance and deter future non-compliance.
2. These standards are intended to be of general application and are expected to be met under normal operating conditions; however, the cable operator shall be relieved of any obligations hereunder if it is unable to perform due to a region-wide natural emergency or in the event of force majeure affecting a significant portion of the franchise area. The cable operator is free to exceed these standards to the benefit of its customers and such shall be considered performance for the purposes of these standards.
3. These standards supersede any contradictory or inconsistent provision in federal, state, or local law (source: 47 U.S.C. § 552(a)(1) and (d)); provided, however, that any provision in federal, state, or local law, or in any original franchise agreement or renewal agreement, that imposes a higher obligation or requirement than is imposed by these standards, shall not be considered contradictory or inconsistent with these standards. In the event of a conflict between these standards and a franchise agreement, the franchise agreement shall control.
4. These standards apply to the provision of any cable service provided by a cable operator over a cable system within the city of Loveland, Colorado.

B. Definitions. When used in these customer service standards (the "standards"), the following words, phrases, and terms shall have the meanings given below.

"Adoption" shall mean the process necessary to formally enact the standards within the city's jurisdiction under applicable ordinances and laws.

"Affiliate" shall mean any person or entity that is owned or controlled by, or under common ownership or control with, a cable operator and provides any cable service or other service.

"Applicable law" shall mean, with respect to these standards and any cable operator's privacy policies, any statute, ordinance, judicial decision, executive order, or regulation having the force and effect of law that determines the legal standing of a case or issue.

"Cable operator" shall mean any person or group of persons who: (a) provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system; or (b) otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system (source: 47 U.S.C. § 522(5)).

"Cable service" shall mean: (a) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service; and (b) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service (source: 47 U.S.C. § 522(6)). For purposes of this definition, "video programming" is programming provided by, or generally considered comparable to programming provided by a television broadcast station (source: 47 U.S.C. § 522(20)). "Other programming service" is information that a cable operator makes available to all subscribers generally (source: 47 U.S.C. § 522(14)).

"Cable system" shall mean a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include: (a) a facility that serves only to retransmit the

television signals of one or more television broadcast stations; or (b) a facility that serves subscribers without using any public right-of-way. (source: 47 U.S.C. § 522(7)).

"City" shall mean the city of Loveland, Colorado.

"Contractor" shall mean a person or entity that agrees by contract to furnish materials or perform services for another at a specified consideration.

"Customer" shall mean any person who receives any cable service from a cable operator.

"Customer service representative" shall mean any person employed with or under contract or subcontract to a cable operator to assist, or provide service to, customers, whether by telephone, writing service or installation orders, answering customers' questions in person, receiving and processing payments, or performing any other customer service-related tasks.

"Escalated complaint" shall mean a complaint that is referred to a cable operator by the city.

"Necessary" shall mean required or indispensable.

"Non-cable-related purpose" shall mean any purpose that is not necessary to render or conduct a legitimate business activity related to a cable service or other service provided by a cable operator to a customer. Market research, telemarketing, and other marketing of services or products that are not related to a cable service or other service provided by a cable operator to a customer shall be considered non-cable-related purposes.

"Normal business hours" shall mean those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include at least some evening hours one night per week, and include some weekend hours (source: 47 C.F.R. § 76.309).

"Normal operating conditions" shall mean those service conditions which are within the control of a cable operator. Conditions which are not within the control of a cable operator include, but are not necessarily limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the control of a cable operator include, but are not necessarily limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade to the cable system.

"Other service(s)" shall mean any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service.

"Personally identifiable information" shall mean specific information about an identified customer, including, but not limited to, a customer's: (a) login information for the use of cable service and management of a customer's cable service account; (b) extent of viewing of video programming or other services; (c) shopping choices; (d) interests and opinions; (e) energy uses; (f) medical information; (g) banking data or information; or (h) any other personal or private information. "Personally identifiable information" shall not mean any aggregate information about customers which does not identify particular persons, or information gathered by a cable operator necessary to install, repair, or service equipment or cable system facilities at a customer's premises.

"Service interruption" or "interruption" shall mean the loss or substantial impairment of picture and/or sound on one or more cable television channels.

"Service outage" or "outage" shall mean a loss or substantial impairment in reception on all channels.

"Subcontractor" shall mean a person or entity that enters into a contract to perform part or all of the obligations of another's contract.

"Writing" or "written" as the term applies to notification shall include electronic communications.

Any terms not specifically defined in these standards shall be given their ordinary meaning, or where otherwise defined in applicable federal law, such terms shall be interpreted consistent with those definitions.

C. Customer service.
   1. Courtesy. Cable operator employees, contractors, and subcontractors shall be courteous, knowledgeable, and helpful and shall provide effective and satisfactory service in all contacts with customers.
   2. Accessibility.
      a. A cable operator shall provide customer service centers/business offices ("service centers") which are conveniently located and which are open during normal business hours. Service centers shall be fully staffed with customer service representatives offering the following services to customers who come to the service center: bill payment, equipment exchange, processing of change of service requests, and response to customer inquiries and request. Unless otherwise requested by the city, a cable operator shall post a sign at each service center, visible from the outside of the service center, advising customers of its hours of operation and of the telephone number at which to contact the cable operator if the service center is not open at the times posted. The cable operator shall use commercially reasonable efforts to implement and promote "self-help" tools and technology in order to respond to the growing demand of customers who wish to interact with the cable operator on the customer's own terms and timeline and at their own convenience, without having to travel to a service center. Without limitation, examples of self-help tools or technology may include self-installation kits to customers upon request, pre-paid mailers for the return of equipment upon customer request, an automated phone option for customer bill payments, and equipment exchanges at a customer's residence in the event of damaged equipment. A cable operator shall provide free exchanges of faulty equipment at the customer's address if the equipment has not been damaged in any manner due to the fault or negligence of the customer.
      b. A cable operator shall maintain local telephone access lines that shall be available twenty-four hours a day, seven days a week for service/repair requests and billing/service inquiries. Customers shall be provided an option, through the local telephone access lines, to speak to a live customer service representative, able to converse clearly with the customer, in either English or Spanish, at the customer's option.
      c. A cable operator shall have dispatchers and technicians on call twenty-four hours a day, seven days a week, including legal holidays.
      d. If a customer service telephone call is answered with a recorded message providing the customer with various menu options to address the customer's concern, the recorded message must provide the customer the option to connect to and speak with a customer service representative within sixty seconds of the commencement of the recording. During normal business hours, a cable operator shall retain sufficient customer service representatives and telephone line capacity to ensure that telephone calls to technical service/repair and billing/service inquiry lines are answered by a customer service representative within thirty seconds or less from the time a customer chooses a menu option to speak directly with a customer service representative or chooses a menu option that pursuant to the automated voice message, leads to a direct connection with a customer service representative. Under normal operating conditions, this thirty second telephone

answer time requirement standard shall be met no less than ninety percent of the time measured quarterly.

e. Under normal operating conditions, a customer shall not receive a busy signal more than three percent of the time. This standard shall be met ninety percent or more of the time, measured quarterly.

3. Responsiveness.
   a. Guaranteed seven day residential installation.
      i. A cable operator shall complete all standard residential installations or modifications to service requested by customers within seven business days after the order is placed, unless a later date for installation is requested. "Standard" residential installations are those located up to one hundred twenty five feet from the existing distribution system. If the customer requests a nonstandard residential installation, or the cable operator determines that a nonstandard residential installation is required, the cable operator shall provide the customer in advance with a total installation cost estimate and an estimated date of completion.
      ii. All underground cable drops to the home shall be buried at a depth of no less than twelve inches, or such other depth as may be required by the franchise agreement or local code provisions, or if there are no applicable franchise or code requirements, at such other depths as may be agreed to by the parties if other construction concerns preclude the twelve inch requirement, and within no more than one calendar week from the initial installation, or at a time mutually agreed upon between the cable operator and the customer.
   b. Residential installation and service appointments.
      i. The "appointment window" alternatives for specific installations, service calls, and/or other installation activities will be either a specific time, or at a maximum, a four hour time block between the hours of 8:00 a.m. and 6:00 p.m., six days per week. A cable operator may schedule service calls and other installation activities outside of the above days and hours for the express convenience of customers. For purposes of this subsection "appointment window" means the period of time in which the representative of the cable operator must arrive at the customer's location.
      ii. A cable operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment, unless the customer's issue has otherwise been resolved.
      iii. If a cable operator is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the cable operator shall take reasonable efforts to contact the customer promptly, but in no event later than the end of the appointment window. The appointment will be rescheduled, as necessary at a time that is convenient to the customer, within normal business hours or as may be otherwise agreed to between the customer and cable operator.
      iv. A cable operator shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives within the agreed upon time, and, if the customer is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the cable operator. In such circumstances, the cable operator shall contact the customer within forty-eight hours.
   c. Residential service interruptions.

i. In the event of system outages resulting from cable operator equipment failure, the cable operator shall correct such failure within two hours after the third customer call is received.

ii. All other service interruptions resulting from cable operator equipment failure shall be corrected by the cable operator by the end of the next calendar day.

iii. Records of complaints.

(a) A cable operator shall keep an accurate and comprehensive file of any complaints regarding the cable system or its operation of the cable system, in a manner consistent with the privacy rights of customers, and the cable operator's actions in response to those complaints. These files shall remain available for viewing by the city during normal business hours at the cable operator's business office, and shall be retained by the cable operator for a period of at least three years.

(b) Upon written request a cable operator shall provide the city an executive summary quarterly, which shall include information concerning customer complaints referred by the city to the cable operator and any other requirements of a franchise agreement, but no personally identifiable information. These summaries shall be provided within fifteen days after the end of each quarter. Once a request is made, it need not be repeated, and quarterly executive summaries shall be provided by the cable operator until notified in writing by the city that such summaries are no longer required.

(c) Upon written request a summary of service requests, identifying the number and nature of the requests and their disposition, shall also be completed by the cable operator for each quarter and submitted to the city by the fifteenth day of the month after each calendar quarter. Once a request is made, it need not be repeated, and quarterly summary of service requests shall be provided by the cable operator until notified in writing by the city that such summaries are no longer required. Complaints shall be broken out by the nature of the complaint and the type of cable service subject to the complaint.

iv. Records of service interruptions and outages. A cable operator shall maintain records of all outages and reported service interruptions. Such records shall indicate the type of cable service interrupted, including the reasons for the interruptions. A log of all service interruptions shall be maintained and provided to the city quarterly, upon written request, within fifteen days after the end of each quarter. Such records shall be submitted to the city with the records identified in subsection C.3.c.3.b. above if so requested in writing, and shall be retained by the cable operator for a period of three years.

v. All service outages and interruptions for any cause beyond the control of the cable operator shall be corrected within thirty-six hours, after the conditions beyond its control have been corrected.

d. Television reception.

i. A cable operator shall provide clear television reception that meets or exceeds technical standards established by the United States Federal Communications Commission ("FCC"). A cable operator shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions shall be preceded by notice and shall occur during periods of minimum use of the system, preferably between midnight and 6:00 a.m.

ii. If a customer experiences poor video or audio reception attributable to a cable operator's equipment, the cable operator shall:
    (a) assess the problem within one day of notification;
    (b) communicate with the customer regarding the nature of the problem and the expected time for repair; and
    (c) complete the repair within two days of assessing the problem unless circumstances exist that reasonably require additional time.

iii. If an appointment is necessary to address any video or audio reception problem, the customer may choose a block of time described in subsection C.3.b.1. At the customer's request, the cable operator shall repair the problem at a later time convenient to the customer, during normal business hours or at such other time as may be agreed to by the customer and cable operator. A cable operator shall maintain periodic communications with a customer during the time period in which problem ascertainment and repair are ongoing so that the customer is advised of the status of the cable operator's efforts to address the problem.

e. Problem resolution. A cable operator's customer service representatives shall have the authority to provide credit for interrupted service, waive fees, schedule service appointments, and change billing cycles, where appropriate. Any difficulties that cannot be resolved by the customer service representative shall be referred to the appropriate supervisor who shall contact the customer within four hours and resolve the problem within forty-eight hours or within such other time frame as is acceptable to the customer and the cable operator.

f. Billing, credits, and refunds.

i. In addition to other options for payment of a customer's service bill, a cable operator shall make available a telephone payment option where a customer without account irregularities can enter payment information through an automated system, without the necessity of speaking to a customer service representative.

ii. A cable operator shall allow at least thirty days from the beginning date of the applicable service period for payment of a customer's service bill for that period. If a customer's service bill is not paid within that period of time the cable operator may apply an administrative fee to the customer's account. The administrative fee must reflect the average costs incurred by the cable operator in attempting to collect the past due payment in accordance with applicable law. If the customer's service bill is not paid within forty-five days of the beginning date of the applicable service period, the cable operator may perform a "soft" disconnect of the customer's service. If a customer's service bill is not paid within fifty-two days of the beginning date of the applicable service period, the cable operator may disconnect the customer's service, provided it has provided two weeks' notice to the customer that such disconnection may result.

iii. The cable operator shall issue a credit or refund to a customer within thirty days after determining the customer's entitlement to a credit or refund.

iv. Whenever the cable operator offers any promotional or specially-priced service(s), its promotional materials shall clearly identify and explain the specific terms of the promotion, including, but not limited to, the manner in which any payment credit will be applied.

g. Treatment of property. To the extent that a franchise agreement does not contain the following procedures for treatment of property, a cable operator shall comply with the procedures set forth in this section.
    i. A cable operator shall keep tree trimming to a minimum. Trees and shrubs or other landscaping that are damaged by a cable operator, or any employee or agent of a cable operator, during installation or construction shall be restored to their prior condition or replaced within seven days, unless seasonal conditions require a longer time, in which case such restoration or replacement shall be made within seven days after conditions permit. Trees and shrubs on private property shall not be removed without the prior permission of the owner or legal tenant of the property on which they are located. This provision shall be in addition to, and shall not supersede, any requirement in any franchise agreement.
    ii. A cable operator shall, at its own cost and expense, and in a manner approved by the property owner and the city, restore any private property to as good condition as before the work causing such disturbance was initiated. A cable operator shall repair, replace, or compensate a property owner for any damage resulting from the cable operator's installation, construction, service, or repair activities. If compensation is requested by the customer for damage caused by any cable operator activity, the cable operator shall reimburse the property owner one hundred percent of the actual cost of the damage.
    iii. Except in the case of an emergency involving public safety or service interruption to a large number of customers, a cable operator shall give reasonable notice to property owners or legal tenants prior to entering upon private premises, and the notice shall specify the work to be performed; provided, however, that in the case of construction operations, such notice shall be delivered or provided at least twenty-four hours prior to entry, unless such notice is waived by the customer. For purposes of this subsection, "reasonable notice" shall be considered:
        (a) for pedestal installation or similar major construction, seven days.
        (b) for routine maintenance, such as adding or dropping service, tree trimming, and the like, reasonable notice given the circumstances. Unless a franchise agreement has a different requirement, reasonable notice shall require, at a minimum, prior notice to a property owner or tenant before entry is made onto that person's property.
        (c) for emergency work a cable operator shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made. Door hangars must describe the issue and provide contact information where the property owner or tenant can receive more information about the emergency work.

        Nothing herein shall be construed as authorizing access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law.
    iv. Cable operator personnel shall clean all areas surrounding any work site and ensure that all cable materials have been disposed of properly.

4. Services for customers with disabilities.
    a. For any customer with a disability, a cable operator shall deliver and pick up equipment at the customer's home at no charge unless the malfunction was caused by the actions of the customer. In the case of malfunctioning equipment, the technician shall provide

replacement equipment, hook it up, and ensure that it is working properly, and shall return the defective equipment to the cable operator.

b. A cable operator shall provide either TTY, TDD, TYY, VRS service, or other similar service that is in compliance with the Americans With Disabilities Act and other applicable law, with trained operators who can provide every type of assistance rendered by the cable operator's customer service representatives for any hearing-impaired customer at no charge.

c. A cable operator shall provide free use of a remote control unit to mobility-impaired (if disabled, in accordance with subsection C.4.d.) customers.

d. Any customer with a disability may request the special services described above by providing a cable operator with a letter from the customer's physician stating the need, or by making the request to the cable operator's installer or service technician where the need for the special services can be visually confirmed.

5. Cable services information.

a. At any time a customer or prospective customer may request, a cable operator shall provide the following information, in clear, concise, written form, easily accessible and located on the cable operator's website (and in Spanish, when requested by the customer):

i. products and services offered by the cable operator, including its channel lineup;

ii. the cable operator's complete range of service options and the prices for these services;

iii. the cable operator's billing, collection, and disconnection policies;

iv. privacy rights of customers;

v. all applicable complaint procedures, including complaint forms and the telephone numbers and mailing addresses of the cable operator and the FCC;

vi. use and availability of parental control/lock out device;

vii. special services for customers with disabilities; and

viii. the days and times of operation and locations of the service centers;

b. At a customer's request, a cable operator shall make available either a complete copy of these standards and any other applicable customer service standards, or a summary of these standards, in a format to be approved by the city, which shall include, at a minimum, the URL address of a website containing these standards in their entirety; provided however, that if the city does not maintain a website with a complete copy of these standards, a cable operator shall be under no obligation to do so. If acceptable to a customer, a cable operator may fulfill customer requests for any of the information listed in this section by making the requested information available electronically, such as on a website or by electronic mail.

c. Upon written request, a cable operator shall meet annually with the city to review the format of the cable operator's bills to customers. Whenever the cable operator makes substantial changes to its billing format, it will contact the city at least thirty days prior to the time such changes are to be effective in order to inform the city of such changes.

d. Copies of notices provided to the customer in accordance with subsection C.5.e. shall be filed (by fax or email acceptable) concurrently with the city.

e. A cable operator shall provide customers with written notification of any change in rates for nondiscretionary cable services, and for service tier changes that result in a deletion of programming from a customer's service tier, at least thirty days before the effective date of change. For purposes of this section, "nondiscretionary" means the subscribed tier and

any other cable services that a customer has subscribed to at the time the change in rates are announced by the cable operator.

f. All officers, agents, and employees of the cable operator or its contractors or subcontractors who are in personal contact with customers, and/or when working on public property, shall wear on their outer clothing identification cards bearing their name and photograph and identifying them as representatives of the cable operator. The cable operator shall account for all identification cards at all times. Every vehicle of the cable operator shall be clearly visually identified to the public as working for the cable operator. Whenever a cable operator work crew is in personal contact with customers or public employees, a supervisor must be able to communicate clearly with the customer or public employee. Every vehicle of a subcontractor or contractor shall be labeled with the name of the contractor and further identified as contracting or subcontracting for the cable operator.

g. Each customer service representative, technician, or employee of the cable operator in each contact with a customer shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, and shall provide the customer with an oral statement of the total charges before terminating the telephone call or before leaving the location at which the work was performed. A written estimate of the charges shall be provided to the customer before the actual work is performed.

6. Customer privacy.

a. Cable customer privacy. In addition to complying with the requirements in this subsection, a cable operator shall fully comply with all obligations under 47 U.S.C. Section 551.

b. Collection and use of personally identifiable information.

i. A cable operator shall not use the cable system to collect, monitor, or observe personally identifiable information without the prior affirmative written or electronic consent of the customer unless, and only to the extent, that such information is: (a) used to detect unauthorized reception of cable communications; or (b) necessary to render a cable service or other service provided by the cable operator to the customer and as otherwise authorized by applicable law.

ii. A cable operator shall take such actions as are necessary using then-current industry standard practices to prevent any affiliate from using the facilities of the cable operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit an affiliate unauthorized access to personally identifiable information on equipment of a customer (regardless of whether such equipment is owned or leased by the customer or provided by a cable operator) or on any of the facilities of the cable operator that are used in the provision of cable service. This subsection shall not be interpreted to prohibit an affiliate from obtaining access to personally identifiable information to the extent otherwise permitted by this subsection.

iii. A cable operator shall take such actions as are necessary using then-current industry standard practices to prevent a person or entity (other than an Affiliate) from using the facilities of the cable operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit such person or entity unauthorized access to personally identifiable information on equipment of a customer (regardless of whether such equipment is owned or leased by the customer or

provided by a cable operator) or on any of the facilities of the cable operator that are used in the provision of cable service.

c. Disclosure of personally identifiable information. A cable operator shall not disclose personally identifiable information without the prior affirmative written or electronic consent of the customer, unless otherwise authorized by applicable law.
   i. A minimum of thirty days prior to making any disclosure of personally identifiable information of any customer for any non-cable-related purpose as provided in this subsection, where such customer has not previously been provided the notice and choice provided for in subsection C.6.i, the cable operator shall notify each customer (that the cable operator intends to disclose information about) of the customer's right to prohibit the disclosure of such information for non-cable-related purposes. The notice to customers may reference the customer to his or her options to state a preference for disclosure or non-disclosure of certain information, as provided in subsection C.6.i.
   ii. A cable operator may disclose personally identifiable information only to the extent that it is necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator to the customer.
   iii. To the extent authorized by applicable law, a cable operator may disclose personally identifiable information pursuant to a subpoena, court order, warrant, or other valid legal process authorizing such disclosure.

d. Access to information. Any personally identifiable information collected and maintained by a cable operator shall be made available for customer examination within thirty days of receiving a request by a customer to examine such information about himself or herself at the local offices of the cable operator or other convenient place within the city designated by the cable operator, or electronically, such as over a website. Upon a reasonable showing by the customer that such personally identifiable information is inaccurate, a cable operator shall correct such information.

e. Privacy notice to customers
   i. A cable operator shall annually mail or provide a separate written or electronic copy of the privacy statement to customers consistent with 47 U.S.C. Section 551(a)(1), and shall provide a customer a copy of such statement at the time the cable operator enters into an agreement with the customer to provide cable service. The written notice shall be in a clear and conspicuous format, which at a minimum, shall be in a comparable font size to other general information provided to customers about their account as it appears on either paper or electronic customer communications.
   ii. In or accompanying the statement required by subsection C.6.e.i, a cable operator shall state substantially the following message regarding the disclosure of customer information: "Unless a customer affirmatively consents electronically or in writing to the disclosure of personally identifiable information, any disclosure of personally identifiable information for purposes other than to the extent necessary to render, or conduct a legitimate business activity related to, a cable service or other service, is limited to:
      (a) Disclosure pursuant to valid legal process authorized by applicable law.

(b) Disclosure of the name and address of a customer subscribing to any general programming tiers of service and other categories of cable services provided by the cable operator that do not directly or indirectly disclose: (i) a customer's extent of viewing of a cable service or other service provided by the cable operator; (ii) the extent of any other use by a customer of a cable service; (b) the nature of any transactions made by a customer over the cable system; or (d) the nature of programming or websites that a customer subscribes to or views (i.e., a cable operator may only disclose the fact that a person subscribes to a general tier of service, or a package of channels with the same type of programming), provided that with respect to the nature of websites subscribed to or viewed, these are limited to websites accessed by a customer in connection with programming available from their account for cable services."

The notice shall also inform the customers of their right to prohibit the disclosure of their names and addresses in accordance with subsection C.6.c.i. If a customer exercises his or her right to prohibit the disclosure of name and address as provided in subsection C.6.c.i. or this subsection, such prohibition against disclosure shall remain in effect, unless and until the customer subsequently changes their disclosure preferences as described in subsection C.6.i below.

f. Privacy reporting requirements. The cable operator shall include in its regular periodic reports to the city required by its franchise agreement information summarizing:
   i. The type of personally identifiable information that was actually collected or disclosed by cable operator during the reporting period.
   ii. For each type of personally identifiable information collected or disclosed, a statement from an authorized representative of the cable operator certifying that the personally identifiable information collected or disclosed was: (a) collected or disclosed to the extent necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator; (b) used to the extent necessary to detect unauthorized reception of cable communications; (c) disclosed pursuant to valid legal process authorized by applicable law; or (d) a disclosure of personally identifiable information of particular subscribers, but only to the extent affirmatively consented to by such subscribers in writing or electronically, or as otherwise authorized by applicable law.
   iii. The standard industrial classification codes or comparable identifiers pertaining to any entities to whom such personally identifiable information was disclosed, except that a cable operator need not provide the name of any court or governmental entity to which such disclosure was made pursuant to valid legal process authorized by applicable law.
   iv. The general measures that have been taken to prevent the unauthorized access to personally identifiable information by a person other than the customer or the cable operator. A cable operator shall meet with city if requested to discuss technology used to prohibit unauthorized access to personally identifiable information by any means.

g. Nothing in this subsection C.6. shall be construed to prevent the city from obtaining personally identifiable information to the extent not prohibited by Section 631 of the Communications Act, 47 U.S.C. Section 551, and applicable laws.

h. Destruction of personally identifiable information. A cable operator shall destroy any personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection C.6.d., pursuant to a court order or other valid legal process, or pursuant to applicable law.

i. Notice and choice for customers. The cable operator shall at all times make available to customers one or more methods for customers to use to prohibit or limit disclosures, or permit or release disclosures, as provided for in this subsection C.6. These methods may include, for example, online website "preference center" features, automated toll-free telephone systems, live toll-free telephone interactions with customer service agents, in-person interactions with customer service personnel, regular mail methods such as a postage paid, self-addressed post card, an insert included with the customer's monthly bill for cable service, the privacy notice specified in subsection C.6.e., or such other comparable methods as may be provided by the cable operator. Website "preference center" features shall be easily identifiable and navigable by customers, and shall be in a comparable size font as other billing information provided to customers on a cable operator's website. A customer who provides the cable operator with permission to disclose personally identifiable information through any of the methods offered by a cable operator shall be provided follow-up notice, no less than annually, of the customer's right to prohibit these disclosures and the options for the customer to express his or her preference regarding disclosures. Such notice shall, at a minimum, be provided by an insert in the cable operator's bill (or other direct mail piece) to the customer or a notice or message printed on the cable operator's bill to the customer, and on the cable operator's website when a customer logs in to view his or her cable service account options. The form of such notice shall also be provided on an annual basis to the city. These methods of notification to customers may also include other comparable methods as submitted by the cable operator and approved by the city in its reasonable discretion

7. Safety. A cable operator shall install and locate its facilities, cable system, and equipment in compliance with all federal, state, local, and company safety standards, and in such manner as shall not unduly interfere with or endanger persons or property. Whenever a cable operator receives notice that an unsafe condition exists with respect to its equipment, the cable operator shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition.

8. Cancellation of new services. In the event that a new customer requests installation of cable service and is unsatisfied with their initial cable service, and provided that the customer so notifies the cable operator of their dissatisfaction within thirty days of initial installation, then such customer can request disconnection of cable service within thirty days of initial installation, and the cable operator shall provide a credit to the customer's account consistent with this section. The customer will be required to return all equipment in good working order. If the equipment is returned in good working order, then the cable operator shall refund the monthly recurring fee for the new customer's first thirty days of cable service and any charges paid for installation. This provision does not apply to existing customers who request upgrades to their cable service, to discretionary cable service such as pay-per-view or movies purchased and viewed on demand, or to customer moves and/or transfers of cable service. The service credit shall be provided in the next billing cycle.

D. Complaint procedure.

1. Complaints to a cable operator.
    a. A cable operator shall establish written procedures for receiving, acting upon, and resolving customer complaints, and crediting customer accounts, and shall have such procedures printed and disseminated at the cable operator's sole expense, consistent with subsection C.5.a.v. of these standards.
    b. Said written procedures shall prescribe a simple manner in which any customer may submit a complaint by telephone or in writing to a cable operator that it has violated any provision of these customer service standards, any terms or conditions of the customer's contract with the cable operator, or reasonable business practices. If a representative of the city notifies the cable operator of a customer complaint that has not previously been made by the customer to the cable operator, the complaint shall be deemed to have been made by the customer as of the date of the city's notice to the cable operator.
    c. At the conclusion of the cable operator's investigation of a customer complaint, but in no more than ten calendar days after receiving the complaint, the cable operator shall notify the customer of the results of its investigation and its proposed action or credit.
    d. A cable operator shall also notify the customer of the customer's right to file a complaint with the city in the event the customer is dissatisfied with the cable operator's decision, and shall thoroughly explain the necessary procedures for filing such complaint with the city.
    e. A cable operator shall immediately report all customer escalated complaints that it does not find valid to the city.
    f. A cable operator's complaint procedures shall be filed with the city prior to implementation.
2. Complaints to the city.
    a. Any customer who is dissatisfied with any proposed decision of the cable operator or who has not received a decision within the time period set forth below shall be entitled to have the complaint reviewed by the city.
    b. The customer may initiate the review either by calling the city or by filing a written complaint together with the cable operator's written decision, if any, with the city.
    c. The customer shall make such filing and notification within twenty days of receipt of the cable operator's decision or, if no decision has been provided, within thirty days after filing the original complaint with the cable operator.
    d. If the city decides that further evidence is warranted, the city shall require the cable operator and the customer to submit, within ten days of notice thereof, a written statement of the facts and arguments in support of their respective positions.
    e. The cable operator and the customer shall produce any additional evidence, including any reports from the cable operator, which the city may deem necessary to an understanding and determination of the complaint.
    f. The city shall issue a determination within fifteen days of receiving the customer complaint, or after examining the materials submitted, setting forth its basis for the determination.
    g. The city may extend these time limits for reasonable cause and may intercede and attempt to negotiate an informal resolution.
3. Security fund or letter of credit. A cable operator shall comply with any franchise agreement regarding letters of credit. If a franchise agreement is silent on letter of credit the following shall apply:

a. Within thirty days of the written notification to a cable operator by the city that an alleged franchise violation exists, a cable operator shall deposit with an escrow agent approved by the city fifty thousand dollars or, in the sole discretion of the city, such lesser amount as the city deems reasonable to protect subscribers within its jurisdiction. Alternatively, at the cable operator's discretion, it may provide to the city an irrevocable letter of credit in the same amount. The escrowed funds or letter of credit shall constitute the "security fund" for ensuring compliance with these standards for the benefit of the city. The escrowed funds or letter of credit shall be maintained by a cable operator at the amount initially required, even if amounts are withdrawn pursuant to any provision of these standards, until any claims related to the alleged franchise violation(s) are paid in full.
b. The city may require the cable operator to increase the amount of the security fund if it finds that new risk factors exist which necessitate such an increase.
c. The security fund shall serve as security for the payment of any penalties, fees, charges, or credits as provided for herein and for the performance by a cable operator of all its obligations under these customer service standards.
d. The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by any applicable franchise agreement or authorized by law, and no action, proceeding, or exercise of a right with respect to same shall in any way affect or diminish any other right the city may otherwise have.

4. Verification of compliance. A cable operator shall establish its compliance with any or all of the standards required through annual reports that demonstrate said compliance, or as requested by the city.
5. Procedure for remedying violations.
   a. If the city has reason to believe that a cable operator has failed to comply with any of these standards, or has failed to perform in a timely manner, the city may pursue the procedures in its franchise agreement to address violations of these standards in a like manner as other franchise violations are considered.
   b. Following the procedures set forth in any franchise agreement governing the manner to address alleged franchise violations, if the city determines in its sole discretion that the noncompliance has been substantiated, in addition to any remedies that may be provided in the franchise agreement, the city may:
      i. impose assessments of up to one thousand dollars per day, to be withdrawn from the security fund in addition to any franchise fee until the non-compliance is remedied; and/or
      ii. order such rebates and credits to affected customers as in its sole discretion it deems reasonable and appropriate for degraded or unsatisfactory services that constituted noncompliance with these standards; and/or
      iii. reverse any decision of the cable operator in the matter; and/or
      iv. grant a specific solution as determined by the city; and/or
      v. except for in emergency situations, withhold licenses and permits for work by the cable operator or its subcontractors in accordance with applicable law.

E. Non-waiver. Failure to enforce any provision of these standards shall not operate as a waiver of the obligations or responsibilities of a cable operator under said provision, or any other provision of these standards. (Ord. 6033 § 1, 2016)

Chapter 13.18

STORMWATER MANAGEMENT

Sections:

13.18.010 Intent.

It is the intent of this chapter to promote the public health, safety and welfare by permitting the movement of emergency vehicles during flooding periods and minimizing flood losses and the inconvenience and damage resulting from uncontrolled and unplanned stormwater runoff; to establish a stormwater utility to coordinate, design, construct, manage, operate and maintain the stormwater management system; to establish a reasonable and equitable program to finance stormwater management capital projects and operation, maintenance and administrative activities; and to encourage and facilitate urban water resources management techniques, including, without limitation, detention of stormwater, reduction of need to construct storm sewers, reduction of pollution and enhancement of the environment. (Ord. 3420 § 1 (part), 1987)

13.18.020 Definitions.

As used in this chapter, unless the context in which they are used clearly requires otherwise:

A. "Customer" means the owner of record of a lot, tract or parcel of land within the city containing an impervious surface.
B. "Runoff" means that part of snowfall, rainfall or other stormwater which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.
C. "Stormwater facilities" means any one or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including manmade structures and natural watercourses for the conveyance of runoff, such as detention areas, berms, swales, improved watercourses, channels, bridges, gulches, streams, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catchbasins and street facilities, inlets, collection, drainage or disposal lines, intercepting sewers, joint storm and sanitary sewers, pumping plans and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such sewerage or stormwater facilities.
D. "Stormwater system" means all of the stormwater facilities used by the city for the control of runoff. (Ord. 3420 § 1 (part), 1987)

13.18.030 Stormwater utility.

There is established a stormwater utility in the water/wastewater department of the of the city. Such utility shall construct, maintain and operate the stormwater system of the city. (Ord. 3420 § 1 (part), 1987)

13.18.040 Stormwater management fund.

There is established a stormwater management fund. All moneys received from stormwater utility fees shall be paid into such fund. Such fund shall be used only for the purposes set forth in Section 13.18.050 of this chapter, and shall not be used for general governmental purposes. (Ord. 3420 § 1 (part), 1987)

13.18.050 Use of stormwater management fund.

The stormwater management fund shall be used only to pay the costs of construction, operation and maintenance of the stormwater system and the costs of administration of the stormwater utility. The city may pledge all or any portion of the fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for general obligation bonds, revenue bonds or any other obligations lawfully issued or otherwise contracted for by the city for the payment or other financing of costs of the stormwater system, or for the purpose of refunding any obligations issued or otherwise contracted for such purposes. (Ord. 3420 § 1 (part), 1987)

13.18.060 Stormwater utility fees.

A. There is imposed on each customer a stormwater utility fee. The amount of such fee shall be as set by the city council by resolution adopted after two readings and may be changed from time to time.
B. All public highways, streets, roadways, sidewalks, bike paths and other public rights-of-way, and lakes used as stormwater facilities, are part of the stormwater facilities and shall be exempt from all stormwater utility fees imposed by this chapter. (Ord. 4871 § 20, 2004 (part); Ord. 3420 § 1 (part), 1987)

13.18.070 Unpaid stormwater utility fees--Lien.

All stormwater utility fees shall be a lien upon the respective lots or parcels of land of each customer from the time when due and shall be a perpetual charge against such lots or parcels of land until paid, and in the event that charges are not paid when due, the city clerk shall certify such delinquent charges to the treasurer of the county and the charges shall be collected in the same manner as though they were part of the taxes. (Ord. 3420 § 1 (part), 1987)

13.18.080 System investment fees.

A. There is a fee imposed upon every acre of residential, commercial, industrial and institutional development, to be known as the stormwater system investment fee, in an amount as established by resolution of the city council after two readings, for the purposes set forth in the resolution creating the public works fund, as amended from time to time, which fund was established pursuant to Section 16.38.100 of this code.
B. The fees provided by this section shall be imposed upon development occurring on or after January 1, 1989. Development, for the purpose of any activity requiring a building permit, or which would require a building permit if not exempt on account of governmental ownership or

occupancy, shall be deemed to occur before January 1, 1989, if such building permit is applied for prior to January 1, 1989, and is actually issued within thirty days thereafter, unless issuance is delayed for causes beyond the control of the applicant. For any industrial use not requiring the issuance of a building permit, such use shall be deemed to have been established prior to January 1, 1989, if such use was actually in place and was being actively pursued on January 1, 1989. Any expansion of such use by more than fifty percent over the level of such use on January 1, 1989, shall be deemed to be an expansion of such activity, and shall require the payment of stormwater system investment fees for expansion beyond the initial fifty percent of expansion.

C. For the purposes of this section, the following definitions shall apply:
   1. "Industrial" means any premises devoted primarily to manufacturing, processing, assembly or storage of tangible personal property, research facilities, experimental or testing laboratories, warehouses, distribution and wholesale uses, utility service facilities, aircraft hangars and repair facilities for aircraft, and caretaker's quarters and other accessory buildings reasonably required for maintenance or security of the uses set out in this section.
   2. "Institutional" means any premises devoted primarily to schools, hospitals, churches, libraries and similar public and quasi-public uses.
   3. "Commercial" means any premises not devoted to residential, industrial or institutional uses.

D. Such fees shall be due and payable as follows:
   1. In the case of any activity requiring a certificate of occupancy, not later than the time that a final inspection for a certificate of occupancy is requested;
   2. Upon a change in the use of property which new use is in a different category for which the fee is higher than the existing use, whether or not a building permit is required to change such use; and
   3. For all other activities, including expansion or remodeling which creates additional dwelling units, additional square footage devoted to commercial uses, and acreage devoted to industrial uses for which the capital expansion fee has not been previously paid, at the time such additional space and acreage is available for such use. (Ord. 4871 § 21, 2004 (part); Ord. 4446 § 7, 1999; Ord. 4395 § 26, 1999; Ord. 4154 § 1, 1996; Ord. 3545 § 1, 1988; Ord. 3420 § 1 (part), 1987)

13.18.090 Master drainage plan.

The master drainage plan prepared by WRC Engineering, Inc., dated May 15, 1986, together with all amendments thereto, which amendments may be made by resolution of the city council, is adopted as the master drainage plan for the city. Such plan shall guide the stormwater utility in the construction, maintenance and operation of stormwater facilities. (Ord. 3420 § 1 (part), 1987)

13.18.100 Storm Drainage Criteria and Storm Drainage Standards.

All stormwater facilities that are to become part of or be connected with the city's stormwater utility shall be designed, constructed, and connected in accordance with the "City of Loveland Storm Drainage Criteria" and the "City of Loveland Storm Drainage Standards," adopted in Section 16.24.014. (Ord. 5707 § 1, 2012; Ord. 4755 § 12, 2002; Ord. 3420 § 1 (part), 1987)

13.18.110 Collection and enforcement of fees.

All charges and fees imposed by this chapter shall be a lien upon the property to which such fees are billed from the date such fees are billed until paid. The customer shall be liable for the fees, and the liability and lien therefore may be enforced by the city by an action at law or a suit to enforce the lien. In

case any tenant in possession of any premises pays the fees, the customer shall be relieved from such obligation and lien, but the city shall not be required to seek payment from any person other than the customer. In the event any fees or charges are not paid when due, the city clerk may certify such fees or charges to the treasurer of Larimer County and the same shall be collected in the manner as through they were part of the taxes. (Ord. 3458 § 1, 1987)

Chapter 13.20

STORMWATER QUALITY

Sections:

13.20.010 Interpretation.

The following principles shall be used in interpreting this chapter:

A. The provisions of this chapter shall be regarded as the minimum requirements for the protection of the public health, safety, general welfare, and environment. This chapter shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
B. This chapter is not intended to interfere or conflict with, abrogate, or annul any other regulation, ordinance, statute, or provision of law.
C. Whenever a provision of this chapter and a provision of any other law, ordinance, resolution, rule, or regulation of any kind, including any other provision of this chapter, contains any restrictions covering the same subject matter, the more restrictive shall govern.
D. The foregoing principles notwithstanding, the City Council directs those city officials responsible for enforcement of this chapter to utilize a reasonable common sense approach in the interpretation and application of the specific provisions of this chapter. To this end, city officials charged with the responsibility for enforcement and administration of provisions of this chapter shall be entitled to utilize discretion in waiving specific application requirements, provided that such discretion shall be exercised in a manner to preserve the purposes and intention of this chapter and to not jeopardize the health, safety, or general welfare of the public or the environment. When exercising discretion to waive or modify any specific application requirements, said City official shall consider:
    1. The scope and nature of the proposed project;
    2. The impact of the project on the properties in the general vicinity of the project;
    3. The impact of the project on municipal facilities and services, including without limitation, streets, water, sewer, drainage, police, and fire protection services; and
    4. Whether the information contained in a requirement sought to be waived is reasonable and readily available from other materials submitted in conjunction with the application.

13.20.020 Intent.

The intent of this chapter is to enhance the quality of water in the City's drainageways and subsequent receiving waters by establishing requirements for grading and erosion control permits for construction and development and by defining certain other activities as illicit discharges. (Ord. 4874 § 1, 2004)

13.20.030 General.

Any person who undertakes or causes to be undertaken any activity, which involves disturbance of the surface of land shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters. The requirements of this chapter are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters.

13.20.040 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the following meanings:

A. "Acknowledgement Certificate" means a document an applicant signs certifying that they have received, read and fully understand the information within the City of Loveland's Stormwater Quality Enforcement Policy and agree to abide by the policies set forth therein.

B. "Applicant" means a landowner or agent of a landowner who has filed an application for a Stormwater Quality Permit.

C. "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of "state waters". BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage of leaks, sludge or waste disposal, or drainage from raw material storage.

D. "Builder" means a person undertakes construction activities.

E. "Business Owner" means a person who owns title to a commercial property.

F. "City Inspector" means the person or person(s) authorized by the City Manager to inspect a site for the purpose of determining compliance with the provisions of this chapter.

G. "Compliance Date" means the final deadline by which a user is required to correct a violation of a prohibition or limitation or to meet a pretreatment standard or requirement as specified in a compliance schedule, industrial discharge permit or federal, state or local regulation adopting an applicable pretreatment standard.

H. "Compliance Order" means an administrative order that directs a user to comply with the provisions of this chapter, or of a permit or administrative order issued hereunder, by a specific date. The order may include a compliance schedule involving specific actions to be completed within specific time periods.

I. "Compliance Schedule or Schedule of Compliance" means an enforceable schedule specifying a date or dates by which user must comply with a pretreatment standard, a pretreatment requirement or a prohibition or limitation and which may include increments of progress to achieve such compliance.

J. "Construction Activities" means clearing, grading, excavating, and other ground disturbance activities. Construction Activities does not include routine maintenance performed by public agencies, or their agents to maintain original line grade, hydraulic capacity, or original purpose of the facility.

K. "Construction Site Stormwater Management Plan (CSSMP)" means a Plan submitted to the City of Loveland that addresses erosion, sediment erosion control and water quality issues pertaining to a Site for which an application for a Stormwater Qualify Permit is filed. A CSSMP shall contain such information as, site description, location and description of appropriate Temporary or Permanent BMPs, inspection and maintenance procedures and other matters necessary or appropriate to comply with a Stormwater Quality Permit.

L. “Developer” means a person who undertakes land disturbance activities.

M. “Development” means any activity, excavation or fill, alteration, subdivision, change in land use, or practice, undertaken by private or public entities that affect the discharge of stormwater runoff. The term “development” does not include the maintenance of stormwater runoff facilities.

N. “Disturbed Area” means that area of the land’s surface disturbed by any work activity upon the property by means including but not limited to grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned agricultural or the tillage of a parcel zoned PUD (planned unit development) within the area identified for agricultural uses. It also does not include performance of emergency work necessary to prevent or ameliorate an immediate threat to life, property, or the environment. Any person(s) performing such emergency work shall immediately notify the Public Works Engineering Manager of the situation and the actions taken. The Public Works Engineering Manager may, however, require such person(s) to obtain a Stormwater Quality Permit to implement remedial measures to minimize erosion resulting from the emergency.

O. “Drainageway” means an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

P. “Illicit Discharge” means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater runoff, with some exceptions. These exceptions are discharges from National Pollutant Discharge Elimination System **(**NPDES) permitted industrial sources and those stated in Section 13.20.130.

Q. “Jurisdictional Wetland” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

R. “Land Disturbance Activity” means any activity, which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made drainageway.

S. “Landowner” means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

T. “Municipal Separate Storm Sewer System (MS4)” means a conveyance or system of conveyances (including: roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes designed or used for collecting or conveying stormwater that is not a combined sewer and that is not part of a POTW.

U. “Operator” means the entity that has day-to-day supervision and control of Construction Activities or Development occurring at a construction site. This can be the Landowner, the Developer, the general contractor or other agent of one of these parties, in some circumstances. It is anticipated that at different phases of Construction Activities or Development, different parties may satisfy the definition of “Operator,” and that the Stormwater Quality Permit may apply to all Construction Activities or Development on a site subject to a Stormwater Quality Permit by any such party.

V. “Performance Security” means an irrevocable letter of credit, or cash deposit submitted to the City to ensure the fulfillment of the erosion and sediment control plan.

W. "Permanent BMPs" means those permanent stormwater quality BMPs such as, but not limited to, grass buffers and swales, modular block porous pavement, porous pavement and landscape detention, sand filter and extended detention basins, constructed wetlands basins and channels, and proprietary (underground) BMPs to be properly installed and regularly maintained in order to treat stormwater runoff and ensure long term water quality enhancements.

X. "Permit" means a Stormwater Quality Permit issued pursuant to this Chapter 13.20.

Y. "Permittee" means the holder of a Stormwater Quality Permit.

Z. "Person" means any natural person or any firm, corporation, partnership, association, legal representative, trustee, estate, limited liability Company, or any other entity.

AA. "Plan" means a document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site.

BB. "Publicly Owned Treatment Works" (POTW)" means a publicly owned domestic wastewater treatment facility. This includes any publicly owned devices and systems used in the storage, treatment, recycling or reclamation of municipal sewage or treatment of industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they are publicly owned or if they convey wastewater to a POTW treatment plant.

CC. "Receiving Waters" means any classified stream segment (including tributaries) in the State of Colorado into which stormwater related to construction activities discharges. This definition includes all water courses, even if they are usually dry, such as borrow ditches, arroyos, and other unnamed drainageways.

DD. "Significant Storm Event" means any storm event, including but not limited to rain and snowmelt, which results in water and/or sediment being transported across the site.

EE. "State Water" means any and all surface and subsurface waters which are contained in or flow in or through this State, but does not include waters in sewage systems, waters in treatment works or disposal systems, waters in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

FF. "Stop Work Order" means an order issued by the city which requires that all Construction Activity on a site be stopped.

GG. "Stormwater" means precipitation-induced surface runoff.

HH. "Stormwater Discharge Permit (SDP)" means a permit issued to a Developer by the Colorado Department of Public Health & Environment Water Quality Control Division to discharge stormwater runoff from Construction Activities.

II. "Stormwater Quality Enforcement Policy" means a policy adopted by the City Manager or his designee to administer the Stormwater Quality Ordinance.

JJ. "Stormwater Quality Permit" means a permit issued to developers pursuant to Section 13.20.060 by the City of Loveland Public Works Department Stormwater Utility Division to conduct certain land disturbance activity.

KK. "Stormwater Runoff" means that part of snowfall, rainfall or other precipitation which is not absorbed, transpired, evaporated, or left in surface depressions, and which then flows controlled or uncontrolled into receiving waters.

LL. "SWMP" means a Stormwater Management Plan.

MM. "SWMP Administrator" means a specific individual(s), position or title designated by the Landowner or Developer who is responsible for developing, implementing, maintaining, and revising the SWMP. The activities and responsibilities of the SWMP Administrator shall address all aspects of the facility's SWMP.

NN. “Temporary BMPs” means temporary sediment and erosion control BMPs such as, but not limited to, silt fencing, wattles, vehicle tracking control pads, inlet filters, diversions, rundowns, sediment traps and ponds, dewatering structures, rip rap, and erosion control mats, and waste control BMPs, such as, but not limited to, concrete washouts, to be installed and regularly maintained to prevent erosion and keep sediment and waste from discharging off-site until the site is sufficiently stabilized.

OO. “Vegetative Cover” means grasses, shrubs, bushes, trees, ground cover and other plants. (Ord. 5706 § 1, 2012)

13.20.050 Compliance with Storm Drainage Standards and Criteria.

All applications for Stormwater Quality Permits shall be reviewed for compliance with the City of Loveland’s Storm Drainage Standards, the Larimer County Urban Area Street Standards, and the City of Loveland Storm Drainage Criteria, as amended. (Ord. 5706 § 2, 2012)

13.20.060 Stormwater Quality Permits.

A. Permit required.
It shall be unlawful for any person to conduct any activity resulting in a land disturbance activity equal to or greater than one-half (½) acre OR for land disturbance activities less than one-half (½) an acre that are part of a larger common plan of development or sale that would disturb one-half (½) acre or more without first obtaining a Stormwater Quality Permit from the City. Total disturbed area includes any parcel of a project that meets the definition of "disturbed area," whether or not such parcels are contiguous. The City may also require a Stormwater Quality Permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, special use permit, or site development plan. It shall be unlawful for any such person to fail to obtain a Stormwater Quality Permit.

B. Permit application.
Persons required to obtain a Stormwater Quality Permit shall complete and file with the City an application on a form prescribed by the City. In support of the application, the Applicant shall submit all information required on the City’s form and any additional information requested by the City. The application shall be signed by a person responsible for compliance with the permit throughout the permit’s validity.

C. Permit issuance/denial.
The City shall, upon its receipt of a completed Stormwater Quality Permit application, either issue or deny a Permit. If a Permit is denied, the Applicant shall be notified of such in writing. The notification shall set forth the grounds for denial and inform the Applicant of what corrective actions must be taken to obtain a Permit. An Applicant may appeal the denial in writing to the Public Works City Engineer no later than thirty (30) calendar days from the date of issuance of denial. The appeal must set forth the grounds for the appeal and include any documents in support of the Applicant’s appeal. The Public Works City Engineer shall within thirty (30) calendar days of receipt of an appeal rule on the matter based solely upon review of the application, denial, appeal, and all documents related thereto. The parties shall receive written notice of the Public Works City Engineer’s decision.

D. Permit requirements.
Stormwater Quality Permits shall contain, at a minimum, the following:

E. A statement of duration of the Permit;

F. Requirements for the installation, operation, and maintenance of stormwater runoff quality control measures, including Temporary and Permanent BMPs and schedules where appropriate;

G. Identification of the person(s) responsible for compliance with the Permit, including such person's address and telephone number;

H. Other conditions as deemed appropriate by the City to ensure compliance with this chapter; and

I. A signed Acknowledgement Certificate certifying that the Applicant has received a copy of the City of Loveland Stormwater Quality Enforcement Policy.

13.20.070 Security Requirement.

As a condition for the issuance of a Stormwater Quality Permit, Applicants may be required to provide Performance Security in the form of an agreement for sediment/erosion control Best Management Practices (BMPs) cash deposit or an agreement for sediment/erosion control Best Management Practices (BMPs) irrevocable letter of credit, which agreement shall be approved as to the form and sufficiency by the City Attorney. The amount of the Performance Security shall be based upon the estimated cost of the work required to ensure compliance with the Permit's terms and conditions and requirements of this chapter. In determining the cost of work, a fifteen (15%) contingency shall be included. (Ord. 5706 § 3, 2012)

13.20.080 Release of Security.

The Performance Security, less any deductions, shall be released upon the City's determination that the Permittee has successfully completed all required work and met all other requirements of this chapter.

13.20.090 Assessment.

If the Permittee or other responsible party does not successfully complete all required work or violates any requirement of the Permit or this chapter, the City may take corrective measures and charge the cost of such to the Permittee and/or other responsible party. Such costs shall include the actual cost of any work deemed necessary by the city plus reasonable administrative and inspection costs and penalties pursuant to the City's Stormwater Quality Enforcement Policy, which policy shall be approved by the City Manager. If the total of such costs exceeds the Performance Security, the Permittee shall be responsible for payment of the remaining balance within thirty (30) calendar days of receipt of an accounting of and a bill for such from the City.

13.20.100 Establishment of Fees and Charges.

City council shall establish all fees and charges deemed necessary by the City to implement the requirements of this chapter. (Ord. 5706 § 4, 2012)

13.20.110 Maintenance Requirements.

Developers, Builders, Business Owners, and Landowners shall be responsible for ensuring that all BMPs identified in the Stormwater Quality Permit application are properly installed, maintained and are in good working order as hereafter provided.

A. Developers shall be responsible for ensuring that:
    1. Any Temporary and/or Permanent BMPs are installed as call for in a CSSMP and are properly maintained and are in good working order.
    2. The site is fully developed, stabilized, and acceptable vegetative cover has been established and maintained.
    3. Any deficiencies noted by the City prior to the expiration of the two-year warranty period for public improvements have been corrected.
    4. Individual lots have been sold to one or more Builders.
    5. Stormwater runoff quality requirements of individual lots are shared with Builders at time of closing.
B. Builders shall be responsible for ensuring that:

1. Any Temporary and/or Permanent BMPs installed prior to lot purchase from Developer and/or Landowner as part of CSSMP are being properly maintained and are in good working order.
2. Acceptable vegetative cover has been established and maintained.
3. Any Temporary and/or Permanent BMPs called for in the CSSMP and/or necessary for the site(s) has been properly installed, maintained and remain in good working order until the property has been sold to a Business, Landowner.
4. Stormwater runoff quality requirements of individual site(s) are shared with purchasers at time of closing.

C. Business Owners and Landowners shall be responsible for ensuring that:
1. Any Temporary BMPs installed prior to lot purchase from Developer, Landowner, and/or Builder as part of CSSMP are properly maintained and remain in good working order until the lot is stabilized.
2. Acceptable vegetative cover has been established and maintained.
3. If not installed prior to individual lot purchase, Temporary and/or Permanent BMPs will be installed within ten (10) days from date of purchase at the base of all gutter downspouts and maintained until the property is sufficiently stabilized.
4. If not installed prior to individual lot purchase, Temporary and/or Permanent BMPs will be installed within ten (10) days from date of purchase around the perimeter of the site where needed to prevent sediment from moving off-site.
5. Business Owners and Landowners shall be responsible for the maintenance of all Temporary and Permanent BMPs constructed or installed on their property pursuant to this chapter.
6. All Temporary BMPs shall be removed within fourteen (14) calendar days after work on the site has been completed and the measures are no longer needed. (Ord. 5706 § 5, 2012)

13.20.120 Inspection.

City inspector shall enforce the requirements of this chapter as described in Section 13.20.140.

13.20.130 Illicit Discharges.

A. It is unlawful and constitutes a nuisance for any person to discharge or cause to be discharged or spilled, or to maintain a condition upon any property that may result in the discharge of, any substance other than naturally occurring stormwater runoff into the City's storm drainage system (any of which shall constitute an "Illicit Discharge").

B. The following shall not be considered an illicit discharge prohibited under subsection A. above (any of which shall constitute an "allowable non-stormwater discharge"):
1. Landscape irrigation.
2. Lawn watering.
3. Diverted stream flows.
4. Irrigation return flow.
5. Rising ground waters.
6. Uncontaminated ground water infiltration (defined at 40 C.F.R. 35.2005(20)).
7. Uncontaminated pumped ground water.
8. Springs.
9. Flows from riparian habitats and wetlands.
10. Water line flushing.
11. Discharges from potable water sources.
12. Foundation drains.

13. Air conditioning condensation.
14. Water from crawl space pumps.
15. Footing drains.
16. Individual residential car washing.
17. Dechlorinated swimming pool discharges.
18. Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction.
19. Discharges resulting from emergency firefighting activities.
20. Discharges specifically authorized under a separate CDPS permit.
21. Discharges addressed in the Colorado Department of Public Health and Environment, Water Quality Control Division's Low Risk Policy guidance documents.
22. Other waters determined by the city to be non-contaminated and acceptable for return to the storm drainage system and receiving waters.

C. Nothing contained in this section shall be construed to relieve any person discharging or causing to be discharged any substance into the storm drainage system from any liability for damage caused by the quantity, quality, or manner of discharge. (Ord. 5706 § 6, 2012)

13.20.140 Permanent BMPs.

A. Permanent BMPs shall be required for all new or redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale.

B. All Permanent BMPs shall be properly operated and maintained. (Ord. 5706 § 7, 2012)

13.20.150 Remedies for Noncompliance.

A. City inspector. If a City inspector determines that eroded soils are leaving a Disturbed Area, a Stormwater Quality Permit or SWMP has been violated, or any provision of this chapter has been violated, the City inspector may direct, in writing, the Business Owner, Landowner, Developer, Builder and/ or agents or representatives of such person on the site to repair, replace and/or install any Temporary or Permanent BMPs required under a Stormwater Quality Permit and/or a SWMP for the site, suggest that additional BMPs be installed if deemed necessary by the City inspector to minimize the identified condition or mitigate an illicit discharge, including the issuance of stop work orders and/or suspension or revocation of any Permit. It shall be unlawful for any Business Owner, Landowner, Developer, Builder or the agents or representatives of such persons to fail to take all necessary measures to comply with such written directive and take all measures necessary to prevent soil erosion from migrating off site, correct violation of a Stormwater Quality Permit and/or a SWMP, or eliminate and/or mitigate an illicit discharge, or remedy any other violation of the requirements of this chapter.

B. Right of entry. In accordance with the terms of the signed Acknowledgement Certificate the City inspector may, where reasonable cause exists, with or without a warrant issued by a court of competent jurisdiction and where the City has given verbal notice to the Landowner(s), or such owner's agent(s) or representative(s) if such owner(s) or representative(s) is/are immediately accessible, enter upon any property or site for examination of the same to ascertain whether a violation of the requirements of this chapter exists, and shall be exempt from any legal action or liability on account thereof. The City will verbally communicate a findings summary of such inspection at the conclusion of the inspection to the Landowner, or such owner's agent(s) or representative(s) if such owner(s) or representative(s) is/are immediately available. The City will

mail a written summary of the findings of such inspection within thirty (30) days of such inspection to the legal address of the non-compliant site.

C. Remediation procedures.
   1. Compliance orders.
      a. Whenever the City determines that any activity is occurring that is not in compliance with a Stormwater Quality Permit, SWMP, and/or the requirements of this chapter, the City may issue a written compliance order to the Operator or Landowner containing a compliance schedule. The schedule shall contain specific actions that must be completed, including dates for the completion of the actions. It shall be unlawful for any Operator or Landowner to fail to comply with any compliance order requirement.
      b. Should any person cause, permit, cause to be permitted, or maintain a condition on any property that may result in an Illicit Discharge, the City may issue a written compliance order setting forth the action required to mitigate the Illicit Discharge. It shall be unlawful for any person to fail to comply with a written compliance order for mitigation of an Illicit Discharge within twenty-four (24) hours after the date specified in the compliance order.
      c. Should any person cause responsible for the operation and maintenance of any Permanent or Temporary BMP, the City may issue a written compliance order setting forth the action required to operate and maintain the Permanent or Temporary BMP. It shall be unlawful for any person to fail to comply with a written compliance order for operation or maintenance of a Permanent or Temporary BMP within twenty-four (24) hours after the date specified in the compliance order.
   2. Suspension and revocation of Permit.
      The City may suspend or revoke a Stormwater Quality Permit for violation of any provision of this chapter, violation of the Permit or SWMP, and/or misrepresentations by the Permittee or the Permittee's agents, employees, or independent contractors.

D. Stop work orders. Whenever the City determines that any activity is occurring that is not in compliance with a Stormwater Quality Permit, a SWMP, and/or the requirements of this chapter, the City can order such activity stopped upon service of written notice upon the person responsible for or conducting such activity. Such person shall immediately stop all activity until authorized in writing by the City to proceed. If the appropriate person cannot be located, the notice to stop work shall be posted in a conspicuous place upon the area where the activity is occurring. The notice shall state the nature of the violation. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the City. It shall be unlawful for any person to fail to comply with a stop work order.

E. Violations and penalties.
   1. It shall be unlawful for any person to violate any provision of a Stormwater Quality Permit, a SWMP, and/or the requirements of this chapter.
   2. Any person violating any provision of a Stormwater Quality Permit, a SWMP, or the requirements of this chapter shall be deemed guilty of a misdemeanor, and subject to the penalties as set forth in Section 1.12.010 of this Code.
   3. In the event of an Illicit Discharge or failure to operate or maintain a Permanent or Temporary BMP, the City may, after written issuance of a compliance order for mitigation and the failure to perform such mitigation within twenty-four (24) hours after the date specified in the written compliance order (or such addition a time for mitigation as may be specified by the City), enter the affected property and perform or cause to be performed the mitigation work and assess the charge(s) for such work against the person, in accordance with the procedures set forth in

Section 13.20.090. The remedy set forth in this subsection shall be in addition to the penalties that may be imposed pursuant to Section 1.12.010. (Ord. 5706 § 7, 2012; Ord. 5386 § 1, 2009; Ord. 5105 § 1, 2006; Ord. 4874 § 1, 2004)

End Title 13

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

(Ord. 4207, 1996; Ord. 4208, 1996; Ord. 4260, 1997; Ord. 4267 § 1, 1997; Ord. 4268, 1997; Ord. 4347,1998; Ord. 4348, 1998; Ord. 4353, 1998; Ord. 4354, 1998; Ord. 4448, 1998; Ord. 4531, 2000; Ord. 4607, 2001; Ord. 4681, 2001; Ord. 4724, 2002; Ord. 4759, 2002; Ord. 4814, 2003; Ord. 4822, 2003; Ord. 4950, 2004; Ord. 5018, 2005; Ord. 5026, 2005; Ord. 5027, 2005; Ord. 5028, 2005; Ord. 5029, 2005; Ord. 5030, 2005; Ord. 5031, 2005; Ord. 5037, 2005; Ord. 5189, 2006; Ord. 5223, 2007; Ord. 5234, 2007; Ord. 5235, 2007; Ord. 5236, 2007; Ord. 5237, 2007; Ord. 5238, 2007; Ord. 5239, 2007; Ord. 5240, 2007; Ord. 5241, 2007; Ord. 5242, 2007; Ord. 5247, 2007; Ord. 5390, 2009; Ord. 5455, 2009 repeal & reenacted 15.30; Ord. 5485, 2010; Ord. 5606, 2011; Ord. 5600, 2011; Ord. 5601, 2011; Ord. 5602, 2011; Ord. 5603, 2011; Ord. 5604, 2011; Ord. 5605, 2011; Ord. 5606, 2011; Ord. 5607, 2011; Ord. 5659, 2012; Ord. 5765, 2013; Ord. 5772, 2013; Ord. 5773, 2013; Ord. 5774, 2013; Ord. 5775, 2013; Ord. 5776, 2013; Ord. 5777, 2013; Ord. 5778, 2013; Ord. 5779, 2013; Ord. 5780, 2013; Ord. 5781, 2013; 5924, 2015; Ord. 6006, 2015)

Chapter 15.04

BUILDINGS AND CONSTRUCTION--GENERAL PROVISIONS

Sections:

15.04.010 Building official.

The position of building official is created. Unless otherwise provided, the building official shall be the chief enforcement officer for all building regulations contained in this title, including the various codes adopted by reference in this title and for Titles 16 and 18 of this code, including the various codes adopted therein by reference. The building official may appoint plans reviewers, building inspectors, other related technical officers and inspectors and assistants as authorized by the city manager. (Ord. 3481 § 1, 1988; Ord. 3091 § 1, 1984; Ord. 1355 § 1, 1974; prior code § 22-1)

15.04.020 General provisions.

The general provisions of this chapter shall apply to all building regulations set forth in this title. (Ord. 1981 § 1, 1981; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2)

15.04.032 No permit issued--When.

No permit shall be issued to any person who is delinquent on the payment of any fees or other charges due the city in connection with such permit or any other permit previously issued to such person, until such fees or charges are paid. (Ord. 3335 § 16, 1986)

15.04.036 Finished grade.

As an integral part of the issuance of a building permit for new construction, the applicant must submit a finished grading plan for review and approval, by the city engineer. This grading plan must be in sufficient detail to insure positive drainage away from all structures and the method of disposal of all drainage runoff for the entire project site. The finished grading plan shall be subject to the review and approval of the city engineer, prior to the issuance of the building permit. (Ord. 1894 § 1, 1980)

15.04.050 Permits--Time limit for procuring.

All permits issued hereunder must be procured and all required building permit fees therefore paid within ninety days after notification by the building official's office that the building permit application has been processed. (Ord. 4354 § 2, 1998; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-1 (part))

15.04.060 Permits--Application--Approval.

Applications for building, plumbing, electrical, mechanical and sign permits shall be made to the building official. Such application shall be accompanied by plans which are sufficient to determine whether the proposed project complies with the provisions of these codes. In the event any changes, additions or amendments are made in said plans and specifications at any time before completion of the work, the changes shall be submitted to the building official for his approval. Such approval shall be noted on the records of the building official. Upon receipt of evidence that the applicant is duly licensed (if the nature of the work for which the permit is sought requires the applicant to be licensed) and that all conditions for the issuance of a permit have been met by the applicant, and that all necessary fees have been paid to the city, the building official shall issue the permits required. (Ord. 5600 § 1, 2011; Ord. 4354 § 3, 1998; Ord. 1659 § 11, 1978; Ord. 1640 § 1, 1978; Ord. 1420 § 3c, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-2)

15.04.070 Exemption of Certain City Projects from Permit Fees.

Notwithstanding any provision in this Title 15 to the contrary, the city and the Loveland Fire Rescue Authority shall not be required to pay any inspection, building, or any other fees required under this Title 15 with respect to the construction or development of any Loveland Fire Rescue Authority or city funded building, improvement or facility to be used for a city purpose; provided that this exemption shall not apply to those buildings, improvements and facilities funded by, constructed for, and to be used by (i) the city's power, water, wastewater, stormwater, or solid waste utility; or (ii) the city's golf enterprise and all such utility and enterprise development shall continue to be subject to all applicable fees under this Title15. (Ord. 5986 § 1, 2016; Ord. 5485 § 1, 2010)

15.04.090 Connections--Prohibited until work is approved.

It is unlawful for any person to make any electrical, gas, water or sewer connection to any building or structure until the work has been completed, inspected and approved as set forth in this code and in the codes herein adopted by reference. (Ord. 1420 § 3f, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-5)

15.04.120 Interpretation.

A. When the building code or other codes adopted in this title contain a provision that an act or activity must be accomplished in order to secure an approval from, or that an act or activity is subject to the direction of, the inspecting agents or any other officer of the city, then such provision shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with. No such provision shall be construed as giving any officer or agent discretionary powers to make any ruling or determination concerning such conditions or things not prescribed by ordinance or code or to enforce ordinance provisions in an arbitrary or capricious manner.

B. When any reference in this Title, or other codes adopted in this Title, is made to the "International Building Code" such reference shall refer to the building code adopted in this Title.

C. When any reference in this Title, or other codes adopted in this Title, is made to the "International Residential Code" such reference shall refer to the building code adopted in this Title.

D. When any reference in this Title, or other codes adopted in this Title, is made to the "International Mechanical Code" such reference shall refer to the building code adopted in this Title.

E. When any reference in this Title, or other codes adopted in this Title, is made to the "International Fuel Gas Code" such reference shall refer to the building code adopted in this Title.

F. When any reference in this Title, or other codes adopted in this Title, is made to the "International Plumbing Code" such reference shall refer to the building code adopted in this Title.

G. When any reference in this Title, or other codes adopted in this Title, is made to the "International Energy Conservation Code" such reference shall refer to the building code adopted in this Title.

H. When any reference in this Title, or other codes adopted in this Title, is made to the "International Existing Building Code" such reference shall refer to the building code adopted in this Title.

I. When any reference in this Title, or other codes adopted in this Title, is made to the "ICC Electrical Code" such reference shall refer to the electrical code adopted in this Title.

J. When any reference in this Title, or other codes adopted in this Title, is made to the "International Fire Code" such reference shall refer to the fire code adopted in this Title.

K. When any reference in this Title, or other codes adopted in this Title, is made to the "International Private Sewage Disposal Code" such reference shall have no application.

L. When any reference in this Title, or other codes adopted in this Title, is made to the "International Property Maintenance Code" such reference shall refer to the property maintenance code adopted in this

Title. (Ord. 5781 § 1, 2013; Ord. 5026 § 1 (part), 2005; Ord. 4354 § 4, 1998; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-8)

15.04.140 Liability for damage.

This title shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any materials or equipment related to any permit issued by the city for damages to anyone injured or any property destroyed by reason of the performance of any inspection authorized therein or the issuance of any certificate of inspections as herein provided. (Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-10)

15.04.150 Appeals.

The construction advisory board shall serve as the board of appeals in connection with all codes adopted in this Title 15 by reference with the exception of appeals arising out of the fire code adopted by this Title. (Ord. 5234 § 1, 2007; Ord. 5026 § 2, 2005; Ord. 4354 § 5, 1998; Ord. 1956 § 2, 1981; Ord. 1420 § 3g, 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code 22.2-11; Ord. 5924, §1, 2015)

15.04.151 Appeals to the construction advisory board.

A. Except as otherwise provided in Section 15.04.152, if under this Title 15 a person is denied any permit or certificate of occupancy, has a permit or certificate of occupancy revoked or suspended, is issued a notice of abatement, or is issued a stop work order by the city's building official, such person may appeal the building official's action to the construction advisory board by filing a written notice appeal with the building official no later than fifteen days after the permit or certificate of occupancy is denied, revoked or suspended or fifteen days after the issuance of the stop work order, which notice shall state the appellant's grounds for appeal.

B. If the construction advisory board determines that the denial of the permit or certificate of occupancy, the revocation or suspension of the permit or certificate of occupancy, the notice of abatement, or the issuance of a stop work order is not justified under the applicable provisions of this Title 15; the material or methods of construction required are not reasonable for the particular building; that the alternate materials and methods of construction proposed by the appellant are sufficient to insure public health and safety; or that the requirements of the applicable provisions of this Title 15 would work an undue hardship upon the appellant, the board may authorize issuance of the denied permit or certificate of occupancy, rescind the revocation or suspension of the permit or certificate of occupancy, rescind the notice of abatement, or rescind the stop work order and, when doing so, may designate and impose such conditions as it reasonably determine to be justified under the circumstances. (Ord. 5390 § 1, 2009; Ord. 5234 § 2, 2007; Ord. 4354 § 6, 1998)

15.04.152 Appeals to Loveland Fire Rescue Authority.

A. If under the fire code adopted by this Title 15 a person is denied a permit, has a permit revoked, is issued an order to correct or abate, or issued a stop work order by the code official, such person may appeal the code official's action to the Loveland Fire Rescue Authority appeals board by filing a written notice of appeal to the code official not later than fifteen days after the permit has been denied or revoked or fifteen days after the issuance of an order to correct or abate or stop work order, which notice shall specifically state the appellant's grounds for appeal.

B. The Loveland Fire Rescue Authority appeals board hearing appeals shall be comprised of three members of the Loveland Fire Rescue Authority board, one from the City, one from the Loveland Fire Protection District and one additional member to serve as hearing chair.

C. Each appeal will be heard at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and the LFRA staff shall be entitled to address the appeals board. The public hearing shall be recorded.

D. The Loveland Fire Authority appeals board may authorize the issuance of a denied permit or rescind the revocation of a permit, order to correct or abate, or a stop work order, and when doing so may designate

and impose such conditions as it may reasonably determine to be justified under the circumstances only if the board determines the following:

1. That the denial of the permit, the revocation of the permit, order to correct or abate or the issuance of a stop work order is not justified under the applicable provisions of the fire code; or
2. That the alternative design, materials, or methods of construction proposed by the appellant are equivalent to those prescribed by the applicable fire code provisions concerning quality, strength, effectiveness, fire resistance, durability, safety and all other pertinent factors and adequately protect the health safety or welfare of the occupant, intended occupants, surrounding properties and the public generally; or
3. That the applicable requirements of the fire code would work an undue and unique hardship upon the appellant. An appeal based on undue hardship must also include a statement from the appellant specifying the nature and extent of the hardship;
4. And, that the issuance of the denied permit or the rescission of the revocation of a permit, order to correct or abate, or stop work order will not unreasonably jeopardize the health, safety and welfare of the occupant, intended occupants, surrounding properties and the public generally.

(Ord. 5924 § 2, 2015; Ord. 5234 § 2, 2007; Ord. 4354 § 6, 1998)

15.04.153 Public hearings.

Every appeal under Section 15.04.151 and Section 15.04.152 shall be heard by the construction advisory board at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and city staff shall be entitled to address the appeals board. The public hearing shall be recorded. (Ord. 5924 § 3, 2015; Ord. 5234 § 3, 2007; Ord. 4354 § 7, 1998)

15.04.155 Review by City Council.

The appellant or the city official whose decision was appealed under Section 15.04.151 to the construction advisory board, and who is aggrieved by the decision of the appeal board, may appeal that decision to the city council. In addition, the Fire Chief may appeal a decision of the construction advisory board reasonably related to a fire related issue. A person appealing a decision of the construction advisory board shall file a written notice of appeal with the city's building official no later than fifteen days after the board's decision and shall in the notice the grounds for appeal. In the event of such appeal to the city council, the powers and duties set forth in Section 15.04.151 shall be exercised by the city council, which shall conduct a new public hearing on the matter. (Ord. 5924 § 4, 2015; Ord. 5234 § 3, 2007; Ord. 4354 § 8, 1998; Ord. 1956 § 3, 1981)

15.04.170 Conflicts Between codes.

Whenever the provisions of the building regulations conflict with the provisions of any other section of the Municipal Code or any codes adopted by reference therein, the provisions which provide the most restrictive requirements shall supersede all other provisions. (Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-13)

15.04.190 Penalties.

A. It is unlawful for any person to violate any of the provisions of this title or the codes adopted by reference in this title or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement or specifications or plans submitted or approved thereunder or any certificate or permit issued thereunder. Any such violation constitutes a violation of this title.

B. Every person convicted of a violation of any provision stated or adopted in this title or any provision of the codes adopted in this title by reference shall be punished as provided in Section 1.12.010 of this code. This penalty provision shall supersede all penalty provisions set forth in the codes adopted in this title by reference, whether or not said penalty provisions are specifically deleted or repealed. (Ord. 4354 § 9,

1998; Ord. 3845 § 1 (part), 1992; Ord. 1981 § 4, 1981; Ord. 1420 § 3h, 1975; Ord. 1412 § 5(a) (part), 1975; Ord. 1347 § 1, 1974; Ord. 1234 § 1 (part), 1972; prior code § 22.2-14)

15.04.200 Conflict in standards.

Nothing in this chapter shall be construed to conflict with applicable state statutes where such statutes provide for standards more restrictive than those provided herein. Exceptions to applicable state standards shall be considered as provided by state statutes, and the city council shall act as the body responsible for the granting of exceptions, modifications and exemptions to such applicable state standards, as authorized by and pursuant to the provisions of the laws of the state of Colorado. (Ord. 1636 § 4, 1978)

Chapter 15.08

BUILDING CODE

Sections:

15.08.010 – International Building Code, 2012 Edition – Adopted.

The International Building Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices C, E, I, and J, is hereby adopted by reference as the building code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city, and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated therein for the purpose of protecting the public health, safety and general welfare. At least one copy of the International Building Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. (Ord. 5772 § 1, 2013; Ord. 5600 § 2, 2011)

15.08.020 - Modifications to International Building Code, 2012 Edition.

The International Building Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:
101.1 Title. These regulations shall be known as the Building Code of the City of Loveland, hereinafter referred to as "this code" or "building code."

B. Section 103 is deleted in its entirety.

C. Section 104.10.1 is deleted in its entirety.

D. Section 105.2 is amended by adding the following to the first paragraph as follows:

(1) Item #2 under "Building" is amended to read as follows:
2. Fences not over 6 feet 3 inches high.

(2) Item #4 under "Building" is amended to read as follows:
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of wall, unless supporting a surcharge. Specific manufacturer's instructions of retaining wall products may be more restrictive regardless of the height of the retaining wall, thereby the more restrictive will apply.

(3) A new paragraph number 14 Is added under the section titled "Building" to read as follows:
14. Structures or work performed on properties of the government of the United States of America, State of Colorado, and the County of Larimer.

Unless otherwise exempted in this code, separate plumbing, electrical and mechanical permits may be required to meet the requirements of this subsection.

E. Section 105 is amended in part by the revision of Subsection 105.5 to read as follows:
Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. All permits issued shall become null and void regardless of any extensions granted pursuant to the provisions of this section, within eighteen (18) months of issuance.

F. Section 105 is amended in part by the addition of a new Subsection 105.8 to read as follows:

105.8 Transfer of permits. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

G. Section 107 is amended in part by the addition of the following in subsection 107.3.4.1 to read as follows:

In accordance with Section 107.3.4.1 the building official *may* require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed by the Board of Licensure for Architects, Engineers and Land Surveyors of the State of Colorado when, but not limited to:

(1) Foundations are constructed on caissons or other than spread footings conforming to the requirements of Chapter 18.

(2) Roof framing or wall framing is "other than standard" construction not conforming to the requirements of Chapter 16 and 23.

(3) Conformation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

H. Section 109.2 is amended in part by the revision of Subsection 109.2 to read as follows:

109.2 Schedule of permit fees. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

I. Section 109.2 is amended by the addition of a new subsection 109.2.1 to read as follows:

109.2.1 Plan Review Fee. When submittal documents are required by Section 105.1, a plan review fee shall be paid. The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

J. Section 109 is amended in part by the addition of a new subsection 109.2.2 to read as follows:

109.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Plans submitted for checking may thereafter by returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding sixty (60) days upon written request by the applicant demonstrating that circumstances beyond control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and review fee.

K. Section 109 is amended in part by the revision of Subsection 109.4 to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. This fee can equal up to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other requirements nor from the penalty prescribed by law.

L. Section 109 is amended in part by the revision of Subsection 109.6 to read as follows:

109.6 Refunds. The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled provided that no examination time has been expended.

The building official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original permit tee not later than sixty (60) days after the date of fee payment.

M. Section 109 is amended by the addition of a new Subsection 109.7 to read as follows:
109.7 Investigation fees - Work without a permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee may be up to or equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

N. Section 109 is amended by the addition of a new Subsection 109.8 to read as follows:
109.8 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time the job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection card is not posted or otherwise not available on the work site; the approved plan is not readily available to the inspector; failure to provide access on the date for which an inspection is requested; or for deviating from the plans requiring the approval of the building official.

O. Section 110 is amended by the addition of a new Subsection 110.1.1 to read as follows:
110.1.1 Inspection record card. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position as to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures which have been verified by the Building Division.

P. Section 110 is amended by the addition of a new Subsection 110.3.1.1 to read as follows:
110.3.1.1 Drilled pier inspection. Inspection will be made while the piers are being drilled. The Engineer of record or his authorized representative shall be present during the drilling operations and be available to the City inspector during required inspections.

Q. Section 110 is amended in part by the revision of Subsection 110.3.3 to read as follows:
110.3.3 Lowest floor elevation. The elevation certificate required in Section 1612.5 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

R. Section 110 is amended in part by adding the following sentence of Subsection 110.3.7 to read as follows:
Energy efficiency inspections, if required, shall be provided by and at the owner's expense to verify compliance with the provisions of this section.

S. Section 110 is amended in part by adding the following sentences to Subsection 110.3.8 to read as follows:

All new footing and foundation inspections shall be performed by a design professional licensed by the State of Colorado and shall include the reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

T. Section 111 is amended in part by the addition of a paragraph at the end of Subsection 111.1 to read as follows:
The issuance of a temporary certificate of occupancy may be granted when all provisions of a permit are not complete, provide all required life safety requirements are met. Where occupancies are not determined

at time of building permit application, permits issued for no occupancy and core and shell construction shall be issued a limited letter of completion or letter of completion.

U. Section 111 is amended in part by the addition of the new Subsection 111.1.1 to read as follows:
111.1.1 Exception. Certificates of occupancy are not required for work exempt from permits under Section 105.2. No certificate of occupancy shall be required for Private U Occupancies and permits not establishing a use.

V. Section 113 is deleted in its entirety.

W. Section 114 is amended in part by the addition of new Subsection 114.2.1 as follows:
114.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by US mail to the last known address of the owner, occupant or both.

X. Subsection 115 is amended in part with the revision to Subsection 115.2 to read as follows:
115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Y. Section 202 is amended as follows:

By the addition of the following definitions of "Room, Sleeping (Bedroom)," and "Utility Space (Room)":

Room, Sleeping (Bedroom) is a habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.
Utility Space (Room) is a room designed or used to house heating and general maintenance equipment.

By deleting and replacing the definition of "Fire Separation Distance" to read as follows:
Fire Separation Distance. The distance measured from the building to the face of one of the following:

1. For newly constructed structures, the closest interior *lot line*;
2. To the centerline of a street, an alley or *public way;* or
3. To an imaginary line between two buildings on the lot; or
4. To the exterior lot line of a property consisting of two or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.
The distance shall be measured at right angles from the face of the wall.

Z. Section 310 is amended in part by deleting "Live/work units" under Subsection 310.4.

AA. Section 414.1.3 shall be amended by adding "*and fire official"* following each occurrence of the term *building official.*

BB. Section 419 is deleted in its entirety.

CC. Section 508.1 is amended by the deletion of exception 3.

DD. Section 901.1 is amended to read as follows:
901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection

systems. When the requirements of this code and the adopted fire code are in conflict the more restrictive shall apply.

EE. Section 901.2 is amended to read as follows:

901.2 Fire protection systems. Fire protection systems shall be installed, repaired, operated and maintained in accordance with this code and the adopted fire code.

Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

Exception**:** Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code and the adopted fire code.

FF. Section 903.1.1 is amended to read as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building official and by the fire code official.

GG. Item 4 of Section 903.2.7 is amended to read as follows:

4. A Group M occupancy used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) sq. ft.

HH. Section 903.2 is amended by the addition of a new subsection 903.2.13 to read as follows:

903.2.13 Dead-end Roadways. An automatic fire sprinkler system shall be installed in all Group R fire areas, including single family detached residences, on a dead-end roadway when the dead-end is in excess of 400 feet.

II. Section 903 is amended by the addition of a new subsection 903.3.5.3 to read as follows:

903.3.5.3 Backflow protection. All fire sprinkler systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code.

JJ. Section 903.4.3 is amended to read as follows:

903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

KK. Section 907.2.11.2 is amended in part by the addition of a new paragraph 4 to read as follows:

. . .

4. In Groups R-2, R-3, R-4 and I-1occupancies, and in all attached garages, an interconnected heat detector shall be installed.

LL. Section 907 is amended by the addition of a new subsection 907.2.10.4 to read as follows:

907.2.11.5 Exterior Strobe. An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection.

MM. Section 1101.2 is amended to read as follows:

1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, most current edition, and C.R.S. Section 9-5-101, et seq., as amended.

NN. Section 1301 is amended by the addition of a new subsection 1301.1.2 to read as follows:

1301.1.2 Design values. The exterior design values shall be as follows:

Winter Design Dry-bulb	4 degrees F
Summer Design Dry-bulb	94 degrees F
Summer Design Wet-bulb	63 degrees F
Degree Days Heating	6600 degrees F
Degrees North Latitude	40 degrees 35 minutes

Air Freezing Index 1000

OO. Section 1403.6 is amended by adding a second paragraph to read as follows:

For buildings in flood hazard areas as established in Section 1612.3, all construction shall comply with the provisions of Chapter 15.14, Floodplain Building Code of the Loveland Municipal Code and any Floodplain Overlay Areas established by the City of Loveland.

PP. Section 1505.1 is amended by the addition of footnotes d and e to Table 1505.1, Minimum Roof Covering Classification for Types of Construction, to read as follows:

d. The roof covering on any new structure or on the re-roofing of 50 percent or more during a one year period of any existing structure located west of the following described line shall be upgraded from a Class C to a Class B: Starting at the intersection of the Wyoming border line and Range 69 West, then South nine miles to S.W. Corner of Section 31, Township 11, Range 69, then West three miles to N.W. Corner of Section 3, Township 10, Range 70 then South five miles to S.W. corner of Section 27, Township 10, Range 70, then East three miles to S.W. corner of Section 30, Township 10, Range 69, then South nine miles to S.W. corner of Section 7, Township 9, Range 69, then West one mile to N.W. corner of Section 13, Township 8, Range 70, then South four miles to S.W. corner of Section 36, Township 8, Range 70, then East two miles, to N.W. corner of Section 6, Township 7, Range 69, then South three miles to S.W. corner of Section 17, Township 7, Range 69, then East one mile to S.W. corner of Section 17, Township 7, Range 69, then South four miles to S.W. Corner of Section 4, Township 6, Range 69, then East one mile to S.W. corner of Section 4, Township 6, Range 69, then South four miles to S.W. corner of Section 27, Township 6, Range 69, then West one mile to S.W. corner of Section 28. Township 6, Range 69, then South three miles to intersection of U.S. Hwy. 34 then West following Hwy. 34 two miles to intersection with Range 69 West, then South seven and three quarter miles to S.W. corner of Section 18, Township 4, Range 69, then West one mile to S.W. corner of Section 13, Township 4, Range 70, then South three miles to where the S.W. corner of Section 36, Township 9, Range 70 meets the Boulder County Line.

e. For the purpose of using Table 1507.8, the City of Loveland shall be considered to be within the temperate climate classification. Underlayment in temperate climate: shakes shall be applied over solid sheathing with an underlayment of type 15 felt and with not less than 18 wide strips of type 30 felt applied shingle fashion between each course with no felt exposed below the butt of the shingle. Alternatively, shakes may be applied over solid sheathing with an underlayment of not less than two type 30 felts applied single fashion.

QQ. Item 25 of Table 1607.1, is amended to reflect that Habitable attics and sleeping rooms is 40 psf uniform.

RR. Section 1608.2. is amended to read as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official. Minimum design ground snow load for the City of Loveland shall be thirty (30) pounds per square foot.

SS. Section 1609.3 is amended to read as follows:

1609.3 Basic wind speed. The Special Wind Region, as indicated in Figure 1609 of the 2012 Edition of the International Building Code, shall apply.

Minimum design wind speed is 100 mph (3-second gust), exposure C.

The project engineer shall designate exposure based on site-specific conditions. Except for structures meeting the definition of "manufactured home" pursuant to 24-32-3302(20)(c), C.R.S., as amended, the Ultimate Design Wind Speed and Additional Wind Design Speed for a project area shall comply with the Colorado Front Range Gust Map – ASCE 7-10 Compatible, published by the Structural Engineers Association of Colorado (dated November 18, 2013 or any subsequently published version). Wind Load design values shall be determined from section 1609 of the IBC.

TT. Section 1611.1 is amended by adding the following after the first paragraph, prior to the equation to read as follows:

1611.1 Design rain loads.

60 minute duration, 100 year event is 2.66 inches/hour; 0.0275 gpm/square foot.

UU. Section 1612.3 is amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Loveland**,"** as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

VV. Section 1803.6 is amended by the addition of a new subparagraph 11 to read as follows:

1803.6 Reports.

11. An investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water.

WW. Section 1809.5 is amended by the addition of the following sentence at the end of the section to read as follows:

The frost line, for footing/foundation design, shall be a minimum of 30 inches below finished grade line.

XX. Table 2304.6.1 is amended by adding the following footnote d:

d. The use of staples is permitted provide the staples are tested and listed for the appropriate installation and/or specified by a Colorado licensed design professional.

YY. Table 2902.1, Section No. 2 – Business and Section No. 6 – Mercantile shall be deleted and replaced with the following, adding footnote h, with all other sections of the table remaining unchanged:

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathtubs/ Showers	Drinking Fountains (See section 410.1 of the International Plumbing Code)	Other
				Male	Female	Male	Female			
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for remainder exceeding 80		----	1 per 100 after the first 100	1 service sink (See footnote g)

6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	----	1 per 1000 after the first 100	1 service sink (See footnote g)

Footnote h: For business and mercantile occupancies with occupant loads of between 15 and 100, a water bottle dispenser or bottled water dispenser or similar appliance as approved by the *building official* shall be required.

ZZ. Section 3001.2 is amended to read as follows:
3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A18.1 (Platform Lifts & Stairway chairlifts), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

AAA. Section 3109.1 is amended to read as follows: Swimming Pools shall comply with the requirements of this section and other applicable sections of this code and per C.R.S. §25-5-801 et seq.

BBB. Section 3412.2 is amended to read as follows:
3412.2 Applicability. Existing structures in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions of Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

CCC. Appendix A, "Employee Qualifications", is hereby deleted in its entirety.

DDD. Appendix B, "Board of Appeals", is hereby deleted in its entirety.

EEE. Appendix D, "Fire Districts", is hereby deleted in its entirety.

FFF. Appendix F, "Rodent Proofing", is hereby deleted in its entirety.

GGG. Appendix G, "Flood Resistant Construction", is hereby deleted in its entirety.

HHH. Appendix H, "Signs," is hereby deleted in its entirety.

III. Appendix K, "Administrative Provisions" is hereby deleted in its entirety. ((Ord. 6262 § 1, 2018)

15.08.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the building code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the building code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5772 § 1, 2013; Ord. 5600 § 4, 2011; Ord. 5234 § 4, 2007)

Chapter 15.10

RESIDENTIAL CODE

Sections:

15.10.010 – International Residential Code, 2012 Edition – Adopted.

The International Residential Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A, B, C, D, H, J, K, and O is hereby adopted by reference as the residential code of the city. This code is a complete code covering certain buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Residential Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.10.020 - Modifications to International Residential Code, 2012 Edition.

The International Residential Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code of the City of Loveland, hereinafter referred to as "this code" or "residential code."

B. Section R103 is deleted in its entirety.

C. Section R105.2 is amended as follows:

(1) Item 2 under "Building" is amended to read as follows:

2. Fences not over 6 feet 3 inches high.

(2) Item 3 under "Building" is amended by the addition of the following sentence at the end of Item 3 to read as follows:

3. . . .

Specific manufacturer's instructions of retaining wall products may be more restrictive regardless of height of the retaining wall, thereby the more restrictive will apply.

(3) Item 7 under "Building:" is amended to read as follows:

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L), and are installed entirely above ground.

(4) The following paragraphs shall be added under "Building" to read as follows:

11. Replacement and repair of roofing of like materials on buildings classified as Group R-3 and U Occupancies, when such work is determined not to be historical as defined otherwise in this code.
12. Replacement and repair of nonstructural siding or siding which is not part of a required fire rated assembly on buildings classified as Group R-3 and U Occupancies.
13. Gutters, downspouts and storm windows (unless specified through design).
14. Pergolas

(5) The following new section is added to R105.2 to read as follows:

R105.2.3. Exemptions. Unless otherwise exempt by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in a manner in violation of the provisions of this code or any other laws or resolutions of the City of Loveland.

D. Section R105.3.1.1 is deleted in its entirety.

E. Section R105 is amended by modifying Section 105.5 to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. All permits shall become null and void regardless of the provisions of this section within twelve (12) months of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

F. Section R105.8 is amended by the addition of two new subsections, R105.8.1 and R105.8.2, to read as follows:

R105.8.1. Transfer of permit. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

R105.8.2. Owner assuming role as contractor. Provided that no change in ownership has occurred since the permit was issued, the building official may allow the property owner to assume the role of contractor at any time on an active building permit provided the building official is in receipt of a written request from the application holder stating that the applicant is no longer the contractor of record on the permit application. Additionally, the letter shall list the permit number, the address of the project and stating that the original contractor is no longer in the employ of the owner. This change may be done at no charge. No change will be made in the expiration date of the original building permit.

G. Section R106 is amended by the addition of new subsections R106.3.4 and R106.3.5 to read as follows:

R106.3.4 Responsibility for preparation of plans and specifications. In accordance with this section, the building official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed by the State of Colorado in certain circumstances, including but not limited to the following:

(1) Foundations are constructed on caissons or any other method. The building official may exempt this provision on additions to existing residential and accessory structures constructed on spread footing conforming to the requirements of Chapter 4.

(2) Roof framing or wall framing is construction not conforming to the requirements of Chapter 8 and 9.

(3) Confirmation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

R106.3.5 Deferred submittals. For the purpose this section R106, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge (if required), shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the design professional in responsible charge (if required), who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been

found to be in conformance with the design of the building or structure. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

H. Section R108.2 is amended by the addition of subsections R108.2.1 and R108.2.2 to read as follows:

R108.2 Schedule of permit and inspection fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or inspection shall be paid in accordance with the schedule established from time to time by resolution of the City Council.

R108.2.1 Plan Review Fee. When submittal of documents is required by Section R106, a plan review fee shall be paid. The plan review fees specified in this section are separate fees from the permit fees specified as established by resolution in Section 108.2 and are in addition to the permit fees.

R108.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Such plans submitted for checking may therefore be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not to exceed sixty (60) days upon written request by the applicant showing circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and review fee.

I. Section R108.4 is amended by the addition of new subsections R108.4.1, R108.4.2, R108.4.3 to read as follows:

R108.4.1 Fee for commencing work without a permit. The fee for commencing work without a permit may be up to or equal to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other requirements nor from penalty prescribed by law.

R108.4.2 Investigation fees - work without permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The investigative fee may be up to or equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or other requirements nor from any penalty prescribed by law.

R108.4.3 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which an inspection or reinspection has been requested is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Additional instances when re-inspection fees may be assessed include, but are not limited to the inspection card is not posted or otherwise not available on the work site, the approved plans are not readily available to the inspector, failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. The re-inspection fees specified in this section are separate fees from and are in addition to the permit fees specified in Section 108.2.

J. Section R108.5 is amended to read as follows:

R108.5 Refunds. The building official is authorized to establish a refund policy in accordance with the following criteria:

1. The building official shall be permitted to authorize a refund of not more than 50 percent of the permit fee paid when no work has been done under the permit issued in accordance with this code; and
2. The building official shall be permitted to authorize a refund of not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled, provided that no examination time has been expended; and
3. The building official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of fee payment.

K. Section R109.1 is amended to read as follows:

R109.1 Types of inspections – inspection card. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures and verified by the building official.

L. Section R109.1 is amended by the addition of a new subsection R109.1.1.1 to read as follows:

R109.1.1.1 Drilled pier inspection. Drilled pier inspections will be made while the piers are being drilled. The design engineer of record or his authorized representative shall be present during the drilling operations and shall be available to the City inspector during required inspections.

M. Section R109.1.3 is amended by the addition of a new subsection R109.1.3.1 to read as follows:

R109.1.3.1 Lowest floor elevation. The elevation certificate required in Section R109.1.3 shall be submitted when required by the building official or as required by Chapter 15.14 of the Loveland Municipal Code.

N. Section R109.1.5 is amended by the addition of the following exception to R109.1.5.1 to read as follows:

R109.1.5.1 Fire-resistance-rated construction inspection. Lath or gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

O. Section R109.1.5 shall be amended by the addition of new subsections R109.1.5.2, R109.1.5.3 and R109.1.5.4 to read as follows:

. . .

R109.1.5.2 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

R109.1.5.3. Special inspections. For special inspections, Section 1704 of the building code shall apply. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as set forth in the building code.

R109.1.5.4. Footing and foundation inspections. All new footing and foundation inspections shall be performed by design professional licensed by the State of Colorado and to include, but not limited to, reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

P. Section R112 is deleted in its entirety.

Q. Section R114 is amended to read as follows:

R114.1 Notice to owner and/or posting property. Upon notice from the *building official* that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property and shall state and shall state the conditions under which work will be permitted to resume.

R. Section R202 is amended by the addition of the following definitions of "Room, Sleeping (Bedroom)," "Townhouse," and "Utility Space (Room)" and the deletion and replacement of the definition of "Fire Separation Distance":

Fire Separation Distance. The distance measured from the building to the face of one of the following:

1. For newly constructed structures, the closest interior *lot line*;
2. To the centerline of a street, an alley or *public way;* or
3. To an imaginary line between two buildings on the lot; or
4. To the exterior lot line of a property consisting of two or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.

The distance shall be measured at right angles from the face of the wall.

Room, Sleeping (Bedroom). A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and open on at least two sides.

Utility Space (Room). A room designed or used to house heating, general maintenance equipment

S. Section R301.2 is amended by the addition of the following criteria to Table R301.2(1):

Table R301.2(1), insert the following:

Ground Snow Load: 30 psf (1436.4 pa)*

*designed in accordance with Table 1608.1, 2012 International Building Code

Wind speed: Minimum design 100 mph (3 second gust), exposure C**

**Exposure B may be allowed if site plan and Colorado licensed engineer's calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Wind Speed Study Map. See the attached map BWS-1.

Seismic Design Category: B

Weathering: SEVERE

Frost Line Depth: Minimum 30" (762 mm) below finished grade

Termite: SLIGHT TO MODERATE

Decay: NONE TO SLIGHT

Winter Design Temperature: -2 F (-18.9 C)

Flood Hazards: VARIES***

***Chapter 15.14 Floodplain Building Code of City of Loveland Municipal Code

Footnote d: Except for structures meeting the definition of "manufactured home" pursuant to 24-32-3302(20)(c), C.R.S., as amended, the Ultimate Design Wind Speed for a project area shall comply with the Colorado Front Range Gust Map – ASCE 7-10 Compatible, published by the Structural Engineers

Association of Colorado (dated November 18, 2013 or any subsequently published version). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

T. Section R301.5 is amended by the modification of the minimum uniformly distributed live loads for "habitable attics and attics served with stairs," and "sleeping rooms" set forth in Table R301.5 to read as follows:

TABLE R301.5

MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS

(In pounds per square foot)

USE	LIVE LOAD
Habitable attics and attics served by stairs [b,e]	40
Sleeping Rooms	40

U. Section R302 is amended by modification of the minimum fire separation distance for "Walls" and "Projections" as set forth in Table R302.1 to read as follows:

TABLE R302.1(1)
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPERATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings	Not allowed	N/A	< 3 feet
	25% max. of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

Section R302.1 is amended by the addition of exception 6. to read as follows:

6. The construction of additions or Group U structures accessory to existing structures defined as Group R-3 one-or two family dwellings, and the replacement of portions of existing structures defined as Group R-3 one-or two family dwellings, shall be exempt from the fire separation distance requirements of Table R302.1(1) under the following conditions:
   (a) The primary structure is an existing Group R-3 one- or two-family dwelling;
   (b) The primary structure is not a townhouse as defined in section R202;
   (c) All lots on which the existing and proposed structures are under single ownership;
   (d) The proposed and existing structures meet all fire separation distance and rating requirements established in this section, Tables R302.1(1) and R302.1(2), and other applicable sections of this code in relation to adjacent structures; and

(e) The proposed and existing structures meet all fire separation distance and rating requirements established in Tables R302.1(1) and R302.1(2) in relation to lots or parcels under other ownership. (Ord. 6006 § 1, 2016)

V. Section R303.1 is amended by the addition of exception #4 to read as follows:

4. Adequate artificial light shall be provided as approved by the building official upon documented information demonstrating practical difficulties providing additional natural light.

W. Section R305.1 is amended to read as follows:

R305.1 Minimum height. Habitable rooms shall have a ceiling height of 7 feet 6 inches (2286 mm). Hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

Exceptions

X. Section R310.2.1 is amended by adding a second paragraph to read as follows:

R310.2.1 Ladder and steps.

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. If the window well is stepped and has a horizontal dimension less than 36 inches, a ladder is required out of that said level complying with requirements for ladders or steps.

Y. Section R311.8.3.1 is amended to read as follows:

R311.8.3.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (812.8 mm) and not more than 38 inches (965 mm).

Z. Section R313 is deleted in its entirety.

AA. Section R315 is amended by adding the following paragraph to read as follows:

R315.5 Carbon monoxide alarms and detectors shall also be installed per Title 38 of the Colorado Revised Statutes.

BB. Section 322.1.5, **Lowest floor,** is amended by adding the following paragraph:

The elevation certificate required by this section shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

CC. Section R401.4 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

R401.4 Requirements.

. . .

Investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water shall be required.

DD. Section R905.1 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

R905.1 Roof covering application.

. . .

Table 1505.1 Minimum Roof Covering Classification for Types of Construction as adopted in the 2009 International Building Code shall be used for all roof coverings.

EE. Section N1101.1 Scope is amended to read as follows:

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

Exceptions:

1) Portions of the building envelope that do not enclose conditioned space.
2) Utility and miscellaneous group U occupancies and agricultural structures.

FF. Section N1101.2, first paragraph is amended with the addition to read as follows:

N1101.2 Compliance. Thermal design parameters for the City of Loveland is Zone 5B, and shall be used for calculations required under this code. All ducted air-distribution heating and cooling systems shall be sized using cooling loads. All heating and cooling equipment shall be tested to ensure such equipment is operating within the manufacturers' recommended parameters and standards according to the applicable protocols established by the building code official and in accordance with the mechanical code adopted by City of Loveland.

GG. Table N1102.1 is amended to read as follows:

Table N1102.1.1
Single-Family Prescriptive Package[a] [h][i]

Max	Max	Max	Min	Min	Min	Min	Min	Min	Min	Min
Glazing area window to wall %	Fenestration U-Factor	Skylight U-factor (b)	Ceiling R-value	frame wall R-value	MassWall R-value (g)	Floor R-value over unheat-ed space (e)	Basement Wall R-Value Contiuous cavity	Slab perimeter R-value/ Depth (d)	Crawl Space R value Cont./ cavity (c)	Heating/ Cooling efficiency Rating (AFUE)
NA	.35	.60	38	19 or 13+5 (f)	13	30	10/13	10, 2ft.	10/13	80/13
NA	.35	.60	38	13	8	30	10/13	10, 2ft.	10/13	90/ 13

(a) R-values are minimums. U-factors Solar Heat Gain Coefficient (SHGC) are maximums. R-19 shall be permitted to be compressed into a 2x6 cavity.

(b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

(c) The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

(d) The R-5 shall be added to the required slab edge R-values for heated slabs.

(e) Or insulation sufficient to fill the framing cavity, R-19 minimum.

(f) 13+5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing cover 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural cover more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

(g) Nominal log thickness of 6 inches has a mass wall R-Value (8.3), an 8 inch log is (11.3), a 10 inch log is (13.9), and a 12 inch log is (16.5).

(h) The thermal design parameters shall be used for calculations required under this code as listed in Design Value section.

Winter Outdoor, Design Dry-bulb (^{0}F)	= 4
Winter Indoor, Design Dry-bulb (^{0}F)	= 72
Summer, Outdoor Design Dry-bulb (^{0}F)	= 94
Summer, Indoor Design Dry-bulb (^{0}F)	= 75
Summer, Design Wet-bulb (^{0}F)	= 63
Degree days heating	= 6600
Degree days cooling	= 479
Degrees North Latitude	= 40 degrees 35 minutes
Air Freeze Index	= 1000

(i) In addition City of Loveland will accept any Climate Zone 5B Single Family Prescriptive Packages in the 2012 International Energy Conservation Code (IECC) and ResCheck Compliance Report that passes

using 2012 IECC and HDD = 6600, and any Home Energy Rating Score (HERS) less than 100 by an approved qualified energy rater. For additional information on energy codes or free software download of ResCheck go to www.energycodes.gov.

HH. Section N1102.4.1.2 (R402.4.1.2) – Testing – is hereby deleted and replaced to read as follows:
The building or dwelling unit other than *townhouses* shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8. *Townhouses* shall be tested and verified as having an air leakage rate not exceeding 4 air changes per hour. Testing shall conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals) Where required by the *building official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.
During Testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be full open.

II. Section M1307 is amended by the addition of a new subsection M1307.7 to read as follows:

M1307.7 Liquefied Petroleum Appliances. Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, underfloor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per manufacturer's specifications and listing per appliances.

JJ. Section M1410.1 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

M1410.1 General.

. . . .

Un-vented gas appliance(s) and room heaters are prohibited, except for listed domestic gas range installations.

KK. Section M2005.1 is amended to read as follows:

M2005.1 General. The minimum Energy Factor for water heaters shall be .60 for fuel-fired type, and .92 for electrical types. (Ord. 6262 § 2, 2018)

15.10.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the residential code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the residential code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5773§ 1, 2013; Ord. 5606 § 3, 2011; Ord. 5235 § 1, 2007; Ord. 5606 § 2, 2011)

Chapter 15.12

PROPERTY MAINTENANCE CODE

Sections:

15.12.010 – International Property Maintenance Code, 2012 Edition– Adopted.

The International Property Maintenance Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including Appendix A is hereby adopted by reference as the property maintenance code of the city. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Property Maintenance Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.12.020 – Modifications to International Property Maintenance Code, 2012 Edition.

The International Property Maintenance Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Loveland, hereinafter referred to as "this code" or "property maintenance code."

B. Section 102.3 is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the currently adopted building and fire codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted zoning code.

C. Section 103 is deleted in its entirety.

D. Section 104 is amended by the addition of a new subsection 104.7 to read as follows:

104.7 Fees. Fees for the administration and enforcement of this code shall be established from time to time by resolution of the City Council.

6 Section 111 is deleted in its entirety.

F. Section 112.4 is deleted in its entirety.

G. Section 302.4 is deleted in its entirety.

H. Section 304.14 is amended by inserting the following dates into the brackets of the paragraph:

From: "January 1 to December 31."

I. Section 302.4 is deleted in its entirety.

J. Section 602.3 is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

K. Section 602.4 is amended by inserting the following dates into the brackets of the paragraph:

From: "January 1 to December 31."

15.12.030 Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the property maintenance code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the property maintenance code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5774 § 1, 2013; Ord. 5605 § 1, 2011; Ord. 5601 § 1, 2011; Ord. 5239 § 1, 2007)

Chapter 15.14

FLOODPLAIN BUILDING CODE

Sections:

15.14.005 Purpose.

A. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:
   1. To protect human life and health;
   2. To minimize expenditure of public money for costly flood control projects;
   3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
   4. To minimize prolonged business interruptions;
   5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;
   6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazards so as to minimize future flood blight areas;
   7. To notify potential buyers that property is in an area of special flood hazard; and
   8. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

B. In order to accomplish its purposes, this chapter includes methods and provisions for:
   1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
   2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
   3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
   4. Controlling filling, grading, dredging and other developments which may increase flood damage; and
   5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 3441 § 1, 1987)

15.14.010 Interpretation and application.

A. In the interpretation and the application of this chapter, all provisions shall be construed as minimum requirements, liberally construed in favor of the city and deemed neither to limit nor repeal any other powers granted under state statutes. Such provisions shall be interpreted to apply together with and in conjunction with other provisions of this title.

B. Except as specifically provided in this chapter, all other provisions of this title shall continue to be applied in addition to the requirements set forth in this chapter.

C. The provisions of this chapter shall apply in those areas of the city zoned either FW floodway or FF flood fringe as provided in Chapter 18.45 of this code. (Ord. 3441 § 2, 1987; Ord. 1708 § 1 (part), 1978)

15.14.020 Definitions.

As used in this chapter and in Chapter 18.45 of this code, the following words and phrases shall have the meaning ascribed to them in this section:

"Appeal" means a request for a review of the public works department's interpretation of any provision of this chapter.

"Areas of special flood hazard" means that land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area of special flood hazard includes those areas designated as the floodway and flood fringe.

"Artificial watercourse" means a large man-made conveyance mechanism that a flowing body of water follows.

"Base flood" means the one hundred-year return frequency flood, or the flood having a one percent chance of being equaled or exceeding in a given year.

"Channel" means a large man-made conveyance mechanism that a flowing body of water follows.

"Critical facility" means a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during, or after a flood. Critical facilities are classified under the following categories:

(a) Essential services – facilities including public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and air transportation lifelines;

(b) Hazardous materials – facilities including those that produce or store highly volatile, flammable, explosive, toxic, or water-reactive materials;

(c) At-risk populations – facilities including medical care, congregate care, and schools; and

(d) Vital to restoring normal services – facilities including government operations.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to, building or other structures, mining, dredging, filling grading, paving, excavation or drilling operations.

"Drainageway" means a large man-made conveyance mechanism that a flowing body of water follows.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots on which the mobile home is to be affixed (including, at a minimum, site grading or the pouring of concrete pads, and the construction of streets) was completed before October 5, 1978.

"Expansion of an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

"Fill" means a deposit of materials of any kind placed by artificial means.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood fringe" means that portion of the floodplain inundated by the one hundred-year return frequency flood not within the floodway.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary - floodway map, and the water surface elevation of the base flood.

"Flood profile" means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

"Floodplain" means the land adjacent to a body of water which has been or may hereafter be covered by floodwater.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than six inches.

"Historic structure" means any structure that is listed individually in the National Register of Historic Places or listed individually on the State Inventory of Historic Places.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

"Main stream" means a natural stream main stem.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

"Manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. Whenever the term "mobile home" is used in this chapter or in Chapter 18.45 of this code, such term shall be construed to mean "manufactured home."

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Natural watercourse" means a non-man-made conveyance mechanism that a flowing body of water follows.

"New construction" means structures for which the "start of construction" commenced on or after October 5, 1978.

"New manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale, for which the construction of facilities servicing the lot, including at a minimum the installation of utilities and the construction of streets, was completed on or after October 5, 1978. Whenever the term "new mobile home park or subdivision" is used in this chapter or in Chapter 18.45 of this code, such term shall be construed to mean "new manufactured home park or subdivision."

"Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of water flow, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life and property elsewhere.

"Outfall" means a large man-made conveyance mechanism that a flowing body of water follows.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program Standards in Section 60.3, 60.4, 60.5 or 60.6.

"Regulatory flood datum" means the reference elevation above mean sea level which represents the peak elevation of the one hundred-year return frequency flood.

"Regulatory flood protection elevation" means the elevation one and one-half feet above the regulatory flood datum.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"River" means a natural watercourse flowing towards an ocean, sea, lake, or another river.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Stream" means a body of water with a current, confined with a bed and stream banks.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include: (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which is necessary solely to assure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

"Swale" means a small man-made conveyance mechanism that conveys surface water on, over, across, or away from individual lots within a subdivision.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to comply with the provisions of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in National Flood Insurance Program Standards Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 6012 § 1, 2016; Ord. 5717 § 1, 2012; Ord. 4822 § 8, 2003; Ord. 3441 §§ 3 -- 9, 1987; Ord. 1708 § 1 (part), 1978)

15.14.030 Floodplain development permit required.

A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the Public Works Department Stormwater Division and may include, but not be limited to, information as listed in Section 15.14.070. (Ord. 4822 § 8, 2003; Ord. 1708 § 1 (part), 1978)

15.14.040 Regulations--Floodway district (FW).

A. Use of fill. Fill shall not be permitted in the floodway district (FW) except when such fill, acting alone or in combination with existing or future floodplain uses, shall be shown to not increase flood heights during

the base flood discharge and such fill shall be protected against erosion where erosive velocities may occur by the use of riprap, bulkheading, or vegetative cover.

B. Structures. Where structures are allowed by the provisions of Title 18, the following restrictions shall apply:
   1. Structures shall not be designed for human habitation. Structures shall be constructed so that the longitudinal axis of the structure is parallel to the direction of the flood flow.
   2. Whenever possible, placement of structures shall be upon the same flood flow lines as those of adjoining structures.
   3. Structures shall be firmly anchored.
   4. All utility services in connection with structures shall, whenever possible, be placed above the regulatory flood protection elevation or, where not practicable, shall be adequately floodproofed in a manner approved by the public works department stormwater division.

C. Uses. No use shall increase flood heights during the base flood discharge.

D. All fill and structures allowed within the FW district shall be maintained so that the flood-carrying capacity of the watercourse is not diminished. (Ord. 5717 § 2, 2012; Ord. 4822 § 8, 2003; Ord. 3441 § 10, 1987; Ord. 1708 § 1 (part), 1978)

15.14.050 Regulations--Flood fringe district (FF).

A. Fill. The use of fill in the flood fringe district (FF) shall be the minimum necessary to comply with the provisions of this regulation. When required by the provisions of Title 18, fill in the FF district shall be to a point no lower than the regulatory flood protection elevation for the area in question. Such fill shall further extend at such elevation at least fifteen feet beyond the extremities of any structure erected on such fill. No fill shall be used in such a manner as to restrict the flow capacity of any tributary or other drainageway to the main stream.

B. Structures.
   1. Any structure may be placed in the FF district only if the lowest floor level is at or above the regulatory flood protection elevation. Any new structure or addition to an existing structure on a property removed from the FF district by the issuance of a FEMA Letter of Map Revision Based on Fill ("LOMR-F") still must be constructed such that its lowest floor level is at or above the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Section 15.14.080 are met.
   2. All utility services, furnaces, water heaters, and electrical wiring in connection with structures shall, wherever possible, be placed above the regulatory flood protection elevation or, where elevation is not practicable, shall be adequately floodproofed in a manner approved by the city building official.
   3. If any structure or portions of any nonresidential structure are not constructed upon fill, the portion not on fill shall be floodproofed in a manner consistent with requirements for placing a structure in the FF district to an elevation equal to the regulatory flood protection elevation.
   4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
      b. The bottom of all openings shall be no higher than one foot above the finished internal and external grade; and
      c. Openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic entry and exit of floodwaters.
   5. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the

components during conditions of flooding. (Ord. 5717 § 3, 2012; Ord. 3441 § 11, 1987; Ord. 1708 § 1 (part), 1978)

15.14.060 Regulations--Areas of special flood hazard.

In all areas of special flood hazards, the following provisions are required:

A. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, above the regulatory flood protection elevation, or, together with attendant utility and sanitary facilities, shall:
   1. Be floodproofed so that below the regulatory flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;
   2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance; and
   3. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the building official.

B. All manufactured homes and those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the regulatory flood protection elevation and shall be securely anchored to an adequately anchored foundation system by providing over-the-top ties and frame ties to ground anchors. Specific requirements shall include (i) over-the-top ties at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations (one additional tie per side at intermediate locations for manufactured homes less than fifty feet long); and (ii) frame ties at each corner of the home with five additional ties per side at intermediate points (four additional ties per side at intermediate points for manufactured homes less than fifty feet long). All additions to manufactured homes shall be similarly anchored. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred pounds.

C. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
   1. All encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that such encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge; and
   2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.

D. All new and substantially improved critical facilities and new additions to critical facilities located within the areas of special flood hazard shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protections shall include one of the following: (i) the structure shall be located outside of the areas of special flood hazard; or (ii) the structure's lowest floor level shall be elevated or floodproofed to at least two feet above the regulatory flood datum. New critical facilities shall, when practical as determined by the public works department stormwater division, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a one hundred-year flood event. (Ord. 5717 § 4, 2012; Ord. 3441 § 12, 1987; Ord. 1708 § 1 (part), 1978)

15.14.070 Administration.

A. Application Requirements. Applications for building permits in the FF district and FW district shall be accompanied by surveys, plot plans, drawings, plans, and other materials as necessary showing compliance of the proposed construction with the provisions of this chapter and the floodplain supplementary zoning resolution. Such submittals may include the following as necessary and shall be prepared by a registered professional engineer and land surveyor as appropriate:
   1. Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, drainage facilities, floodproofing measures, and the

relationship of the above to the location of the channel, floodway, and the regulatory flood protection elevation, and the following:

a. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
b. Elevation in relation to mean sea level to which any structure has been floodproofed;
c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of this chapter; and
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. A typical valley cross-section showing the stream channel, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and highwater information;
3. Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; and photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information;
4. A profile showing the slope of the bottom of the channel or flow line of the stream;
5. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities;
6. An additional fee in the amount of one-fourth of the normal permit fee;
7. All required state and federal permits shall be obtained; and
8. As-built lowest floor elevations, lowest habitable floor elevations, or floodproofing elevation shall be provided to the public works department stormwater division prior to the occupancy of a structure in an area of special flood hazard.

B. Administrator. The administrator of this chapter shall be the public works department stormwater division senior civil engineer for the city, who shall have the following duties:

1. To review all development permits to determine that the permit requirements of this chapter have been satisfied;
2. To review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required;
3. To review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, the administrator shall assure that the encroachment provisions of this chapter are met;
4. To obtain and maintain records of elevations and floodproofing levels for all new or substantially improved structures, and whether or not such structures contain basements, and of all other matters, including appeals and variances, pertaining to the administration of this chapter;
5. To notify adjacent communities and the appropriate state offices prior to the alteration or relocation of a riverine watercourse. Copies of all such notifications shall be submitted to the Federal Emergency Management Agency;
6. To make interpretations as to the exact locations of the boundaries of the areas of special flood hazard;
7. To use all available floodplain information and data services to aid in the administration of this chapter; and
8. To maintain the records of all appeal actions, including technical information, and to report any variances to the Federal Emergency Management Agency.

C. Appeals. Appeals to the public works department may be taken by any person aggrieved by his inability to obtain a building permit in the FW district or FF district or by any officer, department, board, or bureau of the city. Upon review, the public works department shall have jurisdiction only over the following matters: (i) to review the exact zoning district boundary of the FW and FF districts as it relates to any specific piece of property; and (ii) to determine that the suitability and advisability of alternate methods shall not reduce the capacity of the structure involved to withstand flood damage, and which alternate

methods shall not restrict the flow capacity of the main channel or any drainage relative thereto. In appropriate cases, the public works department may issue a variance from the provisions of this chapter only after making a specific finding that the variance will not endanger the health, safety, or welfare of the applicant or any upstream or downstream owner or occupier or land. In granting any variance to the provisions of this chapter, the public works department shall consider the recommendations and findings of the public works department stormwater division senior civil engineer and other comments from the city administration. (Ord. 5717 § 5, 2012; Ord. 4822 § 8, 2003; Ord. 3441 §§ 13, 14, 1987; Ord. 1708 § 1 (part), 1978)

15.14.072 Appeals.

The Public Works Department shall hear and decide appeals and requests for variances from the requirements of this chapter. Any person aggrieved by the decision of the Public Works Department Stormwater Division Senior Civil Engineer in the enforcement of administration of this chapter may appeal such decision to the Public Works Department. (Ord. 4822 § 8, 2003; Ord. 3441 § 15 (part), 1987)

15.14.074 Variances.

A. Variances to the provisions of this chapter shall be granted only under the following circumstances:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, fraud on or victimization of the public, or conflict with other existing laws and regulations.

B. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

C. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increases.

D. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this chapter.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. No variances shall be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

G. In passing upon an application for a variance, the public works department shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and shall give due consideration to the following:
   1. The danger to life and property due to flooding or erosion damage;
   2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   3. The importance of the services provided by the proposed facility to the community;
   4. The necessity to the facility of a waterfront location, where applicable;
   5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
   6. The compatibility of the proposed use with the existing and anticipated development;

7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

H. The public works department may attach such conditions to the granting of variances as it decrees necessary to further the purposes of this chapter. Ord. 5717 § 6, 2012; Ord. 4822 § 8, 2003; Ord. 3441 § 15 (part), 1987)

15.14.080 Floodproofing.

Floodproofing measures taken for nonresidential structures pursuant to this chapter shall be designed consistent with the regulatory flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The building department shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for a particular area. The following floodproofing measures shall, as applicable, be required or taken in connection with specific construction. Such measures shall be undertaken in a manner consistent with requirements detailed by floodproofing regulations as published by the U.S. Army Corps of Engineers:

A. Anchorage to resist flotation and lateral movement;

B. Installation of watertight doors, bulkheads, and shutters, or reinforcement of walls to resist water pressures;

C. Use of paints, membranes, or mortars to reduce seepage of water through walls;

D. Addition of mass or weight to structures to resist flotation;

E. Installation of pumps to lower water level in structures;

F. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;

G. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;

H. Construction to resist rupture or collapse caused by water pressure or floating debris;

I. Installation of valves or controls on sanitary and storm drains which will permit the drain to be closed to prevent backup of sewage and storm waters into the building or structures;

J. Location of all electrical equipment, lines, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding;

K. Construction of water, sewer, and natural gas lines to resist rupture or collapse caused by water pressure; and

L. Location of any structural storage facilities for chemical explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the heights associated with the regulatory flood protection elevation or that the facilities are adequately floodproofed to prevent flotation of storage containers which could result in the escape of toxic materials into floodwaters. (Ord. 5717 § 7, 2012; Ord. 1708 § 1 (part), 1978)

Chapter 15.16

INTERNATIONAL MECHANICAL CODE

Sections:

15.16.010 – International Mechanical Code, 2012 Edition – Adopted.

The International Mechanical Code, 2012 Edition (the "2012 IMC"), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix A only, is hereby adopted by reference as the mechanical code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.16.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IMC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.16.020 - Modifications to International Mechanical Code, 2012 Edition.

The International Mechanical Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Loveland, hereinafter referred to as "this code" or "mechanical code."

B. Section 103 is deleted in its entirety.

C. Section 106.2 is amended by the addition of the following numbered paragraphs to read as follows:

106.2 Permits not required.

9. Replacement or repair of a category one (1) furnace or water heater of the same BTU rating in buildings classified R-3 occupancies provided the initial installation has been permitted, inspected and approved.

10. Replacement or repair of air conditioning equipment of the same size, energy source, and rating in buildings classified as R-3 occupancies provided the initial installation has been permitted, inspected and approved.

D. The first sentence of Section 106.4.1 shall be amended to read as follows:

Section 106.4.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped "REVIEWED PLANS FOR CODE COMPLIANCE".

[no change to remainder of Section 106.4.1]

E. Section 106.5.2 is amended to read as follows:

106.5.2 Fee schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

F. Section 106.5.3 is amended by inserting "fifty percent" into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

G. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, *alteration,* extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

H. Section 108.4 is deleted in its entirety.

I. Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall include the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as established from time to time by resolution of the City Council.

J. Section 109 is deleted in its entirety.

K. Section 801.2 is amended by adding the following sentence at the end of the first paragraph:

801.2 General.

. . . .

Un-vented gas appliance(s) and room heaters are prohibited, except for domestic gas range installations per manufacturers listing.

L. Section 905.1 is amended by adding the following to read sentence at the end of the first paragraph:

905.1. General.

No permit shall be issued for the installation of a wood stove appliance, unless the wood stove appliance is listed and tested by an approved testing agency, fully complies with the manufacturers listing and conforms to any emissions standards of the State of Colorado in effect at the time of permit application which may pertain to the City of Loveland.

M. Section 1001 is amended by the addition of a new subsection 1001.2 to read as follows:

1001.2 Operations and maintenance of boilers and pressure vessels. Boilers and pressure vessels shall be operated and maintained in conformity with requirements for adequate protection of the public according to nationally recognized standards. The State Boiler Inspector shall notify the owner or the authorized representative of defects or deficiencies, which shall be properly and promptly corrected.

N. Section 1011 is amended to read as follows:

1011. Tests. An installation for which a permit is required shall not be put into service until it has been inspected and approved. It is the duty of the owner or his or her authorized representative to notify the State of Colorado Boiler Inspector or an authorized alternate that the installation is ready for inspection and test. The results of such test shall be submitted to the building official for acceptance.

15.16.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5775 §1, 2013; Ord. 5604 §1, 2011; Ord. 5236 §1, 2007)

Chapter 15.18

FUEL GAS CODE

Sections:

15.18.010 – International Fuel Gas Code – Adopted.

The International Fuel Gas Code, 2012 Edition ("2012 IFCG"), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A and B only, is hereby adopted by reference as the fuel gas code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.18.020 below. This code is a complete code and its purpose is to provide minimum standards to safeguard public health, safety, and welfare by regulating and controlling fuel gas systems and gas-fired appliances, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IFGC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.18.020 - Modifications to International Fuel Gas Code, 2009 Edition.

The International Fuel Gas Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Loveland, hereinafter referred to as "this code" or "fuel gas code."

B. Section 103 is deleted in its entirety.

C. The first sentence of Section 106.5.1 is amended to read as follows:

106.5.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped "REVIEWED PLANS FOR CODE COMPLIANCE".

[no change to remainder of Section 106.5.1]

D. Section 106.6.2 is amended to read as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

E. Section 106.6.3 is amended by inserting "fifty percent" into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

F. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, *alteration*, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 108.4 is deleted in its entirety.

H. Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease.

Such notice shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall include the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as from time to time by resolution of the City Council.

I. Section 109 is deleted in its entirety.

J. Section 303.3 is amended by the deletion of listed exceptions numbered 3 and 4.

K. Section 304.11 is amended by the addition of the following numbered paragraph to read as follows:

304.11 Combustion air ducts.

. . . .

9. In all R Occupancies a minimum of a six inch round duct or equivalent from the furnace and/or water heater shall be provided for combustion air.

L. Section 402.6.1 is amended by the addition of the following second paragraph to read as follows:

402.6.1 Liquefied petroleum gas systems.

. . . .

Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquid petroleum gases, including construction and temporary heating shall only be installed per the adopted fire code, manufacturer's specifications and listing of the appliance(s).

M. The last sentence of Section 406.4 is amended to read as follows:

Section 406.4 Test pressure measurement.

. . . .

Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than three times the test pressure.

N. Sections 406.4.1 and 406.4.2 are deleted and the following Section 406.4.1 is inserted in lieu thereof:

406.4.1. Test pressure and duration. These inspections shall include a determination that the gas piping size, material, and installation meet the requirements of this code and shall be made after all piping authorized by the permit has been installed and before any portions thereof which are to be covered or concealed are so concealed and before any fixture, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO2 or nitrogen pressure test, at which time the gas piping shall stand not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the building official, the piping and valves may be tested at a pressure of at least six (6) inches (152mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

For welded piping, and for piping carrying gas at pressure in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

These tests shall be made using air, CO2, or nitrogen pressure only and shall be made in the presence of the building official. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Chapter 4 of this code.

O. Section 501.8 shall be amended by deleting the following:

501.8 Appliances not required to be vented.

. . . .

8. Room heaters *listed* for un-vented use.
10. Other appliances *listed* for un-vented use and not provided with flue collars.

15.18.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5776 § 1, 2011; Ord. 5603 § 1, 2011; Ord. 5238 § 1, 2007)

Chapter 15.20

PLUMBING CODE

Sections:

15.20.010 – International Plumbing Code, 2012 Edition – Adopted.

The International Plumbing Code, 2012 Edition (the "2012 IPC"), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the mechanical code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.20.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IPC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.20.020 - Modifications to International Plumbing Code, 2012 Edition.

The International Plumbing Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Loveland, hereinafter referred to as "this code" or "plumbing code."

B. Section 103 is deleted in its entirety.

C. The first sentence of Section 106.5.1 is amended to read as follows:

106.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "REVIEWED PLANS FOR CODE COMPLIANCE".

[no change to remainder of Section 106.5.1]

D. Section 106.6.2 is amended to read as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

E. Section 106.6.3 is amended by inserting "fifty percent" into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

F. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, alteration, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 108.4 is deleted in its entirety.

H. Section 108.5 is amended by adding the last sentence to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall

immediately cease. Such notice shall be shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as from time to time by resolution of the City Council.

K. Section 109 is deleted in its entirety.

L. The first sentence of Section 312.3 is amended to read as follows:

312.3 Drainage and vent air test. Plastic pipe tested with air is permitted provided the individual and/or company responsible for performing the work and test, provide proper notification by posting the area where the work and test is being performed. An air test shall ….

M. Table 403.1, Section No. 2 – Business and Section No. 6 – Mercantile are hereby deleted and replaced with the following, adding footnote h, with all other sections of the table to remain unchanged:

No.	Classification	Occupancy	Description	Water Closets		Lavatories		Bathtubs/Showers	Drinking Fountains (See section 410.1 of the International Plumbing Code)	Other
				Male	Female	Male	Female			
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for remainder exceeding 80		----	1 per 100 after the first 100	1 service sink (See footnote g)
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500		1 per 750		----	1 per 1000 after the first 100	1 service sink (See footnote g)

Footnote h: For business and mercantile occupancies with occupant loads of between 15 and 100, a water bottle dispenser or bottled water dispenser or similar appliance as approved by the *building official* shall be required. (Ord. 6262 § 3, 2018).

15.20.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or

cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the City of Loveland. (Ord. 5777 § 1, 2013; Ord. 5607 § 1, 2011; Ord. 5237 § 1, 2007)

Chapter 15.24

ELECTRICAL CODE

Sections:

15.24.010 Electrical Code – Adopted.

The National Electrical Code, most current edition, issued and published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, and Title 12, Article 23 of the Colorado State Electrical Laws and Rules and Regulations, are enacted and adopted by reference as secondary codes and incorporated herein. A copy of each said code, certified as a true copy by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. These codes regulate and control all electrical wiring, fixture and appliances installed, altered or repaired in any buildings in the city as to design, construction, quality of material, workmanship and location. The purpose of secondary codes is to protect, health and safety of the citizens of the city.

15.24.020 Permit fees.

Permit fees shall be assessed as set forth by this code shall be established by city council from time to time as amended and adopted by the City of Loveland and shall be based on the valuation of the work to be done.

15.24.030 Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain an electrical system or equipment or cause or same to be done contrary to or in violation of any of the provisions of the National Electrical Code. Any person, firm or corporation violating any of the provisions of the National Electrical Code shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the Code of the City of Loveland. (Ord. 5242 § 1, 2007)

Chapter 15.28

FIRE CODE

Sections:

15.28.010 International Fire Code, 2012 Edition - Adopted.

The International Fire Code 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices B, C, D and I, is hereby adopted by reference as the fire code of the city. The purpose of the fire code is to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and to provide for the issuance of permits and collection of fees therefore. At least one copy of the International Fire Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk, and may be inspected during regular business hours.

15.28.020 Modifications to International Fire Code – 2012 Edition.

The International Fire Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Subsection 101.1 of Section 101 is amended to read as follows:

101.1 Title. These regulations shall be known as the City of Loveland Fire Code hereinafter referred to as "the fire code".

B. Subsection 108.1 of Section 108 is amended to read as follows:

108.1 Appeals. Appeals arising from the application of the International Fire Code, 2012 Edition, shall be pursuant to Sections 15.04.150 and 15.04.152 of the Loveland Municipal Code.

C. Subsection 108.2 of Section 108 is deleted in its entirety.

D. Subsection 108.3 of Section 108 is deleted in its entirety.

E. Subsection 109.3.1 of Section 109 is amended to read as follows:

109.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by US mail to the last known address of the owner, occupant or both.

F. Subsection 109.4 of Section 109 is deleted in its entirety.

G. Subsection 111.4 of Section 111 is deleted in its entirety.

H. Subsection 113.2 of Section 113 is amended to read as follows:

113.2 Schedule of Permit Fees. Fees for any permit, inspections, and services authorized by the fire code shall be assessed in accordance with the fee schedule established by resolution of the city council.

I. Subsection 113.5 of Section 113 is amended to read as follows;

113.5 Refunds. The fire code official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee when no work has been done under a permit issued in accordance with this code. This refund shall only be redeemable within twelve months (12) of issuance of the permit.

The fire code official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original applicant not later than sixty (60) days after the date of fee payment.

J. Section 202 is amended by replacing the definition of "Fire Separation Distance" and by adding a new definition for "Permissible Fireworks":

FIRE SEPARATION DISTANCE. The distance measured from the building to the face of one of the following:

1. For newly constructed structures, the closest interior *lot line*;
2. To the centerline of a street, an alley or *public way;* or
3. To an imaginary line between two buildings on the lot; or
4. To the exterior lot line of a property consisting of two or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.

PERMISSIBLE FIREWORKS. Permissible fireworks are as defined in C.R.S. Section 12-28-101(8)..

K. Section 308 is amended in part, by the addition of a new subsection 308.1.1 to read as follows:

308.1.1 Open Flames. Sky Lanterns. The lighting of, and the release of, Sky Lanterns shall be prohibited.

L. Subsection 311.5 of Section 311 is deleted in its entirety.

M. Subsection 503.2.5 of Section 503 is amended to read as follows:

503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of one hundred-fifty (150) feet in length shall be provided with an approved area for turning around fire apparatus. Dead-ends in excess of one thousand (1,000) feet are not allowed.

N. Subsection 503.6 of Section 503 is amended to read as follows:

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Exception: Private driveways serving a single-family residence.

O. Subsection 505.1 of Section 501 is amended to read as follows:

505.1 Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The color of these numbers shall contrast with their background. Address numbers shall be Arabic numerals. New residential buildings that contain not more than two dwelling units shall have minimum 4-inch high numbers, with a minimum stroke width of ½ inch. Individual suite or unit addresses shall be displayed with minimum 4-inch high numbers, with a minimum stroke width of ½ inch. New multiple-family or commercial buildings shall have minimum 6-inch high numbers, with a minimum stroke width of ½ inch. New buildings three or more stories in height or with a floor area of 15,000 to 100,000 square feet, shall have minimum 8-inch high numbers, with a minimum stroke width of 1 inch. Buildings with a total floor area of 100,000 square feet or greater shall have minimum 12-inch high numbers, with a minimum stroke width of 1½ inches. Where building setbacks exceed 100 feet from the street or access road, additional numbers shall be displayed at the property entrance. The fire code official may require address numbers to be displayed on more than one side of the building.

P. Subsection 507.3 Section 507 is amended to read as follows:

507.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B.

Q. Subsection 507.5 of Section 507 is amended to read as follows:

507.5 Fire Hydrant Systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 of this fire code.

R. The exceptions to Subsection 507.5.1 of Section 507 are amended to read as follows:

. . . .

Exceptions:

1. Fire hydrants shall be spaced six hundred (600) feet apart for Group R-3 occupancies and three hundred-fifty (350) feet apart for all other occupancies.

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet or as approved by the fire code official.

S. Section 507 is amended in part by the addition of a new subsection 507.5.7 to read as follows:

507.5.7 Fire Department Connections. A fire hydrant shall be located within one hundred-fifty (150) feet of a fire department connection, using an approved route without obstacles.

T. Section 510 is amended in part by the deletion of subsections 510.1 and 510.2 and replacing with new Sections 510.1 and 510.2, to read as follows:

510.1 Emergency responder radio coverage in new buildings. Where adequate radio coverage cannot be established within a building, as defined by the fire code official, public safety radio amplification systems shall be installed in the following locations:

1. New buildings with a total building area greater than fifty thousand (50,000) square feet. For the purpose of this section, fire walls shall not be used to define separate buildings.
2. All new basements larger than ten thousand (10,000) square feet.

Exceptions:

1. One and two-family dwellings and townhouses.
2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.6.1 and final fire department testing.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders if the buildings meet the criteria of Section 510.1 and are undergoing alterations or additions exceeding fifty percent (50%) of the existing aggregate area of the building as of the date of this ordinance.

Exceptions:

1. One and two-family dwellings and townhouses.
2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.6.1 and final fire department testing.

U. Subsection 901.1 of Section 901 is amended to read as follows:

910.0 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted building code are in conflict, the more restrictive shall apply.

V. Subsection 903.1.1 of Section 903 is amended to read as follows:

903.1.1 Alternative Protection. Alternative automatic fire-extinguishment systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building code official and fire code official.

W. Item (4) of Subsection 903.2.7 is amended to read as follows:

(4) A group M occupancy used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) square feet.

X. Section 903 is amended in part by the addition of a new Section 903.2.13, to read as follows:

903.2.13 Dead-end Roadways. An automatic fire sprinkler system shall be installed in all Group R fire areas, including single-family detached residences, when the residential structure is located beyond four hundred (400) feet of the entrance to a dead-end roadway.

Y. Subsection 903.3.1.3 of Section 903 is amended to read as follows:

Section 903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems shall not be required in one- or two-family dwellings including townhouses that are located within six hundred (600) feet of a fire hydrant meeting minimum flow and pressure requirements and located within four hundred (400) feet from the entrance on a dead-end roadway. All other one- and two-family dwellings shall have automatic sprinkler systems installed in accordance with NFPA 13D.

Z. Section 903 is amended in part by the addition of a new subsection 903.3.5.3 to read as follows:

903.3.5.3 Backflow Protection. All fire sprinklers systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department or other applicable water district, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code or applicable water district.

AA. Subsection 903.4.3 of Section 903 is amended to read as follows:

Section 903.4.3 Floor Control Valves. Approved supervising indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

BB. Subsection 905.1 of Section 905 is amended in part by the addition of a new Section 905.1.1 to read as follows:

905.1.1 Alternative classes of standpipes. The fire code official is authorized to require to the installation of alternative classes of standpipes.

CC. Subsection 905.3.4.1 of Section 905 is deleted in its entirety.

DD. Subsection 907.2.11.2 of Section 907 is amended in part by the addition of a new Paragraph 4, to read as follows:

4. In Groups R-2, R-3, R-4 and I-1 occupancies, and in all attached garages, an interconnected heat detector shall be installed.

EE. Section 907 is amended in part by the addition of a new Section 907.2.11.5 to read as follows:

907.2.11.5 Exterior Strobe. An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection. The fire code official is authorized to require exterior strobes to be provided on more than one side of the structure.

FF. Subsection 1104.16.5 of Section 1104 is amended to read as follows:

1104.16.5.1 Examination. Fire escape stairs and balconies shall be examined for structural adequacy and safety in accordance with Section 1104.16.5 by a registered design professional or others acceptable to the fire code official, at such times required by the fire code official. An inspection report shall be submitted to the fire code official after such examination.

GG. Subsection 3103.2 of Section 3103 is amended in part to read as follows, however, the exceptions remain unchanged:

3103.2 Approval Required. Tents/Canopies and membrane structures in excess of seven hundred (700) square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

. . .

HH. Subsection 5601.1.3 of Section 5601 is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless permitted by state and local laws.

II. Exception 4 of Subsection 5601.1.3 is amended to read as follows:

. . .

4. The possession, storage, sale, handling and use of permissible fireworks in accordance with the criteria established by the fire code official.

JJ. Section 5602 is amended by the addition of a new defined term to read as follows:

PERMISSIBLE FIREWORKS.

KK. Chapter 56 is amended by the addition of a new Section 5610 to read as follows:

SECTION 5610
PERMISSIBLE FIREWORKS

5610.1 General. Permissible fireworks use shall be as detailed in this section and in accordance with state and local laws.

5610.2 Use of Fireworks. The use of permissible fireworks shall be in accordance with Sections 5610.2.1 through 5610.2.4.

5610.2.1 It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use, or discharge any fireworks, other that permissible fireworks.

5610.2.2 It shall be unlawful for any person to knowingly furnish to any person under the age of sixteen (16) years of age, by gift, sale, or any other means, any fireworks, or permissible fireworks.

5610.2.3 It shall be unlawful for any person under sixteen (16) years of age to purchase fireworks, including permissible fireworks.

5610.2.4 It shall not be unlawful for a person under sixteen (16) years of age to possess and discharge permissible fireworks if such person is under adult supervision throughout the act of possession and discharge.

LL. Subsection 5704.2.9.6.1 of Section 5704 is amended to read as follows:

5704.2.9.6.1 Location where above-ground storage tanks are prohibited. Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the city limits.

Exceptions:

1. Above-ground tank storage of aviation fuels at the Fort Collins-Loveland Airport fuel farm.
2. Protected above-ground tank storage (UL 2085) not exceeding one thousand (1,000) gallons in size per tank or two thousand (2,000) gallons per site.
3. Above-ground storage tanks not exceeding 500 gallons for supply of emergency generators or fire pumps when approved by the fire code official.

MM. Subsection 5704.2.13.1.4 of Section 5704 is deleted in its entirety.

NN. Subsection 5706.2.4 of Section 5706 is amended to read as follows:

5706.2.4 Permanent and temporary tanks. The capacity of permanent aboveground tanks containing Class I or Class II liquids shall not exceed five hundred (500) gallons. The capacity of temporary aboveground tanks containing Class I or Class II liquids shall not exceed two thousand (2,000) gallons unless a larger amount is approved in writing by the fire code official. Tanks shall be of single-compartment design.

OO. Subsection 5706.2.4.4 of Section 5706 is deleted in its entirety.

PP. Subsection 5806.2 of Section 5806 is amended by the deletion of the parenthetical information.

QQ. Subsection 6104.2 of Section 6104 is amended to read as follows, however the exceptions remain unchanged:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of five hundred, (500), gallons.

. . .

RR. Subsection D102.1 of Section D102 is amended to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 80,000 pounds.

SS. Subsection D105.2 of Section D105 is amended to read as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Diagram 1418 of the Larimer County Urban Area Street Standards. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2. (Ord. 6262 § 4, 2018)

15.28.025 Emergency restrictions on outdoor fires.

A. If in the judgment of the city council or of the city manager, after his or her consultation with the fire chief of the Loveland Fire Rescue Authority, a high risk of fire danger to persons or property exists or is forecasted to soon occur within the city and areas surrounding the city as the result of hot, dry or windy weather conditions, or any combination thereof, the city council and the city manager may each ban or restrict outdoor fires within the city as provided in this section.

B. The city council may impose a ban or restrictions on outdoor fires as authorized in this section by the adoption of a resolution. Promptly after the council's adoption of any such resolution, the city clerk shall cause the resolution to be published in a Loveland daily newspaper and to be posted prominently on the city's Internet website. The date upon which the ban or restrictions shall take effect shall not be earlier than the next day after the resolution is published in the newspaper. Following this same procedure, the city council may at any time adopt a resolution terminating or modifying the ban or restrictions to be in effect as of the date and time of its adoption or such other date and time as stated in the resolution.

C. If the city manager imposes a ban or restrictions on outdoor fires as authorized in this section, the city manager shall cause a notice to be published in a Loveland daily newspaper and posted on the city's Internet website notifying the public of the specific date and time when the ban or restriction shall take effect and it shall expressly specify the types of outdoor fires prohibited and/or the restrictions being imposed on outdoor fires. The date upon which the ban or restrictions will take effect shall not be earlier than the next day after the notice is so published. If the city manager determines, after consultation with the fire chief of the Loveland Fire Rescue Authority, that the emergency conditions no longer exist or have lessened, the city manager may, following the same procedure set forth in this paragraph, terminate or modify the ban or restrictions. Any such termination or modification shall not take effect any earlier than the next day after publication of the notice. In addition, the city council may at any time adopt a resolution terminating or modifying any outdoor fire ban or restrictions imposed by the city manager under this section. Any such resolution shall replace, supersede and preempt in all respects any outdoor

fire ban and restriction imposed by the city manager under this section. The city council's resolution shall be published and posted in the same manner as any resolution adopted under paragraph B. of this section and the council's action taken in a resolution adopted under this paragraph shall be in effect as of the date and time of its adoption or such other date and time as stated in the resolution.

D. If any provision of this chapter 15.28, this code or of any city ordinance is inconsistent or in conflict with any ban or restriction imposed by the city council or the city manager pursuant to this section, such provision shall be deemed temporarily superseded by this section and its legal effect shall be held in abeyance so long as such ban or restriction remains in legal effect under this section or until the city council or the city manager terminates or modifies the ban or restrictions as provided in this section.

E. As used in this section, "outdoor fire" shall mean the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

F. It shall be unlawful for any person to start, allow, permit or maintain any outdoor fire within the city in violation of any ban or restriction imposed under this section. (Ord. 5765 § 2, 2013)

15.28.030 Violations and Penalties.

No person who operates, occupies, or maintains a premises or vehicle subject to the provisions of this chapter shall allow a fire hazard to exist, nor shall fail to take immediate action to abate a fire hazard when ordered or notified to do so. Any person who shall violate any of the provisions of this chapter or who shall violate or fail to comply with any orders made hereunder or who shall act in any way in violation of any permits issued hereunder shall, severally and for each and every violation in noncompliance respectively, be guilty of a misdemeanor punishable by the penalty set forth is Section 1.12.010 of the Loveland Municipal Code. The imposition of one 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 day 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 hereunder. (Ord. 5778 § 1, 2013; Ord. 5659, 2012)

Chapter 15.30

BUILDING CONTRACTORS LICENSE

Sections:

15.30.010 Legislative purpose.

The purpose of this chapter is to promote the public health, safety and welfare by requiring that persons erecting, constructing, enlarging, altering, repairing, moving, removing or converting buildings and other structures in the city are licensed for such activities and have shown that they are qualified to perform such services by experience or examination. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990, Ord. 4919§ 1 (part), 2004).

15.30.020 Definitions.

For the purpose of this chapter, the following terms shall have the meaning indicated:

A. "Board" means the construction advisory board of the city of Loveland.
B. “Chief building official” shall mean the chief enforcement officer as provided under Section 15.04.010, or his or her designee, who shall serve as the licensing official for all contractor licenses. The Fire Marshal is designated as the chief building official for licensing of S-4 and S-5 licenses.
C. "Contractor" means any person or entity who undertakes, within the city of Loveland, to perform any work on any building or structure or any portion thereof for which a permit is required by this title of the Loveland Municipal Code.
D. "License" means a license issued pursuant to this chapter.
E. “Registration” means a registration issued to an electrician or plumber pursuant to this chapter who is also licensed as an electrician or a plumber by the state of Colorado.
F. “Remodel” means to alter, enlarge, demolish or replace. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990, Ord. 4919§ 1 (part), 2004).

15.30.030 License required.

A. No contractor shall perform any work without having obtained a license to perform such work from the chief building official under this chapter.
B. No contractor that is not a natural person shall perform any work without having in its employ a natural person licensed as a contractor under this chapter for the type of work performed. The name of such person shall be registered with the chief building official. If such person should leave the employ of the licensee, the license shall be deemed suspended until another licensed natural person is registered with the chief building official. Such person shall provide personal supervision at the work, job or project site adhering to reasonable attention to the job site to insure proper construction as determined by the chief building official.
C. Each licensee under this chapter shall be issued an identification card and shall present such card upon request of any city representative.
D. The following persons are exempt from the licensing requirements of this chapter:
    1. A person working under the supervision of any other person licensed under this chapter;

2. A homeowner who builds, constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's residence, or a building or structure accessory thereto, and that is intended for the owner's personal use. This section shall not apply to the installation or repair of fire alarms and fire sprinklers;
3. A public utility company and its employees, when engaged in the installation, operation and maintenance of its equipment used for the production, generation or distribution of the utility, product or service through the facilities owned or operated by the utility company to the point of customer service. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.040 License applications, qualifications and changes.

A. An applicant may apply for a license on forms furnished by the chief building official, and shall provide information relating to the applicant's competence, experience and job references as required, and pay the fees as set forth herein.
B. No license shall be issued to an applicant until the applicant has successfully passed an examination to test the applicant's qualifications for the category of license requested, as required by Section 15.30.080. In order to be eligible for exemption from the examination requirement, an applicant shall demonstrate competency in the licensing category applied for in Section 15.30.070 satisfactory to the chief building official.
C. Every licensee shall report a change of name or address in writing to the chief building official not later than fourteen business days after the change.
D. A licensee may elect to have his license become inactive by notifying the chief building official. No one shall perform work with an inactive license. Thereafter, no further fees shall be required until the licensee’s license is reactivated.
E. A licensee may upgrade a license to a broader classification by submitting a new application, successfully completing the examination if required, and paying the difference between the fees paid and the fee for the new license. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990; Ord. 4919 § 1 (part), 2004)

15.30.050 Renewal.

A licensee under this chapter shall renew his or her license every two (2) years, unless otherwise required by the state, by filing a completed application for renewal with the chief building official and paying the fees required in Section 15.30.100. Approval of a renewal application designates the beginning of the renewal period. Licenses issued by the City of Loveland which have been expired or inactive for more than three (3) years may be renewed upon providing evidence of passing the examination in the appropriate category of licensure under Section 15.30.080. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990; 4919§ 1 (part), 2004)

15.30.070 Registration and classification of licenses.

The following licenses or registrations are available pursuant to this chapter:

A. Standard General Building Contractor (A)
This license entitles the licensee to construct, remodel or repair any structure or addition thereto for which a building permit is required. This license does not allow work that includes electrical, plumbing, mechanical, signs, fire and burglar alarms, fire protection, and trades outside the license holder’s area of expertise.
B. Standard Building Contractor (B)
This license entitles the licensee to construct, remodel or repair commercial buildings and single or multi-dwelling buildings not exceeding three stories in height for which a building permit is required. This license is limited to allow work on non-residential tenant finish as well as residential structures which contain fewer than sixteen dwelling units. This license does not allow work that includes electrical, plumbing, mechanical, signs, fire and burglar alarms, fire protection, and other trades outside the license holder’s area of expertise.
C. Standard Residential Building Contractor (C)
This license entitles the licensee to construct, remodel or repair any residential building not exceeding two stories in height, for which a building permit is required. This license does not allow work that includes electrical, plumbing, mechanical, signs, fire and burglar alarms, fire protection, and other trades outside the license holder’s area of expertise.

D. Class S, Specialty License. These licenses entitle the licensee to perform only the type or types of work described below:
   1. S-1: Roofing Contractor/Subcontractor. Installation and replacement of roof coverings.
   2. S-2: Swimming Pools and Spas. Installation of swimming pools and spas.
   3. S-3: Signs. Fabrication, erection, installation, remodeling, repair and maintenance of all types of signs.
   4. S-4: Fire Alarms. Installation of fire and burglar alarms.
   5. S-5: Fire Suppression. Installation of fire extinguishing systems.

E. Standard Master Mechanical. A mechanical license entitles the holder to install, maintain, alter, or repair mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related process within buildings. This shall include evaporative refrigeration systems and related appurtenances.

F. Electrical Contractor Registration. In order to be registered as an electrical contractor as required herein, the applicant must also be licensed as a master electrician by the State of Colorado Electrical Board and possess an electrical contractors license issued by the State of Colorado Electrical Board. Registration as an electrical contractor under this chapter entitles the registrant to plan, layout, supervise and install, add to, alter and repair wiring apparatus and equipment for electric light, heat and power. A registered professional engineer who plans or designs electrical installation shall not be considered an electrical contractor.

G. Plumbing Contractor Registration. In order to be registered as a plumbing contractor as required herein, the applicant must be licensed as a master plumber by the State Examining Board of Plumbers and possess a plumbing contractor license issued by the State of Colorado Examining Board of Plumbers. Registration as a plumbing contractor under this chapter entitles the registrant to plan, lay out, supervise, install, add to, alter and repair potable water supplies and distribution pipes and piping, plumbing fixtures and traps, 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 considered a plumbing contractor. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.080 License examinations.

A. The chief building official shall issue a license to contractors who have passed the International Code Council (ICC) examination or an examination which is equivalent to the ICC examination and that meet all other requirements of this Chapter.

B. The chief building official shall have the discretion to accept the results of an examination given in another jurisdiction which is equivalent to the ICC examination. Before a license is issued, all other requirements of this Chapter must be met.

C. Examinations are required for the following licenses:
   1. Standard General Building Contractor (A);
   2. Standard Building Contractor (B);
   3. Standard Residential Building Contractor (C);
   4. Standard Master Mechanical;
   5. S-1 Roofing Contractor/Subcontractor; and
   6. S-3 Signs. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.100 License fees.

The following fee schedule is adopted:

A. Standard General Building Contractor (A) – One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewals.

B. Standard Building Contractor (B) – One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewals.

C. Standard Residential Building Contractor (C) – One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewals.

D. Class S License - One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewals.

E. Mechanical License - One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewal.
F. Electrical Registration – No fee for initial registration or for renewal.
G. Plumbing Registration - No fee for initial registration or for renewal.
H. S-3: Signs - One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewal.
I. S-4: Fire Alarms - One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewal.
J. S-5: Fire Suppression - One hundred twenty five dollars ($125.00) for initial license and every two (2) years for renewal. . (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.110 Denial of license.

A. The chief building official may deny a license under this chapter upon a finding of any of the following:
   1. The applicant has failed to provide information requested on the application form;
   2. The applicant is not qualified by experience, training or education to engage in the activity authorized by the license;
   3. The applicant's license for the same or similar work is under suspension or revocation in this or another jurisdiction; or
   4. The applicant has been convicted of an offense relating to the conduct of the activity licensed by this chapter within three months prior to the application.
B. If the chief building official denies a license application under this section, he shall notify the applicant in writing stating the specific grounds for the denial. The applicant may thereafter appeal the denial of the application to the Construction Advisory Board (CAB) and obtain a hearing as described in Section 15.30.130. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.120 Contractor responsibilities.

A. A licensee is responsible for all work performed pursuant to such license.
B. A licensee is responsible for obtaining permits prior to any work being performed on site.
C. Every Class (A), (B), (C) & S licensee holder as described in Section 15.30.070, shall inform the chief building official at the time of application for a permit to be issued, of the major subcontractors working on the project, if any, including but not limited to, plumbing, electrical and mechanical subcontractors, and shall engage only subcontractors who are properly licensed under this chapter. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

15.30.130 Revocation and suspension of license.

A. The chief building official shall, upon the verified complaint in writing of any person, require the licensee to appear before the Board for hearing on the possible suspension or revocation of the licensee’s license. The licensee shall be given a copy of the complaint and at least twenty days written notice of the time and place of the hearing. The notice shall be served personally, or shall be mailed by first class mail to the licensee's last known mailing address. At the hearing the licensee shall have the right to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The licensee shall be entitled at said hearing to have the benefit of legal counsel of his or her own choosing and own expense.
B. The Board, after review of the evidence presented, shall have the power to suspend or revoke the license or take other disciplinary action on the license, including the issuance of a formal letter of reprimand; or order the licensee to pay unpaid permit fees and inspection or investigative costs incurred by the city; or impose a probationary period during which time any further violations would result in automatic suspension or revocation of the license. The Board may take any of the foregoing actions if the Board finds that the licensee committed one or more of the following acts related to work as a contractor:
   1. Violation of any provision of the Loveland Municipal Code, including any codes which are adopted by reference;
   2. Failure to comply with any lawful order of the chief building official or any other authorized representative of the city;

3. Use of the license or registration to obtain permits required under the building codes for any other person;
4. Misrepresentation of a material fact when applying for a license, or fraud in obtaining a license;
5. Gross negligence in the work done by the licensee;
6. Failure to obtain a required permit;
7. Failure to give written notice to the chief building official of any matter for which notice is required by this chapter; or
8. Conviction of an offense involving misapplication of funds or property received from another.

C. Emergency Suspension. If the chief building official finds that an emergency exists which justifies immediate suspension or revocation of a license, he may enter an order for immediate suspension of such license, pending further investigation and proceedings for suspension or revocation as provided in this chapter. The licensee may, upon notice of such suspension, request an immediate hearing before the chief building official.

D. The chief building official may suspend licenses upon the written consent and approval of the licensee.

E. If the license of any contractor is revoked, another such license shall not be granted to such contractor within twelve months after the effective date of the revocation. If a license is suspended, the board shall state the period and terms of the suspension. Unless otherwise ordered by the board, a license shall not be reinstated following a suspension or renewed following revocation unless the contractor has successfully passed an examination as specified in Section 15.30.080. (Ord. 5455 § 1, 2009; Ord. 3690 § 1 (part), 1990)

Chapter 15.48

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

15.48.010 – International Energy Conservation Code, 2012 Edition – Adopted.

The International Energy Conservation Code, 2012 Edition (the "2012 IECC"), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the energy conservation code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.48.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, light, and power systems and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IECC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.48.020 - Modifications to International Energy Conservation Code, 2012 Edition.

The International Energy Conservation Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section C101.1 is amended to read as follows:

C101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as "this code".

B. Section R101.1 is amended to read as follows:

R101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as "this code".

C. Section C101.2 is amended by adding the listed exceptions to read as follows:

Exception:

1. Energy conservation systems and components in existing buildings or structures undergoing repair, alterations or additions, and change of occupancy, shall be permitted to comply with the International Existing Building Code and Chapter 34 of the International Building Code.
2. Utility and miscellaneous group U occupancies and agricultural structures as defined by the International Building Code which are neither heated nor cooled by fossil fuels or electricity.

D. Section C108.2 is deleted in its entirety and amended to read as follows:

C108.2 Issuance. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order, and the conditions under which the cited work will be permitted to resume.

E. Section R108.2 is deleted in its entirety and amended to read as follows:

R108.2 Issuance. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order, and the conditions under which the cited work will be permitted to resume.

F. Sections C108.3 and R108.3 are deleted in their entirety.

G. Sections C108.4 and R108.4 are deleted in their entirety.

H. Sections C109, and R109 are deleted in their entirety.

I. Section C302.1 is deleted in its entirety and amended to read as follows:

C302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2012 International Building Code.

J. Section R302.1 is deleted in its entirety and amended to read as follows:

R302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2012 International Residential Code.

K. Section R402.4.1.2 – Testing is deleted and replaced to read as follows:

The building or dwelling unit other than *townhouses* shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Zones 1 and 2, and 3 air changes per hour in Zones 3 through 8. *Townhouses* shall be tested and verified as having an air leakage rate not exceeding 4 air changes per hour. Testing shall conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals) Where required by the *building official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During Testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be full open.

(Ord. 6262 § 5, 2018)

15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5779 § 1, 2013; Ord. 5602 § 1, 2011; Ord. 5241 § 1, 2007)

Chapter 15.52

INTERNATIONAL EXISTING BUILDING CODE

Sections:

15.52.010 – International Existing Building Code, 2012 Edition – Adopted.

The International Existing Building Code, 2012 Edition (the "2012 IEBC"), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the existing building code of the city is hereby adopted by reference as the energy conservation code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.52.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Existing Building Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

15.12.020 - Modifications to International Existing Building Code, 2012 Edition.

The International Existing Building Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Loveland, hereinafter referred to as "this code".

B. Section 103 is deleted in its entirety.

C. Section 105.3 is amended by amendment of the first sentence to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose.

D. Section 112 is deleted in its entirety.

E. Sections 113.1 and 113.4 are deleted in their entirety.

F. Section 113.2 is amended to read as follows:

Section 113.2. Notice of Violation. The *code official* is authorized to post on the property or serve on the person responsible a notice of violation or order for the *repair, alteration,* extension, *addition,* moving, removal, demolition or change in the occupancy of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 114.2 is amended to read as follows:

Section 114.2. Issuance. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order and the conditions under which the cited work will be permitted to resume.

H. All references in the Loveland Municipal Code to "the ICC Electrical Code" shall be deleted and amended to read as follows:

"the National Electrical Code (NEC) as adopted and enforced by the State of Colorado".

15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland. (Ord. 5780 § 1, 2013; Ord. 5601 § 1, 2011; Ord. 5240 § 1, 2007)

Chapter 15.56

HISTORIC PRESERVATION

Sections:

15.56.010 Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of this Chapter are to promote the public health, safety, and welfare through:

A. Promoting protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
B. Promoting and encouraging continued private ownership and utilization of such improvements and historic districts;
C. Safeguarding the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
D. The enhancement of property values, and the stabilization of historic neighborhoods;
E. Fostering civic pride in the beauty and noble accomplishments of the past;
F. Protecting and enhancing the City's attraction to residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
G. Strengthening the economy of the City;
H. Promoting good urban design; and
I. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the public.

The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public's interest in preserving Loveland's unique historic character by ensuring that demolition of, moving, or alterations to properties of historic value, or actions that impact the historic value of properties, shall be carefully considered for impact on the property's contribution to Loveland's heritage.

15.56.020 Definitions

The following terms, when used in this Chapter, shall have the meanings defined as follows:

Days – The term days shall mean all calendar days, including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a deadline falls upon a Saturday, Sunday, or other legal holiday when City offices are closed, the deadline shall continue to the following day when City offices are open.

Partial Demolition – The dismantling, razing, or destruction of a portion of a building or structure, or the removal of architectural elements which define or contribute to the character of the structure.

Total Demolition – The dismantling, razing, or destruction of an entire building or structure.

15.56.030 Designation of historic structures, sites or districts.

A. Designation authorized. Pursuant to the procedures hereinafter set forth in this section, the City Council may, by ordinance:
   1. Designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and
   2. Designate as an historic district an area containing a number of structures having a special historical or architectural value.

B. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark or historic district. An ordinance designating a historic district shall identify the contributing structures located within the district.

C. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter and shall be eligible for such incentive programs as may be developed by the Commission and the City Council.

D. Procedures for designating structures and districts for preservation:
   1. Nomination Process for Landmarks. Except as otherwise provided in section 15.56.170 of this Chapter, a nomination for designation as a landmark may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property proposed for designation, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owner or owners of such landmark and outline the privileges, obligations, and restrictions that apply to designated landmarks. The Development Services Department shall also attempt to secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review.
   2. Nomination Process for Historic Districts. A nomination for designation as a historic district may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property within the proposed district, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owners of the properties within the proposed district and outline the privileges, obligations, and restrictions that apply to properties within historic districts.
   3. Commission Public Hearing on Landmark or Historic District Nominations. The Commission shall hold a public hearing on the designation application not more than sixty (60) days after the filing of a complete application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the

hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

4. Commission Review. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the Commission and the applicant, the Commission shall either recommend approval, modification and approval, or disapproval of the proposal. The Commission may recommend approval conditional upon the voluntary execution of certain easements, covenants, or licenses.
5. Commission Recommendation to City Council. The Commission shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easement, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation. The Commission shall also notify the City Council immediately of any decision disapproving a designation initiated by the City Council.
6. Owner Consent Required for Further Processing of Landmark Nominations. For applications for designation as a landmark that have gone to a public hearing before the Commission without the owner's consent, such consent shall be required, in writing, prior to review by the City Council of the application. If the owner(s) do not consent to the proposed designation, the application will not move forward.

E. City Council Review.

1. City Council Public Hearing on Landmark or Historic District Nominations. Within thirty (30) days after the date of any referral from the Commission, the City Council shall hold a public hearing on the designation application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
2. City Council Review. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. The City Council shall approve, modify and approve, or disapprove the proposed designation.
3. Owner Notification of Landmark or District Designation. When a historic landmark or district has been designated as provided herein, the City Clerk shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance as described in subsection B of this section to be recorded with the County Clerk and Recorder.
4. Effect of Disapproval of Landmark or Historic District Designation. Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or

substantially the same for at least one (1) year from the effective date of the final action on the denied application.

15.56.040 Procedure to amend or rescind designation of landmarks or historic districts.

A. A landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made using the following criteria:
   1. The property or historic district no longer meets the criteria for designation set forth in section 15.56.100 of this Chapter.
   2. If the request is to revoke the designation of a portion of a historic district, the revocation will not impact the integrity of the remainder of the district.

15.56.050 Landmark alteration certificate required.

A. Landmark Alteration Procedure. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the City.

B. Building Division Referral. The Development Services Department shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Division receives an application for a permit to carry out any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the City's Building Division shall promptly forward such permit application to the Development Services Department.

C. Effect of Application for Landmark or Historic District Designation. No person shall receive a permit to construct, alter, remove, partially demolish, or totally demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date a complete application has been filed to initiate the designation of such landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

15.56.060 Landmark alteration certificate application and staff review.

A. Application. An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate. The application shall contain all information that the Commission determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.

B. Review of Impact. The Development Services Director, or designee, and two (2) designated members of the Commission shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within fifteen (15) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.

C. Determination of No Significant Impact. If it is determined by the Development Services Director, or designee, and the designated members of the Commission that there would be no significant impact or potential detriment, the Development Services Director shall issue a certificate to the applicant and shall notify the Commission of such issuance.

D. Determination of Significant Impact. If either the Development Services Director, or designee, or one of the Commission designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Commission for a public hearing and shall promptly notify the applicant of the referral. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City

not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

15.56.070 Landmark alteration certificate public hearing.

A. Commission Public Hearing on Landmark Alteration Certificate Application. The Commission shall hold a public hearing on all referred applications for landmark alteration certificates for new construction, removal, alteration total demolition, or partial demolition of a designated landmark structure or a structure within an historic district within sixty (60) days after the completed application was filed.

B. Commission Review Criteria. The Commission shall determine whether the application meets the standards in sections 15.56.110, 15.56.120 or 15.56.130, whichever applies. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Commission and applicant, the Commission shall adopt written findings and conclusions.

C. Extended Review Period. When reviewing alteration certificate applications involving moving or demolition of a resource, the Commission may extend the review period up to ninety (90) additional days if the Commission finds that the original application does not meet the standards in sections 15.56.120 or 15.56.130, whichever applies. The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.

D. Commission Decision Final Unless Appealed. The decision of the Commission approving, disapproving, or suspending action on an application for a landmark alteration certificate is final unless appealed to the City Council. An appeal to the City Council must be filed with the Development Services Department within ten (10) days of the Commission's decision. Any property owner of a designated landmark or owner of property located within an historic district shall have standing to appeal the decision of the Commission on an application for a landmark alteration certificate.

E. City Council Public Hearing on Appeal. The City Council shall hold a public hearing on the appeal within thirty (30) days of the date that it is filed with the Development Services Department. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record, shall not invalidate any proceedings in connection with the landmark alteration certificate.

F. Issuance of Landmark Alteration Certificate. The Development Services Department shall issue a landmark alteration certificate if an application has been approved by the Commission or City Council. When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.

G. Building Permit Required. Once an applicant has obtained a landmark alteration certificate, the applicant must apply for a building permit and comply with all other requirements under the City's building codes, fire code, all other ordinances of the City, and all applicable rules, regulations, and policies of the City. The Chief Building Official and Fire Chief shall have the discretion to modify the alteration certificate as necessary to mitigate health and safety issues pursuant to Section 15.56.070.

H. Documentation of Structure Prior to Total Demolition. The Commission or City Council may, as a condition of its approval of a landmark alteration certificate allowing the total demolition of a historic structure, require the property owner to provide the City either with photographic documentation of such structure or right of access for the taking of such photographs.

I. Removal of Artifacts From Structure Prior to Total Demolition. The Commission or City Council shall have the authority to enter into an agreement with the owner of any structure proposed to be totally demolished whereby the City, or certain designated third parties, may enter upon the property upon which such structure is situated for the purpose of removing and taking possession and ownership of any particular artifacts, and other items of historic interest or value, identified in such agreement.

J. Effect of Disapproval of Landmark Alteration Certificate. If the Commission or City Council disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

15.56.080 Unsafe or dangerous conditions exempted from the alteration certificate requirement.

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City's Building Division or Fire Department and where the proposed measures have been declared necessary by the City's Chief Building Official or Fire Chief to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. This Section shall be administered by the Chief Building Official or Fire Chief utilizing the relevant sections of the Uniform Building Code, Uniform Fire Code, or Uniform Code for Building Conservation, as adopted and amended by the City, regarding existing or historic structures.

15.56.090 Violations.

Violations of this Chapter are punishable as provided in Chapter 1.12 of the Loveland Municipal Code and are subject to the following additional penalties:

A. Unauthorized Alterations to Historic Structures. Alterations to a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and

B. Unauthorized Moving or Demolition of Historic Structures. Moving or demolishing a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

15.56.100 Designation criteria.

The Commission and City Council shall consider the following criteria in reviewing nominations of properties for designation:

A. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

1. Historic sites shall meet one (1) or more of the following:
   a) Architectural.
      (1) Exemplifies specific elements of an architectural style or period;
      (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
      (3) Demonstrates superior craftsmanship or high artistic value;
      (4) Represents an innovation in construction, materials, or design;
      (5) Represents a built environment of a group of people in an era of history;
      (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or

(7) Is a significant historic remodel.

b) Social/cultural.
   (1) Is a site of an historic event that had an effect upon society;
   (2) Exemplifies the cultural, political, economic, or social heritage of the community; or
   (3) Is associated with a notable person(s) or the work of a notable person(s).

c) Geographic/environmental.
   (1) Enhances sense of identity of the community; or
   (2) Is an established and familiar natural setting or visual feature of the community.

2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:
   a) Architectural.
      (1) Exhibits distinctive characteristics of a type, period, or manner of construction; or
      (2) Is a unique example of structure.
   b) Social/cultural.
      (1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
      (2) Is associated with an important event in the area's development;
      (3) Is associated with a notable person(s) or the work of a notable person(s);
      (4) Is a typical example/association with a particular ethnic or other community group; or
      (5) Is a unique example of an event in local history.
   c) Geographic/Environmental.
      (1) Is geographically or regionally important.
3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
   a). Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
   b) Retains original design features, materials, and/or character;
   c) Is the original location or same historic context if it has been moved; or
   d) Has been accurately reconstructed or restored based on documentation.

B. Historic Districts.
1. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage, or continuity of subsurface or surface sites, buildings, structures, and/or objects. The district is related by a pattern of either physical elements or social activities.
2. Significance is determined by applying criteria to the pattern(s) and unifying elements(s).
3. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
4. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
5. In addition to meeting at least one (1) of the criteria as outlined in subsection 6 of this subsection B, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
6. Historic districts shall meet one (1) or more of the following:
   a) Architectural.
      (1) Exemplifies specific elements of an architectural style or period;

(2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
(3) Demonstrates superior craftsmanship or high artistic value;
(4) Represents an innovation in construction, materials, or design;
(5) Represents a built environment of a group of people in an era of history;
(6) Is a pattern or a group of elements representing at least one of the above criteria; or
(7) Is a significant historic remodel.

b) Social/cultural.
(1) Is the site of an historical event that had an effect upon society;
(2) Exemplifies cultural, political, economic or social heritage of the community; or
(3) Is associated with a notable person(s) or the work of a notable person(s).

c) Geographic/environmental.
(1) Enhances sense of identity of the community; or
(2) Is an established and familiar natural setting or visual feature of the community.

d) Archaeology/subsurface.
(1) Has the potential to make an important contribution to the area's history or prehistory;
(2) Is associated with an important event in the area's development;
(3) Is associated with a notable person(s) or the work of a notable person(s);
(4) Has distinctive characteristics of a type, period or manner of construction;
(5) Is of geographic importance;
(6) Is a typical example/association with a particular ethnic group;
(7) Is a typical example/association with a local cultural or economic activity; or
(8) Is a unique example of an event or structure.

15.56.110 Historic Residential Design Guidelines and criteria for review of alterations certificates.

A. Historic Residential Design Guidelines Adopted. The "Historic Residential Design Guidelines," dated June, 2011, are hereby adopted and are on file with the City Clerk's Office.

B. Application. The Commission shall use the Historic Residential Design Guidelines to review alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that requires an alteration certificate, as provided in this code and in the design guidelines.

C. Amendment. The Historic Residential Design Guidelines may be amended from time to time by resolution of the city council.

D. In addition to the criteria set forth in the Historic Residential Design Guidelines for alterations certificates, the Commission shall also use the following criteria to determine compatibility:
1. The effect upon the general historical and architectural character of the structure and property;
2. The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
6. The condition of existing improvements and whether they are a hazard to public health and safety;
7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
8. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in Title 36 of the Code of Federal Regulations, Part 68. This reference shall always refer to the current standards, as amended.

E. For properties which have historically been non-residential, only the criteria set forth in section 15.56.110(D) shall be applicable to determine compatibility for alterations certificates.

F. The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

G. Conflicts. In the event of a conflict between a provision of the Historic Residential Design Guidelines and any other provision of this code or any other applicable regulation, the more stringent provision shall apply.

15.56.120 Criteria to review relocation of a structure.

In addition to the alterations criteria in Section 15.56.110, the Commission shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on a landmark site, a building or structure within a historic district, a structure onto a landmark site, or a structure onto property in an historic district:

A. Original Site Review Criteria. For consideration of the original site, the Commission shall review for compliance with all of the following criteria:
   1. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
   2. The contribution the structure makes to its present setting;
   3. Whether plans are specifically defined for the site to be vacated;
   4. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
   5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-sitting; and
   6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

B. New Site Review Criteria. For consideration of the new location, the Commission shall review for compliance with all of the following criteria:
   1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
   2. The structure's architectural integrity and its consistency with the character of the neighborhood; and
   3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

15.56.130 Criteria to review demolition of a structure.

If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate will not be issued until a replacement/reuse plan for the property has been approved by the City.

A. Review Criteria for Total Demolition. Applicants requesting a certificate for demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:
   1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;

2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
3. The structure cannot be practically moved to another site in Loveland;
4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
   (a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
   (b) Any impact on the historic importance of the structure or structures located on the property and adjacent properties;
   (c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties; and
5. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

B. Review Criteria for Partial Demolition. Applicants requesting a certificate for partial demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:
1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
2. The applicant has mitigated, to the greatest extent possible:
   (a) Impacts on the historic importance of the structure or structures located on the property; and
   (b) Impacts on the architectural integrity of the structure or structures located on the property.

15.56.140 Exemptions from an alteration certificate.

If an alteration certificate request does not conform to the applicable criteria set forth in this Chapter, the applicant may request an exemption from the certificate requirement. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions.

A. Economic Hardship Exemption. An economic hardship exemption may be granted if:
1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
3. The economic hardship claimed is not self-imposed.

B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

C. Inability to Use. Three (3) years after denial of a demolition permit approval, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The Commission shall include the following factors in their consideration of the request:
1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property; and
2. The adequacy of the property owner's efforts to locate available assistance for making the property functional without demolition.

15.56.150 Maintenance of designated landmarks and structures within a historic district.

A. Normal Maintenance. Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.

B. Minimum Maintenance. All designated landmarks and all properties within designated districts shall be maintained in such fashion as to meet the requirements of the applicable building codes adopted by the City. The owner(s) of such properties shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such properties to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such designated landmark or district in which it is situated.

15.56.160 Economic incentives for historic restoration.

A. An owner of a property that has been designated as a landmark or an owner of a contributing property in a historic district may apply for the following economic incentives for the restoration or rehabilitation of that property, and such additional incentives as may be developed by the Commission or City Council:
   1. Refund of City building permit fees for exterior restoration, preservation, and rehabilitation. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation, or rehabilitation in order that such refund of fees is equitable;
   2. Receipt of loan funds from the zero-interest loan pool, when available, created by the City pursuant to section 15.56.180 of this Chapter; and
   3. Applicable state and federal income tax credits.

B. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for historic properties. The Commission shall notify the owners of historic properties of economic incentive opportunities available.

C. The Commission shall make the determination for each request regarding economic incentives.

15.56.170 Demolition or relocation of historic buildings or structures not designated as local landmarks.

A. Demolition Procedure. With the exception of any building or structure determined to present a dangerous condition by the Fire Chief or Chief Building Official, or any building or structure governed by the provisions of section 15.56.050 of this Chapter, no building or structure identified in the Loveland Historic Preservation Survey ("Survey") as eligible for nomination to the State of Colorado Register of Historic Places, which Survey is part of the Loveland Historic Preservation Plan, as amended, may be partially demolished, totally demolished, or relocated nor shall any permit for such demolition or relocation be issued unless the owners of such building or structure have complied with the provisions of this section.

B. Building Division Referral. The Development Services Department shall maintain a current record of all buildings and structures identified in the Survey as eligible for nomination to the State of Colorado Register of Historic Places located within the City. If the Building Division receives an application for a permit to carry out any partial demolition, total demolition, or relocation of such building or structure, the City's Building Division shall promptly forward such permit application to the Development Services Department.

C. Review for Landmark Nomination. The Development Services Director, or designee, and two (2) designated members of the Commission shall review the building permit application and shall determine, within (15) days after an application for a building permit to partially demolish, totally demolish or relocate a historic building or structure, whether or not the building or structure should be nominated for designation as a landmark.

D. Additional Information for Partial Demolition Permits. The owner of property in the Survey who has submitted a permit for partial demolition of a building or structure shall submit building plans for the reconstruction of those portion(s) of the building or structure to be demolished, unless waived by the Development Services Director.

E. Disapproval of Landmark Nomination. If it is determined, by the Development Services Director, or designee, and the designated members of the Commission, that the building or structure proposed to be

partially demolished, totally demolished or relocated does not meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter the Development Services Director shall notify the City's Building Division, in writing, that the permit has been reviewed and approved for further processing within the Building Division.

F. Approval of Landmark Nomination. If either the Development Services Director, or designee, or one of the Commission designees determines that the historic building or structure does meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter, the Commission designees shall submit an application for landmark designation of the building or structure to the Development Services Department within sixty (60) days, after the completed application was filed. The Development Services Department shall process the application in accordance with the procedures set forth in section 15.56.030 of this Chapter. No permit for partial demolition, total demolition or relocation of the historic building or structure shall be approved while proceedings are pending on such designation.

G. Effect of Disapproval of Landmark Designation. If a historic building or structure nominated for landmark designation pursuant to this section is not designated as a landmark, it shall not be reconsidered for landmark designation pursuant to this section within one-hundred and eighty (180) days of the date the initial landmark application was submitted to the Development Services Department by the Commission designees.

15.56.180 Rehabilitation loan program.

A. Purpose. There is hereby established a landmark rehabilitation loan program created for the valid public purpose of increasing the quality, integrity, and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of locally designated landmarks or contributing structures in local landmark districts a source of funding for exterior rehabilitation of such structures.

B. Funding. The Commission shall administer the program for awarding zero-interest loans for the rehabilitation of local landmark structures and/or contributing structures in local landmark districts. The Commission may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of five thousand dollars ($5,000.00) for a residential property or ten thousand dollars ($10,000.00) for a commercial property unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.

C. Criteria. No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:

1. The subject structure must have been designated as a local landmark or be a contributing structure in a local landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded;
2. All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan;
3. The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures;
4. Neither the loan nor the matching funds may be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the installation of building additions or the addition of architectural or decorative elements which are not part of the landmark structure;
5. Loan funds may be expended only for rehabilitation of the exterior of a locally designated landmark structure or contributing structure in a local landmark district;
6. No interior improvements may be purchased utilizing City loan funds;

7. The Secretary of the Interior's Standards for the Treatment of Historic Properties as forth in Title 36 of the Code of Federal Regulations, Part 68, as amended, shall serve as the standards by which all rehabilitation work must be performed;
8. No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City, and has been approved by the Commission and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders, and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by the actual proof of expense;
9. Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program;
10. Property owners who have previously received loans shall be eligible for subsequent loans;
11. All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work;
12. No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:
    (a) The applicant has demonstrated an effort to return the structure to its original appearance;
    (b) It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations; and
    (c) The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances; and
13. No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan:
    (a) Agreed to repay the loan in full upon sale or transfer of the property, or after five years, whichever occurs earlier; and
    (b) Executed a deed restriction or encumbrance that ensures repayment of the loan in full upon sale or transfer of the property; and
    (c) Agreed to pay the amount due, together with statutory interest and costs of collection including, without limitation, the direct and indirect costs incurred by the city in the collection and reasonable attorney's fees, if the loan amount or any portion thereof is due and unpaid after expiration of the applicable condition set forth in (a) above.

D. Application. The Commission shall establish the application deadline for each year that the program is administered, which deadline shall be no sooner than sixty days from the date that it was established by the Commission. Applications received after the application deadline will not be considered.

(Ord. 6135 § 1, 2017; Ord. 5247 § 1, 2007; Ord. 4724 § 1 (part), 2002.)

Chapter 15.58

REPAIR OF CONSTRUCTION DEFECTS

Sections:

15.58.010 Purposes and applicability.

A. Purposes. The purposes of this Chapter are as follows: encourage the construction of owner-occupied, multi-family developments in the city; reassure homeowners that construction defects will be promptly investigated and addressed by builders; encourage prompt and voluntary correction of construction defects that may constitute violations of the city's building code in order to enhance the health and safety of residents of the city; motivate all parties to resolve disputes involving construction defects quickly to avoid the need for expensive and time consuming litigation; and provide homeowners in communities with homeowners' associations with an enhanced opportunity to participate in the governance of their community by empowering individual owners to give or withhold their informed consent with respect to actions the board of the homeowners' association may desire to pursue regarding construction defects.

B. Applicability. The provisions of this Chapter shall apply only to new construction commenced after the effective date hereof.

15.58.020 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Builder means any entity or individual, including but not limited to, a builder, developer, general contractor, contractor, subcontractor, architect, engineer or original seller who performs or furnishes the design, supervision, inspection, construction or observation of any improvement to real property that is intended to be occupied as a dwelling or to provide access or amenities to such an improvement.

Building code means the several technical codes adopted in this Title 15 that govern the design, construction, alteration, addition, maintenance, repair, removal, demolition, location, use, and occupancy of buildings and structures in the city, as the same may be amended or modified.

City means City of Loveland, Colorado.

Common interest community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unity, is obligated to pay for real estate taxes, insurance premium, maintenance or improvement of other real estate described in a declaration.

Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unity owners.

Construction defect means any alleged defect in the design or construction of an improvement to real property which causes any damages to, or the loss of use of, real or personal property, or personal injury.

Homeowner means any person who owns a unit in a condominium or in a multi-family building in a common interest community, but shall not include any declarant or any person having an interest in a unity solely as security for an obligation.

Homeowners' association means a unit owners' association formed to represent the interest of homeowners owning units in a condominium or in a multi-family building in a common interest community.

15.58.030 Potential respondents.

An original homeowner or subsequent homeowner or homeowners' association representing the interests of homeowners may be a claimant by providing notice of a claim of construction defect, provided the notice requirements of this Chapter are satisfied.

15.58.040 Potential respondents

Any person or entity within the definition of a "builder" as defined in Section 15.58.010 of this Code is subject to the requirements of this Chapter.

15.58.050 Claimant's Notice to builder of construction defects; builder's acknowledgement; inspection

A. Claimant's notice. Upon the discovery of any alleged construction defect, a claimant must provide written notice to the party alleged to have caused or contributed to the construction defect, in the manner prescribed in this Section, indicating that one or more construction defects exist in any residence or in any common area or facility. The notice must: The notice must:
   1. Provide the claimant's name, address and preferred method of contact;
   2. State that the claimant alleges a construction defect pursuant to this Chapter against the builder;
   3. Describe the claim in reasonable detail sufficient to determine the nature and location of the alleged construction defect; and
   4. Allow the builder the right to inspect and conduct tests regarding the claimed construction defect within 60 days after the builder acknowledged receipt of the notice, at a mutually agreeable date and time, and with the written consent of the claimant.
   5. Notice by claimant shall be valid if sent by certified mail to the party's business address, post office box or registered agent, or if the party has personally received the claimant's notice.

B. Builder's responsibilities. After receiving notice of a potential construction defects claim, a builder must do each of the following;
   1. Acknowledge the claim in writing.
      (a) A builder who receives a notice under this Chapter shall acknowledge receipt of the notice, in writing, within 30 days after notice has been mailed in accordance with Section 15.58.050 A.5. The acknowledgement shall be sent to the claimant and to any attorney the builder knows to be representing the claimant in connection with the notice. If the builder has retained legal counsel, said counsel shall thereafter communicate with the claimant's legal representative, if any.
      (b) If the builder fails to acknowledge receipt of a notice within the time specified, this Chapter shall not apply and the claimant shall be released from the requirements of the Chapter and may proceed with the filing of an action against the builder, unless notice and consent are required by Section 15.58.110 of this Code.
   2. Maintain an agent for notice. Maintain an agent for notice with the secretary of state; and
   3. Provide information to the claimant. If specifically asked to do so by the claimant and within 30 days of such a request, provide the claimant or claimant's legal representative with:
      (a) Copies of all relevant plans, specifications, grading plans, soils reports and available engineering calculations pertaining to the claimant's residence, common areas and facilities that are the subject of the claim;
      (b) All maintenance and preventative maintenance recommendations pertaining to the claimant's residence, common areas and facilities that are the subject of the claim; and
      (c) Contractual warranty information.

C. Charge of copying costs. A builder responding to a claimant's request for documents may charge reasonable copying costs and may require the copies of the documents to be made on site.

D. Builder's election to inspect property. In addition to the requirements set forth in this Section, if the builder, with the written consent of the claimant,, elects to inspect and conduct tests regarding the claimed construction defect, the builder shall complete the initial inspection and testing, if any, within 60 days after the builder acknowledged receipt of the no tice, and at a mutually agreeable date and time. The builder shall bear all costs of inspection and testing, including the cost to repair any damage caused by the inspection and testing. Before entering onto the premises for the inspection, the builder shall supply the claimant with proof of liability insurance coverage. The builder shall, upon request, allow the inspection to be observed and recorded or photographed.

E. Builders who fail to comply. A builder who fails to comply with any of the requirements of this Section within the time specified shall not be entitled to the protection of this Chapter, and the claimant shall be released from the requirements of this Chapter and may proceed with the filing of an action, unless notice and consent are required by Section 15.58.110 of this Code.

F. Statute of limitations and repose. If a notice is sent to the builder in accordance with this Section within the time prescribed for the filing of an action under an applicable statute of limitations or repose, then the statute of limitations or repose is tolled until 60 days after the completions o the notice process described in this Section. If the builder elects to repair pursuant to Section 15.58.060 of this Code, then the statute of limitations or repose is tolled until 60 days after the completion of repairs.

15.58.060 Builder's right to repair.

A. Elect to repair. Within 30 days of the initial inspection or testing, or within 14 days of builder's acknowledgment of the notice of claim, whichever is later, the builder may elect to repair the construction defect and shall provide a notice to repair to the claimant. If the builder, with the written consent of the claimant, elects to repair the construction defect, it has the right to do so, at its own cost and the claimant may not, directly or indirectly, impair, impede or prohibit the builder from making repairs. Any notice to repair shall offer to compensate the claimant for all applicable expenses, if any, incurred by the claimant within the time frame set for repair, such as, without limitation, expenses for lodging if the repair requires the claimant to vacate his/her residence. Any notice of repair shall be accompanied by a detailed, step by step explanation of the particular construction defect being repaired and setting forth a reasonable completion date for the repair work. The notice shall also include the contact information for any contractors the builder intends to employ for the repairs.

B. Schedule of repair work. Claimant shall promptly cooperate with the builder to schedule repair work by builder. Builder shall make a good faith effort to develop a mutually agreeable schedule with claimant for the repair work.

C. Written objection to repair. Within 10 business days after receipt of the builder's notice to repair, a claimant may deliver to the builder a written objection to the proposed repair if the claimant believes in good faith that the proposed repairs will not remedy the alleged construction defect. The builder may elect to modify the proposal, in the whole or in part, in accordance with the claimant's objection, and proceed with the modified scope of work, or may proceed with the scope of work set forth in the original proposal, subject to the written consent of the claimant.

D. Builder's failure to comply. If the builder fails to send a notice to repair or otherwise strictly comply with this Chapter within the specified time frames, or if the builder does not complete the repairs within the time set forth in the notice to repair, the claimant shall be released from the requirements of this Chapter and may proceed with the filing of an action against the builder, unless notice and consent are required by Section 15.58.110 of this Code. Notwithstanding the foregoing, if the builder notifies the claimant in writing at least five days before the stated completion date that the repair work will not be completed by the completion date, the builder shall be entitled to one reasonable extension of the completion date, not to exceed 60 days.

E. Completion of repairs. The builder shall notify the claimant when repairs have been completed. The claimant shall have 10 business days following the completion date to have the premises inspected to

verify that the repairs are complete and satisfactorily resolved the alleged construction defects. A claimant who believes in good faith that the repairs made do not resolve the construction defects may proceed with the filing of an action, unless notice and consent are required by Section 15.58.110 of this Code.

F. Claimant's failure to comply. If the builder elects to repair the construction defects, with the written consent of the claimant, it has the right to do so and the Claimant may not, directly or indirectly, impair, impede or prohibit the builder from making repairs. If the claimant, after providing written consent, directly or indirectly, impairs, impedes, or prohibits the builder from making repairs, the builder may enforce the claimant's obligations under this Chapter by seeking relief through the court system.

15.58.070 Warranty of Repairs

The repair work performed by the builder shall be warranted against material defects in design or construction for a period of two years, which warranty shall be in addition to any express warranties on the original work.

15.58.080 Subsequently discovered defects

Any alleged construction defect discovered after repairs have been completed shall be subject to the same requirements of this Chapter if the builder did not have notice or an opportunity to repair the particular construction defect.

15.58.090 Settlement by payment of a sum certain

Whether or not a builder elects to repair the alleged construction defect, a builder may offer to settle the claim by payment of a sum certain to the claimant. Whether or not a builder offers to settle a claim by payment of a sum certain, the claimant may make an offer to the builder to settle the claim by payment of a sum certain. An offer to settle by payment of a sum certain may also cover alleged construction defects that may be discovered after completion of the settlement. Neither a builder, nor a claimant is obligated to make or accept settlement by payment of a s um certain. If an offer of settlement by payment of a sum certain is made, it shall be accepted by written notice of acceptance given to the party making the offer no later than 15 days after receipt of the offer or such longer period, if any, stated in the offer as the time for acceptance. If the offer is not accepted within the 15-day period (or such longer period, if any, stated in the offer as the time for acceptance), it shall be deemed to have been rejected. If an offer to settle is accepted, the monetary settlement shall be paid in accordance with the offer and such payment shall be in full settlement and release of all claims with respect to or arising out of the alleged construction defect. Execution of such offer and acceptance shall be acknowledged before a notary public if required by the terms of the offer. Upon such settlement, either party may record in the public records maintained by the clerk and recorder of the county in which the property is located a copy of the settlement offer and acceptance or a notice of the alleged construction defect and the settlement thereof, which shall provide not to persons that thereafter acquire any interest in the property that all claims with respect to or arising out of the alleged construction defect have been settled. If the builder fails to make the payment in accordance with the offer, the claimant may proceed with the filing of any action against the builder for the claim arising out of the alleged construction defect, unless notice and consent are required by Section 15.58.110 of this Code.

15.58.100 Effect of amendment of alternative dispute resolution provisions.

If a provision found in the declaration, bylaws or rules and regulations of a common interest community requires that construction defect claims be submitted to mediations, that requirement constitutes a

commitment on the part of the unit owners and the association upon which a developer, contractor, architect, builder or other person involved in the construction of the community is entitled to rely. Consequently, a subsequent amendment to the declaration, bylaws or rules and regulations that removes or amends the mediation requirement shall not be effective with regard to any construction defect claim that is based on an alleged act or omission that predates that amendment.

15.58.110 Informed consent of homeowners

A. Homeowners are entitled to be kept informed by boards of homeowners' associations of the board's consideration of actions regarding construction defects and to have meaningful input and a right to make a considered judgement and give or withhold informed consent. Accordingly, if a board of a homeowners' association considers or intends to institute an action asserting one or more construction defects, the board must do each of the following:

1. At least 60 days before filing any action under Section 13-20-803.5, C.R.S., the claimant must mail or deliver written notice to each homeowner at the homeowner's last known address.

2. The notice must be signed by a person other than, and not employed or otherwise affiliated with, the attorney or law firm that represents or will represent the association in the construction defects claim.

3. The notice required by this Section must contain the following information:

(a) The nature of the action and the relief sought.

(b) The amount of expenses and fees the board anticipates will be incurred, directly or indirectly, in prosecuting the action, including attorney fees, consultant fees, expert witness fees and court costs, whether incurred by the association directly or for which it may be liable if it not the prevailing party or if it does not proceed with the action.

(c) The estimated cost of repairing the construction defect, or if the construction defect is not repaired, the estimated reduction in value f the unit.

(d) The estimated impact on the marketability of units that are not the subject of the action, including any impact on the ability of the owners to refinance their property during and after the action.

(e) The manner in which the association proposes to fund the cost of the action, including any proposed special assessments or the use of any revenues.

(f) The anticipated duration of the action and the likelihood of success.

(g) Whether the builder has offered to make any repairs and, if so, whether the builder has made repairs.

(h) The steps taken by the builder in accordance with this Chapter to address the alleged construction defect, including any acknowledgement, inspection, election to repair or repairs.

B. The homeowners' association may not commence the action unless the board obtains the written consent of homeowners holding at least a majority of the total voting rights in the association after giving the notice required by this Section. Homeowners may vote either directly or through a written ballot signed by the homeowner. Such consent must be obtained within 60 days after such notice is provided, otherwise the homeowners shall be deemed to have declined to provide their informed consent to such action. (Ord. 6004 § 1, 2016)

End Title 15

Title 16

SUBDIVISION OF LAND*

Chapters:

- Prior history: Prior code §§ 24.1, 24.2-2, 24.2-3, 24.2-4, 24.3, 24.3-1, 24.3-2, 24.3-3, 24.3-4, 24.3-5, 24.3-6, 24.3-7, 24.3-8, 24.3-9, 24.4, 24.4-1, 24.4-2, 24.4-3, 24.4-4, 24.4-5, 24.5-1, 24.5-2, 24.5-3, 24.5-4, 24.5-5, 24.6, 24.6-1, 24.6-2, 24.6-3, 24.6-4, 24.6-5, 24.6-6, 24.6-7, 24.6-8, 24.7, 24.7-1, 24.7-2, 24.7-3, 24.7-4, 25.7-5, 25.7-6, 24.7-7, 24.7-8, 24.7-9, 24.8-1, 24.8-2, 24.9-1, 24.9-2, 24.9-3, 24.10, 24.11-1, 24.11-2, 24.11-3, 24.11-4, 24.11-5, 24.11-6, 24.11-8, 24.11-13, 24.11-14 and Ords. 960, 1053, 1129, 1167, 1193, 1200, 1214, 1263, 1270, 1272, 1284, 1290, 1299, 1305, 1325, 1384, 1389, 1412, 1423, 1436, 1437, 1442, 1447, 1452, 1459, 1461, 1520, 1576, 1610, 1695, 1697, 1709, 1711, 1732, 1734, 1739, 1743, 1827, 1914, 1951, 2021, 2038, 2064, 2065, 2071, 3021, 3045, 3082, 3095, 3263, 3326, 3328, 3361, 3377, 3491, 3493, 3545, 3766, 3932, 3987, 3849, 4009, 4019, 4054, 4055, 4096, 4105, 4116, 4117, 4134, 4155, 4170, 4193, 4278, 4279, 4284, **4298**, 4320, 4365, 4444, 4450, 4449, 4476, 4502, 4510, 4520, 4522, 4525, 4540, 4558, 4559, 4569, 4590, 4614, 4617, 4661, 4667, 4753, 4755, 4881, 4918, 4976, 5025, 5048, 5107, 5222, 5411, 5424, 5469, 5485, 5511, 5520, 5619, 5705, 5756

Chapter 16.04

GENERAL

Sections:

16.04.010 Purpose.

The following rules and regulations are for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in

accordance with present and future needs, best promote health, safety, morals, order, comfort, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things, energy conservation, promotion of solar energy utilization, adequate provision for traffic, the promotion of safety from fire, flood waters and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements, to ensure that the development of individual lots is done in a manner as to protect the health, safety and general welfare of the community, to improve the livability of residential neighborhoods, enhance the appearance and customer draw of commercial areas, increase property values, improve the compatibility of adjacent land uses, and contribute to the overall image and appeal of the city, to ensure that adequate community facilities are in place to serve development, and to ensure that new development is accountable for its proportionate fair share of the cost of necessary facility construction and expansion.

16.04.020 Penalty.

Any person, firm, or corporation violating any provisions of this Title 16, upon conviction therefore, shall be fined not more than one thousand dollars or incarcerated not more than one year, or both. Each day during which the violation continues is deemed a separate offense.

Chapter 16.08

DEFINITIONS

Sections:

16.08.005 Purpose.

The purpose of this chapter is to define terms used in this title and in Title 18 in order to clarify the provisions contained in these titles. For words, terms and phrases used in this title that are not defined in this chapter or elsewhere in the Code, the director shall interpret or define such words, terms and phases. In making such interpretations or definitions, the director may consult secondary sources related to the planning profession or other applicable references including recognized authoritative dictionaries of the English language.

16.08.010 Definitions.

A. As used in this title, all words and phrases shall be interpreted and defined in accordance with Section 1.04.020 and Subsection B. of this section. In the event of a conflict, Subsection B. of this section shall control.

B. As used in this title:

"Affordable housing development" means a development that received a designation as such by council by resolution in accordance with Section 16.43.035 and that is a housing development, either for-sale or for-rental housing in which a percentage of the total proposed units, as determined by council, are affordable to households earning a percentage of qualified income, as determined by council. As used herein, "affordable" shall mean that the monthly cost of a rental housing unit is no more than the monthly rent set forth by income and rent tables released annually by the Colorado Housing and Finance Authority, a copy of which is on file with the city clerk's office.

"Affordable housing unit" means a single unit of housing that is located within an affordable housing development, or a single unit of housing constructed on a single lot as part of development or redevelopment within a previously platted subdivision, and that is made available to a qualifying household.

"Alley" means a public way with less width than a street and designated for special access to the rear of buildings.

"Annexation" means the process by which land is added to the city in accordance with the provisions of the C.R.S. and this Code.

"Annexation Map" means that map prepared and filed in accordance with the C.R.S. and this title.

"Applicant" means the owner of record, or a duly designated representative thereof, who submits a development application to the city.

"Application" or "development application" means completed forms, plans, documents, reports, analyses, and other pertinent information, submitted to the city to prepare land for development under the jurisdiction of the city, or to seek approval for proposed development of said land on the basis of applicable provisions of the Municipal Code and adopted city standards, including, but not limited to**,** an application required for annexation, zoning, rezoning, subdivision, amended plats, special review, variance, site development plan, installation or modification of utilities, and any other matters regulated by the provisions of Title**s** 16, 17, 18, or 19 pertaining to the development and use of land.

"Application, complete" means a development application that the current planning manager, in consultation with the development review team, has determined to be in compliance with the standard applicable codes, therefore allowing formal action by the city to occur.

"Application, reviewable" means a development application that has been determined by the current planning manager to contain all required information as provided in the approved submittal checklist.

"Approved but uncompleted development" means any project for which an application for approval of a preliminary or final development plan, site plan, special review use, or preliminary or final subdivision plat has been approved by the city for which a building permit has not been issued. This phrase shall include similar approvals made by Larimer County for property annexed by the city following county approval but for which a building permit has not been issued by the county or the city.

"Block" means a unit of land bounded by streets or by a combination of streets, public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

"Boundary line adjustment" means the relocation or adjustment of a lot line, which meets the requirements of Chapter 16.28.

"Capacity" means the maximum demand that can be accommodated by a community facility without exceeding the adopted level of service.

"Capital Improvements Program" means the city's most current adopted budget, which includes a five-year program for providing community facilities and includes the anticipated date by which community facilities will be constructed or when the capacity added by community facilities will be available.

"Certificate of occupancy" means any temporary or permanent certificate of occupancy issued under Chapter 15.08.

"Charter" means the Loveland City Charter, as amended from time-to-time.

"City engineer" means the city engineer within the public works department, or that person's designee.

"Code" means the Loveland Municipal Code, as amended from time-to-time.

"Commencement of construction" means that construction of a portion of improvements shown on final construction drawings approved by the city has begun and the city has inspected and determined that the improvements that have been installed are in compliance with the approved final construction drawings.

"Common ownership" means lots in a subdivision are either owned by a single person or entity, or owned by persons having a familial relationship or by entities owned in whole or in part by one person or such person and family members, or any combination thereof.

"Community facilities" means capital improvements provided by the city of Loveland or another governmental entity including, but not limited to facilities for providing water, wastewater, fire protection, emergency rescue services, public schools, parks, stormwater, power, and transportation facilities that are required by this title to be adequate and available as a condition of development approval.

"Comprehensive Master Plan" means the most current version of said document as adopted by the city.

"Concept review team" means members of the development review team who participate in the concept review process.

"Cost" for rental units means the gross monthly rental payment, plus estimated monthly utilities, or any other mandatory charges.

"C.R.S." means the Colorado Revised Statutes, as amended from time-to-time.

"Current planning division" means the current planning division of the city's development services department.

"Current planning manager" means the manager of the current planning division or that person's designee. The current planning manager is the city's chief planner, the chairperson of the development review team and the administrator of Title 18.

"Customary closing costs" shall mean the following customary and reasonable costs a seller incurs in the sale of real property: title insurance and endorsements premium; abstracting and title examination costs; recording fees; documentary fee; certificate of taxes fee; survey costs; credit report

fee; appraisal fee; broker's fee; attorneys' fees; title insurance company document preparation and closing fees; and any other closing costs that would ordinarily result in the reduction of a seller's basis in the real property being sold for the purpose of determining any capital gain under the Internal Revenue Code.

"Date of public hearing" means the date on which the planning commission or council shall hold a public hearing on an application for development approval pursuant to this Code.

"Day" means calendar day unless otherwise expressly noted.

"Determination of adequacy" means a determination that each community facility will be available concurrent with the impacts of the proposed development at the adopted levels of service or will be available subject to certain conditions. A determination of adequacy shall be made by council, the planning commission, or staff decision maker that is vested with authority pursuant to this title or in Title 17 or 18 to review and render a final approval of an application for development approval.

"Developer" means an individual, corporation, partnership, or any other legal entity who seeks review and approval by the city for development within the municipal boundary of the city.

"Development" means any improvement or modification of property, including redevelopment, for which an application must be submitted, reviewed and approved by the city prior to commencement of said improvement, modification or redevelopment pursuant to the provisions of Titles 16, 17, or 18.

"Development agreement" means an agreement that shall be executed between the applicant and the city, and shall contain such reasonable conditions and requirements as the city may require.

"Development review team" means the team comprised of representatives of city divisions including, but not limited to, representatives from building, transportation engineering, water, power, fire, police, current planning, community and strategic planning, and economic development, as well as private utility providers and other agencies, as determined by the current planning manager, that reviews and approves development applications.

"Development standards and guidelines" means standards, guidelines, and plans adopted by reference in the Code or as a part of the Comprehensive Master Plan.

"Development Standards and Specifications Governing the Construction of Public Improvements" means the most current version of said document as adopted by the city.

"Director" means the director of the city's development services department or that person's designee. The director shall be the administrator of this title.

"Double frontage lot" means any lot which abuts two or more streets other than a corner lot, which abuts two intersecting streets.

"Dwelling, accessory unit" means a single-family dwelling which meets all the requirements of Section 18.48.060.

"Dwelling, attached one family or single family" means a single-family dwelling attached to one or more single-family dwellings, with each dwelling unit located on its own separate lot or where the dwelling is designed, with respect to separate electric, water, and gas utility connections and common wall construction, to allow each dwelling unit to be located on its own separate lot through a subdivision.

"Dwelling, efficiency unit" means a dwelling unit, which is constructed within the same building as another approved use, and which is designed and built as a single dwelling unit to be occupied by no more than three persons, having a bathroom, cooking facilities, and a living room of not less than two-hundred twenty square feet of superficial floor area, and an additional one hundred square feet of superficial floor area provided for each occupant of such unit in excess of two.

"Dwelling, mixed use" means a dwelling that is located on the same lot or in the same building as a non-residential use.

"Dwelling, multiple family" means a dwelling containing three or more dwelling units, except that if the dwelling is designed with respect to separate electric, water, and gas utility connections and common wall construction to allow each dwelling unit to be located on its own separate lot through a subdivision, then the dwelling shall be a single-family attached dwelling. A multi-family dwelling shall not include hotels, motels, fraternity houses and sorority houses and similar group accommodations.

"Dwelling, multiple family for the elderly" means a dwelling meeting the definition of a multiple-family dwelling designed or intended for occupancy by persons sixty-two years of age or older.

"Dwelling, one-family" means a detached building, arranged and designed as a single dwelling unit other than a mobile home and intended to be occupied by not more than one family and which has not less than one bathroom and a minimum floor area of six hundred fifty square feet.

"Dwelling, three-family" means a building or lot containing three dwelling units and occupied by three families living independently of each other, which has not less than one bathroom for each family and a minimum floor area of five hundred square feet per dwelling unit.

"Dwelling, two-family" means a building or lot containing two dwelling units designed for occupancy by two families living independently of each other, which has not less than one bathroom for each family and a minimum of five hundred square feet per dwelling unit, except that if the dwelling unit is designed with respect to separate electric, water, and gas utility connections and common wall construction to allow each dwelling unit to be located on its own separate lot through a subdivision after issuance of the building permit, then the dwelling shall be a single-family attached dwelling, following approval of such subdivision.

"Dwelling unit" means one or more rooms and a single kitchen designed for or occupied as a unit by one family for living and cooking purposes, located in a one-family, two-family or multiple-family dwelling or a mobile home.

"Easement" means any platted or designated easement dedicated to the city by plat or otherwise, whether or not it has been used as such, to which the public, the city and/or the public utilities are entitled to use without interference for a specified purpose. Where an easement is granted to the public for a specified purpose, the grant of said easement shall vest in the city and/or the public utilities rights including but not limited to, the right to conduct certain operations and to perform all necessary maintenance thereon; and "without interference" shall mean that persons are prohibited from constructing fences or structures of any kind, or installing landscaping or anything else that interferes with the city's ability to access, operate, install, and maintain any city facility within said easement. Easements for specified purposes include, but are not limited to access easements, drainage easements, landscape easements, postal easements, and utility easements.

"Easement, public access" means any platted or designated public strip of land dedicated to the public by plat or otherwise for purposes of vehicular, pedestrian or bicycle access or travel over, including ingress and egress to, or from, another parcel of property, whether or not it has ever been used as such. All public access easements dedicated or granted do not relieve the property owner of maintenance responsibilities of the property unless otherwise approved by the city.

"Easement, drainage" means a right to use property to provide surface or subsurface drainage or convey stormwaters.

"Easement, landscape" means a right to use property for the installation and maintenance of landscaping materials. Except where combined with easements of other types and dedicated by plat or otherwise, it shall be unlawful for any person to use the surface or subsurface of a landscape easement for any purpose other than for installing and maintaining landscaping.

"Easement, pedestrian" means the designated property where the general public is entitled to travel on foot or by other non-motorized methods, including but not limited to, skis, bicycles, skate boards and roller blades, unless otherwise prohibited by official traffic control devices or ordinances.

"Easement, postal" means a right to use property for the installation and maintenance of one or more mailboxes or facilities used for receiving or sending mail.

"Easement, private access" means any property designated by plat or otherwise, which one or more persons, but not the general public, has the right to use for purposes of vehicular or pedestrian access or travel over, including ingress and egress to, or from, another parcel of property and the surface of which is not maintained by the city.

"Easement, private drainage" means a right for any private property designated, by plat or otherwise, to provide surface or subsurface drainage to convey stormwaters. All private drainage

easements shall be maintained by the property owner unless that maintenance has been assigned to a common ownership association.

"Easement, utility" means a right to use property for the installation, operation and maintenance of water, sewer, storm drainage, electrical, gas and communication lines and facilities.

"Environmentally sensitive areas" means an area with one or more of the following characteristics: slopes in excess of twenty percent; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements; land formerly used for landfill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; or any other area possessing environmental characteristics similar to those listed here.

"Final approval for development" means the approval required by this Code after which the land may be developed and used for any purpose permitted in the zoning district in which the land is located, without the requirement of further approval pursuant to Titles 16 and 18.

1. A credit shall be given toward satisfaction of the total amount of water rights required, which credit shall be in the amount of the water rights previously furnished in conjunction with zoning or rezoning requirements, prorated among all the acreage in conjunction with which such water rights were furnished.
2. In the event the final approval for development upon which the water rights requirement is based is subsequently revised and approved by council, the total amount of water rights required shall be computed as set forth in this section, and additional water rights shall be furnished to the city to make up any deficit, or a credit shall be granted in the city's water bank as a refund of any surplus.

"Final decision," as it pertains to a staff decision maker or the director, shall mean a decision or action under Title 16 or 18 is reduced to writing and is promptly mailed to the applicant and any other party-in-interest to whom the Code requires the written decision to be mailed. "Final decision," as it pertains to the zoning board of adjustment or the planning commission, shall mean a decision or action by the board or commission under the Code for which the board or commission has adopted written findings and conclusions. A final decision shall not include any decision made by a staff decision maker or the director that is a recommendation to the planning commission or to the city council, or a decision by the planning commission that constitutes a recommendation to council.

"Final plat" means the plat or plats of certain described land prepared in accordance with this title, as an instrument for recording real estate interests with the Larimer County Clerk and Recorder. The final plat shall serve as the "plat" for purposes of C.R.S. § 31-23-215. The final plat shall be submitted as part of the final subdivision application.

"Fire Master Plan" means the most current version of said document as adopted by the city.

"Floor area" means the total area of all floors of a building included within the surrounding exterior walls, exclusive of open courts.

"Future Street" means a right-of-way that will not be opened or improved for present use as a public way, but the right-of-way is dedicated to the public for future use as a street, and present or future use for the installation of all public utilities.

"Industrial development" means any premises devoted primarily to manufacturing, processing, assembly or storage of tangible personal property, research facilities, experimental or testing laboratories, warehouses, distribution and wholesale uses, utility service facilities, aircraft hangars and repair facilities for aircraft, and caretaker's quarters and other accessory buildings reasonably required for maintenance or security of the above uses. Notwithstanding the foregoing, "industrial development" shall not include any premises or development paid for with city funds provided such premises or development is to be used for a city purpose, but the definition of "industrial development" shall include any premises, development, building, facility and improvement funded by, constructed for and to be used by: the city's power, water, wastewater, stormwater, or solid waste utility; or the city's golf enterprise.

"Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a community facility based upon and related to the operational characteristics of the community facility or the capacity per unit of demand for each community facility.

"Lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development, which has access to a public right-of-way.

"Lot merger" means the merging of contiguous lots into a lesser number of lots than had originally existed, which meets the requirements of Chapter 16.32.

"Major subdivision" means all subdivisions not falling within the definition of a minor subdivision, boundary line adjustment, or lot merger. Except where otherwise specified or where the context requires otherwise, the term subdivision as used in this title shall mean major subdivision. The classification of a subdivision as "major" or "minor" shall be made by the director in accordance with the criteria specified in Chapter 16.20.

"Minor subdivision" means the division of land into no more than four additional lots, which meets the requirements of Chapter 16.20.

"Municipal building" means the city's primary offices located at 500 E. Third Street, Loveland, Colorado 80537.

"Net acreage" means all land except dedicated road rights-of-way, lakes, and ponds over one-fourth acre in size, areas over one-fourth acre in size determined by the water and power department to be incapable of sustaining irrigated vegetation because of geologic or topographic constraints, or areas that will not be irrigated, such as conservation easements or detention ponds planted to dryland types of vegetation, and areas legally served by domestic water sources other than the city's or areas irrigated with non-potable water as provided in Title 19.

"Net proceeds" shall mean the seller's sales price for the real property being sold less seller's original purchase price for the real property and less seller's customary closing costs reasonably incurred in such sale.

"Non-retail" means any premise and development that is devoted to any commercial, private educational, religious, charitable, governmental or quasi-governmental purpose not included within the definitions of retail or industrial development set forth herein. Notwithstanding the foregoing, "non-retail" shall not include any premises or development paid for with city funds provided such premises or development is to be used for a city purpose; provided that the definition of "non-retail" shall include any premises, development, building, facility and improvement funded by, constructed for and to be used by: the city's power, water, wastewater, stormwater, or solid waste utility; or the city's golf enterprise. For purposes of assessing a capital expansion fee, non-retail shall include residential-type uses not intended for permanent occupation or residency including, but not limited to, hotels and bed and breakfast establishments.

"Obsolete subdivision" means any legally platted property that is not in substantial compliance with current regulations regarding the subdivision and development of land, has been of record for more than five years, in which two-thirds or more of the lots are undeveloped, and council has declared it obsolete in accordance with Section 16.36.030.

"Outlot" means a portion of land included in a subdivision that is not intended for development with buildings containing residential, commercial or industrial uses. It may or may not have public right-of-way access. Common uses include, but are not limited to, easements, recreation gardens, open space or drainage detention.

"Photo reduction" means a legible eleven inches by seventeen inches photographic reduction, also known as a stat or photo mechanical transfer, which is required for all original twenty-four inches by thirty-six inches drawings submitted with an application for development approval under this title or in Title 17 or 18.

"Planned capital improvements" means a capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a capital improvement program.

"Planning commission" means the planning commission of the city as duly constituted by law.

"Plat and map submission standards" means a set of digital or electronic data standards for plat and map submissions that is recommended by the current planning manager and approved by the director.

"Preliminary plat" means the plat or plats of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with this title, for the purpose of reviewing and evaluating the proposal prior to submission of a final plat. A preliminary plat is not a plat for purposes of C.R.S. § 31-23-215.

"Primary community route" means U.S. Highway 34 between Madison Avenue and Wilson Avenue, and U.S. Highway 287 between 8th Street S.E. and 50th Street, all located within the Loveland city limits.

"Public improvement construction plans" means the set of construction drawings prepared by the applicant's professional engineer and other professional consultants that is submitted to the city for review and approval for the street, water, sewer, electrical, landscaping, and storm drainage improvements required to serve the proposed development.

"Qualified income" means the median annual family income as adjusted for household size, as established by the United States Department of Housing and Urban Development.

"Qualifying household" means a household in which the combined income of all wage earners, who are over the age of eighteen and who are not full-time students, is eighty percent or less of qualified income and in which no household member has an ownership interest in an existing residential property.

"Raw Water Master Plan" means the most current version of said document as adopted by the city.

"Residential" means a development that includes one or more dwelling units.

"Retail" means any premises devoted primarily to the sale of merchandise to the general public.

"Right-of-way" means a strip of land dedicated to the public, the city and/or public utilities which have been constructed or will be constructed, for public transportation, drainage or utility improvements including but not limited to street paving, curb and gutter, sidewalks, bicycle lanes and buried or overhead utilities.

"Simple plat" means a plat representing a tract of land showing the boundaries of the property to create a legal lot for property previously legally described by a metes and bounds description and which has never been previously subdivided or platted by a governmental entity.

"Site Development Performance Standards and Guidelines" means the most current version of said document as adopted by the city pursuant to Chapter 18.47,

"Site development plan" means one or more plans, reports, studies, analyses, or other documentation submitted separately or in combination as required by the city as part of a development application pursuant to Chapters18.39 and 18.46.

"Site work permit" means a permit issued by the city which expressly authorizes the owner, developer or his/her representatives, contractors, or subcontractors, to commence demolition, alteration, construction or installation of improvements to land, streets or utilities as shown on plans and supporting documents that are part of an approved site development plan. City issuance of a site work permit does not authorize any demolition or construction of buildings, structures or foundations pertinent thereto which are to be subsequently constructed on the site as part of a development.

"Site work permit application" means an application seeking city authorization to commence installation or modification of improvements to land, as shown and described in a site development plan approved by the city.

"Staff" means city employees or subcontractors assigned to perform or participate in the review of an application for development approval.

"Staff decision maker" means any city staff member granted authority to make decisions under Titles 16 and 18.

"Standard applicable codes" means adopted city codes and standards applicable to a development application.

"Storm Water Criteria Manual" means the most current version of said document as adopted by the city.

"Street" means "street, public."

"Street, arterial" means a street used primarily for through traffic.

"Street, collector" means a street that connects a local street to an arterial street and is used to some extent for through traffic and partly for access to abutting properties.

"Street, cul-de-sac" means a street used primarily for access to abutting property, which is open at one end only.

"Street, local" means a street used primarily for access to abutting property.

"Street, part width" means the dedication of a portion of a street, usually along the edge of a subdivision where the remaining portion of the street could later be dedicated in another subdivision.

"Street, private" means a private way for sidewalk, right-of-way and utility installations, and including the suffixes "street," "avenue," "drive," "circle," "place," "court" or other similar designations, generally intended for use by specified adjacent property owners, public utilities, emergency services, and city operations including city inspections.

"Street, public" means a public way for sidewalk, right-of-way and utility installations, being the entire width from lot line to lot line, and including the suffixes "street," "avenue," "drive," "circle," "place," "court" or other similar designations.

"Street, temporary no outlet or dead-end" means a street that does not connect with another street, but which will connect with another street when the city obtains the right-of-way for such connection.

"Subdivider" means any person dividing or proposing to divide land which division constitutes a subdivision.

"Subdivision" means the division or subdivision of any lot, tract or parcel of land for the purpose, whether immediate or future, of transfer of ownership, development, or building development. The term subdivision refers to a "major subdivision" unless noted otherwise.

"Submittal checklist" means the checklist provided by the city that lists and describes the forms, plans, reports, studies, analyses, and other documentation that must be submitted by the applicant for review and approval of a development application.

"Substantial compliance" means a determination by the development review team that a site development plan or other development application is in compliance with standard applicable codes, but requires minor revisions that have no significant impact on the building permit review process.

"Substantial revision" means a revision which includes, but is not limited to, a change in density, use, lot layout or a change that impacts drainage or public improvements.

"Tract" means a portion of a subdivision intended as, but not limited to, a unit for transfer of ownership or for development, typically being substantially larger than a lot and intended for large scale development, future subdivision into smaller lots, or preservation as open space or buffer yards, in accordance with dedications or notes on the plat.

"Traffic Impact Study Guidelines and Policies" means the most current version of said document as adopted by the city.

"Transportation Plan" means the most current version of said document as adopted by the city.

"Type 2 zoning permit" means a permit issued by the current planning division upon administrative approval of a special review application, with or without conditions or restrictions, after a neighborhood meeting has been conducted and a written statement of findings has been agreed to by the applicant and the planning division.

"Type 3 zoning permit" means a permit issued by the current planning division upon approval by the planning commission or council of a special review application, with or without conditions or restrictions, after a public hearing has been conducted.

"Undeveloped" means that a lot does not contain a principal or accessory structure nor is being used for a principal or accessory use.

"Vacation of right-of-way/easement" means the extinguishment of any right-of-way or easement as provided in Chapter 16.36.

"Vacation of obsolete subdivision" means the extinguishment by ordinance of a subdivision plat.

"Water Conservation Plan" means the most current version of said document as adopted by the city. (Ord 6100 § 1 and § 2, 2017)

Chapter 16.10

APPEALS

16.10.010 Appeals of final decisions.

An appeal of a final decision by the director, other staff decision maker, or the planning commission regarding any provision in this title, shall be brought in accordance with Chapter 18.80.

Chapter 16.12

PLANNING COMMISSION

Sections:

16.12.005 Purpose.

The purpose of this chapter is to establish the powers of the planning commission and to establish requirements for regular and special meetings.

16.12.010 Planning commission.

The planning commission for the city shall have and exercise all the powers and duties provided by law.

16.12.020 Meetings – Order of business.

The order of business at all regular meetings shall be established by the planning commission.

16.12.030 Meetings – Times – Locations – Special meetings.

Regular meetings of the planning commission for the city shall be held in council chambers in the municipal building, 500 East Third Street, Loveland, Colorado, or other place designated by the planning commission chairperson, in accordance with the schedule of meetings adopted by council. Special meetings shall be held upon the call of the chairperson or vice chairperson or upon written request of two members of the planning commission. Notice of special meetings shall be given as much in advance as is reasonable under the circumstances requiring the meeting by notice to each of the members, personally served or left at their usual places of residence. Such notice shall set forth a time, place, date and purpose of the meeting.

Chapter 16.16

REVIEW PROCEDURES

Sections:

16.16.010 Purpose.

The purpose of this chapter is to set forth procedures for review of applications submitted for approval pursuant to this title, including subdivision, boundary line adjustment, lot merger, vacation of right-of-way/easement/obsolete subdivision, and simple plat.

16.16.020 Required process.

A. Boundary line adjustment. A boundary line adjustment shall be processed in accordance with Chapters 16.28 and 18.39.
B. Lot merger. A lot merger shall be processed in accordance with Chapters 16.32 and 18.39.
C. Minor subdivision. A minor subdivision shall be processed in accordance with Chapters 16.20 and 18.39.
D. Major subdivision. A subdivision shall be processed in accordance with Chapters 16.20 and 18.39.
E. Vacation of right-of-way, easement, or obsolete subdivision. An easement, right-of-way or obsolete subdivision shall be vacated in accordance with Chapters 16.36 and 18.39.
F. Simple plat. A simple plat shall be processed in accordance with Section 16.20.120 and Chapter 18.39.

16.16.030 Review procedures, general.

A. Application submittal.
    1. All development applications shall be submitted to the current planning division and shall include all information as specified in the applicable submittal checklist. Each development application shall include payment of the applicable application fee as established by the council**.** The director may require any applicant to reimburse the city for costs incurred by the city when referring any such application to any legal, technical or other specialist, and incurring consultant fees in conjunction with review of the application.
    2. The current planning manager is authorized to create, modify, or discontinue any submittal checklist for all development applications as deemed necessary for the implementation of this title.
B. Application review and approval.
    1. All development applications shall be initially processed in accordance with the provisions of Chapter 18.39. Upon determination by the current planning manager that the application is complete, any additional applicable procedures for approvals, public notice, public hearings, and appeals shall be followed, as set forth in this title.
    2. Upon determining that an application is complete, the current planning manager shall schedule the application for the next available planning commission or council meeting, as applicable.
C. Concurrent submittal and review of site development plan application.

1. For any development application governed by the provisions of this title, the applicant may submit a concurrent application for a site development plan for the subject lot or tract as set forth in Chapters 18.39 and 18.46. Any public improvements construction plans and other plans and supporting documents submitted with the development application shall also be deemed to be part of the site development plan application. Upon approval by the city, the public improvements construction plans and other supporting documents that are part of the concurrent application shall be deemed to be the final plans for the proposed development.
2. When development is proposed in association with a subdivision application, the site development plan shall be reviewed concurrently by the development review team. Upon final approval of the associated development application and the recording of final documents, as applicable, the city may also approve the associated site development plan provided that:
    a. the site development plan contains all information necessary for final approval; and
    b. prior to approval of the site development plan, the site must consist of one or more legal lots of record upon which the proposed development may occur pursuant to applicable provisions of the Code.

D. Appeal procedure. Appeals from any final decision by the development review team, the current planning manager, the director or the planning commission shall be conducted in accordance with Chapter 18.80.

16.16.040 Staff review of final plats, boundary line adjustments, and lot mergers.

A. Review. The review of development applications for major and minor subdivision final plats, boundary line adjustments and lot mergers shall follow procedures set forth in Section 16.16.030. The review process continues until the current planning manager determines that the application is complete.

B. Public notification requirements. Development applications for final plats for major and minor subdivisions that were preceded by an approved preliminary plat do not require a public hearing, except in connection with severed mineral rights or an appeal procedure as provided in this title. Development applications for boundary line adjustment or lot merger do not require a public hearing, except in connection with an appeal procedure, as provided in this title. For applications requiring mailed or posted public notice, and upon determination by the current planning manager that the application is complete, the director shall notify the applicant to complete all required public notice, in accordance with Section 16.16.070.

C. Referral to planning commission for decision. The director may refer any application to the planning commission. Any application referred to the planning commission shall be set for a public hearing before the planning commission at its next regular meeting, at which there is an available time slot. Such public hearing shall be held in accordance with this section. Notice shall be given in accordance with Section 16.16.070.

D. Appeal procedure.
1. Appeals from any final decision by the director for final plats, minor subdivisions, boundary line adjustments and lot mergers shall be conducted by the planning commission in accordance with Chapter 18.80.
2. The appeal of a final decision of the planning commission to council shall be conducted in accordance with Chapter 18.80.

16.16.050 Exceptions from code requirements.

A. Planning commission decision. The planning commission, or in the case of an application processed under Section 16.16.040, the staff, may recommend that council authorize conditional exceptions to the regulations set forth in this title. It shall be necessary that the planning

commission, or the staff, where applicable, find the following facts in order to recommend conditional exceptions with respect to a particular parcel of property:

1. That there are special circumstances or conditions affecting said property which creates practical difficulties upon the applicant, or the development for which exceptions are sought is of such extraordinary commercial, social or cultural merit that the potential benefits to the community outweigh the tangible and intangible costs to the community created by the exceptions; and
2. That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated or in conflict with the purposes and objectives of the comprehensive master plan.

B. Conditions for granting. In recommending such exceptions, the planning commission, or the staff, where applicable, shall recommend such conditions as deemed necessary, in its opinion, to substantially secure the objectives of the regulations to which the exceptions are granted. In recommending the authorization of any exceptions, the planning commission, or the staff, where applicable, shall report to council its findings with respect thereto and all facts in connection therewith, and shall specify and fully set forth the exception recommended and the conditions recommended.

C. Council may grant exceptions. Council may grant exceptions to the regulations set forth in this title if the following facts with respect to the exceptions being sought are found by council to exist:

1. That there are special circumstances or conditions affecting said property which create practical difficulties upon the applicant, or the development for which exceptions are sought is of such extraordinary commercial, social, or cultural merit that the potential benefits to the community outweigh the tangible and intangible costs to the community created by the exceptions; and
2. That the granting of the exceptions will not be materially detrimental to the public welfare or injurious to other property in the area in which the property is situated or in conflict with the purposes and objectives of the comprehensive master plan.

16.16.060 Corrections, errors, omissions – Plat or annexation map.

Modification or amendments to an approved preliminary plat, final plat or minor subdivision plat or an annexation map shall be permitted in accordance with the following:

A. For plats or annexation maps that have not yet been recorded, the director may authorize a modification of said plat or map for typographical or transpositional errors or for minor variations in the boundary dimensions or easements caused by errors or other unforeseen difficulties. Such changes authorized by this section shall not exceed ten percent of any measurable standard or modify the use, character, or density of an approved application. All plats or annexation maps so modified shall be revised to show the authorized changes, which changes shall become a part of the permanent records of the city. No such changes shall be effective unless all signatories to the original plat or map, or their successors, sign the corrected plat or map. Corrected final plats, minor subdivision plats or annexation maps shall be recorded as provided in Section 16.20.080D.

B. For final subdivision plats, minor subdivision plats or annexation maps that have already been recorded, the director may authorize a modification of said plat or map for typographical or transposition errors or minor variations in the boundary dimensions or easements caused by errors or other unforeseen difficulties, so long as said change does not affect lot dimensions, lot layout or dedications. No such modification shall be effected unless there is submitted therewith: (1) a surveyor’s affidavit certifying the correction; and (2) a certificate signed by all of the signatories to the original plat or map, or their successors, acknowledging the modification. Changes authorized by this section shall not exceed ten percent of any measurable standard or

modify the use, character, or density of an approved application. All plats or maps shall be revised to show the authorized changes, which changes shall become a part of the permanent records of the city. Amended final plats, minor subdivision plats or annexation maps shall be recorded in accordance with Section 16.20.080D.

C. Any amendment to any final subdivision plat or annexation map that is beyond the scope of Subsection A. or B. of this section shall be made in the same manner as the final subdivision plat or annexation map was approved.

D. No such corrected plat or map as described in Subsection A. or B. of this section shall be valid unless signed by all current owners and lienholders of the property at the time of such correction and all parties who signed the original plat or map, or their successors.

E. The planning commission shall be notified in writing of all decisions of the director with respect to decision taken under this section.

16.18

PUBLIC NOTICE REQUIREMENTS

Sections:

16.18.010 Purpose.

A. Purpose. This section provides standards for public notice for neighborhood meetings, public hearings, and staff decisions as specified within this title.

B. Applicability. Public notice shall not be required for final plats for major subdivisions, boundary line adjustments, lot mergers, or simple plats.

16.18.020 Neighborhood meetings.

A. Applicability. Neighborhood meetings are required for the application type listed in Table 16.18-1. Mailed and posted public notice is required for neighborhood meetings. It is the applicant's responsibility to mail and post public notice for neighborhood meetings.

B. Mailed notice for neighborhood meetings.

1. Deadline for mailing. At least fifteen days prior to a neighborhood meeting, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.18.020B.3.a. at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the city prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 16.18.050C.
2. Content. The written (mailed) notice for neighborhood meetings shall include the following:
    a. Time, date, and location of the meeting.
    b. The application to be considered.
    c. Project name.
    d. Applicant's name.
    e. Vicinity map identifying the site within the neighborhood context.
    f. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the municipal building.
    g. Description of the proposal for the subject property.
    h. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number, and e-mail address.
    i. Secondary contact (current planning division) information, including the name, phone number, and email address of the reviewing planner.
3. Requirements for mailing.
    a. Ownership list. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.18-1 and Subsections c. through f. of this Subsection 3. shall be submitted to the current planning division, using the names and addresses that appear on

the latest records of the Larimer County Assessor. This list shall be current to within sixty days prior to the mailing.

b. Area of notification. The distances specified in Table 16.18-1 shall be used to determine the area to which written (mailed) notice shall be given, except as provided in Subsections c. through f. of this Subsection 3. All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 16.18-1 MAILED NOTICE DISTANCE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS

Application Type	**Application Size**		
	Under 5 acres	**5 – 50 acres**	**Greater than 50 acres**
Preliminary Plat	600 ft.	900 ft.	1,200 ft.

c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.

d. Lake, golf course, and park front notification.

i. If the subject property fronts a lake, public or private golf course, or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 16.18-1. For the purposes of this provision, lake front properties include those that are separated from the lake up to fifty feet by undevelopable property such as open space tracts and outlots.

ii. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in a. above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.

e. Reduction in notification area. All notification distances in Table 16.18-1 shall be reduced by fifty percent, but shall not be less than four hundred feet, for infill projects that are twenty acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty percent of its boundary, to properties within the existing city limits.

f. Expansion of notification area. The area of required notification may be expanded up to twice the distance specified in Table 16.18-1 if the current planning manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.

C. Posted notice for neighborhood meetings.

1. Deadline for posting. At least fifteen days prior to a neighborhood meeting, the applicant shall post a notice on the subject property.
2. Content. The posted notice for neighborhood meetings shall include the following:
   a. Time, date, and location of the meeting.
   b. The application to be considered.
   c. Project name.
   d. Current planning division contact information, including the division phone number.
3. Requirements for posting.

a. It shall be the applicant's responsibility to have the sign created at a sign company.
b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign remain in place during the full fifteen-day period leading up to the neighborhood meeting. The current planning division shall provide the applicant specifications for the location of signs required for the site.
c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the city prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 16.18.050C.

16.18.030 Public hearings.

A. Applicability. Public hearings are required for the application types listed in Table 16.18-2. Mailed, posted, and published public notice is required for public hearings. It is the applicant's responsibility to mail and post public notice for public hearings and staff's responsibility to publish notice for public hearings.

B. Mailed notice for public hearings.

1. Deadline for mailing. At least fifteen days prior to a public hearing, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.18.030B.3.a. at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the city prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 16.18.050C.
2. Content. The written (mailed) notice for public hearings shall include the following:
   a. Time, date, and location of the hearing.
   b. The application to be considered.
   c. Project name.
   d. Applicant's name.
   e. Vicinity map identifying the site within the neighborhood context.
   f. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the municipal building.
   g. Description of the proposal for the subject property.
   h. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number, and e-mail address.
   i. Secondary contact (current planning division) information, including the name, phone number, and email address of the reviewing planner.
   j. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the current planning division.
3. Requirements for mailing.
   a. Ownership list. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.18-2 and Subsections c. through g. of this Subsection 16.18.030.B.3. shall be submitted to the current planning division, using the names and addresses that appear on the latest records of the Larimer County Assessor. This list shall be current to within sixty days prior to the mailing.
   b. Area of notification. The distances specified in Table 16.18-2 shall be used to determine the area to which written (mailed) notice shall be given, except as provided in Subsections c. through g. of this Subsection 16.18.030B.3. All properties that fall wholly or partially

within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 16.18-2 MAILED NOTICE DISTANCE REQUIREMENTS FOR PUBLIC HEARINGS			
Application Type	**Application Size**		
	Under 5 acres	**5 – 50 acres**	**Greater than 50 acres**
Preliminary Plat	600 ft.	900 ft.	1,200 ft.
Obsolete Subdivisions	See Chapter 16.36		
Vacation (of easements or rights-of-way)	Adjacency; see Subsection h. below		

c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.

d. Lake, golf course, and park front notification.

i. If the subject property fronts a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 16.18-2. For the purposes of this provision, lake front properties include those that are separated from the lake up to fifty feet by undevelopable property such as open space tracts and outlots.

ii. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in a. above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.

e. Reduction in notification area. All notification distances in Table 16.18-2 shall be reduced by fifty percent, but shall not be less than four hundred feet, for infill projects that are twenty acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty percent of its boundary, to properties within the existing city limits of the city.

f. Expansion of notification area. The area of required notification may be expanded up to twice the distance specified in Table 16.18-2 if the current planning manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the public hearing.

g. Mineral estate owners. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least thirty days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act, C.R.S. § 24-65.5-101 *et seq.* An affidavit of the applicant's compliance with such requirements shall be provided to the city prior to the public hearing for which the notice was given and shall meet the provisions of said Act.

h. Vacations. Written notice shall be mailed to:

i. all other surface owners, if any; and

ii. all owners of such easement or right-of-way to be vacated, if such owners are not the city, whose names are shown in the ownership and encumbrance report as required by Section 16.36.010C.1.e.; and

iii. all owners of land abutting the easement or right-of-way to be vacated, if such owners are not the city, whose names are shown in the ownership and encumbrance report as required by Section 16.36.010C.1.d. Where an abutting property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association.

C. Posted notice for public hearings.
   1. Deadline for posting. At least fifteen days prior to a public hearing, the applicant shall post a notice on the subject property.
   2. Content. The posted notice for public hearings shall include the following:
      a. Time, date, and location of the hearing.
      b. The application to be considered.
      c. Project name.
      d. Current planning division contact information, including the division phone number.
   3. Requirements for posting.
      a. It shall be the applicant's responsibility to have the sign created at a sign company.
      b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign on the site and ensure that the sign remain in place during the full fifteen-day period leading up to the public hearing. The current planning division shall provide the applicant specifications for the location of signs required for the site.
      c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the city prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 16.18.050C.

D. Published notice for public hearings.
   1. Deadline for publishing. Notice shall be published by the current planning division at least fifteen days prior to a public hearing.
   2. Content. The published notice for public hearings shall include the following:
      a. Time, date, and location of the hearing.
      b. The application to be considered.
      c. Project name.
      d. Applicant's name.
      e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the municipal building.
      f. Description of the proposal for the subject property.
      g. Current planning division contact information, including the division phone number.
      h. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the current planning division.
   3. Requirements for publishing. Notice of the public hearing shall be published one time in a newspaper of general circulation.

16.18.040 Staff decisions (minor subdivisions).

A. Applicability. Mailed and posted public notice is required for staff decisions listed in Table 16.18-3 and Subsection D. below. It is the applicant's responsibility to mail and post public notice for staff decisions.

B. Mailed notice for staff decisions.
   1. Deadline for mailing. Within fifteen days after the preliminary approval of a minor plat of subdivision, the planning division shall formulate a preliminary written statement of findings and the applicant shall, by first class mail, send written notice to all property owners on the

certified list required in Section 16.18.040B.3.a. at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the city prior to final approval of the minor subdivision and shall satisfy the requirements of Section 16.18.050C.

2. Content. The written (mailed) notice for staff decisions shall include the following:
   a. Date of the decision.
   b. The application to be considered.
   c. Project name.
   d. Applicant's name.
   e. Vicinity map identifying the site within the neighborhood context.
   f. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the municipal building.
   g. Description of the proposal for the subject property.
   h. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number, and e-mail address.
   i. Secondary contact (current planning division) information, including the name, phone number, and email address of the reviewing planner.
   j. A statement that interested parties may submit an appeal in accordance with the requirements of Chapter 18.80 and the date of the ten-day deadline for filing an appeal.
3. Requirements for mailing.
   a. Ownership list. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.18-3 and Subsections c. through f. of this Subsection 16.18.040B.3. shall be submitted to the current planning division, using the names and addresses that appear on the latest records of the Larimer County Assessor. This list shall be current to within sixty days prior to the mailing.
   b. Area of notification. The distances specified in Table 16.18-3 shall be used to determine the area to which written (mailed) notice shall be given, except as provided in Subsections c. through f. of this Subsection 16.18.040B.3. All properties that fall wholly or partially within the distance, as measured from the perimeter of the subject property, shall be included.

Table 16.18-3 MAILED NOTICE DISTANCE REQUIREMENTS FOR STAFF DECISIONS

Application Type	**Application Size**		
	Under5 acres	**5 – 50 acres**	**Greater than 50 acres**
Minor Subdivision	300 ft.	300 ft.	300 ft.

   c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
   d. Lake, golf course, and park front notification.
      i. If the subject property fronts a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 16.18-3. For the purposes of this provision, lake front properties include those that are separated from the lake up to fifty feet by undevelopable property such as open space tracts and outlots.

ii. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the current planning manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in Subsection a. above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.

e. Reduction in notification area. All notification distances in Table 16.18-3 shall be reduced by fifty percent, but shall not be less than four hundred feet for infill projects that are twenty acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty percent of its boundary, to properties within the existing city limits.

f. Expansion of notification area. The area of required notification may be expanded up to twice the distance specified in Table 16.18-3 if the current planning manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the staff decision.

C. Posted notice for staff decisions.

1. Deadline for posting. The applicant shall post notice on the subject property of the staff decision within fifteen days after the preliminary staff decision and keep it posted for the duration of the ten-day appeal period.
2. Content. The posted notice for staff decisions shall include the following:
   a. Date of the decision.
   b. The application to be considered.
   c. Project name.
   d. Current planning division contact information, including the division phone number.
3. Requirements for posting.
   a. It shall be the applicant's responsibility to have the sign created at a sign company.
   b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign on the site and ensure that the sign remain in place during the full ten-day appeal period. The current planning division shall provide the applicant specifications for the location of signs required for the site.
   c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the city prior to the final approval for which the notice was given and shall meet the requirements of Section 16.18.050C.

D. Optional notice.

1. Notice of staff decisions authorized under this title but not otherwise subject to specific notice requirements may be required by the current planning manager when the following circumstances exist:
   a. A discretionary decision has been made by staff concerning the application of one or more regulations contained in this title; and
   b. The decision may impact the use or enjoyment of property within the vicinity of the subject site; and
   c. There is reason to believe that there may be parties of interest residing or owning property within the vicinity of the affected property.
2. Type and distance of optional notice. Notice type and distance for optional notice shall be at the discretion of the current planning manager. In no instance shall mailed notice exceed three hundred feet from the boundary of the subject property.

16.18.050 Additional notice requirements.

A. Computation of time. In computing any period of time prescribed for the purpose of giving notice under this chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.

B. Notice cost. All costs for providing public notice as required by this chapter shall be the responsibility of the applicant except for the published notice.

C. Applicant's certification. Prior to the neighborhood meeting, public hearing, or final staff decision, the applicant shall provide the current planning division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this chapter have been met. The current planning division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant.

D. Failure to provide notice, defective notice. Failure to provide the required affidavit or evidence of a defective mailing list prior to a neighborhood meeting or public hearing shall result in termination of the review process until proper notice is provided meeting all applicable provisions under this section.

E. Continuation of hearings and neighborhood meetings. A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this chapter, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

16.18.060 Notice for appeals.

Any final decision under this title that is appealed is subject to the same notice standards as the original notice.

Chapter 16.20

SUBMITTAL PROCEDURES AND REQUIREMENTS

Sections:

16.20.005 Purpose.

This chapter establishes requirements for the subdivision of land, including review procedures conducted by the city.

16.20.010 Where required.

Before subdividing or resubdividing any lot, tract or parcel of land in the city into two or more lots, tracts or outlots for the purpose, whether immediate or future, of transfer of ownership, or building development, the property owner shall follow the procedure prescribed by this title unless an exception therefrom is granted pursuant to Section 16.16.050. This title shall not apply to any division of land by virtue of the foreclosure of a deed of trust, any division of land created by the establishment of street rights-of-way or other divisions of lands for public purposes not involving the necessity of subdividing adjoining lands, cemeteries, or any division of public streets or rights-of-way pursuant to a lawful right-of-way vacation.

A. Unrecorded plats. No owner or agent of the owner of any land shall transfer, sell, agree to sell any land located by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been approved by the city and recorded in the office of the Larimer County Clerk and Recorder. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from any penalties provided by law.
B. Building permit, when issued. No building shall be erected on any lot, nor shall a building permit be issued for a building unless the lot is part of a subdivision approved in accordance with this title or prior subdivision regulations.
C. Exceptions to subdivision requirement for enclaves. For areas annexed into the City as part of an enclave annexation, building permits may be issued for parcels that have not received subdivision approval under this title for the purpose of making interior or exterior improvements to existing structures, regardless of use (i.e. residential, commercial or industrial). Further, for residential structures only, building permits may be issued without subdivision approval for building additions and construction of accessory structures provided any such addition or accessory structure complies with all requirements of Title 18 for the zone district in which the parcel is located. In such cases, setback measurements shall be based upon a field survey or existing survey documentation. The exceptions set forth in this Subsection C. shall only apply to residential, commercial or industrial structures that existed on or before the effective date of the enclave annexation.

D. Recording plats. The city shall record every plat in accordance with Section 16.20.080D.

16.20.015 Non-regulated land transfers.

A. Notwithstanding the provisions of Section 16.20.010 and any Colorado law to the contrary, any parcel of land, whether larger or smaller than thirty-five acres, may be conveyed and transferred by metes and bounds description or by other usual and customary method of land description, without being subject to the subdivision requirements of this title; provided however that no such transfer shall imply or confer any right to develop, or create a new lot, or create a nonconformity of any nature whatsoever, or circumvent the intent or requirements of this title or Title 18. Before development may occur on any such parcel, the owner shall subdivide the property in conformity with all requirements of this title and Title 18.

B. Every deed or other instrument conveying or otherwise transferring unsubdivided property within the city shall contain the following statement in bold type prominently displayed on the face of said deed or instrument:

> "The transfer of real property accomplished pursuant to this deed [or other instrument] does not confer or imply that the conveyed property or the remainder property may be used for development within the City of Loveland, Colorado. Any future development of the property shall be subject to all development requirements of the City of Loveland, including, without limitation, all zoning and subdivision requirements and procedures."

16.20.020 Expiration of plat.

A. Preliminary plat. Unless extended by the planning commission, for good cause shown, approval of a preliminary plat shall be valid for one year, unless a longer phasing plan is approved as a part of the preliminary plat. If the applicant fails to submit to the current planning division a final plat substantially conforming to the approved preliminary plat within one year after final approval of the preliminary plat, or as otherwise required by a longer phasing plan, approval of the preliminary plat by the planning commission shall be deemed withdrawn. A new preliminary plat application must be filed and all fees paid.

B. Final plat. Approval of a final plat by the city shall be null and void if the plat is not recorded within one hundred eighty days after the date of approval, unless a written application for an extension of time is made to the director, and granted, during said one hundred eighty days.

16.20.030 Subdivision review standards.

The decision of the director, planning commission and council, if applicable, shall be based upon whether the applicant has demonstrated that the proposed subdivision protects the health, safety and general welfare of the public, and meets the following standards:

A. The subdivision does not create, or mitigates to the extent possible, negative impacts on the surrounding property.

B. The subdivision provides desirable settings for the buildings, protects views, and affords privacy, protects from noise and traffic, maintains the environmental quality of the community and uses resources such as energy and water wisely in keeping with responsible resource stewardship.

C. The subdivision preserves natural features and environmentally sensitive areas of the site to the extent possible.

D. The subdivision shall be reviewed in accordance with the comprehensive master plan, the transportation master plan, and other pertinent plans approved and adopted by the city, to insure that it is designed in accordance with good engineering practices, and provides for safe and convenient movement.

E. The lots and tracts are laid out to allow efficient use of the property to be platted.

F. The proposed public facilities and services are adequate, consistent with the city's utility planning, and capable of being provided in a timely and efficient manner in accordance with Section 16.41.060.
G. The subdivision complies with the design standards set forth in Chapter 16.24 and the water rights requirements in Title 19.
H. The subdivision complies with all applicable regulations contained within this Code.

16.20.040 Public notice requirements.

Notice shall be given of all public hearings on all subdivision applications as provided for in Section 16.16.070.

16.20.50 Basic plat and reporting requirements.

Standards for preparing plats. All subdivision plats shall be prepared according to the standards determined by the director and included in the applicable submittal checklists promulgated by the current planning manager.

16.20.060 Preliminary plat review procedure.

A. Purpose. The preliminary plat application shall provide the necessary information, including a development agreement where applicable, to allow the staff and planning commission to review a preliminary design and to resolve planning, engineering, or related issues that may be raised at a public hearing or at a preliminary phase of review.
B. Development review. The design depicted on the preliminary plat shall be in accordance with the applicant's plans for actual development and, therefore, shall be a true representation of the subdivision which may eventually be recorded. The applicant shall follow the development review procedures as provided in Chapter 16.16.
C. Planning commission decision.
    1. Subject to noticing requirements, and after the development review team has found the application to be complete, the director shall schedule a hearing on the application with the planning commission.
    2. Using the review standards set forth in this title, the planning commission may approve, approve with conditions, or deny the application as submitted.
    3. When considering the division of land to accommodate two-family, three-family, or four-family dwellings when separate conveyance of each unit is desired by the applicant, the planning commission may approve lots or tracts that are smaller than the minimum required by the applicable zoning district if the net residential density is not greater than could otherwise be achieved under the lot area requirements of the applicable zoning district. When approving a preliminary plat to accommodate separate conveyance, the planning commission must determine that the following findings are met:
        a. the intent of the applicable zoning district is met;
        b. applicable zoning standards, other than lot area and lot width, are met;
        c. provision of light and air will be adequate for the proposed development;
        d. adequate usable open space will be available to residents;
        e. the lot sizes and development thereon will be compatible with surrounding uses; and
        f. conditions of approval assure that the lots will be used solely for the proposed residential use.
    4. The planning commission shall make appropriate findings based on the applicable review standards and adopted plans. When approving any application, the planning commission may impose any reasonable conditions to ensure that the proposal complies with the review standards set forth in this title, has been reviewed in accordance with the comprehensive master plan and complies with the Loveland Municipal Code. Before imposing any condition on the plat which is not a part of the application as submitted, the planning commission shall

obtain the consent of the applicant to the conditions, either in writing or as part of the record of the proceeding. If the applicant fails to consent to all of the conditions, such failure shall be grounds for denial of the preliminary plat.

D. Appeal procedures of planning commission decisions. An appeal under this section of a final decision of the planning commission shall be made to the city council and shall be conducted in accordance with Chapter 18.80.

16.20.070 Submittal and review requirements – Preliminary plat application.

The submittal and review of a preliminary plat application and any associated development applications shall be subject to and consistent with Chapter 16.16.

16.20.080 Final plat review procedure.

A. Purpose. The purpose of the final plat submittal is to provide legal documents that will be a part of the city and/or county records. The final plat submittal shall include any development agreement as approved by the director, and all other final agreements between the applicant and the city.

B. Final plat review.

1. Pursuant to the powers granted to the city in the Colorado Constitution and the Charter, the director is hereby assigned the power to approve all final plats. The director shall make final decision on the final plat application within thirty days after a complete final plat is submitted to the current planning division. The director shall make appropriate findings based on the applicable review standards, or adopted plans. Using the review standards set forth in this title, the director shall approve, approve with conditions or deny the application. All conditions of approval applicable to the final plat shall be included in a development agreement, which shall be recorded with Larimer County Clerk and Recorder concurrent with recordation of the final plat. Appeals of final decisions of the director shall be made to the planning commission and shall be conducted in accordance with Chapter 18.80.
2. Upon determination by the current planning manager that a complete final plat application has been submitted, the director shall approve the final plat. If the application is not complete, or is not in compliance with the preliminary plat, if applicable, then the director shall inform the applicant in writing of the information or revisions needed to complete the application. If the director approves the final plat, such approval shall also constitute an acceptance of all dedications and order the construction or installation of improvements if not completed.
3. Until a final plat is approved and recorded, the city shall not accept, or authorize any party to lay out, open, improve, grade, pave, curb, light, lay or authorize water mains or sewers or connections to be laid in any alley, street, or future street which has been approved by the city as a public or private street or future street.

C. Recording and filing requirements. Once the city has approved the final plat and the city's approval signatures have been affixed to the final improvement construction plans and, if applicable, the final development plan.

1. The applicant shall submit to the current planning division two signed, original mylars or one original, signed mylar and one clearly legible, reproducible copy of the plat, containing original signatures. Final plats that don't require a public hearing and are approved by the director shall be recorded no sooner than fourteen days after the required mailing of public notice.
2. The city clerk shall cause the final plat, the development agreement, if applicable, and any other written agreements or documents which the director requires to be recorded with the Larimer County Clerk and Recorder.
3. The city clerk shall distribute a copy to all other departments and individuals required by law or designated by the director.

16.20.100 Minor subdivision review.

A. Minor subdivision review standard. Any decision approving or conditionally approving an application for a minor subdivision shall be based upon whether the applicant has demonstrated that the proposed minor subdivision meets the following standards:
   1. The division of land into no more than four additional lots;
   2. The division of a lot for the separate conveyance of each unit of a two-family, three-family or four-family dwelling; provided that such lot complies with all city ordinances applicable to such two, three and four-family dwellings thereon; that such lot, after its division, is used solely for a two, three or four-family dwelling or for a use permitted by the ordinances of the city without the necessity of the city's granting a variance for such use because of the size of the lots created by such division.

B. Development review and approval. An application for minor subdivision shall be submitted, reviewed and approved in accordance with the procedures for a final plat set forth in Section 16.20.080.

C. Any lot or tract created by a minor subdivision shall not be subdivided pursuant to a minor subdivision application within three years after recording of the plat creating said lot or tract unless authorized in writing by the director upon review of a written statement of justification by the applicant. The applicant's statement of justification and the director's written approval will be retained in the official subdivision file.

D. A minor subdivision may dedicate rights-of-way and easements.

E. Appeals from any final decision by the director for a minor subdivision shall be made to the planning commission and shall be conducted in accordance with Chapter 18.80.

Section 16.20.120 Simple plat review procedure.

A. A simple plat is required when the development or redevelopment of a single existing metes and bounds parcel is proposed but subdivision of the parcel to create additional development parcels is not proposed. Development or redevelopment in this case means the construction of additional or new principal uses and shall exclude improvements to existing structures or construction of accessory structures on parcels annexed as part of an enclave pursuant to Section 16.20.010.C.

B. A simple plat, including the information required in Section 16.20.130 shall be submitted for review and approval by the director.

C. The simple plat shall be reviewed for conformance with the requirements of the underlying zoning district, and for closure of the legal boundaries of said plat and shall not be approved for the purposes of creating additional or new lots for immediate or future development.

D. Appeals from any final decision by the director for a simple plat shall be made to the planning commission and shall be conducted in accordance with Chapter 18.80.

Chapter 16.21

SURVEY MONUMENTS

Sections:

16.21.005 Purpose.

This chapter specifies requirements for survey monuments used in the subdivision of land.

16.21.010 Location.

In making the survey for the subdivision, the Colorado professional land surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall be placed pursuant to the C.R.S. pertaining to the monumentation of land surveys. Also, monuments shall be set at all points of intersection of street centerlines with the boundary of the subdivision and at all street centerline intersections. Monuments shall also be set at all street centerline points of curvature and deflection points within the subdivision. Street centerline monuments shall be set after the final lift of pavement.

16.21.020 Type – Approval.

Permanent monuments shall be of a type as stated in the C.R.S. pertaining to the monumentation of land surveys.

16.21.030 Character, type and position – Notation on map.

The character, type and position of all monuments and corners shall be noted on the final map or plat.

Chapter 16.24

DESIGN STANDARDS

Sections:

16.24.010 Purpose.

The standards contained in this chapter apply to the layout of subdivisions.

16.24.011 Street development standards – Adopted.

The "Larimer County Urban Area Street Standards" (repealed and reenacted April 1, 2007, and as amended from time to time) (hereinafter, "LCUASS)" is hereby adopted by reference as the development standards of the city, for the purpose of establishing standards for streets, street signs, highway, curb and gutters, traffic control devices, electric and water distribution system improvements, sewer collection improvements, and other improvements as required to be constructed as public improvements within all developments within the city. Any policy revisions, as that term is defined in LCUASS, to LCUASS, including amendments which adopt codes by reference, shall be reviewed by the construction advisory board and either adopted or denied by resolution of council. At least one copy of LCUASS, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

16.24.012 Electric development standards – Adopted.

The "Requirements for Electric Service" (hereinafter, the "standards") is hereby adopted by reference. All electric facilities that are to become part of or to be connected with the city's electric utility shall be constructed and connected in accordance with the standards. Any revisions to the standards, including amendments which adopt codes by reference, shall be made in accordance with the process set forth in the standards. At least one copy of the standards, which has been certified by the mayor and the city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. At least one copy of any codes adopted by reference within the standards, which codes have been certified by the mayor and the city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. (Ord. 6122 § 1, 2017).

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16.24.013 Water and wastewater development standards – Adopted.

The "City of Loveland Water and Wastewater Development Standards" (hereinafter, the "standards") is hereby adopted by reference. All facilities for water and wastewater shall be constructed in accordance with the "Standards. Notwithstanding anything in this chapter to the contrary, any revisions to the standards, including amendments which adopt codes by reference, shall be made in accordance with the process set forth in the standards. At least one copy of the standards, which has been certified by the mayor and the city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. At least one copy of any codes adopted by reference within the standards, which codes have been certified by the mayor and the city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

16.24.014 Storm drainage criteria and storm drainage standards – Adopted.

A. The "City of Loveland Storm Drainage Criteria," consisting of (1) the Denver, Colorado Urban Drainage & Flood Control District's "Urban Storm Drainage Criteria Manual," Volume 1 (June 2001), Volume 2 (June 2001), and Volume 3, Best Management Practices (September 1999), and (2) the City of Loveland "Addendum to the Urban Storm Drainage Criteria Manuals Volumes 1, 2, and 3 (September 1, 2002)," (hereinafter, the "criteria") is hereby adopted by reference. All stormwater facilities, whether public or private, shall be designed in accordance with the criteria. At least one copy of the criteria, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. At least one copy of any codes adopted by reference within the criteria, which codes have been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

B. The "City of Loveland Storm Drainage Standards" (hereinafter, the "standards") is hereby adopted by reference. All stormwater facilities, whether public or private, shall be constructed in accordance with the standards. At least one copy of the standards, which has been certified by the mayor and the city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours. At least one copy of any codes adopted by reference within the standards, which codes have been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

C. Any and all amendments to the criteria or the standards, including amendments which adopt codes by reference, shall be made in accordance with the following process:

1. Policy amendments shall be adopted by council by resolution. Policy amendments shall include major changes, changes in law, changes that cause significant increased cost or controversy, and changes that relate to the public use and convenience.
2. Technical amendments may be approved by the public works department director, provided that the amendments: (i) are consistent with all existing policies relevant to the amendment; (ii) do not result in any significant additional cost to persons affected by the amendment; and (iii) are consistent with existing law. Technical amendments shall consist solely of such minor additions, revisions, and corrections as necessary, in the judgment of the public works department director, to be necessary to better conform to good engineering or construction standards and practice. The public works department director shall place a notice of technical amendments on the city's web page where the applicable document is posted, and shall report the technical amendments to council.

16.24.015 Development standards and guidelines.

Streets, street signs, highways, curb and gutters, traffic control devices, electric and water distribution system improvements, sewer collection improvements, storm water control facilities and other improvements as required to be constructed within all developments shall be in accordance with

the latest edition of the "Larimer County Urban Area Street Standards," the "City of Loveland Storm Drainage Criteria," the "City of Loveland Storm Drainage Standards," the "Requirements for Electric Service," and the "City of Loveland Water and Wastewater Development Standards." These manuals shall be administered by the public works department and the water and power department respectively. In addition to the specific requirements established in this chapter, all development shall be reviewed in accordance with the city's comprehensive master plan, as amended, and shall comply with the site development performance standards and guidelines, as amended. The design of the subdivision shall consider community design objectives that promote resource conserving practices and environmental goals such as xeriscaping, planting trees, landscaping, and incorporating solar energy use.

16.24.020 Survey monuments.

A. All survey monuments shall be in accordance with Chapter 16.21.
B. Before final approval of any final subdivision plat or annexation map, permanent survey monuments shall be set at all angle points and points of curvature on the exterior boundary lines. Boundary monuments shall be of a type as specified in the C.R.S.
C. Before the acceptance of any newly constructed streets, centerline monuments shall be set at all street intersections, points of curvature, angle points, all intersections of street centerlines with the boundary of the subdivision and points that define the geometry of cul-de-sacs. Street centerline monuments shall be of a type as specified in the C.R.S.

16.24.030 Sewer, water, stormwater, street, and landscaping improvements.

Construction drawings for all necessary street improvements, sewer, water and stormwater systems and landscaping improvements shall be prepared by the applicant and approved by the city before the recordation of any final plat. Exceptions from this requirement may be granted by the director (as stated in the development agreement) where circumstances beyond the applicant's control requires an extension. The approved mylar construction drawings shall be revised by the applicant's engineer as record drawings which document all changes to the location of any constructed improvement as specified in the development standards and guidelines. The record drawings shall be prepared by the applicant and approved by the city prior to the issuance of any building permits within the subdivision.

16.24.040 Streets.

The street layout of each subdivision and the width of the streets therein shall be based upon and shall be in accordance with the transportation master plan, as amended.

A. Streets shall have a logical relationship to topography and to the location of existing or platted streets in adjacent properties. Certain proposed streets, as determined by the city engineer, shall be extended to the boundary of the property to provide for traffic circulation within the vicinity.
B. Streets, utility rights-of-way and public open spaces shall conform to the city-approved plans for the extension of such public facilities.
C. Streets, utility rights-of-way and public open spaces shall comply with the provisions of C.R.S. § 43-2-101 *et seq.*

16.24.050 Lots.

A. All lots shall comply with the provisions of Title 18.
B. When practical, lot lines shall be at right angles to the street line or at right angles to the tangent of the curve of the street line.
C. Double frontage lots shall not be permitted unless vehicular access to the lot is approved by the planning commission. All access restrictions shall be noted on the final plat or development agreement.
D. All lots shall be provided access to a public right-of-way.

16.24.060 Blocks.

All contiguous lots surrounded by public right-of-way and/or designated or dedicated open space shall be grouped and labeled as distinct blocks. The city may require an easement through a block for the purpose of access.

16.24.070 Irrigation canals and ditches.

Whenever the side or rear property line of any lot is adjacent to an irrigation canal or ditch, the city may require the subdivider to install walls, fences or protective covering separating the lot or lots therefrom. The subdivider may be required to landscape and maintain the area between such wall or fence and the irrigation canal or ditch. Irrigation ditches shall not be constructed within public rights-of-way, except where they cross said rights-of-way.

16.24.080 Water courses.

In the event that the subdivision is traversed by any water course or channel, stream or creek, or is contiguous to the shoreline of a lake or a reservoir the subdivider shall provide sufficient easements, by dedication, or tracts of land separate for individual lots, acceptable to the city, to care for such surface and storm water and the disposal thereof and sufficient building setbacks or landscape or natural buffers as determined by the city.

16.24.090 Flood protection.

A. All subdivision or annexation proposals for areas located within an area of special flood hazard shall be located and designed to minimize flood damage in accordance with the provisions of Chapters 18.45 and 15.14.
B. Any development in the floodway, including but not limited to, cutting, filling, dredging, grading, storage, utility installation, street work, or construction shall require an approved floodplain development permit. All applications for floodplain development permits shall include:
    1. Floodway, and floodplain boundary information based on currently recognized FEMA maps.
    2. Base flood elevation.
    3. The number of acres in the floodplain for the proposed development.
C. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
D. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
E. All new subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
F. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
G. All development proposals must conform to all federal, state and local floodplain regulations.
H. The director or planning commission may, when deemed necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the flood fringe or floodway, as defined in Title 15, of any stream, river, or drainage course. Such flood fringe and floodway areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the director or planning commission.

16.24.100 Alleys and easements.

The city may require rights-of-way for alleys to be at least twenty feet in width and open at both ends in non-residential districts and in the rear of all lots fronting on arterial or collector streets. Where alleys are not required, a combination of right-of-way and/or utility easements at least fourteen feet in width shall be required along all front lot lines and outside of any proposed sidewalks. Easement widths

along certain side lot lines where necessary for utilities such as poles, wires, conduits, storm or sanitary, sewers, gas and water lines shall be determined by the affected utility company.

16.24.110 Names – Subdivision and streets.

The proposed street names shall be approved by the fire and police departments and the current planning division and shall not duplicate or too closely approximate, phonetically, the name of any other subdivision or street in the city or vicinity. Street names shall be in compliance with Chapter 12.08. Subdivisions shall be named as a sequential, numerical derivation of the annexation map that incorporated the property into the city limits.

16.24.120 Landscaping.

Landscaping shall be located as approved by the director, and shall comply with the site development performance standards and guidelines and the community design guidelines. The director may authorize deviations from the standards and guidelines contained in the city's site development performance standards and guidelines or community design guidelines and the extent of site improvements otherwise required pursuant to said documents may be either decreased or increased, provided such requirements are consistent with the intent of said standards and guidelines. Buffer yards required in accordance with the site development performance standards and guidelines or the community design guidelines shall be within tracts of land separate from individual residential lots. Street trees shall be located wherever required by the director in accordance with the site development standards and guidelines. Street trees shall be of a type approved by the director.

16.24.130 Pedestrian accesses.

The director may require, in order to facilitate pedestrian access from roads to schools, parks, playgrounds, or other community or commercial services, perpetual unobstructed pedestrian easements at least twenty feet in width within the subdivision plat. Any such easements shall be within the subdivision plat, shall generally not follow rights-of-way, and shall be indicated on the plat.

16.24.140 Underground utilities.

All proposed utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout new subdivisions. Whenever practical, existing utility facilities that are located above ground, except when located in the public right-of-way, shall be removed and placed underground.

16.24.150 Open space play fields.

The planning commission may require that subdivisions for detached single family dwellings contain open space designed for outdoor play activities. Such areas shall be of suitable size, dimension, topography, and general character for the particular purpose of providing adequate open space within the subdivision for outdoor play activities. Detention ponds may be considered as required open play fields if designed to be suitable for play fields. Open space play fields shall be required at a rate of one acre for every one hundred single family lots, but shall not be required for subdivision plats containing less than fifty single family lots. Such play fields shall be maintained by the homeowner's association and shall have no effect on the amount of capital expansion fees otherwise imposed under Chapter 16.38.

Chapter 16.28

BOUNDARY LINE ADJUSTMENTS

Sections:

16.28.010 Purpose.

This chapter establishes provisions for the adjustment of property boundary lines which does not result in the creation of an additional lot or tract. Before any boundary line adjustment shall be legally effective for any purpose, whether immediate or future, including transfer of ownership or building development of the resulting lots or tracts, the property owner shall follow the procedure prescribed by this chapter.

16.28.020 Boundary line adjustment review standards.

A. Any decision approving or conditionally approving an application for a boundary line adjustment shall be based upon whether the applicant has demonstrated that the proposed boundary line adjustment meets the following standards:

1. The adjustment involves adjacent lots or tracts.
2. No new lot or tract is created.
3. The resulting lots or tracts comply with the applicable zoning standards.
4. The lots or tracts, as approved, will not conflict with existing structures or utilities on the property.
5. The lots or tracts, as approved, will not deprive access as a result.
6. The adjustment does not create, or mitigates to the extent possible, negative impacts on the surrounding property.
7. The resulting lots or tracts allow efficient use of the property.
8. The adjustment does not affect any wetland area.
9. The adjustment involves only lots and tracts with identical zoning.

16.28.030 Boundary line adjustment review procedure.

All applications for boundary line adjustments shall be processed in accordance with Section 16.16.040.

16.28.040 Submittal requirements – Boundary line adjustment application.

Applications for boundary line adjustments shall include the information listed in the submittal checklist provided by the city.

16.28.050 Recordation of boundary line adjustment.

Upon approval by the director and conclusion of any applicable appeal procedures, the boundary line adjustment plat shall be recorded in compliance with Section 16.20.080D.

16.28.060 Deed restriction in lieu of boundary line adjustment.

A. In the event the owner of property consisting of one or more adjacent lots and an adjacent unsubdivided parcel of land upon which a structure is located, wishes to obtain a building permit for either an accessory structure to be located on the property, an addition to the existing

structure, or interior remodeling work without completing a boundary line adjustment, the owner may request that in lieu of a boundary line adjustment the city issue the building permit after receiving from the owner a deed restriction in a form approved by the city attorney. The deed restriction shall restrict the owner's ability to convey the property without first subdividing it or completing a boundary line adjustment. The deed restriction shall be released by the city upon completion of a boundary line adjustment combining all adjacent lots and un-subdivided parcels in common ownership, or upon the determination of the director that the purpose for which the deed restriction was given is no longer served. The director shall have the authority to execute any such deed restriction and any release of a deed restriction on behalf of the city.

B. Appeals from any final decision by the director for a deed restriction in lieu of a boundary line adjustment shall be made to the planning commission and shall be conducted in accordance with Chapter 18.80.

Chapter 16.32

LOT MERGER

Sections:

16.32.010 Purpose.

This chapter establishes provisions for the merging of lots or tracts. Before any lot merger shall be legally effective for any purpose, whether immediate or future, including transfer of ownership of or building development on, the resulting lot(s), the property owner shall follow the procedure prescribed by this chapter.

16.32.020 Lot merger review standards.

A. Any decision approving or conditionally approving an application for a lot merger shall be based upon whether the applicant has demonstrated that the proposed lot merger meets the following standards:

1. The lots or tracts to be merged are, at the time of merger, under common ownership and written consent has been obtained from all record owners and lien holders;
2. The lots or tracts as merged will be in a single zone district and will comply with the applicable zoning standards;
3. Access to parcels adjoining the resulting lots or tracts will not be restricted by the merger;
4. The merger does not create, or mitigates to the extent possible, negative impacts on the surrounding property; and
5. The resulting lots or tracts allow efficient use of the property.

16.32.030 Lot merger review procedure.

All applications for lot mergers shall be processed in accordance with Section 16.16.040.

16.32.040 Submittal requirements – Lot merger application.

Applications for lot mergers shall include the information listed in the submittal checklist provided by the city.

16.32.050 Recordation of lot merger.

Upon approval by director and conclusion of any applicable appeal procedures, the lot merger plat shall be recorded in compliance with Section 16.20.080D.

16.32.060 Deed restriction in lieu of lot merger.

A. In the event the owner of property, consisting of two or more adjacent lots and containing an existing residential use, wishes to obtain a building permit for either an accessory structure to be located on the property or an addition to the existing structure without completing a lot merger, the owner may request that in lieu of a lot merger the city issue the building permit after receiving from the owner a deed restriction in a form approved by the city attorney. The deed restriction shall restrict the owner's ability to convey the property without first subdividing it or

completing a lot merger. The deed restriction shall be released by the city upon completion of a lot merger combining all adjacent lots in common ownership, or upon the determination of the director that the purpose for which the deed restriction was given is no longer served. The director shall have the authority to execute any such deed restriction and any release of a deed restriction on behalf of the city.

B. Appeals from any final decision by the director for a deed restriction in lieu of a lot merger shall be made to the planning commission and shall be conducted in accordance with Chapter 18.80.

Chapter 16.36

VACATION OF RIGHTS-OF-WAY/EASEMENTS/OBSOLETE SUBDIVISIONS

Sections:

16.36.005 Purpose.

This chapter establishes provisions for the vacation of rights-of-way, easements and obsolete subdivisions when partial or full elimination of such legal instruments is pursued.

16.36.010 Vacation by ordinance – Right-of-way or easement.

A. Except as otherwise provided in Section 16.36.015, all right, title or interest of the city, in and to any right-of-way or easement shall be divested only upon adoption by the city council of an ordinance vacating such right-of-way or easement. However, the city may vacate a city-owned, non-access easement created through a previous platting process, by approving a final plat that does not show such easement. If a right-of-way constitutes a boundary line of the city, it may be vacated only by joint decision of the board of county commissioners of Larimer County and council.

B. Any ordinance effecting a vacation of a right-of-way or easement under this Section 16.36.010 shall contain the following findings, if applicable:
   1. That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.
   2. That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.

C. Before a final decision by council may be taken on such ordinance, an application for vacation shall be submitted and processed as follows:
   1. Application. An application on the form and number required by the current planning division shall be filed with the current planning division by the record owners of more than fifty percent of property abutting the right-of-way or easement to be vacated. The applicant shall file the application together with the filing fee set pursuant to a resolution adopted by council. Said application shall include information specified in the applicable submittal checklist as promulgated by the current planning manager.
   2. Review of non-access easement vacations. Except for non-access easements vacated through approval of a final plat, application for vacation of non-access easements shall be processed in accordance with Section 16.16.040 except that no notice is required to be given of the director's consideration of the requested vacation. If approved by staff, staff shall prepare a proposed vacation ordinance and forward the ordinance to council. If such vacation

necessitates a change in the zoning map, staff shall also prepare an ordinance for such rezoning/ zoning map amendment.

3. Referral of access easement/right-of-way vacations. Applications for vacation of access easements and rights-of-way shall be processed in accordance with Section 16.16.040, except that all such vacation requests shall be referred to the planning commission. The planning commission shall hold a public hearing in accordance with Section 16.16.040. If the planning commission recommends granting the request for vacation, the planning commission shall recommend a form of ordinance to council. If such vacation necessitates a change in the zoning map, staff shall also prepare an ordinance for such rezoning/zoning map amendment.
4. Public notification. Notice shall be given for public hearings for vacations that occur through adoption of an ordinance by council as provided for in Section 16.18.
5. City council decision. Council may consider the proposed vacation ordinance in accordance with the notice and all other requirements of Chapter 2.12 for adopting ordinances. All posted notice shall be given pursuant to Section 16.16.070.

16.36.015 Vacation of temporary easement.

A. When used in this section, the term "temporary easement" shall mean and include any real property easement, right-of-way, or license that has been conveyed temporarily to the city, meaning that by the written terms and conditions of the instrument creating such property interest it was intended to exist for a limited period of time only, as distinguished from an indefinite period of time or on a perpetual basis.
B. Temporary easements assigned or conveyed to the city solely for its use may be vacated upon the city manager's determination that the temporary easement is no longer needed for the city's use and convenience.
C. Before the city manager may vacate a temporary easement as permitted in this section, an applicant for the vacation shall file with the city the application required in Section16.36.010C.1.; provided, however, that such application shall only be required to include the information listed in Subsections a. through j. of Section 16.36.010C.1. that the director determines is needed to fully and properly evaluate the temporary easement asked to be vacated. The city manager shall review that application in making the finding required in Subsection B. of this section before authorizing the vacation of the temporary easement. If the city manager decides to vacate a temporary easement as provided in this section, the city manager is authorized to sign on behalf of the city those documents, the forms of which must first be approved by the city attorney, as are necessary to vacate the temporary easement and the city clerk shall record such documents with the appropriate county clerk and recorder at the applicant's expense.
D. The city manager's decision to grant or deny an application for the vacation of a temporary easement pursuant to this section, shall be considered a final administrative decision that may not be appealed to the planning commission or the city council.

16.36.020 Rezoning vacated parcel.

Where the vacated right-of-way parcel is zoned differently than the abutting, receiving parcel, a rezoning shall be processed concurrently with the vacation.

16.36.030 Vacation of obsolete subdivision.

A. Finding. Council hereby finds and declares that obsolete subdivisions may interfere with the orderly development of land within the city, perpetuate obsolete development standards and guidelines, threaten to impose substantial financial burdens on the city, create serious environmental problems and reduce the quality of life for persons who live in or near the obsolete subdivisions. It is the intent of council that this procedure applies to property platted before and after the effective date of the ordinance codified in this title.

B. Vacation process. Subject to the procedure set forth in this section, council may vacate all or a portion or portions of the final subdivision plat of any obsolete subdivision within the city upon the request of a property owner within the subdivision or the current planning division. Council may vacate only the final subdivision plat for that portion of an obsolete subdivision consisting of multiple, contiguous lots that are undeveloped and in common ownership. Council may vacate a final subdivision plat only after conducting a public hearing to consider evidence to determine whether the findings can be made that are necessary to determine if all or a part of the subdivision is obsolete within the meaning of this section and to consider evidence to determine whether the finding can be made that is necessary to adopt an ordinance to vacate.
   1. Prior to vacating all or a part of the final subdivision plat of any obsolete subdivision, council shall adopt a resolution of intent to vacate. The resolution shall set forth the reasons that council desires to vacate the final subdivision plat and shall establish the date, time and place of a public hearing on the proposed vacation. At least ninety days prior to council consideration of the resolution of intent to vacate, the planning division shall provide written notice to all record surface owners and lienholders that vacation of the subdivision is being considered.
   2. A copy of the resolution shall be published once at least ten days before the public hearing described in this section in a newspaper of general circulation within the city. In addition, a copy of the resolution shall be mailed to the last known address of the record surface owner or owners of each lot within the subdivision and to any lien holders of record, at least ten days before the public hearing. In addition, at least ninety days prior to council consideration of a resolution of intent to vacate, the planning division shall provide written notice to all record surface owners and lienholders that vacation of the subdivision is being considered.
   3. At the public hearing on the determination of obsolescence and proposed plat vacation, council shall receive a report from the planning division regarding a proposed vacation and shall hear from all interested persons. At the close of the public hearing, council may, by ordinance, vacate all or a part of the final subdivision plat for the obsolete subdivision if it makes the following findings:
      a. that the subdivision is an obsolete subdivision within the meaning of this section; and
      b. vacation of all or a part of the final subdivision plat for the obsolete subdivision will promote the health, safety and general welfare of the community. The ordinance shall describe the property that is subject to vacation by making reference to the subdivision name and the final plat on record with the Larimer County Clerk and Recorder.
   4. If council vacates all or a part of the final subdivision plat of any obsolete subdivision, it shall record a copy of the ordinance of vacation with the Larimer County Clerk and Recorder. The city shall also record a copy of the final subdivision plat as it was approved by the city with a prominent notation on the plat showing that it was vacated in whole or in part by decision of council and the date of such decision.
   5. The vacation of all or a part of the final subdivision plat for any obsolete subdivision shall have the effect of vacating all public easements and rights-of-way within the vacated subdivision or portion unless the ordinance of vacation expressly provides that any public right-of-way has not been vacated. The vacation of an obsolete subdivision or portion thereof shall not have the effect of interfering with any privately owned easements dedicated for utility, access or other similar purposes shown on the final subdivision plat that was vacated unless the city has obtained a release from the owner of the privately-owned easement authorizing the vacation of such easement. The title to land subject to easements or rights-of-way that have been vacated shall vest as provided in C.R.S. § 43-2-302.

C. Effect of vacation. After all or a part of the final subdivision plat for any obsolete subdivision has been vacated pursuant to this section, the land within such vacated subdivision or portion thereof may not be subdivided without first complying with the then applicable state and local subdivision regulations, and it shall be unlawful to sell the land or any portion thereof with

reference to the plat or develop any property within the vacated subdivision or portion thereof without first complying with the then applicable state and local subdivision regulations.

D. Vested rights. Nothing in this section is intended to authorize the city to interfere with any lawfully established vested rights.

16.36.040 Vacation of portion of request.

The city shall have the right, in its discretion, to refuse any vacation request, or to vacate only a portion of the total area requested for vacation.

16.36.050 Reservation of rights-of-way or easements.

In the event of a vacation in accordance with this Chapter 16.36, rights-of-way or easements may be reserved for the continued use of existing or future streets, sewer, gas, water or similar pipelines and appurtenances, for overland drainage, drainage facilities or canals and appurtenances, and for electric, cable television, telephone, and similar lines and appurtenances, or any other public purpose.

16.36.060 Conditions on vacation.

The planning commission may recommend, and council in the ordinance effecting a vacation may impose, reasonable conditions on said vacation, to preserve and promote the public health, safety and welfare of the inhabitants of the city and the public generally. Such reasonable conditions may include the payment of money to the city as consideration for a vacation, when the vesting of title upon vacation may confer a benefit upon the new owner of the vacated right-of-way or easement, or where the city has purchased or will purchase a right-of-way or easement to replace that being vacated.

16.36.070 Recordation of vacation.

In the event of a vacation of a right-of-way, easement, or obsolete subdivision in accordance with this chapter, the documents vacating such action, including without limitation, any resolution, ordinance, deed, conveyance document, plat, or survey, shall be recorded by the city clerk in the office of the Larimer County Clerk and Recorder.

16.36.080 Preservation of access.

No right-of-way or part thereof shall be vacated so as to leave any land adjoining said right-of-way without an established public or private road connecting said land with another established public or private road.

16.36.090 Vesting of title upon vacation.

Any ordinance effecting a vacation under this chapter shall state to whom title to the vacated land shall vest upon vacation. Title to the lands included within a right-of-way or so much thereof as may be vacated shall vest in accordance with the provisions of C.R.S. § 43-2-302.

16.36.110 Annexation unaffected.

Where a subdivision plat is vacated under this chapter, such vacation shall not in any way affect any previously approved annexation involving the same or other lands.

Chapter 16.38

CAPITAL EXPANSION FEES

Sections:

16.38.010 Purpose.

It is the purpose of this chapter to adopt a rational system for identifying growth-related costs incurred by the city in providing for new and expanded capital facilities made necessary by expanded population levels and economic activity levels, to develop a fee structure therefor directly related to such costs and to provide a method for collection of such fees. It is the further intent of this chapter that such fees accurately reflect actual growth-related capital costs, that once such costs are paid ongoing operating charges will be similar to charges imposed prior to such development, that the system be understandable and inexpensive to apply, that policies and fees will be subject to revision as conditions change and that the system will be linked to a capital improvement program designed to provide the facilities for which the fees are imposed.

16.38.020 Fees imposed.

A. There are imposed capital expansion fees upon every additional dwelling unit of residential development and every square foot of retail, non-retail and industrial development.
B. Capital expansion fees shall be due and payable as follows:
    1. Except in the case of an accessory dwelling unit, for any activity requiring a certificate of occupancy, the fees shall be due and payable at the time that a final inspection for a certificate of occupancy is requested, except that if a temporary certificate of occupancy or other certificate of occupancy does not issue within thirty days after the call for inspection, the paid fees shall be returned to the party who paid such fees.
    2. Upon a change in the use of property where the new use is in a different category for which additional or higher fees are applicable, such additional or higher fees shall be due and payable at the time that a final inspection is requested, but if no certificate of occupancy is required, then at such time as the new use is actually commenced.
    3. For all other activities for which a certificate of occupancy is not required, including expansion or remodeling which creates additional dwelling units or additional square footage for commercial or industrial use, fees shall be due and payable at the time such additional space is actually occupied, except that a credit shall be received for all fees for the prior use.
    4. Prior to recording any annexation map of property which contains a mobile home which existed on the property on or before July 1, 1984, or which contains the type of structure for which capital expansion fees are currently collected and for which a building permit was issued on or after July 1, 1984.

C. The director may allow a person to defer payment, of a portion of the capital expansion fees for unfinished space, if any, in proportion to the pro rata amount of such unfinished space. The length of such deferral shall be paid when put into use (when completed), but shall not exceed three years.

D. Capital expansion fees shall be adjusted annually pursuant to Section 16.38.110 and shall be reviewed and approved by resolution of council at least every five years.

16.38.030 Change in use credit.

A. As used in this section:

"Capital expansion fee" means the fees imposed upon every additional dwelling unit of residential development and every square foot of retail, non-retail, and industrial development pursuant to Section 16.38.020.

"Credit" means the change in use credit for capital expansion fees determined in accordance with Subsection B. below.

"Development" means any improvement of property, other than redevelopment, for which a full building permit is issued, any change in use of property, any use of property which has been vacant for a year or more, or any use of property subject to compliance with the site development performance standards and guidelines.

"Letter of completion" means evidence issued by the city's building division that construction authorized by a building permit has been substantially completed where: (i) uses are not determined at time of building permit application and the building permit authorizes construction of core and shell only; or (ii) the permit authorizes an expansion or remodel for an existing use, with no change in use.

"Redevelopment" means renovation, modification, or reconstruction of an existing residential structure or an existing retail, non-retail, commercial, or industrial structure.

"Site" means two or more contiguous lots which are being developed or redeveloped pursuant to the same site plan.

"Site plan" means a site development plan, or if no site development plan is required under Chapters 18.46 and 18.47, a site plan submitted with an application for a building permit.

"Use" means a land use authorized and approved pursuant to the applicable provisions of Title 18 and as defined by the Institute of Transportation Engineers for application to the capital expansion fees for streets.

B. Change in use credit. Whenever an existing use on a lot is changed, a credit for capital expansion fees shall be calculated and made available for application as provided in paragraphs C. and D. below for the payment of any capital expansion fee imposed by section 16.38.020, in accordance with the following:

1. The amount of the credit shall be the amount of capital expansion fees that would be due for a discontinued use as calculated in accordance with the then current capital expansion fees schedule. If no use is then in existence, the credit shall be based on capital expansion fees that would be due for the last previous use for which a certificate of occupancy or letter of completion was issued by the city.
2. The amount of the credit shall be established at the time capital expansion fees for a new use are due under Section 16.38.020.
3. If a change in use occurs in only a portion of a structure that is physically separated and permitted for a single use, the credit shall be calculated only on that portion of the structure for which the use is changed. For example, if a lot includes a single structure of twenty thousand square feet and the existing use being changed only pertains to a five thousand square foot portion of the structure that is physically separated and permitted for a single use, the credit shall be determined based only on that five thousand square feet.

C. Application of credit on single lot.

1. The credit shall be applied to capital expansion fees due for new uses established on the lot.

2. If capital expansion fees for a new use on a lot are greater than the amount of the credit, the difference shall be due at the time set forth in Section 16.38.020.
3. If capital expansion fees for a new use on a lot are less than the amount of the credit, no additional capital expansion fees shall be due for the new use on the lot.
4. Any excess capital expansion fee credit after application to a new use established on the lot from which it arose may be applied thereafter to each additional new use or change in use on the lot on a first-come, first-served basis, based on the date upon which a complete application for such development has been accepted by the City, except to the extent the credit has been previously used on other lots as provided in Subsection D. or E. below. Once an excess credit is established, the amount of that credit shall not be adjusted based on an increase in capital expansion fees, inflation or on any other basis.

D. Application of credit to site with multiple lots. Any remaining excess credit after application to a new use established on the lot from which it arose may be applied to each additional new use or change in use on adjacent lots within a site on a first-come, first-served basis, based on the date upon which a complete application for development for each new use has been accepted by the city.

E. Application of credit offsite. Any credit not used on a single lot or within a site may be used for capital expansion fees due for any new use established outside the lot or site only with buildings moved from the lot or site on a first-come, first-served basis, based on the date upon which a complete application for development has been accepted by the city.

F. Nature of credit. Any capital expansion fee credit established under this section shall not constitute a property right of any kind and shall not be owned by the property owner or transferable or assignable by the property owner to any third party. Except as provided in paragraphs D. and E. above, credit shall remain with the lot from which it arises.

16.38.050 Unlawful to occupy.

It is unlawful for any person or entity to occupy or use any real property for any purpose for which a capital expansion fee is due and payable prior to having paid such capital expansion fee. Each day of such occupancy or use shall be a separate offense.

16.38.060 Unpaid capital expansion fee – Lien.

All capital expansion fees shall be a lien upon each lot or parcel of land from the due date thereof, determined as set forth in Section 16.38.070A., until paid. If such fees are not paid when due, in addition to any other means provided by law, the city clerk shall certify such delinquent charges to the treasurer of Larimer County and the charges shall be collected in the same manner as though they were part of the taxes. The city reserves the right to withhold or revoke any permits, certificates or other approvals to any applicant who is delinquent in the payment of capital expansion fees.

16.38.070 Exemption from capital expansion fees – Generally.

Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding that such waiver is in the best interests of the public by encouraging activities that provide significant social, economic, or cultural benefits. When a capital-related fee is waived pursuant to this section, council shall direct that the waived fee be paid by the general fund or another appropriate fund.

16.38.071 Deferral of fees

Council may allow for the deferral of fees imposed on new development in the city. Council may do so by approving by resolution a written agreement entered into with the person owing the fees, which agreement shall contain such terms and conditions as the council determines are in the best interests of the city and provided that the council also determines and finds in the resolution that allowing the deferral of capital expansion fees or any other fees imposed on new development will serve

a public purpose. A public purpose may include, without limitation, providing the public with significant social, economic or cultural benefits. In the event that any amounts owed under the agreement are not paid when due and except as otherwise provided in the deferral agreement, such unpaid amounts shall be a perpetual lien upon the real property for which the deferred fees are owed from the date the fees are due under the agreement until paid and such lien shall have priority over all other liens except those for real property taxes. If any deferred fee is not paid when due, the city may pursue all remedies available to it under the law to collect such fee, including, without limitation, by judicially foreclosing the lien. The city clerk may also certify any delinquent fees and other amounts owed under the deferral agreement to the treasurer of Larimer County and such fees and amounts shall then be collected in the same manner as though they were real property taxes. The agreement may further provide that the city shall have the right to withhold or revoke any building permits, certificates of occupancy, and other city approval relating to the development of the real property for which deferred fees are delinquent in payment.

16.38.072 Exemption for historic downtown Loveland.

A. The capital expansion fees imposed by this chapter and any building permit fees imposed upon a construction project by the city, shall not be charged or collected for any construction project located within the boundaries of historic downtown Loveland. When a construction project is exempt from capital related fees pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge in which case the affected utility fund shall be reimbursed by the general fund.

B. As used in this section the term "historic downtown Loveland" means that area described as follows:

Beginning at the point of intersection of the centerlines of Washington Avenue and E. 4th Street, then extending north along said centerline to the intersection of the centerline of the alley between E. 7th Street and E. 8th Street, then west along said centerline to the intersection of the centerline of the alley between N. Lincoln Avenue and N. Jefferson Avenue, then extending north along said centerline to its intersection with the intersection with the centerline of E. 10th Street, then west to the intersection with the centerline of N. Lincoln Avenue, then extending north along said centerline to the Great Western/Omni Railroad tracks, then west along said tracks to the intersection with the tracks of the Burlington Northern/Santa Fe Railroad, then north to the east/west extension of the centerline of the alley shown on the Plat of Geist Subdivision, then west along said centerline of the alley to its intersection with the centerline of Garfield Avenue, then south along the centerline of Garfield Avenue to the intersection of the centerline of 2nd Street SW, then to the northwest corner of the Henrickson Addition, then south along the west line of the Henrickson Addition and continuing south to the Farmers Ditch, then east along Farmers Ditch to the intersection of said ditch and the centerline of S. Cleveland Avenue, then north along the said centerline to the intersection of the centerline of 3rd Street SE, then east along said centerline to the intersection of the centerline of S. Jefferson Avenue, then north along the said centerline to the projected intersection of the south property line of the residence at 110 S. Jefferson Avenue, then east along the southern property line of said residence, then continuing east along south property line of the residence at 117 S. Washington Avenue, then east to the intersection of the centerlines of Washington Avenue and the alley between 1st Street SE and 2nd Street SE, then east along said centerline to the intersection of the centerline of Monroe Avenue, then north along the said centerline to the intersection of the centerline of E. 1st Street, then east along the said centerline to the intersection of the centerline of Hayes Avenue, then north along said centerline to the intersection of the centerline of E. 3rd Street, then west along said centerline to the west side of the Loveland/Greeley Ditch, then north along the ditch to the intersection of the centerline of E. 4th Street, then west along said centerline to the P.O.B.

16.38.080 Exemption from capital expansion fees – Community Development.

Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, for not-for-profit facilities, designated affordable housing developments, and affordable housing units. Such exemptions shall be granted at the sole discretion of council, and only in accordance with the application procedures and requirements described in Chapter 43 of this Title 16.

16.38.090 Reduction in fee for minimal traffic.

The street capital expansion fee may be reduced for a specific land use if data deemed reliable by the city establishes that traffic for both peak hour and total daily volumes for the property are each less than sixty percent of the traffic assumptions used in establishing the fees for that specific land category in the adopted fee tables. The new fee will be based on a simple average of the data deemed reliable by the city for the property and the traffic assumptions used to establish the adopted fees.

16.38.100 Disposition of fees.

All fees collected pursuant to this chapter shall be deposited in a public works fund to be created by resolution of council, and to be used for the projects therein identified. Such resolution shall be established to comply with the provisions of C.R.S. § 31-15-302(1)(f)(I).

16.38.110 Review.

The fees imposed by this chapter and moneys expended from the public works fund shall be reviewed as follows:

A. The capital expansion fees shall be adjusted annually, effective January 1 of each year. The adjustment shall be equal to the percentage change in the construction cost index for the Denver area as set forth in the preceding year's September issue of the Engineering News-Record published by McGraw Hill Companies. However, with respect to the street capital fee, the adjustment factor shall be equal to the most current preceding eight quarters' average annual percentage change in the construction costs as determined by the Colorado Department of Transportation Construction Cost index.
B. The city manager shall report to council, in conjunction with the presentation of the proposed budget, annually, on the actual and proposed expenditures and projects accomplished and to be accomplished from the public works fund.

(Ord 6100 § 3,4, and 5, 2017)

Chapter 16.39

SCHOOL LAND DEDICATION AND IN-LIEU FEES

Sections:

16.39.010 Purpose.

It is the purpose of this chapter to adopt a rational system for identifying growth-related land needs and costs incurred by the school district in providing for new and expanded capital facilities made necessary by expanded population levels and economic activity levels, to develop a land dedication and fee structure therefore directly related to such needs and costs, and to provide a method of dedication and collection of such land and fees. It is the further intent of this chapter that such land dedication and fee imposition accurately reflect actual growth-related capital needs and costs, that the system be understandable and inexpensive to apply, that policies and fees be subject to revision as conditions change and that the system be linked to an implementable capital improvements program designed to provide the facilities for which the land dedication and fees are imposed.

16.39.020 Definitions.

As used in this chapter:

"Land development project" means the construction of one or more additional dwelling units or the modification of a non-dwelling unit building or structure to a dwelling unit.

"School district" means a public school district having an intergovernmental agreement with the city concerning the imposition of land dedication or fees in-lieu for school purposes.

"Independent living facilities" means a facility for persons who are socially and functionally independent all or most of the time. They are capable of moving about, taking care of their personal hygiene, preparing and eating their own meals, performing most housekeeping tasks and monitoring their own medications. They are able to reason, identify and meet their needs and deal appropriately with other people.

"Licensed personal care boarding homes (assisted living)" means a facility for an elder person who is functionally and/or socially impaired, needing assistance with personal care and some help moving about. Elder persons in assisted living facilities may also have occasional confusion or memory loss and need twenty-four-hour supervision. Nursing supervision is not required.

"Nursing homes" means a facility for an elder person who needs constant nursing supervision.

"Alzheimer homes" means a facility for persons who have been diagnosed with Alzheimer's disease.

"Day care homes for mature adults (elder care homes)" means a facility which provides day care for aged adults, with or without nursing care.

16.39.030 Land dedication in-lieu fees imposed.

A. There is imposed upon every land development project, as a condition which must be satisfied prior to requesting a final building inspection, proof that the appropriate land dedication has been made to the school district, or that the school district has been paid an in-lieu fee, in accordance with the land dedication and fee schedules adopted by the school district and approved by the city pursuant to intergovernmental agreement. If the applicant is required to pay the in-lieu fee, the fee shall be paid to the city, prior to a request for final inspection, at the current planning

division, concurrently with the payment of other fees payable to the city pursuant to Chapter 16.38.

B. Prior to or at the time that any proposed initial or modified land development project is submitted to the city for review, the superintendent of the school district, or designee, shall meet with the land development project applicant for the purpose of determining whether the school district desires the dedication of any land for schools within the land development project consistent with school district planning standards. In the event the dedication of sites or land areas is not deemed feasible or in the best interests of the school district as determined by the superintendent, or designee, the school district may require that the applicant pay the in-lieu fees as provided in this chapter.

C. The requirement of land dedication and the payment of fees in-lieu of land dedication shall be imposed as a condition which must be satisfied prior to a request for final building inspection for all development for which building permits were applied for after the effective date of this ordinance, and upon all development which has been bound to such requirements by contract.

16.39.040 Exemptions.

A. The following shall be exempted from the land dedication and in-lieu fees requirements of this chapter:
   1. Alteration or expansion of a dwelling unit not exceeding a net increase of one thousand square feet of the existing dwelling unit.
   2. Replacement of a dwelling unit in which the replacement does not exceed a net increase of one thousand square feet of the dwelling unit being replaced.
   3. Construction of a non-dwelling unit accessory building or structure.
   4. Construction of an accessory residential dwelling unit according to the provisions of this Code.
   5. Nursing homes, independent living facilities, licensed, personal care boarding home (assisted living), Alzheimer homes, day care homes for mature adults (elder care homes), as defined in this chapter.
   6. City-approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as “housing for older persons” pursuant to the Federal Fair Housing Amendments Act of 1988.

B. Any claim of exemption under this section must be made in writing by the applicant no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.

16.39.050 Use of funds by school district.

A. All in-lieu fees collected by the city on behalf of the school district shall be paid over to the school district no less than monthly. Upon receipt of the in-lieu fees from the city, the school district shall properly identify the fees and promptly deposit the fees into a trust fund to be established and held as a separate account by the school district. The school district shall be the owner of the funds in the account and shall comply with the provisions of C.R.S. § 29-1-801, *et seq.*

B. The funds deposited into the account shall be earmarked and expended solely to acquire, develop, or expand school educational sites, or for capital facilities planning, site acquisition or school site capital outlay purposes, within the senior high school feeder attendance area boundaries that include the land development project for which the fee was paid. Subject to the time limitations contained in this section, the time for, nature, method, and extent of such planning or development shall be within the sole discretion of the school district.

C. Any in-lieu fees which have not been expended by the school district for the purposes set forth in this section within ten years of the date of collection shall be refunded, with interest at the rate of

six percent per annum compounded annually, to the person who paid the fee. If applicable, notice of such refund opportunity shall be mailed to the payer's address as reflected in the records maintained by the school district at the end of the ten-year period. If the person who paid the fee does not file a written claim for such refund with the school district within ninety days of the mailing of such notice, such refund shall be forfeited and shall revert to the school district to be utilized for capital facilities or improvements that will benefit the dwelling unit for which the fee was paid. Council may extend the ten-year expenditure deadline set forth herein upon the request of the school district for good cause shown and following public hearing.

16.39.060 Report and review by school district and city.

A. The school district shall submit to the city an annual report on or before October 1st of each year describing the school district’s receipt of land dedications and expenditure of the in-lieu fees during the preceding fiscal year. This report shall include:
   1. A review of the assumptions and data upon which the methodology is based, including student generation ratios, and attendance area boundaries;
   2. Statutory changes or changes in the school planning standards or in city policies related to construction of school facilities; and
   3. Any recommended modifications to the land dedication and in-lieu fee schedule.

B. Council shall, at least every two years, review and update, as necessary, the land dedication and in-lieu fee schedule requirements as set forth in the intergovernmental agreement.

Chapter 16.40

IMPROVEMENTS

Sections:

16.40.005 Purpose.

The purpose of this chapter is to set forth procedures for installing public infrastructure improvements and financially securing incomplete public improvements, establishing required times for completion or performance of public improvements, and establishing the required warranty for such improvements.

16.40.10 Installation of improvements.

A. Preliminary and Final Improvements. Except as provided in subsection B in this section, prior to the issuance of any partial building permit (i.e., footings and foundation permit) in any area within any annexation or subdivision, all preliminary improvements shall be installed by the applicant in compliance with plans and specifications approved by the City. Prior to the issuance of any full building permit within any annexation or subdivision, all final improvements shall be installed by the applicant in compliance with plans and specifications approved by the city. A financial guarantee, satisfactory to the city, of such installation may be made in-lieu of constructing the required final improvements prior to issuance of the full building permit. The improvements shall be made in the area in which the permit is requested, the boundaries of which shall be as provided in this chapter, and such improvements shall be connected to existing improvements of a like nature so as to become a part of the respective systems. As used in this section, "preliminary improvements" shall include, but limited to, all-weather street surfaces, street name signs, traffic-control signs, curbs and gutters, water distribution improvements, sewer collection improvements, electric distribution improvements (including local street lighting), and storm water control facilities. "Final improvements" shall include, but not limited to, street pavement, pavement markings, permanent traffic control and street names signs, sidewalks, landscaping, and survey monuments. All improvements shall be in compliance with the final construction and development plans approved by the city.

B. Exceptions. The director may issue a partial or full building permit in an area within an annexation or subdivision prior to installation or preliminary or final improvements as otherwise required pursuant to subsection A in this section, provided the applicant demonstrates that unanticipated difficulties beyond the applicant's control have delayed completion of preliminary or final improvements and the Director makes the following findings:

1. Issuance of any such building permit will not create a threat to public health, safety, or welfare.

2. The applicant has demonstrated that there is a reasonable probability that the improvements otherwise required pursuant to subsection (A) will be completed within six (6) months of the issuance of any such partial or full building permit.
3. Issuance of any such partial or full building permit has been made subject to the following conditions:
    a. Adequate all-weather access to the construction site shall be provided for fire and emergency vehicles. Such access shall be subject to approval by the fire department.
    b. All underground electric lines and equipment shall be installed unless such installation is waived by the water and power department.
    c. Temporary erosion control measures shall be installed on the site in compliance with city standards.
    d. Prior to delivering to the construction site of any combustible building materials, adequate water supply for fire protection shall be provided to the construction site. Such water supply system shall be subject to approval by the water and power department and fire department.
    e. Or any other conditions determined to be necessary by the Director to avoid a threat to public health, safety, or welfare, including the posting of financial security in a form satisfactory to the City and in the amount of one hundred ten (110) percent of the improvements otherwise required pursuant to subsection (A) of this section.

C. Temporary Certificates of Occupancy.
1. Non-Residential Uses. The director may issue a temporary certificate of occupancy for a non-residential use prior to the installation of all preliminary improvements provided the Director determines that the issuance of any such certificate of occupancy will not create a threat to public health, safety, or welfare and the requirements in subsection B, in this section, have been met.
2. Residential Uses. The director may issue a temporary certificate of occupancy for residential uses only after the preliminary improvements have been installed pursuant to subsection (A) of this section and the Director determines that the issuance of any such certificate of occupancy will not create a public health, safety, or welfare.

D. Clear Certificates of Occupancy. No inspections shall be made by the City for purposes of issuing a clear certificate of occupancy until all final improvements and other requirements imposed by the provisions of this code or \by the City at the time any annexation map or subdivision plat is approved have been installed or performed by the applicant in compliance with plans and specifications approved by the City engineer and as required by this code or any ordinance or resolution passed by the City.

E. Notification. The Director shall notify City Council of any actions taken under subsections (B) or (C) of this section. (Ord. 4617 § 1, 2001)

16.40.015 Grading permit allowed.

Notwithstanding the provisions of the building code adopted by reference with modifications in Chapter 15.08, a grading permit may not be issued by the chief building official, but may be issued by the director for the following purposes only (1) for overlot grading associated with the construction of public improvements and/or overlot grading within a subdivision for which final construction drawings have been submitted and are being reviewed by the city and the applicant has addressed at least one round of review comments, and/or (2) for overlot grading that meets the criteria for the issuance of an overlot grading permit set forth in the building code adopted by the city, provided that the director finds (i) that the grading activity will not disturb any natural areas as defined in the Comprehensive Master Plan, and (ii) that the grading activity will not disturb any environmentally

sensitive areas as defined in the Code. Prior to the commencement of any grading activities on a site containing environmentally sensitive areas, as defined in this Code, temporary construction fencing shall be installed around the drip line of mature trees, vegetation, riparian areas, and other sensitive areas identified for preservation on plans approved by the city. (Ord. 5107 § 1, 2006)

16.40.020 Area boundaries establishment.

The exterior boundaries of such area shall be established by the person applying for such permit, subject to the approval of the city engineer, and shall include not less than ten lots or a complete cul-de-sac street. Implementation of the landscape plan shall be done in accordance with the phasing plan or as otherwise approved by the current planning manager. (Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.40.30 Guarantee form and deposit.

The guarantee required by this section shall be in one of the following forms and shall be deposited prior to the issuance of the first full building permit described in Section 16.40.010:

A. A surety bond deposited with the city in an amount not less than one hundred ten percent of the estimated cost of complete installation of all final improvements and compliance with the conditions and requirements of the city in the area established as provided in Section 16.40.020. Such bond shall be conditioned upon the complete installation of such improvements and compliance with such conditions and requirements within the time and in the manner required by this code or any ordinance or resolution of the city council.

B. A deposit of cash, certified funds from a financial institution, or other collateral, acceptable to the city, in an amount not less than one hundred ten percent of the estimated cost to complete the installation of all final improvements in compliance with the conditions and requirements of the city in the area established as provided in Section 16.40.020, shall be deposited by the developer with the city or with any financial institution acceptable to the city. Such deposit shall be subject to an escrow agreement whereby the holder of such cash, certified funds or collateral shall pay all or any portion thereof to the city upon the demand of the city as may be required to complete the installation of such improvements and compliance with such conditions and requirements within the time and in the manner required by this code or any ordinance or resolution of the city council. Any deposit of cash or certified funds made to the city shall be subject to an agreement whereby the city retains all, or any portion thereof, including any interest or other income earned therein, as may be required to complete the installation of such improvements and compliance with such conditions and requirements within the time and in the manner required by this code or any ordinance or resolution of the city council.

   An agreement between the city, the applicant and a financial institution acceptable to the city, in which the financial institution agrees to extend a letter of credit to the applicant, which letter of credit shall be in an amount not less than one hundred ten percent of the cost of complete installation of all final improvements in compliance with the conditions and requirements of the city council in the area established, as provided in Section 16.40.020. Said contract shall provide, in part, that the city shall have the right to call upon said line of credit, in the event of default on the part of the applicant, to complete the installation of and payment for such improvements and to insure compliance with such conditions and requirements within the time and the manner required by this code or any ordinance or resolution of the city council. Said agreement shall be in such form as may be required by the city and shall be accompanied by other documents, including, but not limited to, a letter of credit from the financial institution, as may be required by the city.

C. No interest or other income earned on the cash or collateral deposited with the city under this Section shall be paid by the city,. (Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.40.050 Time for completion.

The required time for completion or performance of all final improvements, conditions, and requirements shall be as soon as practicable, but no later than one year from the date of application for the first full building permit; provided, that the director may extend such time for completion or performance. To establish the time of completion of the final improvements, conditions and requirements; the developer shall prepare a detailed construction schedule and provide a financial security to the City for approval at a meeting held prior to the start of any public improvement construction as defined in Development Standards. Upon completion or performance of final improvements, conditions and requirements within the required time, and upon the approval and acceptance thereof by the city, the city shall cause such bond, deposit, escrow agreement or letter of credit to be released within fifteen days after written notification to the city that such improvements, conditions and requirements are completed or performed. If the improvements, conditions and requirements are not completed or performed within the required time, the city shall cause the proceeds of the bond, cash deposit, other collateral or moneys in escrow or extended through a letter of credit to be used to complete the same; provided, however, that in the case of financial security held with respect to incomplete improvements, the city may cause the proceeds of the financial security to be used to complete such work or improvements, for the correction or modification of building site conditions, removal of incomplete improvements, and/or installation of fencing, as may be necessary or appropriate in the city's judgment to protect the public's health, safety, and welfare, and the city shall have no obligation to complete any building site improvements in accordance with approved plans. The city may cause a portion of such financial security to be released as such improvements, conditions and requirements are completed or performed and approved by it which shall be released within thirty days after written notification to the city that such improvements, conditions and requirements are completed or performed.

16.40.060 Financial security - Approval.

All surety bonds, letters of credit and escrow agreements shall be accompanied by an incomplete public improvements agreement approved as to form and sufficiency by the city attorney. Surety bonds shall be deemed sufficient if executed by a corporate surety licensed to do business in the state of Colorado, and countersigned by a resident agent of such corporate surety. (Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.40.070 Dedication on completion.

Upon the completion and written acceptance by the city of the same, all such improvements shall be appropriately dedicated to public use and maintenance. (Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.40.080 Inspection.

All improvements shall be inspected as provided for in the development standards and guidelines. (Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.40.090 Warranty.

A. All workmanship and materials (except materials provided by the city) for all required public improvements installed by the applicant (including, but not limited to the water supply system, sanitary sewage disposal system, storm drainage facilities, electrical distribution system, curbs, gutters, street pavement, sidewalks, street signs, survey monuments, landscaping, and pavement markings) shall be warranted to be free from defects by the applicant for a period of two years from the date of acceptance of the required improvement by the city, provided, that such defects are not the result of public abuse, misuse or natural causes, as determined by the city. In the event any other provision of this code or specifications adopted pursuant thereto shall

require a warranty of workmanship or materials or both for a different period of time, that provision regarding the longer period of warranty shall govern. City inspection shall not relieve the property owner of such warranty of workmanship and materials. Upon notification, the applicant shall promptly make all adjustments, repairs, or replacements in accordance with a repair plan approved by the city, which repair, in the opinion of the city, arose out of defects and became necessary during the warranty period. The cost of all materials, parts, labor, transportation, supervision, special tools, and supplies required for replacement or repair of parts and for correction of defects shall be paid by the contractor or by the holder of the approved financial security.

B. This warranty shall be extended to cover all repairs and replacements furnished under the warranty, and the period of the warranty for each repair or replacement shall be extended one year after installation or completion of the repair or replacement.

C. If, within fifteen days after the city has notified the applicant of a defect, failure, or abnormality in the work, the applicant has not started to make the necessary repairs or adjustments or submitted a written objection to the city's request for repair work, the city is hereby authorized to make the repairs or adjustments or to order the work be done by a third party. The cost of the work shall be paid by the applicant. The director may authorize a temporary repair if necessary due to weather conditions or materials availability.

D. If an applicant has cause to object to the city's request for repair work, such objection shall be made in writing to the director. If the director confirms that the repair is necessary because of a defect in the applicant's materials or workmanship, the applicant shall complete the repairs as directed by the city, or appeal the director's decision as set forth in Section 16.16.040.

E. In the event of an emergency, where in the judgment of the city, delay would cause serious loss or damage, repairs, or adjustments may be made by the city or a third party chosen by the city without advance notice to the applicant, the cost of the work shall be paid by the applicant or the holder of the financial security.

F. Within thirty days prior to expiration of the warranty period, the applicant shall request, in writing, that the city verify that no defects exist. The city shall, within thirty days, inspect the completed work and, if no defects, failures, or abnormalities are observed or detected, the city shall cause the bond, deposit, escrow agent, or letter of credit to be released.

G. In the event that the applicant fails to complete any required repair work, or fails to reimburse the city for legitimate repair work performed by the city on behalf of the applicant, or fails to enter into an agreement with city regarding the satisfactory resolution of the obligation, the applicant shall be prohibited from participating in any further land development activity in the city until such repair, reimbursement, or agreement is completed to the satisfaction of the director. Both the developer of the project and the contractor performing the defective work shall be subject to this restriction. The developer shall be prohibited from receiving any additional building permits for any lots owned by the developer, as well as from submitting or continuing the processing of any land development applications for review and consideration by the city. The contractor shall be subject to the issuance of a stop work order issued by the city to the contractor for any work within any city right-of-way or easement. (Ord. 5581 § 13, 2011; Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

Chapter 16.41

ADEQUATE COMMUNITY FACILITIES (ACF)

Sections:

16.41.010 Purpose.

It is the purpose of this chapter to adopt a program to ensure that community facilities needed to support new development meet or exceed the adopted level of service standards established by the city; to ensure that no development approval, subdivision approval, or building permits are approved or issued which cause a reduction in the levels of service for any community facilities below the adopted level of service established by the city; to ensure that adequate community facilities needed to support new development are available concurrent with the impacts of such development; to establish uniform procedures for the review of the adequacy of community facilities needed to service new development and new subdivisions; to facilitate implementation of goals and policies as set forth in the comprehensive master plan relating to adequacy of community facilities; and to ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

16.41.020 Applicability.

The provisions of this chapter shall apply to all applications for development approval of a preliminary or final development plan, non-residential site plan, residential site plans containing more than twelve dwelling units, special review use, or preliminary subdivision plat submitted to the city after May 2, 1996, with the exception of redevelopment areas as specifically identified in Title 18. No application for development approval shall be approved unless a positive determination of adequacy or a positive determination of adequacy subject to conditions has been made by the city in accordance with this chapter and the application is in conformance with all other requirements necessary for approval of the proposed development. This chapter shall not apply to any use, development, project, structure, fence, sign, or activity that does not result in either the creation of a new commercial or industrial use structure, or residential (more than twelve dwelling units); or an increase in floor area of an existing commercial or industrial use structure or an increased number of dwelling units in an existing multi-family residential structure.

16.41.030 Vested rights.

A. Nothing in this chapter shall limit or modify the rights of an applicant to complete any development for which the applicant has obtained and possesses a vested right to undertake and

complete the development pursuant to C.R.S. § 24-68-101 *et seq.*, as implemented by Chapter 18.72 or pursuant to Colorado law.

B. If an applicant has, by decisions in reliance on prior approvals and regulations, obtained and possesses vested rights that by law prevent the city from changing those regulations in a manner adverse to the applicants interests, nothing in this chapter shall be deemed to authorize the city to abridge those rights.

C. A determination of adequacy shall not affect the otherwise operable and applicable provisions of this title or Title 18, all of which shall be operative and remain in full force and effect without limitation.

16.41.040 Processing of a community facilities data form.

A. Submission Requirements. All applications for development approval of a preliminary or final development plan, non-residential site plan, residential site plans containing more than twelve dwelling units, special review use, and preliminary or final subdivision plat shall be accompanied by a community facilities data form which shall include sufficient information to allow the city to determine the impact of the proposed development on community facilities pursuant to the procedures of this chapter. The community facilities data form shall be a form prepared by the city. The information required shall include, but shall not be limited to:

1. the total number and type of structures or dwelling units, and gross density of the proposed development;
2. the location of the proposed development;
3. an identification of the community facilities impacted by the proposed development;
4. if an applicant seeks an exemption from the requirements of this chapter based upon a claim that the applicant has obtained and possesses a vested right to undertake and complete the development, information sufficient to permit the city to determine the validity of the applicant's claim of exemption;
5. any information required by this chapter for specific city facilities; and
6. any other appropriate information as may be deemed necessary by the city in evaluating the adequacy of community facilities consistent with the provisions of this chapter.

B. If the community facilities data form is incomplete or the submission requirements have not been satisfied, the development review team shall so notify the applicant of any deficiencies in writing. If the community facilities data form is complete and the submission requirements have been satisfied, the development review team shall evaluate the proposed development or subdivision for compliance with the applicable adopted level of service standards and shall submit a recommendation regarding the adequacy of the community facilities pursuant to Section 16.41.050.

16.41.050 Recommendation of adequacy by development review team.

A. Upon receipt of a completed community facilities data form, the development review team shall evaluate the proposed development or subdivision, including, at a minimum, an evaluation of the following:

1. The number and type of structures or units proposed by the applicant;
2. The proposed timing and phasing of the development, if applicable;
3. The specific community facilities impacted by the proposed development;
4. The extent of the impact of the proposed development on all community facilities;
5. The capacity of existing community facilities serving the proposed development which will be impacted by the proposed development, based on the adopted level of service;
6. The demand on the existing capacity of community facilities from all existing and approved development;
7. The availability of existing capacity to accommodate the proposed development;

8. If existing capacity is not available, any capacity that is planned to be added and the year in which such planned capacity is projected to be available to serve the proposed development; and
9. If the applicant seeks an exemption from the requirements of this chapter based upon a claim that the applicant has obtained and possesses a vested right to undertake and complete the development, a determination of vested rights from the current planning division and an opinion from the city attorney.

B. If the development review team concludes that each community facility will be available concurrent with the impacts of the proposed development or subdivision at the applicable adopted levels of service, the development review team shall make a positive recommendation of adequacy.

C. If the development review team concludes that any community facility will not be available concurrent with the impacts of the proposed development at the applicable adopted level of service based upon existing community facilities, the development review team may make a negative recommendation of adequacy or, in the alternative, may make a positive recommendation of adequacy with appropriate conditions consistent with the following:
1. Deferral of further development approval until all community facilities are available and adequate if community facilities are not available and adequate to meet the adopted level of service for the development proposal;
2. Reduction of the density or intensity of the proposed development, including conditions regarding the phasing of the development, to a level consistent with the available capacity of the community facilities; or
3. Provision by the applicant of the community facilities necessary to provide capacity to accommodate the proposed development at the adopted level of service and at the time that the impact of the proposed development will occur; and
4. Any other reasonable conditions to ensure that all community facilities will be adequate and available concurrent with the impacts of the proposed development, or concurrent with the planned extension of the community facility by the city.

D. A written recommendation of adequacy by the development review team shall include a report addressing and summarizing the development review team’s evaluation required by Section 16.41.050A.

E. The development review team’s recommendation of adequacy shall be made part of any staff report accompanying any administrative, planning commission, or council review of applications for development approval.

16.41.060 Determination of adequacy.

Following receipt of the recommendation of adequacy and as part of the city's procedures for review and final approval of any application for development approval, and subject to compliance with all other standards applicable to the application and requested approval, council, or other board, commission, or administrative staff member vested with authority to approve development may: (i) make a positive determination of adequacy; or (ii) make a negative determination of adequacy; or (iii) make a positive determination of adequacy with appropriate conditions consistent with the conditions contained in Section 16.41.050C.

16.41.070 Effect and expiration of determination of adequacy.

A. A positive determination of adequacy shall be deemed to indicate that community facilities are or will be available and adequate to serve the proposed development until such time that the determination of adequacy expires. No application for development approval of a preliminary or final development plan, non-residential site plan, residential site plans containing more than twelve dwelling units, special review use, or preliminary subdivision plat shall be approved

unless a positive determination of adequacy or a positive determination of adequacy subject to conditions has been made by the city.

B. A positive determination of adequacy issued pursuant to this chapter shall be deemed to expire at the earlier of: (i) the expiration, waiver, lapse, or revocation of the development approval for which the positive determination of adequacy was issued; or (ii) failure by the applicant to timely comply with the conditions attached to a positive determination of adequacy; or two years following the date of issuance of a positive determination of adequacy.

16.41.080 Criteria for determining availability and adequacy of community facilities.

A. Level of service standards. Compliance with level of service standards shall be measured in accordance with the standards set forth in to this chapter or adopted development standards, as they may be amended from time to time as provided in this chapter.

B. Range of impacts. Any proposed development which could result in a range of potential impacts shall be reviewed as if the greatest impact shall result. The review and evaluation of community facilities required by this chapter shall compare the capacity of community facilities to the maximum projected demand which may result from the proposed development.

C. Existing demand and capacity. Where the adequacy and availability of a community facility is based upon an evaluation of available capacity, the existing demand upon the community facility shall be determined by adding together: (i) the existing demand placed upon the community facility from all users whether within or outside of the city; (ii) the projected demand for the community facility created by the anticipated completion of approved but uncompleted development; and (iii) the projected demand upon the community facility created by the anticipated completion of any proposed developments for which an adequate community facilities data form has been submitted to the current planning division.

D. Capacity improvements. No improvement proposed or undertaken to increase existing capacity of a community facility or an improvement proposed to be made to avoid a deterioration in the adopted levels of service shall be accepted by the city unless the improvement is a planned capital improvement included within the city's capital improvement program, appropriate facility master plan or development standards, or unless the improvement is determined by council to directly and substantially advance one or more established goals or policies of the city. An applicant's commitment to construct or expand a community facility prior to the issuance of a building permit may be included as a condition of the determination of adequacy and any such commitment shall include, at a minimum, the following:

1. A finding that the planned capital improvement is included within the capital improvement program, appropriate facility master plan or development standards;
2. An estimate of the total funding needed to construct the planned capital improvement and a description of the cost associated therewith;
3. A schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
4. A statement, based on analysis, that the planned capital improvement is consistent with the comprehensive master plan; and
5. At the option of the city and pursuant to an agreement between the city and the applicant, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed development, reimbursement to the applicant for the pro rata cost of providing the excess capacity.

16.41.090 Administration.

A. Rules and regulations. Council may adopt, by ordinance or resolution, any necessary rules, regulations, administrative guidelines, forms, worksheets and processes to efficiently and fairly administer and implement this chapter.

B. Administrative fees. Council may establish, by ordinance or resolution, fees and a fee schedule for each of the administrative procedures, determinations, approvals and certifications required by this chapter.
C. Conflict. To the extent of any conflict between the City Charter, the Code, ordinances, resolutions, or regulations and this chapter, the more restrictive is deemed to be controlling. This chapter is not intended to amend or repeal any existing ordinance, resolution, or regulation.
D. Appendices and data review. All appendices referenced in this chapter are incorporated by reference as if set forth in this chapter in their entirety. Council may amend appendices referenced in this chapter by resolution.

16.41.100 Fire protection and emergency rescue services.

Fire protection and emergency rescue services shall be deemed to be adequate and available for a proposed development if such services for the development meets or exceeds the applicable adopted level of service provided in Appendix A, and:

A. Adequate fire protection services and emergency rescue services are currently in place or will be in place prior to issuance of a building permit for the development; or
B. Provision of adequate fire protection services and emergency rescue services are a condition of the development application approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or
C. Facilities necessary for providing adequate fire protection services and emergency rescue services are under construction and will be available at the time that the impacts of the proposed development will occur; or
D. Provision of fire protection services and emergency rescue services are guaranteed by an executed and enforceable development agreement which ensures that such services will be in place at the time that the impacts of the proposed development will occur.

16.41.110 Transportation facilities.

Transportation facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Section 4.5 of the Larimer County Urban Area Street Standards, which may be amended by resolution, and:

A. All transportation facilities are currently in place or will be in place prior to issuance of a building permit for the development; or
B. Provision of transportation facilities are a condition of the development approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or
C. Transportation facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or
D. Provision of transportation facilities needed to achieve the adopted level of service are guaranteed by an executed and enforceable development agreement which ensures that such facilities will be in place at the time that the impacts of the proposed development will occur; or
E. Transportation facilities needed to achieve the adopted level of service are included in the capital improvements program; and
    1. The capital improvements program contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed development, and
    2. The transportation facilities are likely to be constructed and available at the time that the impacts of the proposed development will occur, or at the time the city extends the transportation facilities to provide a logical link to the project.

16.41.120 Water facilities and services.

Water facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and services for the development meet or exceed the applicable adopted level of service provided in Appendix A, at the end of this chapter, and:

A. A supply of raw water adequate to serve the projected needs of the proposed development is owned or controlled by the city and such water supply is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development; and
B. Sufficient raw water storage capacity, including on-site and off-site capacity, is available to serve the proposed development and such capacity is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development; and
C. Sufficient water treatment capacity is available or, through new capacity improvements will be made available, to ensure a supply of potable water to the proposed development prior to the issuance of the first building permit within the proposed development; and
D. Sufficient water main capacity will be available or, through new capacity improvements will be made available, to serve the proposed development prior to the issuance of the first building permit within the proposed development.

16.41.130 Wastewater facilities and services.

Wastewater facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and services meet or exceed the applicable adopted level of service provided in Appendix A, at the end of this chapter, and:

A. The city's central wastewater system or the central wastewater system of a sanitary sewer district is capable of connection to the proposed development; and
B. Sufficient wastewater treatment capacity is available or, through construction of new capacity improvements will be made available, to treat wastes generated by the proposed development prior to the issuance of the first building permit within the proposed development; and
C. Sufficient wastewater trunk line capacity is available and, where required, lift station capacity is available to serve the proposed development prior to the issuance of the first building permit within the proposed development.

16.41.140 Stormwater facilities.

Stormwater facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Appendix A, at the end of this chapter, and:

A. The proposed development meets all applicable requirements contained in the stormwater master plan, including the stormwater criteria manual; and
B. The proposed development provides for adequate major drainageways to convey stormwater flows from a one hundred year storm event which will minimize property damage; and
C. The proposed development meets all applicable drainage requirements of the city.

16.41.150 Power.

Power facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Appendix A, at the end of this chapter, and the proposed development will obtain utility services from the city through a system meeting all engineering and design standards applicable to the utility.

See APPENDIX A - TO LOVELAND ADEQUATE COMMUNITY FACILITIES ORDINANCE #4320

See TABLE 2.3 - FIRE PROTECTION STANDARDS CITY OF LOVELAND, COLORADO

TABLE 2.3
FIRE PROTECTION STANDARDS
CITY OF LOVELAND, COLORADO

	EXISTING Fire Station 5 Minute Service Areas or areas of CONVERGENCE	CONCEPTUAL Fire Service Area	BEYOND Existing, Conceptual Fire Service Area	URBAN/ WILDLAND (1)(6) Interface Area No Station Planned
▪ Outside Strobe Light	Yes	Yes	Yes	Yes
▪ Confirmed and Sustainable Access	Yes	Yes	Yes	Yes
▪ Interconnection of Subdivisions	Yes	Yes	Yes	Yes
▪ Sprinklers (NFPA Standards) (5)	(2)	(2)	(2)	(2)
▪ Ignition Resistant or Non-Combustible Exterior Construction Materials				Yes (3)
▪ Fuel Management (Include in Covenants)				Yes
▪ "Rate of Rise" Heat Detectors in Garage/Attic Areas (4)		Yes	Yes	Yes

(1) Four hundred foot maximum length of deadends.
(2) Any structure with a gross area of five thousand square ft. or more shall be fully sprinklered in accordance with NFPA. Attached garages are excluded (single family dwellings only) when calculating the gross square footage. In addition, residential sprinklers shall be required as otherwise provided by the fire code, including, but not limited to, the requirement that sprinklers shall be provided for all residences located on dead end streets more than four hundred feet from the street entrance or where street width is less than thirty-four inch flow line to flow line.
(3) Ignition resistant or non-combustible exterior construction materials shall be used in accordance with Chapter 5 of the International Fire Code Institute, Urban Wildland Interface Code.
(4) Not required in garage when fire sprinklers are provided.
(5) The Loveland Fire Rescue Authority believes the use of residential fire sprinkler systems is the best method of life safety where fire stations are not located within 1½ miles or a five minute engine company response time, as defined in the Fire Protection Master Plan. There is a certain risk assumed when homes are built without residential fire sprinkler systems.
(6) Urban/wildland interface area is that area defined under Section 15.08.020, Table 32A, footnote 3 of the Code.

Notes:

- When any approved lot is partially "in" an EXISTING, or a CONCEPTUAL fire service area, the entire lot shall be deemed 'in' for the purposes of determining the ACF fire protection standards. The proposed building must be within 1½ miles travel distance of a fire station based on existing or currently developed 'public travel routes' that meet existing development standards. The burden of proof falls on the applicant to verify travel distance is within 1½ miles.

- CONCEPTUAL fire service area is denoted on a map indicating where future fire service may be provided as development occurs. Fire station sites shall be determined by the Loveland Fire Rescue Authority (conditioned on approval of council) based on current growth/development patterns. Fire station locations are subject to change based on current development/growth patterns.
- This plan will be reviewed and modified accordingly every three years in conjunction with the Fire Protection Master Plan.

Chapter 16.42

STREET MAINTENANCE FEE

Sections:

16.42.010 Purpose.

A. The purpose of this chapter is to establish a street maintenance fee on users of city utility services within the boundaries of the city. The amount of the fee as established herein is intended to defray the costs of properly maintaining city streets.

B. It is the intent of council that the amounts collected by the imposition of the street maintenance fee shall be set aside and utilized for the sole purpose of defraying the costs of maintaining the streets located within the boundaries of the city.

16.42.020 Definitions – Additional regulations.

A. As used in this chapter:

"Customer" means a person to whom the city furnishes stormwater service.

"Maintenance" means activities performed for the upkeep and repair of the city's streets, including but not limited to patching, crack sealing, seal coating, overlaying, resurfacing, and reconstruction.

B. The city manager is authorized to issue regulations not inconsistent with this chapter to further define such terms as may be necessary or desirable for the administration of this chapter, and to establish additional procedures as may be necessary or desirable for the administration of this chapter.

16.42.030 Use of street maintenance fee.

A. All moneys received from the street maintenance fee imposed pursuant to this chapter shall be paid into the general fund, and shall be used exclusively to pay the cost of maintenance of the city's street system and not for any general city purposes.

B. To the extent that the funds derived from the street maintenance fee imposed pursuant to Section 16.42.040 are not sufficient to properly maintain the city's street system, the city may augment such funds with other city funds as may be determined by council.

16.42.040 Street maintenance fee imposed.

A. There is hereby imposed on each customer within the city a street maintenance fee.

B. The amount of the fee shall be as set by council by resolution and shall be based upon the customer's use of the lot, tract, or parcel of land receiving city services, the city's estimate of the relationship between such use and the generation of vehicular traffic on the city's street system, and the city's estimate of the cost of maintenance of the city's street system as a result of such traffic.

C. The amount of the fee may be changed from time to time based upon revised estimates of the costs of maintenance of the city's street system, revised categories of uses and traffic generation factors, and other factors reasonably related to the needs created or contributed to by customers who are subject to the fee.

D. The resolution establishing the amount of the fee may set forth charges pertaining to any delinquency in payment of the fee, including but not limited to late payment penalties and returned check charges, and collection charges.

16.42.050 Billing for street maintenance fee.

The street maintenance fee established by this chapter shall be billed and collected with the monthly stormwater bill for each customer utilizing such service.

16.42.060 Enforcement.

Any fee due under this chapter which is not paid when due may be recovered in an action at law by the city. The city may pursue any remedies or penalties provided by law necessary to carry out the provisions of this chapter.

Chapter 16.43

COMMUNITY HOUSING DEVELOPMENT

Sections:

16.43.010 Purpose.

The purposes of this chapter are to:

A. Encourage development of diverse housing types and complete neighborhoods;
B. Support housing that meets the needs of low and moderate income households;
C. Reduce homelessness by providing supportive housing with services.

16.43.020 Community housing development fund established.

There is created a special fund to be known as the community housing development fund for the purpose of receiving all revenues related to affordable housing programs and services and other appropriations from the general fund or other funds as approved or established by council. The fund and any interest earned in that fund shall be for the specific use of those programs and services, or other professional services necessary to support the Community Partnership Department. (Ord. 6214 § 1, 2018)

16.43.030 Revenue sources for community housing development fund.

The community housing development fund shall be funded through revenues derived from payments to the city as set forth in Section 16.43.090C., from gifts or grants, and from appropriations from the general fund or other funds, as council may from time-to-time establish or approve.

16.43.035 Designation of affordable housing developments.

All applications for designation of a housing development or housing unit as affordable shall be submitted to the affordable housing commission for review and recommendation to council. A decision by the affordable housing commission not to recommend designation may be appealed to council. Council shall review such applications and make the final determination to approve, approve with conditions, or deny such applications by resolution. An application for designation of a housing development as affordable may not be combined with or include a request for exemption from a capital

expansion fee or other fees. A designation of a housing development as affordable does not guarantee a reduction or exemption of capital expansion fees or other fees by council.

16.43.040 Calculation of capital expansion fees for designated affordable housing developments.

A. Capital expansion fees, water rights requirements and fees, and any other fees imposed by the city upon an affordable housing development, whether for capital or other purposes (collectively, "development fees") shall be calculated as of the date on which council adopts a resolution designating the housing development as affordable (the "designation date"). The development fees calculated under this section shall be valid for five years thereafter. At the end of the five-year period, the development fees shall be calculated each year thereafter on the basis of those development fees in effect five years prior. This adjustment shall continue each year until the last affordable housing unit within the affordable housing development receives a building permit, or the housing development loses its affordable designation in accordance with Subsection B. below.

B. Ten years after the designation date, the housing development shall lose its affordable designation unless at least one affordable housing unit within the housing development has received a certificate of occupancy, in which case the development fees shall continue to be calculated as set forth in Subsection A. above. Notwithstanding the foregoing, any developer that has not obtained a certificate of occupancy at the end of the ten-year period may request that the affordable housing commission consider and make a recommendation to council to extend the housing development's affordable designation and the fee reduction provided for herein for good cause shown. Any such extension shall be set forth in a development agreement approved by resolution of council.

C .Notwithstanding anything herein to the contrary, the developer shall be entitled to pay the lower of the development fee in effect as of the designation date and the development fee in effect at the time such fees are paid.

16.43.045 Dispersion and phasing of affordable housing units required.

A Where affordable housing units are part of a residential development also containing market-rate housing units, the planning commission shall review the preliminary plat to ensure that the affordable housing units shall, to the extent possible without creating practical difficulties, be mixed with the market-rate housing units and not clustered together or segregated from market-rate housing units in the development The director, in all instances, shall have the discretion to approve the final location and distribution of affordable housing units in the development provided that such locations are in substantial compliance with the planning commission's approval of the preliminary plat.

B. All development plans for affordable housing developments or that include affordable housing units shall indicate which dwelling units shall be constructed as affordable housing units. For single-family detached dwelling units, each lot upon which an affordable housing unit is to be constructed shall be designated on the development plan. For multi-family housing or duplex housing, the development plan shall indicate the percentage of units within the development that shall be constructed as affordable housing units. An affordable housing development may be developed in phases. For a phased development, each development plan shall indicate which dwelling units shall be constructed as affordable housing units. The director, in all instances, shall have the discretion to approve the number and location of affordable housing units within a phased development so long as the required ratio of affordable housing units to the overall number of market-rate units is maintained for each phase of the development. The development agreement for the affordable housing development shall specify the required affordable housing ratio of affordable housing units to market-rate units to be maintained during construction of each phase of the development. The director shall also have the authority to approve administrative amendments to development plans changing the location of affordable housing units designated on a development plan for non-phased developments, provided that such locations are

in substantial compliance with the planning commission's approval of the preliminary plat and with all other applicable provisions of this chapter.

16.43.050 Design standards for affordable housing.

The design standards set forth in Chapter 16.24 may be modified for subdivisions which are affordable housing developments in accordance with the Site Development Performance Standards and Guidelines. For affordable housing found in Chapter 7 of the Site Development Performance Standards and Guidelines, so long as the design of the subdivision remains at all times consistent with the overall health, safety, and welfare of the future residents of the subdivision. All Design modifications for affordable housing developments shall be subject to the approval of the director.

16.43.055 Expedited development review for affordable housing developments.

The city shall process all applications for affordable housing developments on an expedited time line. Complete applications for affordable housing developments shall be placed ahead of all other complete applications in the review process. All required reviews of applications for affordable housing developments by city staff members and city boards and commissions shall be accomplished in as expeditious a manner as possible consistent with good planning principles.

16.43.060 Exemption from capital expansion fees – not-for-profit or public facilities.

Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon anew development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit or public facilities open to Loveland area residents that might otherwise be provided by the city at taxpayer expense, that such facilities relieve the pressures of growth on the city-provided facilities, and that such facilities do not create growth or growth impacts. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge, in which case the affected utility fund, shall be reimbursed by the general fund or other fund. No certificate of occupancy shall be issued for any project that obtains a fee waiver pursuant to this section unless the project is encumbered by a deed restriction that meets the requirements described in Section 16.38.080. (Ord. 6214 § 2, 2018)

16.43.070 Exemption from capital expansion fees – designated affordable housing developments and affordable housing units.

A. Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed is an affordable housing development, and the development has been previously designated as such by resolution of council. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge in which case the affected utility fund shall be reimbursed by the general fund or other fund.

B. Exemptions granted pursuant to this section shall be done in accordance with the following tables:

1. A new development that will contain rental housing units and will not include market-rate units for rent may be eligible for a waiver of 100% of capital-related fees and charges or any other fees imposed by the city upon the development, at the discretion of council, if the development meets the following criteria: (a) 100% of the units will be available for rent by

persons earning 60% of the area median income or lower, and (b) at least 50% of the units will be available for rent by persons earning 50% of the area median income or lower.

2. A new development that will contain rental housing units that does not meet the criteria above may be eligible for a waiver of capital-related fees and charges or any other fees imposed by the city upon the development, but any exemption approved by council shall only apply to individual affordable housing units, and shall not apply to market-rate units. Unless otherwise approved by council, the exemption shall be calculated as follows:

Percentage of area median income to be served for a particular affordable housing unit	Percentage of fees waived for the particular affordable housing unit
30%	100%
40%	90%
50%	80%
60%	70%

3. A new development that will contain for-sale housing units may be eligible for a waiver of 100% of capital-related fees and charges or any other fees imposed by the city upon new development, at the discretion of council, if the development meets the following criteria: the affordable housing units will be available for-sale to persons earning 60% of the area median income or lower. Such a waiver shall only apply to the individual affordable for-sale housing units available to persons earning 60% of the area median income or lower, and shall not apply to any market-rate for-sale housing units that may be part of the same housing development.

4. A new development that will contain for-sale housing units to be made available for persons earning 61-100% of the area median income may be eligible for a waiver of capital-related fees and charges or any other fees imposed by the city upon the development, depending upon the unique circumstances of the project and only following specific review and approval of the project by staff and council. To be considered for approval by council of a waiver of fees and charges, the development must contain the following elements, restrictions, or characteristics: (a) designation by council as an affordable housing development, (b) approved pro forma financial analysis of the development by the city, (c) approval of development agreement with the city, and (d) preference for selling affordable units to families or individuals that currently live or work in Loveland. A waiver of fees or charges, or other economic or infrastructure incentives, may be approved in the sole discretion of council for projects that meet these characteristics and requirements and further the goal of increasing the supply of affordable housing to the residents of the city.

5. Notwithstanding the above provisions of this Subsection B, council may increase the percentage of fees waived under this section upon making a finding in its resolution waiving the fees that such percentage increase will serve a public purpose, which public purpose shall be specified in the resolution. Council may also decrease the percentage of fees waived under this section based upon the unique circumstances of a proposed development, the availability of funds, or for any other reason.

C. Exemptions granted pursuant to this section shall be effective for one year from the date on which the exemption is granted unless extended by council for good cause shown. Any such extension shall be set forth in an amendment to the development agreement approved by resolution of council.

D. Exemptions for fee waivers under this Title 16, including those capital-related utility fees and charges that must be reimbursed by the general fund or other fund, are granted at the sole discretion of council and under the specific terms approved by council. (Ord 6214 §3, 2018; Ord 6155 § 1, 2017).

16.43.071 Deferral of fees – community development

Council may allow for the deferral of fees imposed on not-for-profit or public facilities, designated affordable housing developments, or affordable housing units under the same procedures and requirements described in section 16.38.071.

16.43.080 Deed restriction for affordable housing units and not-for-profit or public facilities required.

A. "For sale" affordable housing units. No certificate of occupancy shall be issued for any "for-sale" single-family dwelling, multi-family building, or duplex containing an affordable housing unit(s) unless:

1. The applicant provides documentation satisfactory to the director of development services that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat;

2. For a single-family dwelling only, the contract household-buyer of such unit has been income-qualified for purchase of such unit by the community partnership administrator; and

3. A deed restriction or encumbrance has been placed on the property in a form approved by the city attorney, prohibiting the sale of the affordable housing unit(s) to any person or entity other than a qualifying household, prohibiting the rental of the property, and requiring the property to be owner-occupied, for a period of twenty years from the date of the initial purchase of the affordable housing unit(s). The deed restriction or encumbrance shall contain a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties. The deed restriction or encumbrance shall also contain a provision indicating that it automatically expires: (i) if title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or (ii) twenty years after the date of the initial purchase of the affordable housing unit by the initial qualifying household, provided there is no existing default under the deed restriction or encumbrance.

B. "For rent" units. No certificate of occupancy shall be issued for any "rental" multi-family building or duplex containing an affordable housing unit(s) unless:

1. The applicant provides documentation satisfactory to the director of development services that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat;

2. A deed restriction or encumbrance has been placed on the property in a form approved by the city attorney, prohibiting the rental of the affordable housing units to any person(s) other than a qualifying household, and prohibiting the conversion of the affordable housing units from "rental" units to "for-sale" units without the prior written approval of the city, for a period of fifty years from the date of the issuance of a certificate of occupancy. The deed restriction or encumbrance shall contain a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties. The deed restriction or encumbrance shall

also contain a provision indicating that it automatically expires: (i) if title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or (ii) fifty years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

C. Not-for-profit facilities. No certificate of occupancy shall be issued for a not-for-profit or public facility building that meets the requirements of Section 16.43.060 and that obtains a fee waiver pursuant to this section unless a deed restriction or encumbrance has been placed on the property in a form approved by the city attorney, prohibiting the sale of the not-for-profit or public facility to any person or entity for a use that does not meet the requirements of Section 16.43.060 for a period of twenty-five years from the date on which a certificate of occupancy was first issued for the property. The deed restriction or encumbrance shall contain a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties. The deed restriction or encumbrance shall also contain a provision indicating that it automatically expires: (1) if title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or (2) twenty-five years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

16.43.090 Sales of deed-restricted affordable housing units.

A. Every household-buyer of a deed-restricted affordable housing unit must be income-qualified by the community partnership administrator.

B. Within the deed-restriction period of a particular affordable housing unit, the owner of a deed-restricted affordable housing unit may only sell or transfer the unit to another income-qualified household unless council approves a hardship waiver of the requirements of this section. The requirements of this section shall not apply to the owner of an affordable housing unit with a deed restriction recorded prior to July 1, 2017 or to those deed restrictions that are related to or the subject of a development agreement between the city and a developer executed prior to July 1, 2017.

C. Deed restriction hardship waiver and payment required. Council may waive the requirement provided in subsection B, above, to allow an owner of a "for sale" affordable housing unit to sell such unit to a household that does not meet the definition of a qualifying household. Any requests for such deed restriction hardship waiver must be approved first by the affordable housing commission. The affordable housing commission's denial of a waiver may be appealed to council. A deed restriction hardship waiver granted by council shall require the owner to pay the city the amounts set forth by applying the calculation in the table below:

Number of years from original sale	Amount owed to city
1	95% of net proceeds
2	90% of net proceeds
3	85% of net proceeds
4	80% of net proceeds
5	75% of net proceeds
6	70% of net proceeds
7	65% of net proceeds

8	60% of net proceeds
9	55% of net proceeds
10	50% of net proceeds
11	45% of net proceeds
12	40% of net proceeds
13	35% of net proceeds
14	30% of net proceeds
15	25% of net proceeds
16	20% of net proceeds
17	15% of net proceeds
18	10% of net proceeds
19	5% of net proceeds
20	$0

In no instance shall the payment required exceed the owner's amount of net proceeds from sale of the affordable housing unit. (Ord 6155 § 2, 2017)

16.43.100 Use tax credit for affordable housing units.

A. Incentives provided. An applicant who meets all of the applicable criteria set forth in this section may receive, as a credit against any fees assessed by the city in connection with the construction of new affordable housing units within the city, or in connection with the reconstruction or remodel of an existing dwelling unit within the city, a sum equal to the building materials use tax paid to the city in connection with the construction of such units.

B. Criteria to receive credit. The credit shall be issued at the time a certificate of occupancy is issued for the single family dwelling, multi-family building or duplex containing an affordable housing unit. In order to receive the use tax credit set forth in Subsection A., the applicant shall meet one of the following criteria:
   1. For "for-sale" dwelling units, the applicant shall provide documentation satisfactory to the director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat.
   2. For "rental" dwelling units, the applicant shall provide documentation satisfactory to the director and the city attorney that the multi-family building or duplex containing affordable housing rental unit(s) are located in an affordable housing development and will provide affordable housing units to qualifying households for not less than fifty years.

C. Application. Any person or entity that wishes to receive the incentive credit provided for in Subsection A., shall submit a completed use tax credit application to the community partnership administrator. The application shall be accompanied by documentation in support of the criteria set forth in this section. An application which fails to contain complete information and sufficient documentation to support the criteria set forth above shall not be considered. The completed application for the incentive credit shall be submitted and approved prior to issuance of a use tax credit and prior to issuance of a certificate of occupancy.

16.43.110 Annual review of affordable housing ownership.

Once each year, the community partnership administrator shall obtain an ownership report concerning each "for-sale" affordable housing unit for which the city has issued a certificate of occupancy. In the event an affordable housing unit is owned or occupied by a person other than the initial qualifying household, the current owner of the affordable housing unit shall submit documentation to the administrator verifying that the affordable housing unit is owned by a qualifying household and has not been rented. In the event the current owner fails to provide such information in a timely manner, or the information provided fails to support continuing compliance with the requirements

set forth in this chapter, the administrator shall advise the current owner in writing that the payment set forth in Section 16.43.090C. shall be paid to the city. If the current owner fails to pay the city within thirty days of the date any decision is made by the administrator pursuant to this section, the city may institute appropriate legal proceedings to recover the amount owed. Any such funds recovered shall be placed in the affordable housing fund.
(Ord 6100 § 6, 2017)

End Title 16

Title 17

ANNEXATION

Chapters:

Chapter 17.04

ANNEXATION OF LAND

Sections:

17.04.005 Purpose.

The purpose of this title is to establish policies and procedures for the annexing of property into the city limits.

17.04.010 Definitions.

As used in this title, all words and phrases shall be interpreted and defined in accordance with Section 16.08.010.

17.04.020 Procedure, in accordance with state law.

Annexation of lands to the city shall be in accordance with the laws of the State of Colorado in effect from time to time. An annexation shall be processed in accordance with this title unless otherwise specified. In the event that additional procedural requirements are imposed by applicable Colorado Revised Statutes, the director shall modify the annexation process to add any additional procedures required by Colorado Revised Statutes. (Ord. 4717 § 1 (part), 2002; Ord. 4299 § 1 (part), 1997)

17.04.030 Annexation policies.

A. Annexation is a legislative act by council, and each application shall be considered on a case-by-case basis only.
B. The proposed annexation shall be consistent with the philosophies of the Comprehensive Master Plan.
C. The annexation application shall be accompanied by an application for initial zoning.
D. The annexation application must disclose the public facility requirements of the property to be annexed, and how such requirements are to be satisfied by the property owner. These requirements may be satisfied by commitments of land dedication, payment of cash, construction of public facilities, or other method offered by the property owner in the annexation petition and accepted by council.
E. The proposed annexation shall comply with other policies, terms, and special conditions that council might impose. (Ord. 4717 § 5, 2002; Ord. 4299 § 1 (part), 1997)

17.04.040 Annexation review standards.

Council need only consider the annexation application after approving a resolution finding that the application complies with the eligibility criteria contained in C.R.S.§§ 31-12-104 and 31-12-105. After making such a finding, council may consider the following:

A. Public facilities and community services. Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the city in order that the public needs may be served by such facilities and services. These facilities include, but are not limited to, streets, sidewalks, bike lanes, bridges, parks and recreation areas, schools, police or fire station sites, water and wastewater, and storm drainage facilities. These community services include, but are not limited to fire and police protection, provision of water and wastewater services. Council shall not approve the annexation until such time that it determines that the current requirements for such public facilities and additional community services, as the city determines to be necessary and required, in the area proposed to be annexed have been fulfilled and that the future requirements for such public facilities can be fulfilled.

B. Impact on existing residents of the city. Whether the annexation of lands to the city create any additional cost or burden on the then-existing residents of the city to provide such public facilities and additional community services in any newly-annexed area.

C. Compliance with Comprehensive Master Plan. Whether the applicant has demonstrated that the proposed annexation of land is in compliance with the Comprehensive Master Plan.

D. School district impacts. Whether the applicant has demonstrated that the applicant discussed with the school district the requirements for dedication of school sites, or payment of fees in lieu of the dedication, as may be agreed to between the applicant, the school district and the city.

E. Compliance with pertinent intergovernmental agreements. Whether the applicant has demonstrated that the proposed annexation of land is in compliance with all pertinent intergovernmental agreements to which the city is a party.

F. Best interest of citizens. Whether the proposed annexation is in the best interest of the citizens of the City of Loveland.

G. Cost/benefit analysis. In its consideration of any proposed annexation, council may request that a cost/benefit analysis be prepared in compliance with the Comprehensive Master Plan to measure and assess the fiscal impact of the proposed annexation. The cost of such analysis or additional information shall be borne solely by the applicant. Council may make any appropriate findings as a result of said cost/benefit analysis.

H. Street compliance with city standards. All existing and proposed streets in newly annexed property shall be constructed in compliance with all current city standards unless the city determines that the existing streets will provide proper access during all seasons of the year to all lots fronting on each street; and that the curbs, gutters, sidewalks, bike lanes, culverts, drains and other structures necessary to the use of such streets, highways and public safety are satisfactory or not necessary. The location, type, character and dimensions of all structures and the grades for all existing or proposed street work shall be subject to approval by the city.

I. No building permit or development plan shall be issued for property annexed into the city until a subdivision plat has been approved and recorded pursuant to Title 16. (Ord. 4717 § 5, 2002)

J. Water rights. The annexation shall comply with the water rights requirements of Title 19. (Ord. 4717 § 5, 2002; Ord. 4299 § 1 (part), 1997)

17.04.050 Annexation review and approval procedure.

A. Application processing. Applications for annexation shall be processed in accordance with the procedures set forth in Chapter 18.39. Upon determination by the current planning manager that the application is complete, the application shall be further processed as set forth below.

B. Requirement to zone annexed property. All applications for annexation shall be accompanied by an application for zoning of the property to be annexed, as set forth in Title 18. All zoning applications shall propose a zoning that is consistent with the Comprehensive Master Plan, as amended, unless an application for Comprehensive Master Plan amendment accompanies the zoning application.

C. Concurrent site development plan applications. The applicant may submit a concurrent application for a site development plan as set forth in Chapters 18.39 and 18.46 with the annexation application. In this case, any public improvement construction plans submitted with the annexation application shall be deemed to be part of the site development plan application. The plans and other supporting documents that are part of an approved site development plan application shall be deemed to be the final plans for the proposed development.

D. Public notice requirements. Where council adopts a resolution pursuant to C.R.S. § 31-12-108(1), the city clerk or the clerk's designee shall give notice in accordance with the provisions of C.R.S. § 31-12-108(2).

E. Planning commission decision. Subject to available space on the agenda, the planning commission shall hold a public hearing on the annexation application at its next regular meeting. The public hearing shall be noticed in accordance with Section 16.16.070. Staff's recommendations shall be presented as part of the public hearing. Using the policies and the annexation review standards set forth in this chapter, the planning commission may recommend approval, or denial of the application as submitted, or with the concurrence of the applicant, continue the application and refer the matter back to the applicant for further study. The planning commission shall make appropriate findings based on the applicable review standards. In recommending approval of any application, the planning commission may impose any condition for any reason, including but not limited to ensuring that the proposal satisfies the review standards set forth in this title, the Comprehensive Master Plan and the Code. Before recommending that any condition be imposed on the annexation, the planning commission shall obtain the consent of the applicant to the conditions, either in writing or as a part of the record of the proceeding. If the applicant fails to consent to all of the conditions, such failure to consent shall be grounds for recommending denial of the annexation.

F. City council decision. Subject to compliance with the noticing requirements in this section, and subject to available time on the agenda, at the public hearing required by Colorado Revised Statutes, council shall consider the identical annexation application that was presented to the planning commission at the next regular council meeting. Staff shall present the planning commission's and staff's recommendations as part of the public hearing. Using the policies and the annexation review standards set forth in this chapter, council may approve or deny the application as submitted, or in accordance with Colorado Revised Statutes, continue the application and refer the matter back to the applicant for further study. If the annexation application is approved by council, council shall make appropriate findings based on the applicable review standards. In approving any application, council may impose any condition for any reason, including but not limited to ensuring that the proposal satisfies the review standards set forth in this title, the Comprehensive Master Plan and the Code. Before imposing any condition on the annexation, council shall obtain the consent of the applicant to the conditions, either in writing or as part of the record of the proceeding. If the applicant fails to consent to all of the conditions, such failure to consent may be grounds for denial of the annexation. (Ord. 5412 § 1, 2009; Ord. 4540 § 3, 2000; Ord. 4299 § 1 (part), 1997)

17.04.060 Submittal requirements.

A. The annexation application shall include the annexation map, all information that is required by state statutes, and all information required by the applicable submittal checklist. All information shall be in a form that allows the development review team to review the application on the basis

of the findings for annexation and to resolve issues that may have been raised at the concept review meeting.

B. The current planning manager is authorized to create, modify, or discontinue any submittal checklist for all development applications as deemed necessary for the implementation of this title.

17.04.065 Documents required before council public hearing.

Prior to scheduling the council public hearing, the applicant shall submit to the current planning manager fully-executed final documents as determined by the current planning manager.

17.04.070 Recording and filing requirements.

A. After the final approval of the annexation map and ordinance, the applicant shall submit to the development center two signed, original mylars or one signed, original mylar and one clearly legible, reproducible copy of the map, containing original signatures. (Ord. 4717 § 5, 2002)B. The city clerk shall:

1. Cause the annexation map, two copies of the annexation ordinance, certified, the development agreement, if applicable, any other written agreements or documents which the director requires to be recorded, and all other necessary filings as required by C.R.S. § 31-12-113 to be recorded with the Larimer County Clerk and Recorder; and
2. Distribute sufficient copies of the map to other departments and individuals as required by law or designated by the director. (Ord. 4299 § 1 (part), 1997)

17.04.080 Corrections, errors, and omissions.

Corrections, errors, and omissions to an annexation map shall be processed in accordance with Section 16.16.060. (Ord. 4299 § 1 (part), 1997)

****End of Title 17***

Title 18

ZONING

Chapters:

Chapter 18.04

PURPOSE

Sections:

*For statutory provisions regarding zoning of cities and towns generally, see C.R.S. 31-23-201 *et. seq.* For provisions authorizing local authorities to adopt zoning regulations, see C.R.S. 31-23-301 *et. seq.*

18.04.010 Purpose.

The zoning regulations and districts, as herein set forth, which have been made in accordance with a comprehensive zoning study, are designed to accomplish the following: lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks and other public improvements. These regulations have been made with reasonable consideration as to the character of each district and its suitability for particular uses, with a view to conserving the value of buildings, land and encouraging the most appropriate use of land throughout the city in accordance with the adopted master plan for the city or other approved planning or engineering studies.

18.04.020 Applicability.

A. No real property shall be zoned or rezoned, nor shall a variance to the application of this title be granted, which violates the provisions of C.R.S.34-1-301 *et seq.*
B. Except as hereinafter provided, no building, structure or land shall be used and no building, structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the statutes of the state and the regulations herein specified for the district in which it is located; nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.
C. Approval of a site development plan, pursuant to Chapters 18.39 and 18.46, shall be required for all category 2 development pursuant to the provisions of this title. No site development plan shall be required for category 1 development.

18.04.030 Interpretation.

A. The provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This title shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
B. Whenever both a provision of this title, and any other provision of this title or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all areas, width and yards permitted

under the terms of this title shall be in conformity with all other provisions of law.

C. This title is not intended to abrogate or annul any permits issued before the effective date of the ordinance codified herein, or any easement, covenant or any other private agreement.

D. When interpreting the provisions of this title, the following rules shall apply:

a. The particular controls the general.

b. In case of any difference of meaning or implication between the text of this title and the captions for each section, the text shall control.

c. The word "shall" is always mandatory and not directory. The word "may" is permissive.

d. Words used in the present tense include the future, unless the context clearly indicates the contrary.

e. Words used in the singular number include the plural and words used in the plural number include the singular unless the context clearly indicates the contrary.

f. A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.

g. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

18.04.040 Definitions.

A. As used in this title, all words and phrases shall be interpreted and defined in accordance with Sections 16.08.005, 16.08.010 and Subsection B. of this section, except that the current planner manager, as administrator of this title, shall make interpretations relating to Title 18. In this event of a conflict, Subsection B. of this section shall control.

B. As used in this title:

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video, or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult bookstore, adult novelty store, or adult video store" means a business having as a substantial and significant portion of its stock and trade, revenues, space, or advertising expenditures of one or more of the following: (i) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, laser disks, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (ii) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

"Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features: (i) persons who appear in a state of nudity or semi-nudity; or (ii) live performances which are characterized by the exposure of "specified sexual areas" or by "specified anatomical activities"; or (iii) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult motel" means a hotel, motel, or similar commercial establishment which: (i) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of such adult type of photographic reproductions; or (ii) offers a sleeping room for rent for a period of time that is less than ten hours; or (iii) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities."

"Attended recycling collection facility" means a lot, site, premises or portion thereof, which is used for the collection and temporary storage, in closed, weatherproof containers, including mobile recycling collection units, of recyclable materials accepted by donation, redemption or purchase from the general public only during times when the site is attended by an employee or volunteer. Such a facility does not use power-driven processing equipment, but may include reverse vending machines.

"Bar or Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and light snacks may also be available for consumption on the premises.

"Bed and breakfast establishment" means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

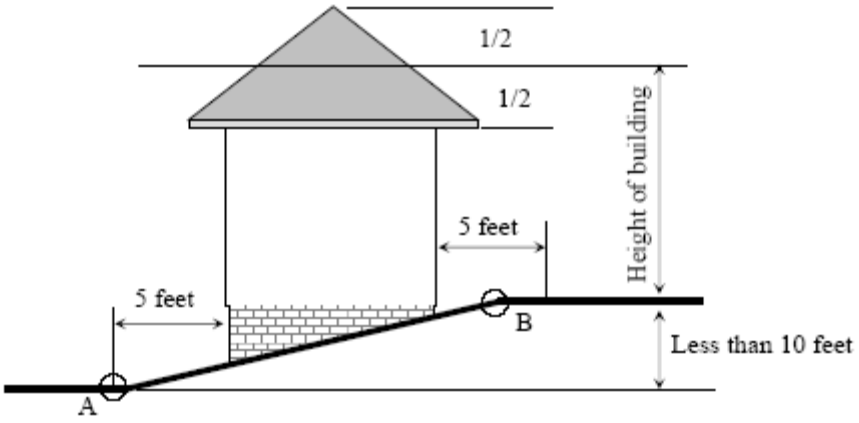
"Boarding and rooming house" means a building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensate" includes compensation in money, services or other things of value.

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is permanently affixed to the land and has one or more floors and a roof.

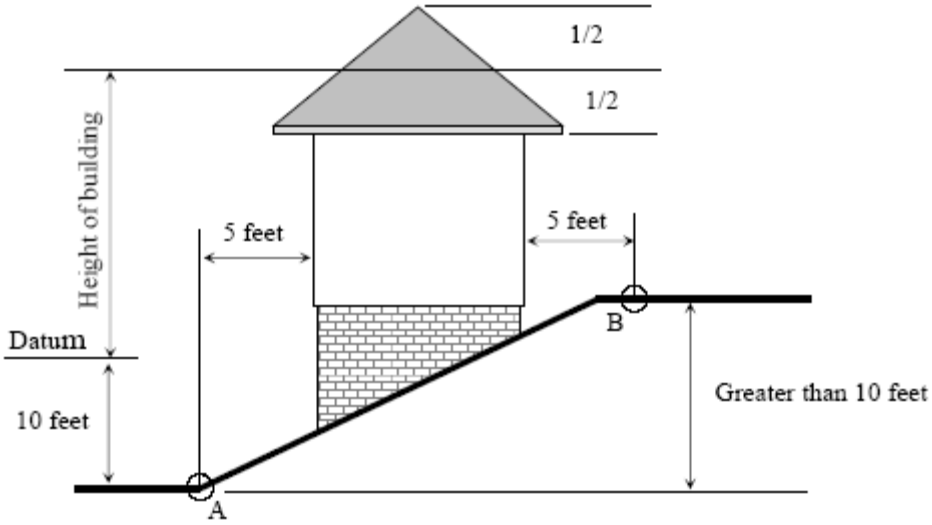
"Building envelope" means the two dimensional space with in which a building or structure is permitted to be built on a lot.

"Building height" means the vertical distance from grade to the highest point of the coping of a flat roof, or to the average height of the highest gable of a hipped roof or to the highest point of a curved roof. This measurement shall be exclusive of church spires, chimneys, ventilators, pipes and similar apparatus. For purposes of this definition "grade" as a point of measure, shall mean either of the following, whichever yields a greater height of building or structure: (i) the elevation of the highest ground surface within a five foot horizontal distance from the exterior wall of the building, when there is less than a ten foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall; or (ii) an elevation ten feet higher than the lowest ground surface within a five foot horizontal distance from the exterior wall of the building, when there is greater than a ten foot difference between the highest and lowest ground surface from said wall. For purposes of this section, the term "ground surface" includes sidewalks. See diagram 1.

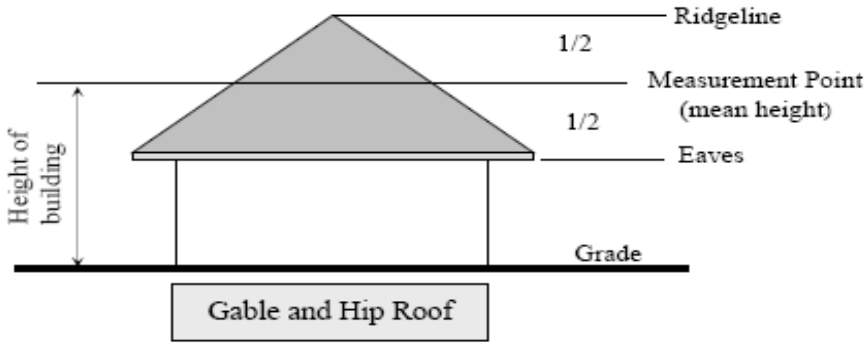
DIAGRAM 1



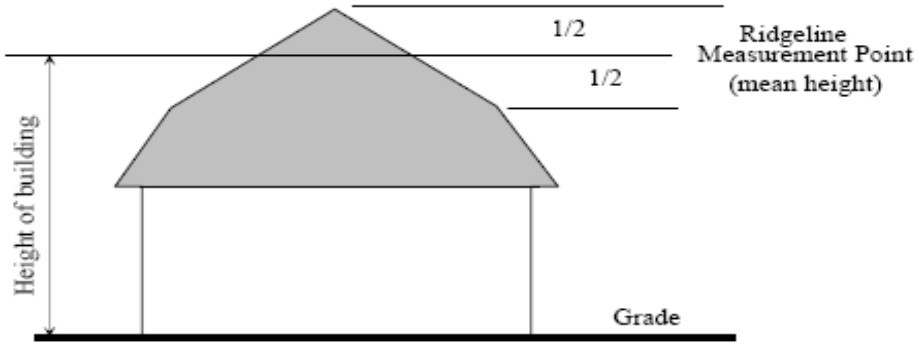
Measurement of grade when difference between lowest and highest ground surface within 5 feet of building is less than 10 feet.



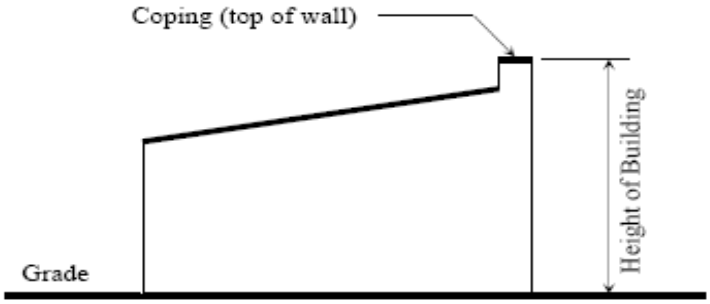
Measurement of grade when difference between lowest and highest ground surface within 5 feet of building is more than 10 feet.



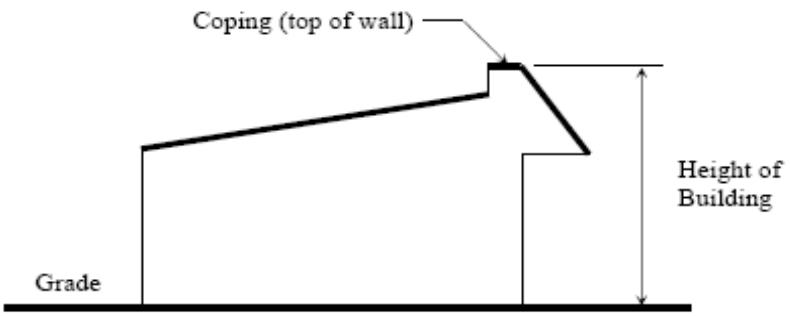
Gable and Hip Roof



Gambrel Roof



Flat Roof



False Mansard Roof

"Carwash" means an establishment used for washing and cleaning of passenger vehicles, recreational vehicles, and other light duty equipment, including facilities containing mechanical devices for washing and those that are self-service/coin operated.

"Category 1 development" means the development and use of property for single-family detached dwellings, single-family attached dwellings within buildings having no more than two dwelling units, and two-family dwellings.

"Category 2 development" means development and use of property for non-residential uses, multi-family dwellings and single family attached dwellings with three or more units, and mixed uses.

"Change of use" means and occurs whenever the use proposed is outside the three-digit group number classification of the previous use as set forth in the Standard Industrial Classification Manual published by the Department of Commerce as amended, and as confirmed by the current planning manager.

"Check-in review" means review by the development review team of an application submittal or resubmittal to determine if the contents meet the requirements set forth in the applicable submittal checklist, and if subsequent resubmittal adequately addresses the review comments provided by the development review team.

"Clubs and lodges" means facilities, structures or locations where organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly. "Combined use development" means a property which is used for a combination of residential, business, or commercial purposes, designed to provide variety and diversity through mixtures of compatible uses so that maximum long range benefits can be gained and unique features of the site are preserved and enhanced, while still being in harmony with the surrounding neighborhood.

"Commercial child day care center" means a facility (publicly or privately operated), other than a private home and which is located in a non-residential zoning district, having as its principal function the receiving of one or more preschool or school age children under the age of eighteen for care, maintenance, and supervision. Commercial child day care centers are also commonly referred to as day care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, and drop-in centers.

"Commercial endeavor," for purposes of this definition, shall mean a money-raising endeavor that is not customarily considered in support of the organization's religious services and activities, but is more in the nature of a profit-making business generally open to the public and not restricted to the organization's membership.

"Commercial mineral deposit" means commercial mineral deposit as defined by C.R.S. 34-1-302.

"Community facility" means a publicly owned facility, including an office building, that is

primarily intended to serve the educational, cultural, administrative, or entertainment needs of the community as a whole.

"Composting facility" means any site where decomposition processes are used on solid waste (including leaves, grass, manures and non-meat food production wastes received from residential, commercial, industrial non-hazardous and community sources, but not including bio-solids) to produce compost; provided that such facility has on-site at any given time more than one thousand cubic yards or three hundred dry tons of active composting material or feedstock.

"Congregate care facility" means a residential facility containing separate dwelling units, which facility provides housekeeping assistance, personal care assistance and meal preparation assistance to its residents.

"Construction coordination meeting" means an initial meeting, as described in the Larimer County Urban Area Street Standards, between the city engineer and appropriate representatives of the developer which is held in association with the issuance of a site work permit.

"Contractor's storage yard" means an unenclosed portion of the lot or parcel upon which a construction contractor maintains an area used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. This definition excludes temporary contractors storage associated with the site of an on-going construction project.

"Convention and conference center" means a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

"Crematorium" means a facility for the burning of corpses, human or animal, to ashes either as a principal use or as an accessory use. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

"Cul-de-sac lot" means a parcel of land where any portion of the front line is contiguous with the turnaround at the end of the dead-end street.

"Dance club or dance hall" means an establishment located within a building, serving food and/or beverages, and where the opportunity for recreational or social dancing is offered to patrons as an accompanying activity.

"Day care center" means a state-licensed facility that is not a private residence and that is operated for part of the day for the care of five or more individuals not related to the owner, operator, or manager thereof. Such facility may be operated with or without compensation for such care, and with or without stated educational purposes. Patrons of such centers may be children under the age of eighteen years, developmentally disabled or physically disabled persons, or senior citizens.

"Decorative materials" means materials which augment and enhance the botanical landscaping including rocks, gravel, driftwood, bark, ponds, fountains, or other landscape design features approved by the city.

"Dependent unit" means a mobile home, travel trailer or camper which is dependent on service buildings containing toilets, bath and laundry facilities.

"Destination Downtown: HIP Streets Master Plan" means the most current version of said document as adopted by the city.

"Development review team meeting" means a meeting between the development review team of the city and the applicant for a development application along with the applicant's consultant team.

"Disabled person" means any person who: (i) has a physical or mental disability which substantially limits one or more of such person's major life activities; or (ii) has a record of such disability; or (iii) is regarded as having such a disability.

"Domestic animal day care facility" means a facility providing such services as domestic animal day care for all or part of a day, obedience classes, training, grooming and/or behavioral counseling, provided that overnight boarding is not permitted.

"Elderly" means a person who is sixty-two years of age or older.

"Employees" means the gross number of persons to be employed in the building in question during any season of the year at any time of day or night.

"Entertainment facilities and theaters, indoors" means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances or containing amusement facilities such as billiard or pool parlors and pinball/video arcades**.**

"Escort agency" means a person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

"Essential public utility uses, facilities, services, and structures" means the construction, alteration, or maintenance by public utilities having the power of eminent domain of underground or overhead gas, electrical, steam, or water transmission systems reasonably necessary for providing adequate service by such public utilities for the public health or general welfare, or similar uses.

"Family" means any individual or two or more persons related by blood, adoption or marriage, or an unrelated group of not more than three persons living together in a dwelling unit, and includes family foster care of up to four children which is licensed according to the statutes of the state.

"Fast food or drive-in restaurant" means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state for consumption either inside or outside the restaurant building or for carry-out for the purpose of consumption off the premises, and whose design and principal method of operation includes at least one of the following characteristics: (i) foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic or other disposable containers; (ii) the consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or other facilities upon the premises outside the restaurant building is allowed, encouraged or permitted; or (iii) foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle by a service attendant, or by other means such as a drive up service window which eliminates the need for the customer to exit the motor vehicle.

"Financial services" means and includes the following types of businesses: banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.

"Firing range, indoor" means a completely enclosed building or group of buildings which contains facilities for the use of firearms and similar weaponry for training, testing, or recreational purposes in which noise, vibration, smoke, odor, and light flashes are contained within the building(s). Such facilities include the use of ammunition using kinetic propellants where a projectile is fired from a firearm, as defined by Title 18 Chapter 44 of the United States Code, or facsimile thereof and use of force scenarios where such firearms are used. The presence of activities that include archery, paintball systems, video-based gaming, laser-based technology of low output and other technologies that do not cause emission of a destructive force, including compressed gas, air propulsion based firearms or spring-based propulsion systems, do not constitute an indoor firing range, although such activities may occur within an indoor firing range.

"Floor area" means the gross area of the building measured along the outside walls of the building including each floor level and interior balconies, but excluding garages and enclosed automobile parking areas, exterior unenclosed balconies and basements, and one-half the area for storage and display area in commercial uses for hard goods.

"Floor area ratio" means the gross floor area of all buildings or structures on a lot divided by the lot area.

"Food catering establishment" means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

"Funeral home" means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including the storage of caskets, funeral urns, funeral vehicles and other funeral supplies. A crematorium with no more than one incinerator shall be considered an accessory use to a funeral home.

"Garden supply center" means a facility for the sale of garden tools, equipment, and supplies

operated in conjunction with a nursery and/or tree farm where the plant materials sold are limited to those grown on the premises.

"Gas station" means any building, land area, premises or portion thereof, where petroleum-based fuels or other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted and convenience goods or services may be offered. Gasoline station shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

"Greenhouse" means a facility where plants are raised inside a permanent structure constructed of rigid materials and the plants are for sale or transplanting.

"Group care facility" means a building, or group of buildings used as an integrated unit, which is used or occupied as: (i) a state licensed group home for no less than four and no more than eight developmentally disabled persons, together with appropriate staff; or (ii) a group home for the exclusive use of no less than four and no more than eight persons sixty years of age or older; or (iii) any other facility for the provision of treatment, counseling or other rehabilitative or care services carried out in a residential or family environment for no less than four and no more than eight persons residing in the facility, and which facility or operation is licensed, certified, approved, owned or operated by a governmental agency for such purposes or which provides services only for persons referred by governmental agencies.

"Growth management area" means that area as defined in the Comprehensive Master Plan.

"Hard goods" means durable goods such as household appliances, furniture, automobiles, and farm and construction equipment which all require extensive floor area for display.

"Health care service facility" means one or more buildings on a common site in which is provided various forms or types of personal non-medical health related services by persons of specialized training such as exercise, diet counseling and training, rehabilitation therapy, physical therapy, massage therapy, chiropractic, hydro-therapy, therapeutic saunas or whirlpools, and other similar activities.

"Heavy industrial uses" means those uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industry shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.

"Historic Preservation Plan" means the most current version of said document as adopted by the city.

"Hospital" means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, disability, and other physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

"Independent unit" means a mobile home, travel trailer or camper which is not dependent on service buildings containing toilets, bath and laundry facilities.

"Indoor recreation facilities" means facilities established primarily to provide exercise and recreational services, such as dance studios, martial art schools, arts or crafts studios; or exercise or health clubs, bowling alleys or gymnasium-type facilities for such activities as tennis, basketball or competitive swimming.

"Intermediate health care facility" means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour per day nursing services are required.

"Jails, detention centers, and penal centers" means facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a "penal/correctional institution" may include, by way of illustration, a prison, jail, or probation center.

"Junkyard or salvage yard" means an industrial use (not permitted in residential, business or commercial districts) contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard or salvage yard shall not include a recycling facility.

"Kennel" means a facility where four or more animals of the canine or feline family over four months old are kept, maintained, bred, trained, sold, sheltered or boarded overnight for a fee or compensation.

"Landfill area" means an industrial use where refuse is disposed and promptly covered with sufficient earth to prevent health hazards.

"Landscaping" means the improvement of the appearance of a lot, tract, or parcel of land by the preservation, rearrangement, installation, planting, or modification of different trees, shrubs, grass or decorative materials.

"Light industrial uses" means uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.

"Lodging establishment" means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals.

"Logo, corporate or business" means a symbol, image, word, word abbreviation, or initials which are designed for easy recognition, and which represents or identifies in graphic form a corporation or business.

"Long term care facility" means any of the following: (i) Convalescent center. A health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital. (ii) Nursing care facility. A health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four-hour per day nursing services under the direction of a registered professional nurse employed full time. (iii) Intermediate health care facility. A health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour per day nursing services are required.

"Lot" means a parcel of land occupied or designed to be occupied by one or more buildings, structures or uses, together with such open areas as are required by this title.

"Lot area" means the total horizontal area within the lines of a lot.

"Lot line, front" means the property line dividing a lot from a street except lots bordered by more

than one street. On lots bordered by more than one street, the building official shall determine the front lot line requirements, subject to the following limitations: (i) at least one front lot line shall be established creating one front yard as required generally in the zoning district; and (ii) the other yard area abutting on a street shall have a minimum yard area as required by the zoning district if greater than fifteen feet.

"Lot line, rear" means the line opposite the front lot line or, in the case of irregular or multisided lots, that line so designated on the approved building site plan filed with the city.

"Lot line, side" means any lot lines other than front lot lines or rear lot lines.

"Lot width" means the distance measured in feet between the side lot lines at the rear of the minimum required front yard.

"Lumber yard" means an establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are sold at retail. The sale of items, such as heating and plumbing supplies, electrical supplies, paint, glass, hardware, and wallpaper is permitted at retail and deemed to be customary and incidental to the sale of lumber and other building materials. Such uses typically include outdoor storage of building material.

"Major recycling processing facility" means all recyclable materials processing facilities which do not meet the definition of minor recycling processing facility.

"Massage parlor" means an establishment providing massage, but it does not include training rooms of public and private schools accredited by the State Board of Education or approved by the State Board of Community Colleges and Occupational Education, training rooms of recognized professional or amateur athletic teams, licensed health care facilities, or the establishment of duly licensed medical doctors, osteopathic doctors, chiropractic doctors, or dentists when used by such persons or their employees.

"Massage" means a method of treating the body for remedial or hygienic purposes, including, without limitation, rubbing, stroking, kneading, or tapping with the hand or an instrument or both.

"Medical or dental clinic" means the office of practitioners of the healing arts where the practitioner employs more than one person, and the primary use is the delivery of health care services and where no overnight accommodations are provided. Such use may also include testing laboratories associated with medical testing or analysis.

"Minor recycling processing facility" means a building used for recyclable materials processing where the total floor area does not exceed five thousand square feet, and where no exterior storage or processing of recyclable materials exists. Minor recycling processing facility shall not include a transfer station or waste to energy incineration facility.

"Mixed-use" means any combination of one or more residential uses and one or more non-residential uses on a single lot or tract or within a single or unified development.

"Mobile home" means any vehicle used or constructed to be used both as a duly licensed conveyance upon streets and highways and as a place for residential occupancy, whether or not placed on jacks or some other form of foundation or connected to utility systems, including "mobiletts" and similar portable units, but not including travel trailers, campers, and tents.

"Mobile home community" means an area for the placement of one or more mobile homes which are intended to be used primarily on a permanent basis. Spaces may be sold or leased.

"Mobile home park" means an area for the placement of one or more mobile homes which are intended to be used primarily on a transient or semi-permanent basis. Spaces shall be leased.

"Mobile recycling collection unit" means an automobile, truck, trailer, or van, licensed by the Department of Motor Vehicles, which is used for the collection, temporary storage, and transportation of recyclable materials.

"Neighborhood shopping center" means a group of contiguous or adjoining small retail stores or service buildings, not less than two, serving the neighborhood in which they are located, such as the following: food products, barbershop, beauty shop, laundry and dry cleaning, sundries, and such others of a similar nature including establishments selling fermented malt beverages or malt, vinous or

spirituous liquors. No such store or service building shall contain more than one thousand two hundred fifty square feet. No neighborhood shopping center shall exceed a total floor area of seven thousand two hundred square feet.

"Nightclub" means a bar containing more than four hundred square feet of dance floor area.

"Nude model studio" means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the state of Colorado or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure: (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and (ii) where in order to participate in a class a student must enroll at least three days in advance of the class; and (iii) where no more than one nude or semi-nude model is on the premises at any one time.

"Nursing home" means a facility licensed as such by the state.

"Off track betting facility" means a facility that is in the business of accepting wagers on horseraces or dog races at locations other than the place where the race is run, which business is licensed by the state.

"Open air farmers market" means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

"Open Lands Plan" means the most current version of said document as adopted by the city.

"Open space" means the gross area of a lot or tract of land minus all streets, driveways, parking lots, parking islands, drive aisles, or other surfaces designed or intended for vehicular travel and building areas, which is to be or has been landscaped or developed for use by the public or by the residents of the lot or tract of land for private, common, or public enjoyment or recreational use. No greater than fifteen percent of the total open space shall be devoted to impervious surfacing accommodating patios, plazas or similar amenities.

"Open space, usable" means open space that is available and suitable in terms of size, dimension, and topography for active or passive outdoor use. For residential uses, usable open space may include, without limitation, gardens, patios, decks, and yards designed for use and enjoyment by the resident. For nonresidential uses, usable open space may include, without limitation, pedestrian plazas, outdoor gathering areas, trails, seating areas, fountains, and passive or active recreation areas.

"Outdoor recreation facility" means an area devoted to active sports or recreation such as go-cart tracks, miniature golf, archery ranges, sport stadiums, or the like, and may or may not feature stadium-type seating.

"Owner" or "landowner" means the person who has legal title to real property as indicated by public records, or the holder of an option or contract to purchase real property.

"Packing facility" means a facility where locally-raised farm products are to be prepared for shipping.

"Parcel" means that sort of a lot which is created by the division of the lot after a two-family or three-family dwelling has been constructed thereon.

"Park or recreation area" means a public park which may be neighborhood and/or community serving and may include playfields, restrooms, lighted outdoor recreation facilities such as softball, baseball, soccer, and football fields, and tennis and basketball courts, and other facilities such as swimming pools, recreation centers, on-site parking, group picnic areas, and sculpture parks, but excluding outdoor recreation areas.

"Parking garage" means an off-street parking area within a structure.

"Parking lot" means an off-street parking area or vehicular use area.

"Parks and Recreation Master Plan" means the most current version of said document as adopted by the city.

"Personal and business service shops" means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, diet counseling, fitness studios of no more than one thousand two hundred square feet, shoe repair, and mailing and copy shops, but excluding publishing and engraving.

"Place of worship or assembly" means a building or group of buildings that are intended and used for conducting organized religious services and other activities supporting such religious services including, without limitation, religious classes, childcare, fundraising events and activities, and committee and office work. Places of worship or assembly shall not include buildings used for a commercial endeavor including, without limitation, coffee shop, day-care center, motion picture theater, and recreational facility unless such commercial use is otherwise permitted pursuant to the requirements of Title 18.

"Planned unit development" means a project which meets the requirements of Chapter 18.41.

"Plant nursery" means any land or structure uses primarily to display and sell trees, shrubs, flowers, or other plants raised on the site or delivered to the site for sale to the general public.

"Principal building" means a structure in which is conducted the main or principal use of the lot, tract, or parcel of land on which said building is located.

"Principal use" means the primary or predominant use of any lot, tract, or parcel of land, as permitted under this title.

"Print shop" means an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving, but excluding businesses proving copy services and that fall under definition of "personal and business service shops."

"Printing and newspaper office" means the reporting and administrative office of a newspaper publication which may include associated distribution and printing facilities on-site.

"Professional office" means an office for professions such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

"Public school or private school" means any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education, and including business schools, trade schools, and vocational and technical training schools.

"Public service facility" means a publicly-owned repair, storage or production facility or public works yard.

"Recreational open space" means that portion of the total open space which is improved or landscaped and intended to be used for recreational activities including but not limited to playgrounds, tot lots, ball fields, basketball courts, tennis courts, swimming pools, picnic areas, and sitting areas.

"Recreational vehicle park or campground" means a parcel in single ownership on which two or more recreational vehicle sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camp units as temporary living for recreation, education, or vacation purposes.

"Recyclable material" means a reusable material, including but not limited to metals, glass, plastic and paper, which is intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse, nor does it include hazardous materials as defined by C.R.S. 25-15-101(6). Recyclable material may include used motor oil which is collected and transported in accordance with applicable state health and safety regulations, as well as any other applicable sections of the Code.

"Recyclable materials processing" means the preparation of recycled material for efficient shipment, or to an end-user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, or cleaning.

"Research laboratory" means a facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials where the scientific analysis is generally performed for an outside customer to support the work of that customer, including, without limitation, the following: (i) environmental laboratories for the analysis of air, water, and soil; (ii) medical and veterinary laboratories for the analysis of blood, tissue, or other human or animal products; and (iii) forensic laboratories for analysis of evidence in support of law enforcement agencies, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

"Residential district" means any district zoned R1e, R1, R2, R3e, and R3, and any PUD district permitting the construction of dwelling units.

"Residential occupancy" means that the occupant dwells on the property and uses the property as a permanent place of residence. Indications of residential occupancy include the following factors: (i) the occupant resides on the property which includes overnight stays on the property for an extended portion of each year; (ii) the occupant receives mail at the property; (iii) the property is listed as the occupant's residence on official documents; (iv) utility bills for the residence indicate the occupant's name; (v) the occupant has personal possessions located on the property, particularly domestic possessions that include furniture, clothing, and other items of value; and (vi) there is no rental contract or arrangement relating to the dwelling unit that would create a violation of the city's family definition.

"Resource extraction, processes, and sales" means the removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

"Restaurant, drive-in or fast food" means a restaurant so developed that patrons can be provided with food or beverage service while remaining in their vehicle, with service provided at on-site parking spaces or through a drive-up service window or similar facility. Such restaurants may or may not also have indoor or outdoor dining areas for patrons.

"Restaurant, standard" means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state, where fermented malt beverages, and/or malt, special malt, or vinous and spirituous liquors may be produced on the premises as an accessory use, and where the design or principal method of operation includes one or both of the following characteristics: (i) customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or (ii) customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

"Retail laundry" means a business establishment that performs laundry and dry-cleaning services primarily for persons who bring their laundry and dry-cleaning to the establishment and pick it up when finished, and includes pick-up points for laundry and dry-cleaning which is processed elsewhere, and may include only incidental pick-up and delivery service. "Retail laundry" includes a laundromat and self-service laundry, but excludes businesses that process laundry and cleaning for other outlets, business, or institutional customers.

"Retail store" means an establishment devoted to the sale or rental of goods or merchandise to the general public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise (including pet shops).

"Reverse mode design" means the location of one or more buildings on a parcel such that the principal door access intended for public use of each building and the gasoline service islands are not located on the side of the building adjacent to the abutting street, and the entire area between the building and the abutting street is devoted to landscaped open space. On a corner lot, the principal door access intended for public use of the building and the gasoline service islands shall not be located on the side of the building adjacent to the abutting street with the highest average daily traffic volume, and the

entire area between the building and abutting street is devoted to landscaped open space. The architectural finish of any wall which is visible from a street, parking area or other public way shall be substantially the same as the side of the building containing the principal public entrance.

"Reverse vending machine" means an automated mechanical device which accepts one or more types of empty beverage containers, including but not limited to aluminum cans and glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process these containers mechanically, provided that the entire process is enclosed within the machine.

"Safety training facility" means an outdoor or partially-enclosed facility operated for the purpose of providing training or recreation relating to law enforcement, fire or emergency management, simulated use of force, electronic based simulation technology for the operation, testing, or training of motor vehicle operations, motor vehicle testing or training under high speeds or hazardous conditions, or similar activities that result in the creation of off-site noise, vibration, smoke, light flashes, or hazards. Such facilities may include indoor firing ranges.

"Self-service storage facility" means a site containing building(s) with separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time, excluding outdoor recreational vehicle, boat, and truck storage.

"Semipublic use" means a religious, philanthropic, educational or eleemosynary institution on a nonprofit basis in which goods, merchandise, and services are not provided for sale on the premises.

"Setback" means the closest distance of a building from the property line.

"Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas," when one or more of the persons exposes any specified anatomical area.

"Sexually oriented business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or other similar business and includes: (i) the opening or commencement of any sexually oriented business as a new business; (ii) the conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business; (iii) the addition of any sexually oriented business to any other existing sexually oriented business; (iv) The relocation of any sexually oriented business; or (iv) the continuation of a sexually oriented business in the existence on the effective date of the ordinance adopting this chapter.*The term "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Shelter for victims of domestic violence" means a facility providing social services in a protective living environment operating twenty-four hours per day and seven days per week, that receives, houses, counsels and otherwise serves victims of domestic violence, as that term is defined in C.R.S. 18-6-800.3, and their dependents. Such facility may include day care, professional, administrative, and security staff that serve residents only.

"Sign" shall have the definition as set forth in Section 18.50.020.

"Site development improvements" means all on-site requirements contained in Titles 16 and 18, including the various codes adopted therein by reference, and all on-site subdivision and zoning requirements imposed by council.

"Small animal hospital and clinic" means a facility rendering medical treatment to small animals and household pets that may provide overnight accommodations for medical treatment only and does not provide outdoor runs. Small animal hospitals and clinics do not include crematoriums as an accessory use as defined in this Chapter.

"Special trade contractor's shop" means an establishment that provides a trade service including, but not limited to, plumbing, carpentry, glass/glazing, welding, sheet metal, heating and cooling, electrical, and roofing services.

"Specific food item or product" means any type, kind or category of food, food product, or food

preparation which is identified by brand name, corporate name or logo, or marketing label which distinguishes it from other food or food products of the same general type or category.

"Specified anatomical areas" means: (i) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; (ii) less than completely and opaquely covered human genitals, pubic region, or buttocks; or (iii) a female breast below a point immediately above the top of the areola.

"Specified sexual activities" means: (i) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (ii) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (iii) masturbation, actual or simulated; (iv) human genitals in a state of sexual stimulation, arousal, or tumescence; or (v) excretory functions as part of or in connection with any of the activities set forth herein.

"Street" means a public way for sidewalk, roadway, and utility installations, being the entire width from property line to property line, and which affords a direct means of access to abutting property.

"Structure," strictly for purposes of determining the applicable height limitations, means anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, water towers, radio transmitters, reservoirs, pipelines, telephone, telegraph, cable, or electrical power lines or poles and appurtenances thereto, street lighting, landscaping materials, and oil and gas drilling and production facilities.

"Subsidized single-parent household" means a family consisting of only one adult parent with one or more children under sixteen years of age which receives a governmental subsidy or governmental assistance for housing.

"Superficial floor area" means clear floor space, exclusive of fixed or built-in cabinets or appliances.

"Tourist home" means a dwelling in which rooms are rented on a daily basis or weekly basis for the purpose of accommodating travelers or temporary guests.

"Travel trailer" means a portable vehicle built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes.

"Truck stop" means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks and trailers or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

"Truck terminal" means an area or building where cargo or containers are stored and where trucks load and unload cargo or containers on a regular basis. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks or buildings or areas for the repair of trucks associated with the terminal.

"Type 1 standard" means a development standard which is mandatory and requires compliance unless a variance from the required standard is granted in accordance with Chapter 18.60.

"Type 2 standard" means a development standard which is mandatory provided, however, alternative compliance to type 2 standards may be allowed based upon specific findings as provided in this title, and as approved by the current planning division.

"Unattended recycling collection facility" means a lot, site, premises, or portion thereof which is used for the collection and temporary storage, in closed, weatherproof containers, of recyclable materials which are accepted by donation, redemption, or purchase from the general public, without the supervision of an employee or volunteer at the site during hours of operation. Such a facility does not use power-driven processing equipment, but may include reverse vending machines.

"Vehicle major repair, servicing, and maintenance" means the use of any building, land area, premises or portion thereof, where maintenance activities other than described in the definition of vehicle minor repair, servicing, and maintenance are conducted.

"Vehicle minor repair, servicing, and maintenance" means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing, or the like are conducted.

"Vehicle rentals of cars, light trucks, and light equipment" means the use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment.

"Vehicle rentals of heavy equipment, large trucks, and trailers" means the use of any building, land area, or other premises for the rental of heavy equipment, large trucks, or trailers.

"Vehicle sales and leasing of cars and light trucks" means the use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and may include outside storage of inventory, any warranty repair work, or other repair service conducted as an accessory use.

"Vehicle sales and leasing of farm equipment, mobile homes, recreational vehicles, large trucks, and boats with outdoor storage" meant the use of any building, land area, or other premises for the display and sale or lease of new or used large trucks, trailers, farm equipment, mobile homes, recreational vehicles, boats and watercraft, and may include the outside storage of inventory, any warranty repair work, or other repair service conducted as an accessory use.

"Veterinary clinic" means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

"Veterinary hospital" means a facility rendering surgical and medical treatment to large animals and household pets, providing overnight accommodations, or outdoor runs. Veterinary hospitals do not include crematoriums as an accessory use as defined in this chapter.

"Warehouse and distribution" means an establishment engaged in the storage, wholesale, and distribution of manufactured products, supplies, or equipment, including accessory offices and showrooms and ,shops for plumbers, electricians, and carpenters, but excluding retail sales and bulk storage of materials that are or explosive or that create hazardous conditions.

"Workshop and custom small industry" means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including activities such as repairing small engines, making, restoring, and upholstering furniture, restoring motorcycles, creating art work such as paintings and sculptures, ceramics, and other similar activities, provided any noise, odor, smoke, heat, glare, or vibration produced by such activities are confined within the building.

"Yard" means that portion of the open area on a lot extending open and unobstructed (except for accessory uses which are herein permitted) from the ground upward from a lot line for a depth or width specified by the regulations for the district in which the lot is located.

"Yard, front" means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

"Yard, rear" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

"Yard, side" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

"Zoning district map" means the city zoning district map dated February 18, 1997, and all amendments thereto.

18.04.050 Zoning districts – Established.

In order to carry out the provisions of this title, the city is divided into the following zoning districts:

B	Developing business district
Be	Established central business district
DR	Developing resource district

E Employment center district
I Developing industrial district
MAC Mixed-use activity district
PP Public park district
ER Estate residential district
R1e Established low-density residential district
R1 Developing low-density residential district
R2 Developing two-family residential district
R3e Established high-density residential district
R3 Developing high-density residential district

18.04.060 Zoning districts – Boundaries – Titles.

A. The boundaries of the zoning districts are established as shown on the zoning district map, which is made a part of this section by this reference. Amendments to the zoning district map may be made administratively in accordance with any zone district changes approved by ordinance by council. Technical changes to the zoning district map required to ensure that the zoning district map accurately reflects zoning districts previously approved by ordinance by council may also be made administratively.

B. Unless otherwise defined on the zoning district map, district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights-of-way or such lines extended; section lines; city limit lines; centerlines of streambeds; or other lines drawn to scale on the zoning district map. When areas are annexed to the city as tracts divided by streets with one or more tracts to be zoned differently, the zoning district boundaries shall coincide with the centerline of the streets between the differently zoned tracts. If the boundaries of a zoning district as shown on the zoning district map conflict with the boundaries of that zone district as described in the ordinance which establishes that zoning district, the boundaries described in the ordinance shall control.

C. The planning commission shall review and make a recommendation to council on all applications for rezoning or zoning district boundary changes. The planning commission shall formulate its recommendation at the conclusion of a public hearing. The planning commission's recommendation, along with the minutes of the planning commission meeting and exhibits submitted to the planning commission, shall be forwarded to council which shall consider the planning commission's recommendation after the planning commission approves the minutes of the meeting at which the commission made its recommendation. Council shall consider the recommendation of the planning commission and either deny or approve applications for rezoning or zoning district boundary change at the conclusion of a public hearing. Planning commission and council public hearings shall be noticed in accordance with the requirements set forth in Chapter 18.05. Applications for rezoning or zoning district boundary changes shall include the information required in Section 18.05.040.

18.04.070 Building, structure, or use exempt.

Any building, structure, or use, as to which satisfactory proof shall be presented to council that the present or proposed situation of such building, structure, or use is reasonably necessary for the convenience or welfare of the public, may be exempted from the operation of this title by council after conducting a public hearing in accordance with Chapter 18.05 with a mailed notice requirement of three hundred feet. Upon the council’s making such required findings that exemption of the building, structure or use from the operation of this title is reasonably necessary for the convenience or welfare of the public, the council shall adopt a resolution exempting the building, structure or use from operation of this title.

18.04.080 Schedule adoption.

The following schedule of uses permitted by right, uses permitted by special review, minimum area of lot, minimum width of lot, minimum front yard, minimum rear yard, minimum side yard, and minimum off-street parking area regulations for the various zoning districts (Chapters 18.08 through 18.38) is adopted and declared to be part of this title and may be amended in the same manner as any other part of this title.

18.04.90 Concurrent submittal and review of a site development plan application.

A. For any development application governed by the provisions of this title, the applicant may submit a concurrent application for a site development plan for the subject lot or tract, as set forth in Chapters 18.39 and 18.46. If applicable, any public improvement construction plans and other plans and supporting documents submitted in association with the development application shall be deemed to be part of the site development plan application; however, adopted fees must be paid for each application type.

B. The site development plan shall be reviewed by the development review team concurrently with the related development application. Upon final approval of the associated development application and the recording of final documents, as applicable, the city may also approve the associated site development plan provided that: (i) the site development plan contains all information necessary for final approval; and (ii) prior to approval of the site development plan, the site will be a legal lot of record upon which the proposed development may occur pursuant to applicable provisions of the Code.

Chapter 18.05

PUBLIC NOTICE REQUIREMENTS

Sections:

18.05.010 Purpose.

This chapter provides standards for public notice for neighborhood meetings, public hearings, and staff decisions as specified within this title.

18.05.020 Neighborhood meetings.

Neighborhood meetings are required for the application types listed in Table 18.05-1. Mailed and posted public notice is required for neighborhood meetings. It is the applicant's responsibility to mail and post public notice for neighborhood meetings.

18.05.030 Mailed notice for neighborhood meetings.

A. Deadline for mailing. At least fifteen days prior to a neighborhood meeting, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.030.C.1., at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the city prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 18.05.120.

B. Content. The written (mailed) notice for neighborhood meetings shall include the following:
   1. Time, date, and location of the meeting.
   2. The application(s) to be considered.
   3. Project name.
   4. Applicant's name.
   5. Vicinity map identifying the site within the neighborhood context.
   6. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the current planning division office.
   7. Description of the proposal for the subject property, including existing and proposed

zoning, if applicable.

8. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number, and e-mail address.
9. Secondary contact (current planning division) information, including the name, phone number, and email address of the reviewing planner.

C. Requirements for mailing.

1. Ownership list. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall within the distances provided in Table 18.05-1 and Sections 18.05.030.C.3. through 6., shall be submitted to the current planning division, using the names and addresses that appear on the latest records of the Larimer County Assessor. This list shall be current to within sixty days prior to the mailing.
2. Area of notification. For all applications requiring written (mailed) public notice, the distances specified in Table 18.05-1 shall be used to determine the area to which such notice shall be given, except as provided in Sections 18.05.030.C.3. through 6. All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 18.05-1
MAILED NOTICE DISTANCE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS

Application Type	**Application Size**		
	Under 5 acres	**5 – 50 acres**	**Greater than 50 acres**
Oil and Gas Permit **-per Chapter 18.77**	2,200 ft. (measured from boundary of property on which surface use will occur under permit)	2,200 ft. (measured from boundary of property on which surface use will occur under permit)	2,200 ft. (measured from boundary of property on which surface use will occur under permit)
Annexation, Zoning	1,200 ft.	1,200 ft.	1,200 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland Comprehensive Master Plan		
Conceptual Master Plan-new or major amendment (MAC and E districts)	600 ft. or 1,200 ft. if there is an accompanying annexation application	900 ft. or 1,200 ft. if there is an accompanying annexation application	1,200 ft.
Major Home Occupation	All members of the neighborhood *as defined in Section 18.48.020*		
PUD General Development Plan	1,200 ft.	1,200 ft.	1,200 ft.
PUD Preliminary Development Plan	600 ft.	900 ft.	1,200 ft.
Rezoning	600 ft.	900 ft.	1,200 ft.
Special Review	600 ft.	900 ft.	1,200 ft.
Variance	200 ft.	200 ft.	200 ft.

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.

4. Lake, golf course, and park front notification.
    a. If the subject property fronts a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 18.05-1. For the purposes of this provision, lake front properties include those that are separated from the lake up to fifty feet by undevelopable property such as open space tracts and outlots.
    b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the current planning manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in a. above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.
5. Reduction in notification area. All notification distances in Table 18.05-1 shall be reduced by fifty percent, except for oil and gas permits and variances, for infill projects that are less than five acres in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty percent of its boundary, to properties within the existing city limits of the city of Loveland.
6. Expansion of notification area. The area of required notification may be expanded up to twice the distance specified in Table 18.05-1 if the current planning manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The reduction in notification area as described in Subsection 5. above shall not apply when there is an expansion of the notification area. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.

18.05.040 Posted notice for neighborhood meetings.

A. Deadline for posting. At least fifteen days prior to a neighborhood meeting, the applicant shall post a notice on the subject property.
B. Content. The posted notice for neighborhood meetings shall include the following:
    1. Time, date, and location of the meeting.
    2. The application(s) to be considered.
    3. Project name.
    4. Current planning division contact information, including the division phone number.
C. Requirements for posting.
    1. It shall be the applicant's responsibility to have the sign(s) created by a sign company.
    2. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full fifteen-day period leading up to the neighborhood meeting. The current planning division shall provide the applicant with specifications for the posting location of the required signs.
    3. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the city prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 18.05.120.

18.05.050 Public hearings.

Public hearings are required for the application types listed in Table 18.05-2. Mailed, posted and published public notice is required for public hearings. It is the applicant's responsibility to mail and post public notice for public hearings; the city is responsible to publish notice for public hearings.

18.05.060 Mailed notice for public hearings.

A. Deadline for mailing. At least fifteen days prior to a public hearing, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.060.C.1., at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the city prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 18.05.120.

B. Content. The mailed notice for public hearings shall include the following:
   1. Time, date, and location of the hearing.
   2. The application(s) to be considered.
   3. Project name.
   4. Applicant's name.
   5. Vicinity map identifying the site within the neighborhood context.
   6. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the current planning division office.
   7. Description of the proposal for the subject property.
   8. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
   9. Secondary contact (current planning division) information, including the name, phone number and email address of the reviewing planner.
   10. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the current planning division.

C. Requirements for mailing.
   1. Ownership list. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall within the distances provided in Table 18.05-2 and Sections 18.05.060.C.3. through 7. shall be submitted to the current planning division, using the names and addresses that appear on the latest records of the Larimer County Assessor. This list shall be current to within sixty days prior to the mailing.
   2. Area of notification. For all applications requiring written (mailed) public notice, the distances specified in Table 18.05-2 shall be used to determine the area to which such notice shall be given, except as provided in Sections 18.05.060.C.3. through 7. All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 18.05-2 **MAILED NOTICE DISTANCE REQUIREMENTS FOR PUBLIC HEARINGS**			
Application Type	**Application Size**		
	Under 5 acres	**5 – 50 acres**	**Greater than 50 acres**
Oil and Gas Permit **-per Chapter 18.77**	2,200 ft. (measured from boundary of property on which surface use will occur under permit)	2,200 ft. (measured from boundary of property on which surface use will occur under permit)	2,200 ft. (measured from boundary of property on which surface use will occur under permit)
Annexation, Zoning	1,200 ft.	1,200 ft.	1,200 ft.
Be District Developments*	300 ft.	300 ft.	300 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland Comprehensive Master Plan		
Conceptual Master Plan-new or major amendments (MAC and E districts)	600 ft. or 1,200 ft. if there is an accompanying annexation application	900 ft. or 1,200 ft. if there is an accompanying annexation application	1,200 ft.,
Height Exception	300 ft.	300 ft.	300 ft.
PUD General Development Plan	1,200 ft.	1,200 ft.	1,200 ft.
PUD Preliminary Development Plan	600 ft.	900 ft.	1,200 ft.
Rezoning	600 ft.	900 ft.	1,200 ft.
Special Review for Type 3 permit	600 ft.	900 ft.	1,200 ft.
Variance	200 ft.	200 ft.	200 ft.

* For Be district developments requiring approval of planning commission as indicated in 18.24.050

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
4. Lake, golf course, and park front notification.
   a. If the subject property fronts a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 18.05-2. For the purposes of this provision, lake front properties include those that are separated from the lake up to fifty feet by undevelopable property such as open space tracts and outlots.
   b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the current planning manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in a. above. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the neighborhood meeting.
5. Reduction in notification area. All notification distances in Table 18.05-2 shall be reduced by fifty percent, except for oil and gas permits and variances, for infill projects that are less

than five acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty percent of its boundary, to properties within the existing city limits of the city of Loveland.

6. Expansion of notification area. The area of required notification may be expanded up to twice the distance specified in Table 18.05-2 if the current planning manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The reduction in notification area as described in Subsection 5. above shall not apply when there is an expansion of the notification area. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty-one days prior to the public hearing.
7. Mineral estate owners. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least thirty days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act, C.R.S. 24-65.5-101 *et seq.* (the "act"). An affidavit of the applicant's compliance with such requirements shall be provided to the city prior to the public hearing for which the notice was given and shall meet the provisions of the act.

18.05.070 Posted notice for public hearings.

A. Deadline for posting. At least fifteen days prior to a public hearing, the applicant shall post a notice on the subject property.
B. Content. The posted notice for public hearings shall include the following:
   1. Time, date, and location of the hearing.
   2. The application(s) to be considered.
   3. Project name.
   4. Current planning division contact information, including the division phone number.
C. Requirements for posting.
   1. It shall be the applicant's responsibility to have the sign(s) created by a sign company.
   2. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full fifteen-day period leading up to the public hearing. The current planning division shall provide the applicant specifications for the location of signs required for the site.
   3. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the city prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 18.05.120.

18.05.080 Published notice for public hearings.

A. Deadline for publishing. Notice shall be published by the current planning division at least fifteen days prior to a public hearing.
B. Content. The published notice for public hearings shall include the following:
   1. Time, date, and location of the hearing.
   2. The application(s) to be considered.
   3. Project name.
   4. Applicant's name.
   5. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the current planning division office.
   6. Description of the proposal for the subject property.

7. Current planning division contact information, including the division phone number.
8. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the current planning division.

C. Requirements for publishing. Notice of the public hearing shall be published one time in a newspaper of general circulation.

18.05.090 Staff decisions.

A. Required notice. Mailed or posted public notice is required for certain staff decisions relating to special review and major home occupation applications. Refer to Chapter 18.40 for requirements applicable to special review application and Section 18.48.020 for requirements applicable to major home occupation application.

B. Optional notice. Notice of staff decisions authorized under this title but not otherwise subject to specific notice requirements may be required by the current planning manager when the following circumstances exist:
   1. A discretionary decision has been made by staff concerning the application of one or more regulations contained in this title; and
   2. The decision may impact the use or enjoyment of property within the vicinity of the subject site; and
   3. There is reason to believe that there may be parties of interest residing or owning property within the vicinity of the affected property.

C. Type and distance of optional notice. Notice type(s) and distance for optional notice shall be at the discretion of the current planning manager. In no instance shall mailed notice exceed three hundred feet from the boundary of the subject property.

18.05.100 Computation of time.

In computing any period of time prescribed for the purpose of giving notice under the provisions of this chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.

18.05.110 Notice cost.

All costs for providing public notice as required by this chapter shall be the responsibility of the applicant except for published notice.

18.05.120 Applicant's certification.

Prior to the neighborhood meeting or public hearing, the applicant shall provide the current planning division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this chapter have been met. The current planning division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant in Sections 18.05.020 and 18.05.050.

18.05.130 Failure to provide notice -- Defective notice.

Failure to provide the required affidavit, or evidence of a defective mailing list prior to a neighborhood meeting or public hearing, shall result in termination of the review process until proper notice is provided, meeting all applicable provisions herein.

18.05.140 Continuation of hearings and neighborhood meetings.

A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this chapter, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

18.05.150 Notice for appeals.

Any final decision under this title that is appealed is subject to the same notice standards as the original notice.

Chapter 18.07

ER DISTRICT – ESTATE RESIDENTIAL DISTRICT

Sections:

18.07.010 Purpose.

The estate residential (ER) district is intended to establish and preserve quiet, very low-density single-family residential neighborhoods with urban level services. This district is intended to accomplish the intent of the estate residential land use designation on the Comprehensive Master Plan Land Use Map. Development under this district is to provide an urban estate transition from higher urban densities in the city to rural densities in the county and preserve environmentally sensitive areas as open space. Generous building setbacks and lot frontages will provide significant space between dwellings to create an estate residential appearance within developed neighborhoods and to preserve view corridors. It is intended that this district be separated from the city's primary employment or commercial activity centers and located adjacent to major public open space features on the edge of the growth management area.

18.07.020 Applicability.

The ER district is applicable for developments in the estate residential land use category as depicted on the Comprehensive Master Plan Land Use Map.

18.07.030 Definitions.

As used in this chapter:

"Buildable area" means land area within the development plan that is not Unbuildable Area, as defined herein.

"Environmentally-sensitive area" is defined in Section 18.41.110.B.

"Unbuildable area" means land area within the development plan that is recommended in an environmentally sensitive areas report to be maintained as permanent open space, including, but not limited to: (i) natural areas with an overall habitat rating of six or higher; (ii) land with slopes of twenty percent or greater; (iii) land designated by the Federal Emergency Management Agency as floodway; and (iv) land containing wetlands regulated by the U.S. Army Corps of Engineers. Natural areas shall be rated in accordance with the rating system used in the document entitled "In the Nature of Things, Loveland's Natural Areas" dated December 1993, revised October 1996, and as amended from time-to-time.

18.07.040 Uses permitted by right.

The following uses are permitted by right in an ER district:

A. Single-family dwellings;
B. Parks, recreation areas and golf courses or driving ranges which do not have sport lighting over twenty feet in height;
C. Essential aboveground pad-mount transformers, electric and gas meters, telephone, cable television, and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, cable

television, telephone and other utility services for the protection and welfare of the surrounding area. Business offices, repair, storage and production facilities associated with these uses are not included as uses permitted by right;

D. Open land dedicated and maintained with native vegetation as a natural area;
E. Accessory buildings and uses;
F. Public schools; and
G. Place of worship or assembly.

18.07.050 Uses permitted by special review.

The following uses are permitted by special review in an ER district:

A. Preschool nurseries;
B. Parks, recreation areas and golf courses or driving ranges with sport lighting greater than twenty feet in height;
C. Cemeteries;
D. Private schools;
E. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area. Business offices, repair, storage and production facilities associated with these uses are not included as uses permitted by special review;
F. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes; such use may be conducted in conjunction with the residential use of the property;
G. Governmental or semipublic uses;
H. Group care facilities;
I. Accessory dwelling units; and
J. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

18.07.060 Development standards.

A. Type 1 standards.

The following standards shall be administered as type 1 standards in accordance with section 18.53.020.

1. Lot size and dimensions.

Minimum lot area and lot width and side, front and rear yards shall be as shown in Table 18.07-1, below.

Table 18.07-1: Lot Size and Dimensions

Lot Area (sq. ft.)		Minimum Lot Width [1] (ft.)	Yards (ft.)		
Average [2]	Minimum [2]	100	Side	Front	Rear
18,500	16,000		20	30	25

Notes:
1. Measured at front yard setback.
2. No more than 25% of the lots may be smaller than the average lot size. The average lot size is the minimum average size of the lots; a larger average is permitted.

2. Minimum lot size for place of worship or assembly. The minimum lot area for a place of worship or assembly shall be 18,500 square feet or three times the total building floor area, whichever is greater.
3. Height limitations. The maximum height of buildings and structures shall be thirty-five feet.
4. Environmentally sensitive areas. Where, as determined by the city, an environmentally sensitive area exists on the site or on adjacent areas that may be impacted by a proposed development, an Environmentally Sensitive Areas Report (shall be prepared at the time of initial zoning. The report shall identify and assess the potential impacts on environmentally sensitive areas and describe measures to mitigate such impacts. The mitigation measures described by the Environmentally Sensitive Areas Report shall be incorporated into the development. Environmentally sensitive areas recommended in the Environmentally Sensitive Areas Report to be maintained as permanent open space shall be located in separate tracts designated as 'open space' on the subdivision plat and not included within any lot on which a dwelling is permitted. Environmentally sensitive area open space shall be permanently preserved as open space through dedication of ownership to a homeowners association, if acceptable to the city, or placement of an appropriate easement granted to the city or other nonprofit organization acceptable to the city. The easement shall establish restrictive provisions and future interests as may be necessary to ensure protection of the open space in accordance with the recommendations of the Environmentally Sensitive Areas Report. As a condition of approval, the city may also require that the open space be maintained under the terms of a management and maintenance agreement with the city.
5. Density. Gross density of the developable area shall all not exceed two dwelling units per acre.
6. Open Space. A minimum of ten percent of the developable area shall be set aside as permanent private open space. Roads and required curbside buffer yards shall not be counted as part of this ten percent open space requirement. The open space required within the developable area shall be permanently preserved as open space in a method approved by the current planning manager.

B. Type 2 standards.

The following site design standards shall be administered as type 2 standards in accordance with section 18.53.020. Type 2 standards allow flexibility in how the standard is applied if it is demonstrated that the proposed alternative compliance meets the intent of the standard.

1. Development areas shall be planned to protect views of distinctive natural features such as ridge lines, open space separators, mountain backdrop, major bodies of water, wildlife habitat, and other natural areas and parks.
2. Where views of buildings would disrupt the view or value of established open space or natural features, buildings shall be integrated into the existing natural character through sensitive location and design of structures and associated improvements. For example, visual impacts can be reduced and better view protection provided through careful building placement and consideration of building heights, building bulk, and separations between buildings. Also, variations in rooflines and building mass, architectural design and color, and use of natural materials can be used to maintain the visual integrity of the landscape and minimize large expanses of flat planes in highly visible locations
3. Where existing lots immediately adjacent to planned development are greater than 18,500 square feet, lot areas immediately adjacent to such existing lots shall be equal to, or greater than, the average lot area of such existing lots.
4. Buffers and setbacks shall be increased where the adjoining uses are incompatible or where the adjoining use is a public area or significant natural feature.
5. Substantial grade differences between existing and planned developments shall be considered and impacts associated with privacy mitigated with building height limitations or increased

building setbacks.

6. Buildings shall be clustered and located along contour lines in a manner that minimizes disturbance of slopes and protects views of the natural feature.
7. On sites containing a place of worship or assembly, in addition to compliance with the standard buffer yards requirements set forth in the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially zoned land by a six foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager. (Ord. 5269 § 1, 2007)

Chapter 18.08

R1e DISTRICT - ESTABLISHED LOW-DENSITY RESIDENTIAL DISTRICT*

Sections:

*For statutory provisions authorizing division of the municipality into districts, see CRS 31-23-302.

18.08.010 Purpose.

The established low-density residential zoning district is intended to preserve established low density residential neighborhoods and to provide standards for the development of single family detached dwellings.

18.08.015 Uses permitted by right.

The following uses are permitted by right in an established low-density residential (R1e) district:

A. One-family dwellings;
B. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
C. Open land for the raising of crops, plants and flowers;
D. Accessory buildings and uses;
E. Public schools; and (Ord. 4246 § 1 (part), 1997; Ord. 3702 § 1 (part), 1990; Ord. 1276 § 1, 1973; Ord. 1004 § 4.1, 1968)
F. Place of worship or assembly. In addition to standard buffering requirements of the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager. (Ord. 5207 § 5, 2007)

18.08.020 Uses permitted by special review.*

The following uses are permitted by special review in an R1e district:

A. Two-family dwellings;
B. Preschool nurseries;
C. Parks, recreation areas, and golf courses;
D. Estate areas;
E. Hospitals;

F. Private schools;
G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone, and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes;
I. Governmental or semipublic uses;
J. Group care facilities;
K. Housing for elderly;
L. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
M. Accessory dwelling units; and
N. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

*See Chapter 18.40.

18.08.030 Lot area.

The minimum area of a lot in the R1e district shall be six thousand square feet except as provided below:

A. When a group of ten or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and promote creativity in design. However, in no case may the lot area be less than five thousand square feet, the average lot size be less than six thousand square feet, or more than twenty percent of the lots be less than six thousand square feet. When such development procedures are to be followed, the city-approved subdivision plat must be of record in the Larimer County Clerk and Recorder's Office.
B. The minimum area of the lot for two-family dwellings shall be at least seven thousand square feet in the R1e district.
C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building.

18.08.040 Lot width.

The minimum lot width in an R1e district shall be fifty feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb.

18.08.050 Front yard.

The minimum front yard in a R1e district, being the minimum distance of any building from the front lot line, shall be twenty feet.

18.08.060 Rear yard.

The minimum rear yard in a R1e district, being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;

Detached accessory building, five feet.

18.08.070 Side yard.

The minimum side yard in the R1e district, being the minimum distance of any building from

each side lot line, shall be one foot for each five feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling or two-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to those requirements may be approved by the current planning manager for groups of three or more single-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet.

18.08.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.08.080 Off-street parking.

The minimum off-street parking in the R1e district shall be as provided in Chapter 18.42.

18.08.090 Special considerations.

The following special requirements shall apply for special review uses in the R1e district:

A. Preschool nurseries.
   1. At least fifty square feet of floor area is set aside for school purposes for each child; and
   2. At least two hundred square feet of outdoor fenced play area is available for each child.
B. Noncommercial recreational uses, including swimming pools, community buildings, tennis courts and similar uses as a principal use.
   1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
   2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.

Chapter 18.12

R1 DISTRICT-DEVELOPING LOW-DENSITY RESIDENTIAL DISTRICT

Sections:

18.12.010 Purpose.

The developing low-density residential zoning district provides standards for establishing and preserving low density residential neighborhoods that include single family detached dwellings and complementary uses.

18.12.015 Uses permitted by right.

The following uses are permitted by right in a developing low-density residential (R1) district:

A. One-family dwellings;
B. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
C. Open land for the raising of crops, plants and flowers;
D. Accessory buildings and uses;
E. Public schools; and
F. Place of worship or assembly. In addition to standard buffering requirements of the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager.

18.12.020 Uses permitted by special review.*

The following uses are permitted by special review in a R1 district:

A. Preschool nurseries;
B. Parks, recreation areas and golf courses;
C. Cemeteries;
D. Estate areas;
E. Two-family dwellings;
F. Private schools;
G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production

facilities are not included;

H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes; such use may be conducted in conjunction with the residential use of the property;
I. Governmental or semipublic uses;
J. Group care facilities;
K. Housing for elderly;
L. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
M. Accessory dwelling units; and
N. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

*See Chapter 18.40.

18.12.030 Lot area.

The minimum area of a lot in the R1 district shall be seven thousand square feet as provided below:

A. When a group of ten or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall the lot area be less than five thousand square feet, the average lot size for the unit be less than seven thousand square feet, and more than twenty percent of the lots be less than seven thousand square feet. When such development procedures are followed, the city-approved subdivision plat must be of record in the Larimer County Clerk and Recorder's Office.
B. The minimum area of the lot for a two-family dwelling shall be at least nine thousand square feet in the R1 district.
C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building.

18.12.040 Lot width.

The minimum width of a lot in a R1 district shall be sixty-five feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb.

18.12.050 Front yard.

The minimum front yard in a R1 district, being the minimum distance of any building from the front lot line, shall be twenty feet.

18.12.060 Rear yard.

The minimum rear yard in a R1 district, being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;

Detached accessory building, five feet.

18.12.070 Side yard.

The minimum side yard in a R1 district, being the minimum distance of any building from each side lot line, shall be one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling or two-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to this requirement may be

approved by the current planning manager for groups of three or more single-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet.

18.12.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.12.080 Off-street parking.

The minimum off-street parking in the R1 district shall be provided in Chapter 18.42.

18.12.090 Special considerations.

The following special requirements shall apply for special review uses in the R1 district:

A. Preschool nurseries.
   1. At least fifty square feet of floor area is set aside for school purposes for each child; and
   2. At least two hundred square feet of outdoor fenced play area is available for each child.

B. Noncommercial recreational uses, including swimming pools, community buildings, tennis courts, and similar uses as a principal use.
   1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
   2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.

C. Cemeteries. The minimum area of any cemetery shall be at least twenty acres, and gravesites shall be located at least twenty-five feet from the boundaries of the cemetery.

Chapter 18.13

R2 DISTRICT-DEVELOPING TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

18.13.010 Purpose.

The purpose of the developing two-family residential zoning district is to provide for the orderly development of low-density residential uses and to allow for the development of two-family dwellings in appropriate locations as a gradual transition from single-family residential to multiple family or commercial uses.

18.13.020 Uses permitted by right.

The following uses are permitted by right in a R2 district;

A. One-family dwellings;
B. Two-family dwellings;
C. Essential aboveground pad-mount transformer, electric and gas meters, telephone and electric junction and service locations, and underground utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone, and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
D. Open land for the raising of crops, plants and flowers;
E. Accessory buildings and uses;
F. Public schools;
G. Accessory dwelling units; and
H. Place of worship or assembly. In addition to standard buffering requirements of the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager.

18.13.030 Uses permitted by special review.*

The following uses are permitted by special review in a R2 district:

A. Preschool nurseries;
B. Parks, recreation areas and golf courses;
C. Cemeteries;
D. Governmental or semipublic uses;
E. Three-family dwellings;

F. Private schools;
G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes;
I. Group care facilities;
J. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
K. Housing for elderly; and
L. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

*See Chapter 18.40.

18.13.040 Lot area.

The minimum area of a lot in the R2 district shall be eight thousand feet except as provided below;

A. When a group of ten or more two-family dwellings are proposed for development as a unit, the minimum lot area may be varied to achieve flexibility and creativity in design. However, in no case shall the lot area be less than seven thousand square feet, the average lot size for the unit be less than eight thousand square feet, and more than twenty percent of the lots be less than eight thousand square feet. When such development procedures are followed, the city-approved subdivision plat must be of record in the Larimer County Clerk and Recorder's Office.
B. The minimum area of a lot for a three-family dwelling shall be nine thousand feet.
C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building.

18.13.050 Lot width.

The minimum width of a lot in a R2 district shall be sixty-five feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb. Where a lot is divided into three lots for the purpose of separate conveyance of each lot after a three-family dwelling has been constructed thereon, the minimum width of each parcel shall be thirty feet.

18.13.060 Front yard.

The minimum front yard of a lot in a R2 district, being the minimum distance of any building from the front lot line, shall be twenty feet. When more than two two-family or three-family dwellings are located adjacent to each other, the front yard dimension shall be varied by at least four feet; provided, the front yard setback is not less than twenty feet on any lot or parcel.

18.13.070 Rear yard.

The minimum rear yard in a R2 district being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;

Detached accessory building, five feet.

18.13.080 Side yard.

The minimum side yard in a R2 district, being the minimum distance of any building from each side lot line, shall be one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling, a two-family dwelling or a three-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to this requirement may be approved by the current planning manager for groups of three or more two-family dwellings or three-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet.

18.13.085 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.13.090 Off-street parking.

The minimum off-street parking in the R2 district shall be as provided in Chapter 18.42.

18.13.100 Landscaping.

All parcels developed within the R2 district shall be landscaped with grass, shrubs, trees, or decorative materials. A minimum of two trees shall be provided for each dwelling unit. The required trees may be a combination of deciduous and coniferous trees with each deciduous tree having a minimum caliper of two inches at time of planting and each coniferous tree having a minimum height of six feet. At least one of the trees for each dwelling unit shall be a deciduous tree and shall be placed in the front yard of the parcel. A proposed landscape plan demonstrating compliance with these requirements shall be submitted to the city with the building permit application for the dwelling unit. All landscaping requirements shall be completed prior to occupancy of the structure or, if occupancy is desired during unfavorable weather, within thirty days following the beginning of the next annual planting season.

18.13.110 Special considerations.

The following special requirements shall apply for special review uses in the R2 district:

A. Preschool Nurseries.
   1. At least fifty square feet of floor area is set aside for school purposes for each child; and
   2. At least two hundred square feet of outdoor fenced play area is available for each child.
B. Noncommercial recreational uses, including swimming pools, community buildings, tennis courts and similar uses as a principal use.
   1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
   2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.

Chapter 18.16

R3e DISTRICT-ESTABLISHED HIGH-DENSITY RESIDENTIAL DISTRICT

Sections:

18.16.010 Purpose.

The established high-density residential zoning district provides standards that are intended to preserve the traditional building and use pattern of mixed housing types, including multi-family dwellings having up to four units, and complementary low-intensity commercial uses predominantly located within established neighborhoods.

18.16.015 Uses permitted by right.

The following uses are permitted by right in an established high-density residential (R3e) district:

A. Single-family dwellings attached or detached not exceeding four dwelling units;
B. Two family dwellings;
C. Multiple-family dwellings not exceeding four dwelling units;
D. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
E. Open land for the raising of crops, plants and flowers;
F. Accessory buildings and uses;
G. Public schools;
H. Combined use developments of permitted uses;
I. Place of worship or assembly. In addition to standard buffering requirements of the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence; or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager;
J. Shelter for victims of domestic violence, subject to Section 18.52.070;
K. Accessory dwelling units;
L. Professional offices located in the North Cleveland sub-area subject to the following limitations: a) the building footprint of a principal structure existing prior to September 21, 2010 may be expanded up to a maximum of twenty-five percent; b) the use of non-principal structures for

office use is disallowed; c) medical and dental clinics are not considered professional offices for the purposes of this provision; and

M. Personal service shops located in the North Cleveland sub-area including allowance of a maximum twenty-five percent expansion of the building footprint of a principal structure existing prior to September 21, 2010.

18.16.020 Uses permitted by special review.

The following uses are permitted by special review in a R3e district**:**

A. Boarding and rooming houses;
B. Colleges and universities;
C. Combined use developments which include any permitted use only by special review;
D. Congregate care facility;
E. Day care center;
F. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
G. Foster care homes for up to eight children licensed according to the statutes of the state;
H. Fraternity and sorority houses;
I. Governmental or semipublic uses;
J. Group care facilities;
K. Health care service facility;
L. Hospitals, nursing homes and sanitariums;
M. Medical and dental clinics;
N. Multiple-family dwellings exceeding four dwelling units;
O. Multiple-family dwellings for the elderly, where at least one occupant of each unity is elderly and such unit is not occupied by any person who is not elderly, unless such other occupant is the spouse of the elderly occupant;
P. Neighborhood shopping center;
Q. Parks, recreation areas and golf courses;
R. Personal service shops located outside of the North Cleveland sub-area;
S. Personal service shop expansions located in the North Cleveland sub-area when such an expansion is greater than twenty-five percent of a principal building footprint existing prior to September 21, 2010;
T. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55;
U. Preschool nurseries;
V. Private schools;
W. Professional offices located outside of the North Cleveland sub-area;
X. Professional office expansions located in the North Cleveland sub-area when such an expansion is greater than twenty-five percent of a principal building footprint existing prior to September 21, 2010;
Y. Retail sales of primarily small prescription medical goods, not including the cultivation or sale of medicinal marijuana, when located within five hundred feet of hospital environs;
Z. Single-family attached dwellings exceeding four dwelling units; and
AA. Small animal hospitals and clinics;

*See Chapter 18.40.

18.16.030 Lot area.

The minimum area of a lot shall be as follows:

Land Use	Minimum Square Footage (Lot Area)
Single-family dwelling or two-family dwelling	6,000 square feet
Three or four-family dwelling	6,000 square feet plus 1,000 square feet per unit in excess of two units
More than four-family dwelling	8,000 square feet plus 1,500 square feet per dwelling unit in excess of four dwelling units
Multiple-family dwellings for the elderly	7,000 square feet
Nonresidential Uses	6,000 square feet*
Public utility and public service installations	No minimum required

*For special review uses, lot areas greater than the minimum lot area provided above may be required based on the compatibility with the surrounding area and an analysis of the factors listed in Section 18.40.015.

18.16.040 Lot width.

The minimum width of a lot shall be fifty feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb. Where a lot is divided into three lots for the purpose of separate conveyance of each lot after a three-family dwelling has been constructed thereon, the minimum width of each parcel shall be thirty feet.

18.16.050 Front yard.

A. Outside of the North Cleveland sub-area, the minimum front yard shall be twenty-five feet, except for a single-family, two-family or three-family dwelling, for which the minimum front yard shall be fifteen feet to the front façade and twenty feet measured from the back of the sidewalk to the garage door. For properties with front yard detached sidewalks, the width of the tree lawn within a public right-of-way, if over four feet, may be counted as part of the fifteen-foot front façade setback.
B. Inside the North Cleveland sub-area, the front yard shall be within three feet of the average front yard on the block face.

18.16.060 Rear yard.

The minimum rear yard shall be as follows:
Principal building, fifteen feet;
Detached accessory building, five feet.

18.16.070 Side yard.

The minimum side yard shall be one foot for each five feet or fraction thereof of building height, except that no side yard shall be less than five feet. On corner lots the minimum side yard setback shall be no less than fifteen feet.

18.16.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.16.080 Usable open space.

Outside of the North Cleveland sub-area, the usable open space shall be twenty percent of the total lot area. Inside the North Cleveland sub-area, the usable open space shall be ten percent of the total lot area.

18.16.090 Off-street parking area.

The minimum off-street parking shall be as provided in Chapter 18.42.

18.16.100 Site development plan review.

Category 2 development shall be subject to the provisions of Chapters 18.39 and 18.46, and the site development performance standards as provided in Chapter 18.47.

18.16.110 North Cleveland sub-area identification and supplemental regulations.

The North Cleveland sub-area is the area located within North Cleveland Avenue between 10th Street on the south, to its northern terminus at Lincoln Avenue (north of 16th Street), as depicted in Figure 18.16.110-1. The sub-area is established to preserve and maintain the existing character of the Cleveland corridor and ensure compatibility between differing land uses while allowing the conversion of residential structures into low intensity nonresidential uses. In addition to the standards set forth in the R3e zone district, the following supplemental regulations shall apply to all properties abutting north Cleveland Avenue located within the North Cleveland sub-area:

A. Concept review requirement.
   A concept review meeting is required prior to the submittal of a building permit which includes exterior changes or for a site development permit.
B. Hours of operation.
   The hours of operation for nonresidential uses, in which services are provided to the general public, shall be limited to between 7:00 a.m. and 7:00 p.m. daily, unless otherwise approved through a special review.
C. Design standards.
   1. Building additions and new development.
      a. Type 1 standard. Building additions and new development shall be designed to be compatible with the existing residential character of principal structures on the same block and generally within the North Cleveland sub-area. Exterior materials, colors, scale, massing, height, street orientation and setbacks of new construction or additions shall be designed to be compatible with the characteristics of existing principal buildings facing Cleveland Avenue existing within the same block.
      b. Type 2 standard. Building additions and new development shall include pitched roofs with slope ratios and overhangs consistent with the characteristics of existing residential structures in the North Cleveland sub-area. Principal buildings shall have primary building entries and vertically-oriented windows which face Cleveland Avenue.
   2. Off-street parking.
      a. Each of the following requirements must be met as a type 1 standard for off-street parking:
         i) Off-street parking areas and drive aisles serving parking areas shall be screened from adjacent residential properties.
         ii) Off-street parking is prohibited between the front façade of the primary building and Cleveland Avenue.
      b. Each of the following requirements must be met as a type 2 standard for off-street parking:

         i. When drive aisles or off-street parking areas are within ten feet of a property line shared by an adjacent residential use, a landscape screen of coniferous plantings or opaque wall or fence of four feet in height or greater shall be provided. The location of the wall or fence shall not extend in front of the front façade of the principal structure. The applicable provisions of Chapter 18.42 and Section 3.04 of the Site Development Performance Standards and Guidelines shall otherwise apply to

nonresidential uses in this sub-area.

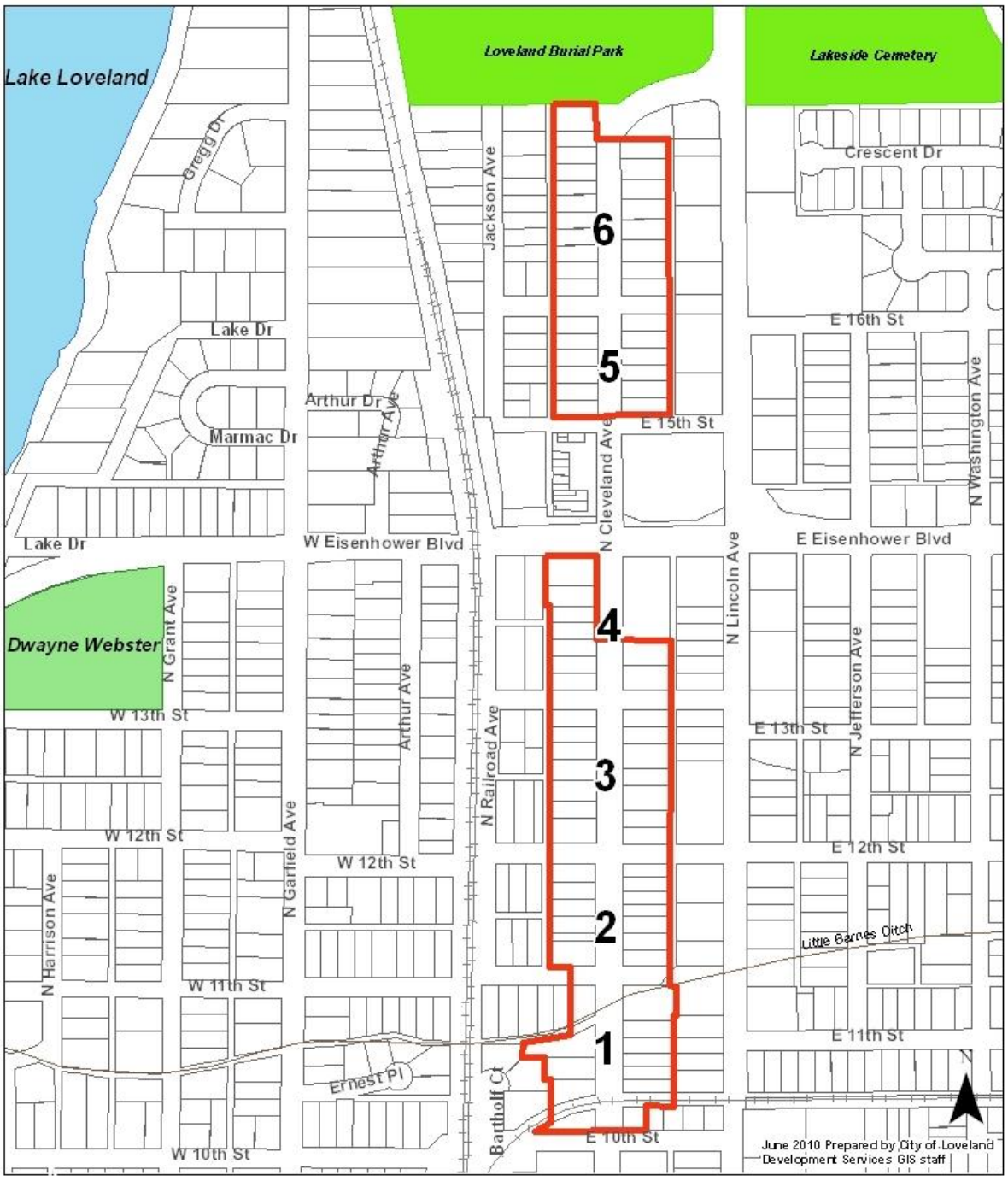
ii. Off-street parking for nonresidential uses shall be provided at the rear of the property to maintain the character of the corridor and shall have a minimum setback of three feet from side yard property lines. Where parking at the rear of the site is not possible, alternative compliance as provided for in Section 18.42.030A., may be used to establish an alternative parking plan for the site.

iii. The maximum width of a drive aisle connecting to North Cleveland Avenue shall be twelve feet for that portion which is in front of the front façade of the principal structure.

3. Landscaping.
   a. Type 1 standard. Tree lawn, parking lot landscaping, and parking lot screening provisions specified in Chapter 4 of the Site Development Performance Standards and Guidelines shall be applicable to all nonresidential uses; provided, however, the bufferyard and streetside bufferyard provisions of Section 4.04 shall not be required.
   b. Each of the following requirements must be met as a type 2 standard for landscaping:
      i. Street trees as approved by the current planning division shall be provided along North Cleveland Avenue at an approximate spacing of thirty-five feet on center. Diseased or dying trees shall be removed by the property owner and new trees must be replanted in accordance with this provision.
      ii. All existing healthy and mature trees shall be preserved and incorporated into the site design for new off-street parking areas and building additions.
   c. Additional landscaping and screening may be required with a special review or site development permit to maintain the character of the corridor and preserve privacy between residential and nonresidential uses.
4. Illumination: type 1 standard. Exterior illumination on the site shall meet the provisions for residential uses and residential parking areas contained in Chapter 3 of the Site Development Performance Standards and Guidelines.
5. Accessory dwelling units. Accessory dwelling units shall be permitted on the same lot with another single-family dwelling unit or a non-residential structure and shall comply with the provisions in Section 18.48.060, with the exception of Subsections 1, 4, 8, and 13 in said section.
6. Home Occupations: Home occupations shall comply with the provisions in Section 18.48 and shall be permitted one sign on North Cleveland Avenue, subject to the sign regulations in Section 18.50.090.

D. Redevelopment designation.
Properties within the North Cleveland sub-area, as identified and depicted in this section, shall be designated as a redevelopment area and shall be subject to Section 1.13.2 of the Larimer County Urban Area Street Standards.

Figure 18.16.110-1



North Cleveland Sub- Area

(Ord. 5520 § 5, 2010)

Chapter 18.20

R3 DISTRICT-DEVELOPING HIGH-DENSITY RESIDENTIAL DISTRICT

Sections:

18.20.010 Purpose.

The developing high-density residential zoning district provides standards for establishing and preserving mixed density residential neighborhoods, including a wide range of housing opportunities and complementary non-residential uses.

18.20.015 Uses permitted by right.

The following uses are permitted by right in a developing high-density residential (R3) district:

A. One-family dwellings;
B. Two-family dwellings;
C. Multiple-family dwellings;
D. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone, and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
E. Open land for the raising of crops, plants, and flowers;
F. Accessory buildings and uses;
G. Public schools;
H. Combined use developments of permitted uses
I. Place of worship or assembly. In addition to standard buffering requirements of the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager; and
J. Shelter for victims of domestic violence, subject to Section 18.52.070.

18.20.020 Uses permitted by special review.*

The following uses are permitted by special review in a R3 district:

A. Preschool nurseries;
B. Parks, recreation areas, and golf courses;
C. Mobile home communities;

D. Professional offices;
E. Combined use developments which include any use permitted only by special review;
F. Small animal hospitals and clinics;
G. Private schools;
H. Colleges and universities;
I. Fraternity and sorority houses;
J. Hospitals, nursing homes and sanitariums;
K. Medical and dental clinics;
L. Boarding and rooming houses;
M. Neighborhood shopping center;
N. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone, and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
O. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes;
P. Governmental or semipublic uses;
Q. Membership clubs;
R. Group care facilities;
S. Congregate care facility;
T. Multiple-family dwellings for the elderly, where at least one occupant of each unit is elderly and such unit is not occupied by any person who is not elderly, unless such other occupant is the spouse of the elderly occupant;
U. Receiving foster care homes for up to eight children licensed according to the statutes of the state; and
V. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

*See Chapter 18.40.

18.20.030 Lot areas.

The minimum area of a lot in the R3 district shall be as follows:

A. Residential uses.

Single-family dwelling or two-family dwelling	7,000 square feet
Three or four-family dwelling	7,000 square feet plus 1,000 square feet per unit in excess of two units
More than four-family dwelling	9,000 square feet plus 2,000 square feet per dwelling unit in excess of four dwelling units
Multiple-family dwellings for the elderly	7,000 square feet

B. Nonresidential uses. All other permitted uses in the R3 district shall have a lot area of not less than seven thousand square feet except for public utility and public service installations and facilities which shall have no required minimum area. For nonresidential uses, lot areas greater than the minimum lot area provided for in this section may be required for approval as a use by special review.
C. The minimum area of a lot for a professional office and place of worship or assembly shall be at least three times the total floor area of the building.

18.20.040 Lot width.

The minimum width of a lot in the R3 district shall be sixty-five feet, except that there shall be

no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb. Where a lot is divided into three lots for the purpose of separate conveyance of each lot after a three-family dwelling has been constructed thereon, the minimum width of each parcel shall be thirty feet.

18.20.050 Front yard.

The minimum front yard in a R3 district, being the minimum distance of any dwelling from the front lot line, shall be twenty-five feet, except for a single-family, two-family or three-family dwelling, for which the minimum front yard shall be twenty feet.

18.20.060 Rear yard.

The minimum rear yard in a R3 district, being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;

Detached accessory building, five feet.

18.20.070 Side yard.

The minimum side yard in a R3 district, being the minimum distance of any building from each side lot line, shall be one foot for each three feet or fraction thereof of building height, except that no side yard for a one-family or two-family dwelling shall be less than five feet, and for any other principal building, no side yard shall be less than ten feet. On corner lots the minimum side yard setback shall be no less than fifteen feet.

18.20.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.20.080 Usable open space.

The usable open space in a R3 district, exclusive of streets and off-street parking areas, shall be thirty percent of the total lot area.

18.20.090 Off-street parking.

The minimum off-street parking in the R3 district shall be as provided in Chapter 18.42.

18.20.100 Site development plan review.

Category 2 development shall be subject to the provisions of Chapters 18.39 and 18.46, and the site development performance standards and guidelines as provided in Chapter 18.47.

18.20.110 Special considerations.

The following special requirements shall apply for special review uses in the R3 district:

A. Preschool nurseries.
   1. At least fifty square feet of floor area is set aside for school purposes for each child; and,
   2. At least two hundred square feet of outdoor fenced play area is available for each child.
B. Noncommercial recreational uses, including swimming pools, community buildings, tennis courts and similar uses as a principal use.
   1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
   2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.

Chapter 18.24

BE DISTRICT - ESTABLISHED BUSINESS DISTRICT

Sections:

18.24.010 Purpose.

The established business zoning district is intended to promote the development of a pedestrian-oriented downtown mixed-use business district in which a variety of retail, commercial, office, civic, and residential uses are permitted. The district is also intended to:

A. Encourage preservation of the architectural and historic character of the district;
B. Foster redevelopment through the application of flexible development standards;
C. Encourage a diverse mixture of land uses throughout the district including arts and technology related uses and mixed-use development;
D. Encourage revitalization and redevelopment of the downtown in a manner that preserves and complements its existing unique character;
E. Increase housing density to support vitality downtown;
F. Increase employment density and opportunities;
G. Encourage high-quality design that is context appropriate;
H. Encourage redevelopment and increased density, while maintaining compatibility between the downtown BE district and surrounding residential neighborhoods;
I. Support multi-modal transportation, including higher density surrounding transit nodes; and
J. Allow for development to respond to infill conditions by utilizing type 2 standards.

18.24.020 Uses permitted by right.

The following uses are permitted by right in the BE district:

A. Accessory buildings and uses;
B. Accessory dwelling units;
C. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40;
D. Bar or tavern in general, core, and Fourth Street character areas;
E. Bed and breakfast establishment;
F. Boarding and rooming house;
G. Clubs and lodges;
H. Combined use (or mixed-use) development of permitted uses;
I. Commercial day care center, licensed according to the statutes of the state;

J. Community facility;
K. Convention and conference center;
L. Essential public utility uses, facilities, services, and structures (underground);
M. Financial services;
N. Food catering;
O. Funeral home without crematorium;
P. Garden supply center;
Q. Government or semipublic use;
R. Health care service facility;
S. Hospital;
T. Indoor entertainment facility and theater;
U. Indoor recreation;
V. Light industrial entirely within a building;
W. Lodging establishment;
X. Long term care facility;
Y. Lumberyard in the general character area;
Z. Medical, dental and professional clinic or office;
AA. Micro-winery, micro-brewery, and micro-distillery;
BB. Multiple-family dwelling for the elderly;
CC. Multiple-family dwelling;
DD. Nightclub in core and Fourth Street character areas;
EE. Office, general administrative;
FF. One-family (attached or detached) dwelling, including mixed-use dwellings;
GG. Open-air farmers market;
HH. Parking garage in the general and core character areas;
II. Parks and recreation area;
JJ. Parking lot in the general character area;
KK. Personal service shop;
LL. Place of worship or assembly;
MM. Printing and newspaper office;
NN. Public or private school;
OO. Research laboratory;
PP. Restaurant standard, indoor or outdoor;
QQ. Retail laundry;
RR. Retail store and wholesale store;
SS. Shelters for victims of domestic violence, subject to Section 18.52.070;
TT. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
UU. Veterinary clinic;
VV. Two-family dwelling; and
WW. Workshop and custom small industry uses if entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc. Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40.

18.24.030 Uses permitted by special review.

The following uses are permitted by special review subject to the provisions of Chapter 18.40:

A. Attended recycling collection facility;
B. Antennas, as defined in Section 18.55.020, located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
C. Bar or tavern in the neighborhood transition character area;

D. Combined-use (mixed-use) development containing one or more special review use(s);
E. Congregate care facility;
F. Contractor's storage yard in the general character area;
G. Domestic animal day care facility;
H. Essential public utility uses, facilities, services, and structures (above ground);
I. Gas station with or without convenience goods or other services in the general character area subject to Section 18.52.060 and Section 18.50.135;
J. Greenhouse;
K. Group care facility;
L. Nightclub in the general and neighborhood transition character areas;
M. Off-track betting facility;
N. Outdoor recreation facility;
O. Outdoor storage as an accessory use;
P. Parking garage in the Fourth Street and neighborhood transition character areas;
Q. Parking lot in the core and neighborhood transition character areas;
R. Personal wireless service facility as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
S. Unattended recycling collection facility;
T. Vehicle minor and major repair, servicing and maintenance in the general and core character areas;
U. Vehicle rental, cars, light trucks and light equipment in the general and core character areas;
V. Vehicle sales and leasing of cars and light trucks in the general and core character areas; and
W. Warehouse and distribution uses enclosed within a building.

18.24.040 BE zoned area on West Eisenhower Boulevard.

The area zoned BE and shown in Figure 18.24.040-1 shall not be governed by the allowances, standards and provisions of this chapter, with the exception that the uses allowed in this area shall be subject to Sections 18.24.020 and 18.24.030. For the purposes of determining allowed uses, this area shall be considered to be in the general character area (see section 18.24.070 for a discussion of character areas). All development in this area shall otherwise comply with Chapters 18.28, 18.53, 18.42, 18.50, 18.54, and all other applicable City Code regulations.

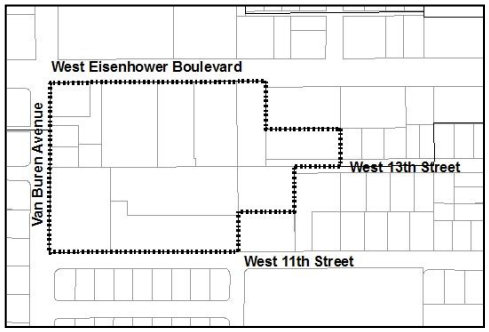


Figure 18.24.040-1

18.24.050 Proposals requiring approval by the planning commission.

A. Applications for development and redevelopment of structures, buildings or additions that meet the criteria specified in one or more of the numbered subsections below require site development plan approval by the planning commission at a public hearing noticed in accordance with Chapter 18.05. Uses listed in Section 18.24.030 as requiring special review and meeting the thresholds listed in one or more of the numbered subsections below shall require a noticed neighborhood meeting and approval by the planning commission at a noticed public hearing in lieu of the special review process; notice distance shall be as specified for special review in Chapter 18.05.
    1. Any allowed uses located in the general, core or Fourth Street character areas containing more than 25,000 square feet of gross floor area construction.
    2. Any allowed uses located in the neighborhood transition character area containing more than 10,000 square feet for gross floor area construction.

3. Any building or structure height above seventy (70) feet, exclusive of church spires, chimneys, ventilators, pipes, elevator shafts, or similar appurtenances.

B. In approving a site development plan application, the planning commission must determine that the following findings have been met:
   1. The proposed development complies with the standards of this chapter and any other applicable provisions of the Municipal Code.
   2. The proposed development is consistent with the goals of the document, Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy, as updated or as provided in the most current downtown strategic planning policy document adopted by the City Council.
   3. The proposed development is compatible with surrounding properties when considering the allowances for development intensity specified in this chapter and the urban orientation of the downtown which is characterized by a diversity of uses and building types.
   4. Adequate infrastructure is available to serve the proposed development.

C. Planning commission decisions may be appealed in accordance with chapter 18.80 of this title.

18.24.060 Standards applying to entire BE zoning district.

The following standards shall apply to all development within the BE district, except for that area described in Section 18.24.040 and depicted in Figure 18.24.040-1. The building envelopes depicted in this section are not intended to depict actual building forms. Building heights shall be defined and measured pursuant to Chapter 18.04.113.2. Therefore, portions of a building including pitched or gabled roofs may extend outside of the building envelopes as depicted in this section.

A. Building height: type 1 standards.
   1. Building height for all structures, including primary and accessory uses, shall not exceed the maximum heights set forth in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3.

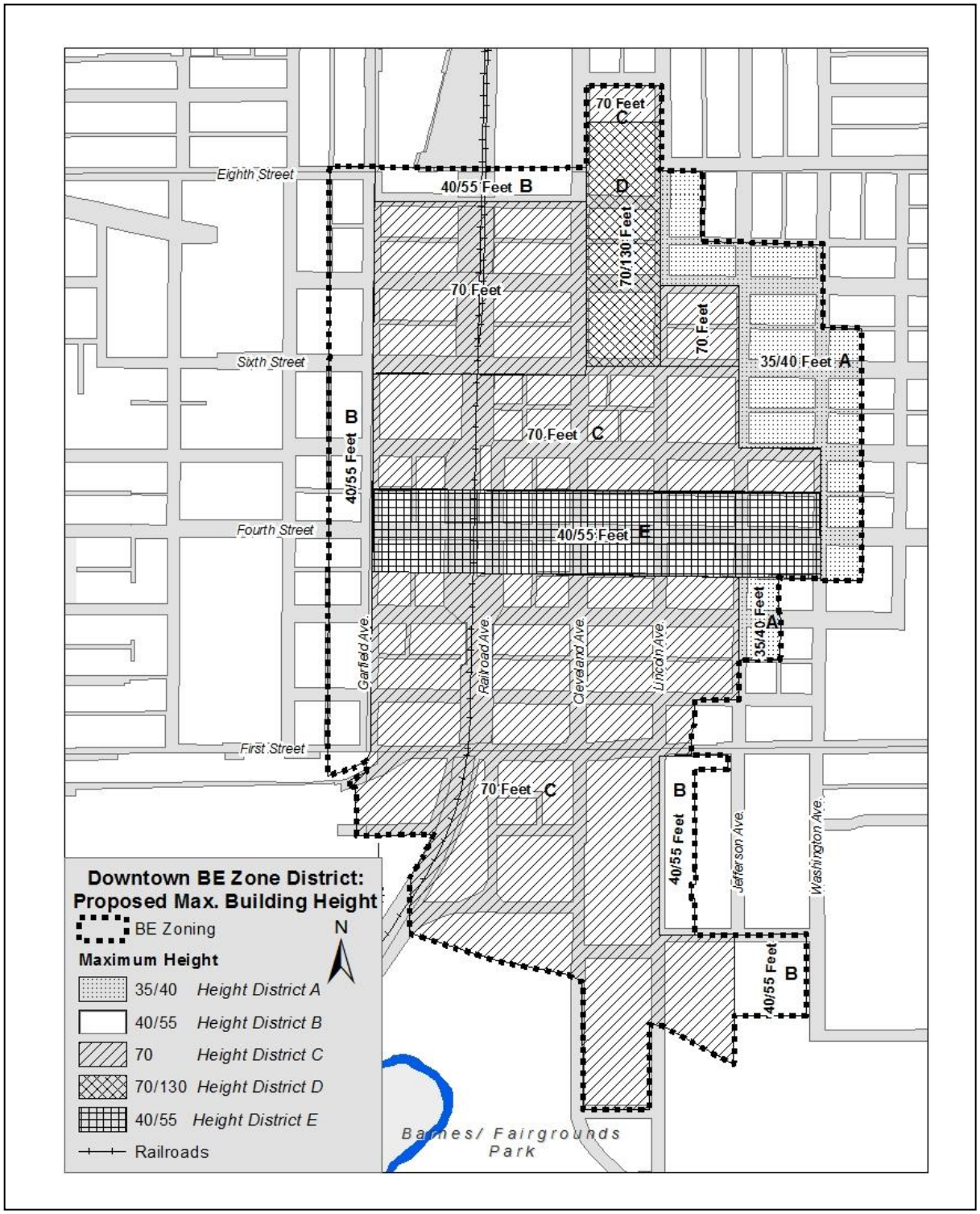


Figure 18.24.060-1: Downtown Area Height Limits

Figure 18.24.060-2
BE Eighth Street and Colorado Avenue Area Height Limits

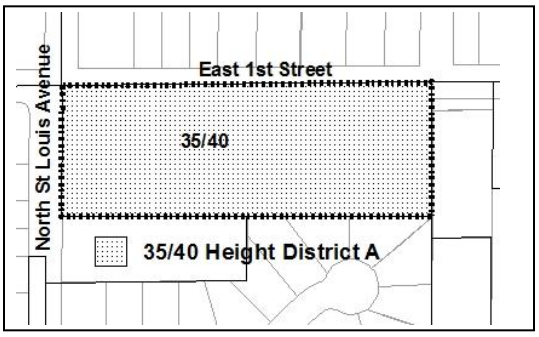


Figure 18.24.060-3
BE East First Street Area Height Limits

2. Where Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 indicate two numbers, the lower of the two numbers shall be considered the standard allowable height.
3. Building heights up to the higher of the two numbers in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 may be permitted as stipulated in the following height provisions:
   a. Height district A - 35/40 residential buffer: These height limits are intended to maintain the existing character of the area and ensure compatibility with adjacent uses and residential zoning districts. Building heights in height district A are as specified below:
      i. Buildings located in height district A shall have a standard allowable height of thirty-five feet.
      ii. Buildings on property located adjacent to Colorado Avenue, Lincoln Avenue, Jefferson Avenue, Washington Avenue, First Street or West Eighth Street may have a maximum height of forty feet.
   b. Height district B - 40/55 residential buffer: These height limits are intended to protect the character of adjacent residential neighborhoods. The maximum building height of fifty-five feet is allowed except as specified below:
      i. Structures on lots located directly adjacent to residential zoning districts or across public alleys from residential zoning districts shall be limited to forty feet in height within sixty-five feet of the property line of the adjacent residentially zoned lot. This sixty-five foot setback shall be measured from the property line of the adjoining residentially zoned lot and shall include any land within an alley right-of-way (see Figure 18.24.060-4).
      ii. This provision shall not apply to lots separated from residential zone district by a public street other than an alley.

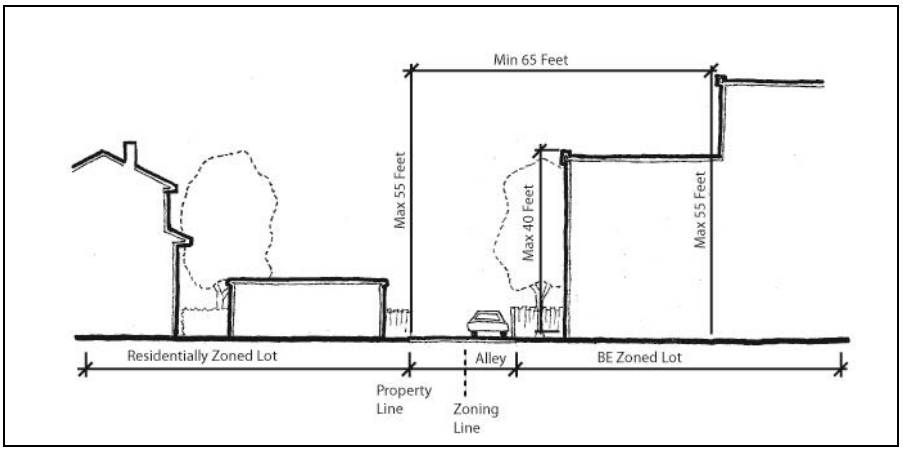


Figure 18.24.060-4
Setback from residential zone districts

c. Height district D - 70/130 high rise zone: These height limits are intended to allow for the construction of tall buildings subject to standards designed to mitigate potential negative effects on adjacent properties. Buildings over seventy feet in height must meet the following massing standards:
   i. Portions of a building greater than seventy feet in height shall be set back from public streets, not including alleys, a minimum of twenty-five percent of the total building height. See Figure 18.24.060-5.

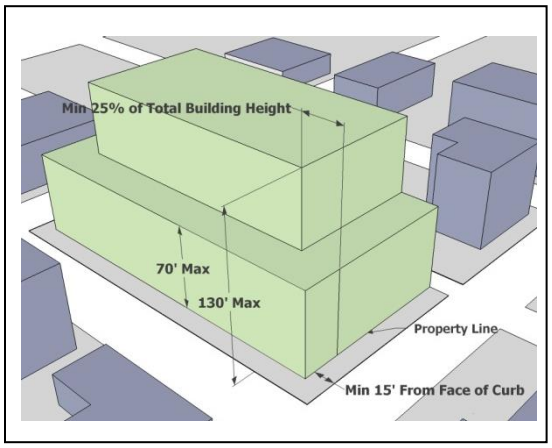


Figure 18.24.060-5.

d. Height district E – 40/55 Fourth Street character area: These height limits are intended to maintain a historic and pedestrian scale, and protect solar access to the north sidewalk of Fourth Street for the majority of the year. Building heights in height district E are as specified below:
   i. Facades fronting on Fourth Street or intersecting public street rights-of-way shall have a standard allowable height of forty feet.
   ii. Structures may be allowed up to fifty-five feet in height provided those portions of buildings exceeding forty feet in height shall be stepped back at an angle of forty degrees from horizontal. Portions of buildings greater than forty feet in height shall be stepped back a minimum of five feet from the public right of way. See Figure 18.24.060-6.
   iii. Only those stories above the second story may be stepped back.

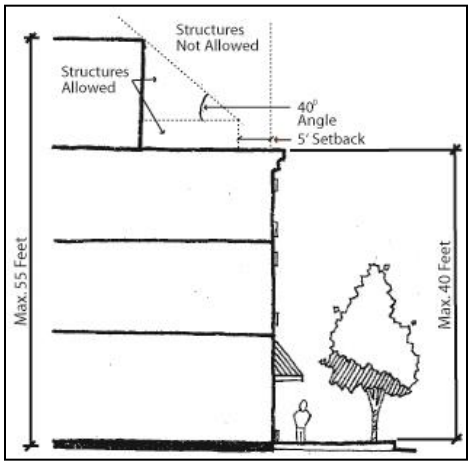


Figure 18.24.060-6

4. Building height adjacent to one-family residential uses: The maximum building height on properties located adjacent to a one-family residential use shall be limited to the height restrictions indicated in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3; except that on the lot line adjacent to the one-family residential use, portions of the structure greater than forty feet in height shall be stepped back at an angle of forty degrees from horizontal as depicted in Figure 18.24.060-7.

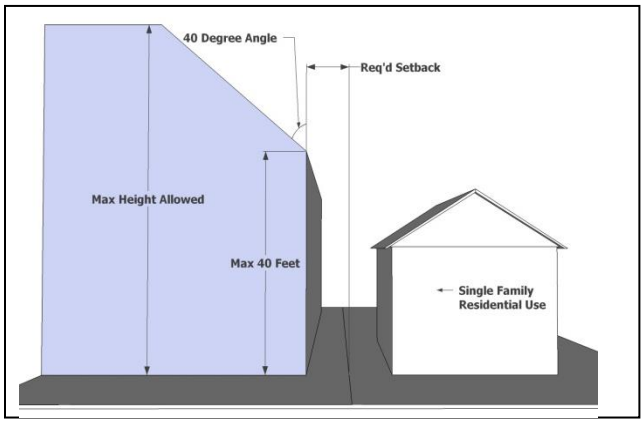


Figure18.24.060-7

B. Off street parking: type 2 standards.
   1. Off-street parking shall be provided as set forth in Chapter 18.42.030 for all uses outside the boundaries of General Improvement District #1 with boundaries as established by council, and for residential uses that are not part of a mixed-use development.
   2. No off-street parking shall be required for non-residential or mixed use development located in General Improvement District #1.

C. Parking garages: type 2 standards.
   1. Exterior building elevations shall be compatible with the architecture found in the BE district in terms of style, mass, material, height, and other exterior elements.
   2. Parking garages shall include a minimum of three of the following elements on any facade facing a public street or plaza space: (i) window and door openings comprising a minimum of twenty-five percent of the ground floor facade; (ii) awnings; (iii) sill details; (iv) columns; (v) recessed horizontal panels or similar features to encourage pedestrian activity at the street level.
   3. Along primary pedestrian streets, as defined in Section 18.24.080C., commercial uses shall be provided along the ground level, where feasible, to create pedestrian activity.
   4. Vehicle entrances shall be located to minimize pedestrian/auto conflicts.

D. Signs: type 1 standards. All signs shall comply with Chapter 18.50.

E. Illumination: type 2 standards. Section 3.09 of the Site Development Performance Standards and Guidelines shall apply to site lighting with the exception that unshielded, decorative lighting shall be permitted, provided the lights are not installed at a height exceeding twelve feet and the light intensity does not cause glare as defined in said section.

F. Outdoor eating area: type 1 standard. Restaurants may operate outdoor eating areas on public sidewalks, rooftops and balconies and in courtyards or other similar locations, provided that pedestrian circulation and access to building entrances is not impeded, and adequate clear space within the sidewalk is maintained to allow for pedestrian circulation and to meet any applicable City Codes and regulations as well as the Americans with Disabilities Act, as appropriate, and such outdoor eating areas comply with the following type 2 standards:
   1. Planters, fences, or other removable enclosures shall be used to define the limits of the outdoor eating area.
   2. Adequate refuse containers shall be provided within the outdoor eating area.
   3. Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture shall be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials.

4. The area within and immediately adjacent to the outdoor eating area shall be maintained in a clean and well-kept condition.

G. Outdoor storage: type 1 standard. The storage area shall be screened from view from public rights-of-way and adjacent properties and shall comply with the following type 2 standards:
   1. Such storage shall not be located within any required front yard.
   2. The preferred method of screening is a solid masonry wall no less than six feet in height. A decorative fence, landscape screen, berm, or any combination thereof, may be approved by the current planning manager as a screening substitution provided it meets the intent of this section. Chain link fencing with slats shall not be allowed as a permitted screening alternative. Stored material shall not exceed the height of the screening wall, fence, or berm.
   3. Landscaping may be required to supplement the fence or wall where sufficient space is available to provide a planting area without unreasonably restricting space available for storage and where landscape as screening is more appropriate.

H. Outdoor display: type 2 standards. The limited outdoor display of merchandise for retail sale is allowed, provided such display is incidental to the primary retail use or activity within an enclosed building. Merchandise on display shall be of the same type or related to merchandise for sale within the primary retail building. Temporary displays, erected for not more than four days in duration, may be allowed within parking areas or buffer yards for special events, such as a farmers market, or a weekend or holiday sales event.

I. Alley levels of service standards: Where deemed appropriate, the city engineer may grant a variance to the adequate community facility ordinance for alley levels of service in accordance with Section 1.9.4 of the Larimer County Urban Area Street Standards.

J. Civic structures: The historic pattern seen in traditional downtown areas is that civic structures such as churches and theaters were constructed in a manner that differentiated them from commercial or residential structures and announced their special functions to citizens. Typically, these differences were seen in aspects such as setback, materials, and openings such as windows and doors. Therefore, structures designed to be used either wholly or partially for civic use shall not be required to adhere to the standards included in this chapter regarding, materials, windows and openings. Additionally, civic structures shall not have any maximum setbacks.

18.24.070 Description of general, core, Fourth Street, and neighborhood transition character areas.

Character areas are established as depicted in Figure 18.24.070-1 and Figure 18.24.070-2.

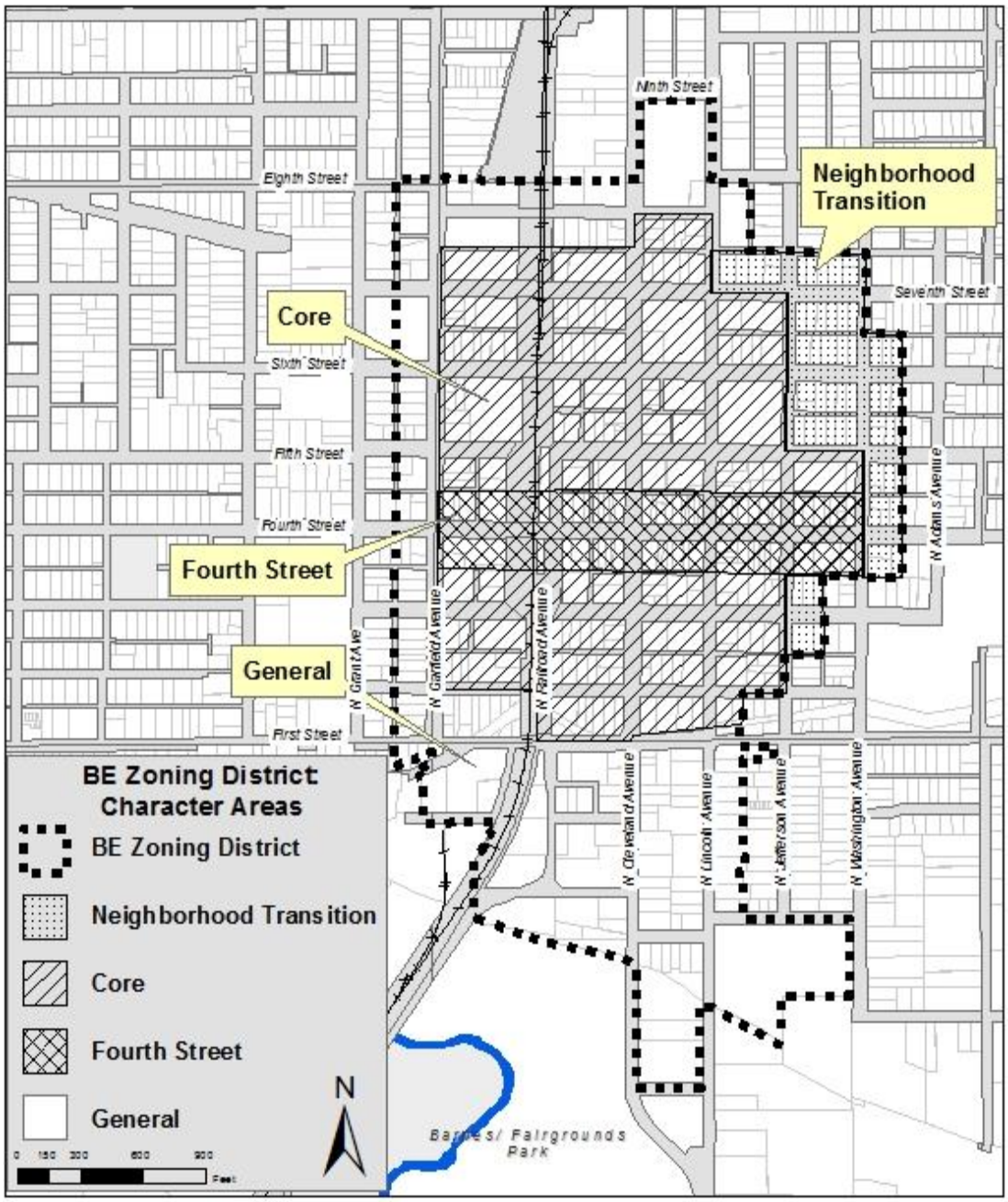


Figure 18.24.070-1: BE district, downtown character areas

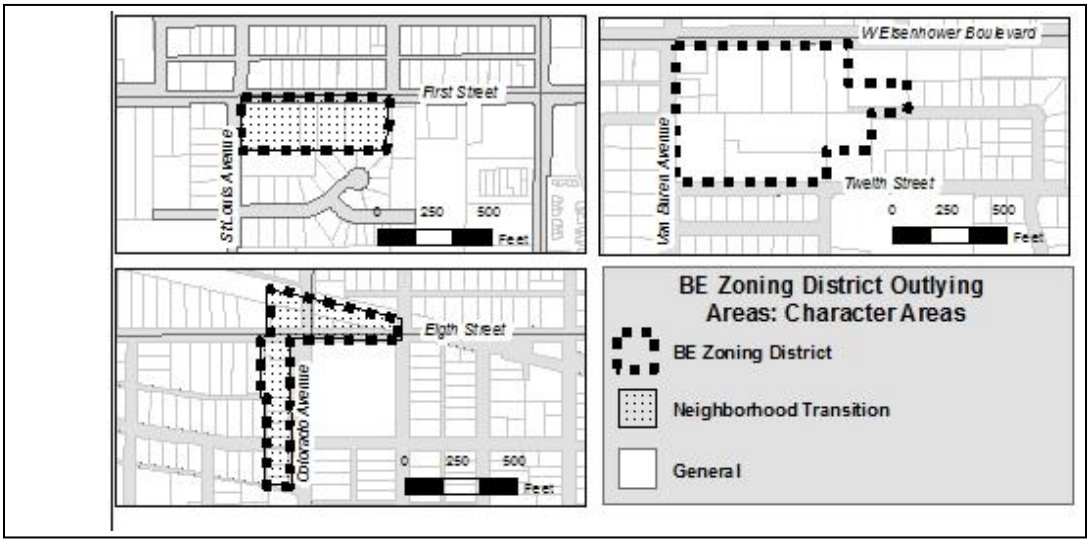


Figure 18.24.070-2: BE district, outlying areas

Specific development standards are created for each character area. Development and redevelopment within each character area shall meet the standards set forth for that respective character area, as well as the standards set forth in Section 18.24.060.

18.24.080 General and core character areas urban design standards.

A. Intent: The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown BE district and the goals of promoting density of employment and residential uses through quality infill and redevelopment with a strong pedestrian orientation These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, and enhance compatibility with adjacent uses.

B. Applicability: The standards listed in this Section 18.24.080 are type 2 standards. These standards shall apply within the general and core character areas as depicted in Figures 18.24.070-1 and 18.24.070-2.
   1. New construction: These standards shall apply to new construction of buildings and structures, including additions to existing structures. These standards shall not apply to the existing portions of a structure to which an addition is being constructed, if there are no modifications proposed to the existing portion of the structure.
   2. Facade renovation: These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. (For example, an applicant proposing a renovation of the ground floor facade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.)
   3. Exemption for historic buildings: These standards shall not apply to designated historic structures altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56c.
   4. These standards shall apply in lieu of Chapter 18.53.

C. Primary pedestrian streets:
   1. Intent: The intent of this section is to ensure that primary pedestrian routes remain inviting to pedestrians; to maintain the established commercial architectural character along certain streets within the downtown; to maximize commercial activity by not separating commercial areas with large areas of non-commercial facades; to facilitate comfortable pedestrian circulation between destinations; and to facilitate pedestrian circulation between parking areas and destinations to

support “parking once” and walking to multiple destinations. Primary pedestrian streets are hereby established as shown in Figure18.24.080-1.

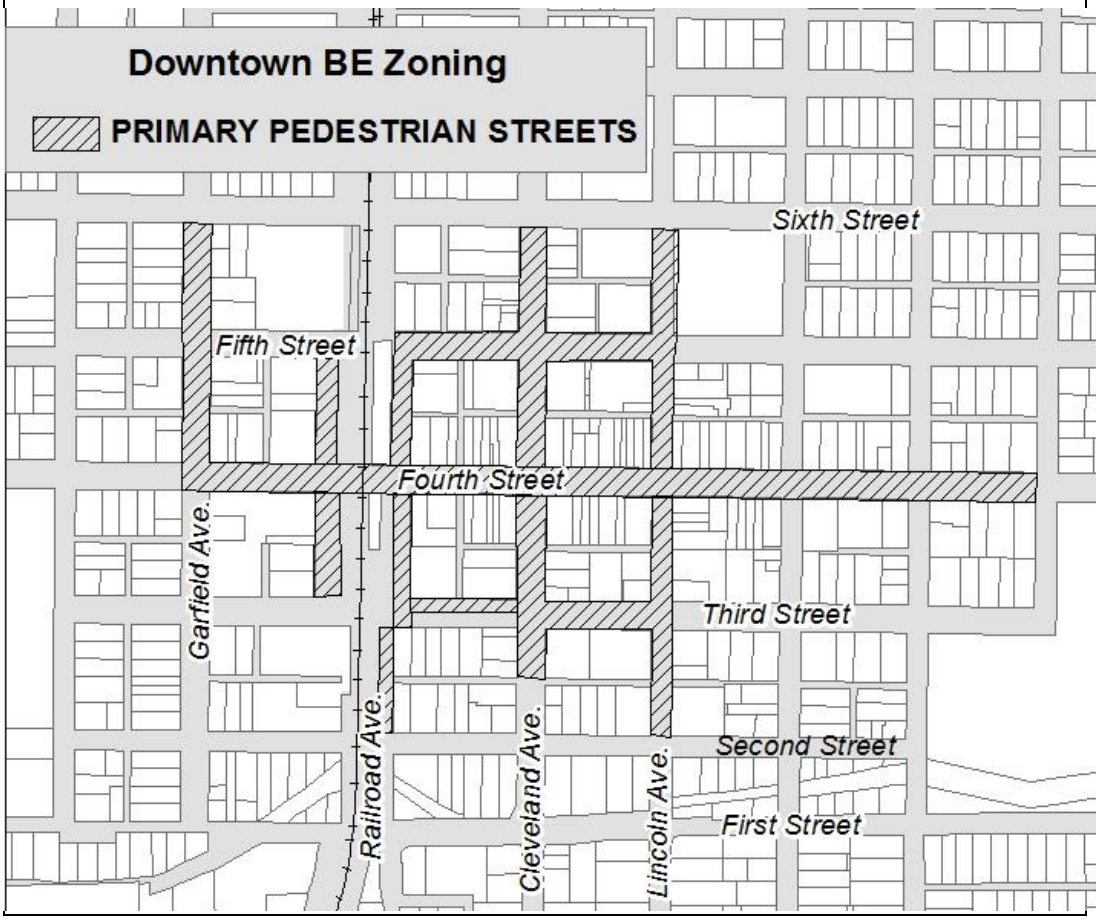


Figure 18.24.080-1: primary pedestrian streets

D. Primary and secondary elevations and lot frontage:
   1. For buildings facing onto a public street right-of-way, the ground floor elevation facing onto said right-of-way shall be considered the primary elevation and the lot frontage on said right-of-way shall be considered the primary lot frontage.
      a. For a building on a lot which is located on a street corner, one ground floor elevation and one lot frontage shall be determined to be the primary elevation and the primary lot frontage. If one of these public streets is designated as a primary pedestrian street per this section, then the ground floor elevation and lot frontage facing this primary pedestrian street shall be the primary elevation and lot frontage.
      b. If the lot fronts onto two or more streets which are primary pedestrian streets then the application shall designate one ground floor elevation and lot frontage as the primary elevation and primary lot frontage.
E. All other ground floor elevations and lot frontages are considered secondary elevations and lot frontages.
F. Dimensional standards: The standards set forth in this section and in Table 18.24.080-1 shall apply in the general and core character areas.

Table 18.24.080-1

Dimensional and Intensity Standards for General and Core Character Areas Only								
Use	**Minimum yard requirements[1,3]**				**Open space, and lot size**			
	Front	**Side, Lot line [4]**	**Side, right-of-way [6]**	**Rear, lot line**	**Rear Right-of-way [6]**	**Useable Open Space**	**Min Lot Size**	**Min Lot Width**
One-family detached	10	5	5	10	5	None	4,000	35
One-family attached[4]	10	5	0	10	5	None	1,600	17
Two-family	10	5	0	10	5	None	4,000	40
Accessory Bldg	25	5	0	5	5	None	N/A	N/A
Multi-family	10	5	0	10	0	10% Gen	5,000	50
Non-res & mixed	0	5-Gen 0-Core	0	10	0	7.5% Gen 0% Core	None	None
Off-street parking lots and structures[2]	8	8	8	0	5	N/A	N/A	N/A

Notes:

1. Setbacks for garage doors fronting public alleys shall be either five (5) feet or less; or eighteen (18) feet or more. Setbacks for garage doors fronting a public street shall be at least twenty (20) feet.
2. Setbacks may be reduced for surface parking when a decorative masonry wall at least three (3) feet in height is provided along public rights-of-way at least six (6) feet in height when adjacent to any residential use.
3. Structures fifty (50) feet in height or taller shall be set back a minimum fifteen (15) feet from the face of the curb.
4. Attached one-family dwelling units shall be allowed to have a zero (0) foot side yard setback where party walls are used.
5. See Section 18.24.080.E.2.c for setbacks from public streets in the core character area.
6. Parking setback from side or rear lots adjacent to an alley is zero (0) feet.

1. Dimensional standards.
    a. Setbacks adjacent to one-family residential uses: Setbacks on lot lines adjacent to one-family residential uses or residential zoning shall be one foot for each five feet of building height with a minimum setback of five feet or the required setback listed in Table 18.24.080-1, whichever is greater.
2. Core character area supplementary dimensional standards.
    a. Intent: Dimensional standards within the core character area are intended to preserve and

enhance the unique character of the area and encourage the renovation of existing buildings in a manner that preserves that character. The core character area has a strong pedestrian orientation and is characterized by historic buildings with zero or minimal setbacks.

b. Applicability: These standards shall apply to any development located within the core character area as defined in Section 18.24.070 and meeting the applicability standards set forth in Section 18.24.080B.

c. Setbacks: Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development which is characterized by buildings located in close proximity to the sidewalk. The minimum distance between a building facade and face of curb shall be fifteen feet on primary pedestrian streets as defined in Figure 18.24.080-1, and twelve feet on all other streets except as stated below. Building facades shall be placed at these minimum distances, or up to a maximum of twenty feet from the face of curb, for a minimum of seventy-five percent of the primary lot frontage and fifty percent of the secondary lot frontage. Pedestrian easements shall be dedicated in that area between the portion of the building facade meeting the fifty percent to seventy-five percent requirement outlined above and the property line. This area shall be paved so as to function as part of the public sidewalk. See Figure 18.24.080-2.

   i. Table 18.24.080-2 contains minimum distance from building facade to face of curb that must be met for the required fifty percent to seventy-five percent of lot frontage per Section 18.24.080E.2.c. for segments of Third, Fifth, and Sixth Streets between Railroad Avenue and Lincoln Avenue. These requirements are pursuant to the Destination Downtown: HIP Streets Master Plan.

Table 18.24.080-2

Minimum distances between facade and face of curb between Railroad Avenue and Lincoln Avenue	
Road Segment	Minimum Distance (in feet)
Third Street	
North Side	16.5
South Side	17
Fifth Street	
North Side	10
South Side	15
Sixth Street	
North Side	16.5
South Side	14.5

   ii. The following may also be used to satisfy the above fifty percent and seventy-five percent frontage requirements.
      1) For buildings with ground floor residential uses; a setback of up to thirty- five feet from the face of curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater than a minimum of fifteen feet from the face of curb consists of landscape or quality hardscape.
      2) For buildings or developments with frontage along more than one street a public open space such as a plaza on a maximum of one of a building's street frontages.
      3) An arcade at least six feet deep.
      4) A setback of up to twenty-five feet from the face of curb to allow for outdoor

dining for up to a maximum of twenty-five percent of the total lot frontage.

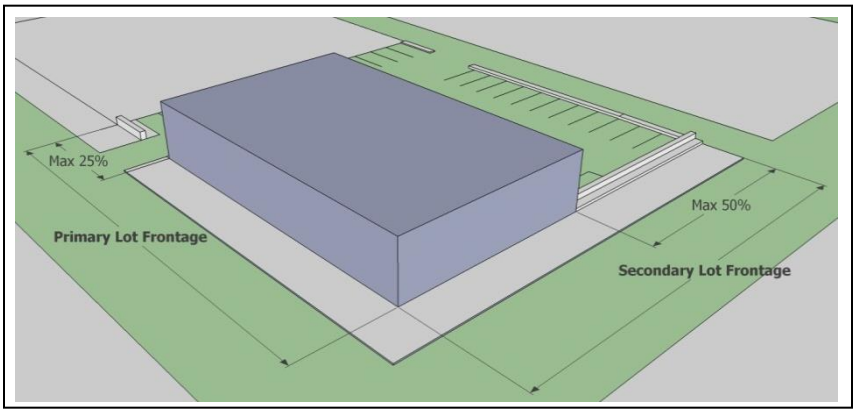


Figure 18.24.080-2

G. Architectural features: Traditional downtown buildings achieve quality appearance through the use of quality materials and proportions and architectural rhythm. Articulation of downtown buildings is often more subtle than articulation of typical suburban buildings.
   1. Buildings shall incorporate a combination of the following features: columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or other similar architectural features to add visual interest and diversity.
   2. All elevations facing a public street right-of-way, public plaza or pedestrian space, or public parking lot shall contain a cornice parapet, capstone finish, eaves projecting at least twelve inches, or other roof features.
   3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.
   4. Each building fronting a public street shall have at least one primary entrance that shall be clearly defined and recessed or framed by elements such as awnings, porticos or other architectural features. Buildings fronting onto a primary pedestrian street shall place the primary entrance on the primary pedestrian street frontage.
   5. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as set forth in Table 18.24.080-3.
   6. No wall facing a plaza or public street shall extend more than twenty horizontal linear feet on the ground floor without a window or other opening.
   7. Facades greater than seventy-five feet in length shall contain recesses or projections of a minimum depth of three percent of the facade length extending for a minimum of twenty percent of the length of the facade.
   8. Facades visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown. Minimum window and door openings shall be limited to the percentages indicated in Table 18.24.080-3.
      a. At least thirty percent of facades shall consist of brick or stone or finish materials consistent with the historic character of the area. The area of windows and doors shall be excluded from the external wall area for this calculation.
      b. The remainder of the facade not consisting of windows and doors shall consist of quality materials such as: brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural and synthetic stone, exterior insulation

finishing systems, stucco, and similar high quality materials as approved by the current planning manager.

c. Wood and metal are acceptable accent materials but should not account for more than twenty percent of any one facade.

d. No wall facing a plaza or public street shall extend more than twenty-five horizontal linear feet without a window or other opening.

9. Historic compatibility: Facades in the core character area are not required to mimic historical architecture. However, certain areas of the core character area contain established patterns of historic building facades. Fifth Street between Railroad Avenue and Cleveland Avenue; or Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings, new buildings should be designed to be compatible in scale, rhythm, materials, and mass with the historic buildings.

Table 18.24.080-3

Minimum Window and Door Percentage General and Core Character Areas				
Character Area	General		Core	
	Street Type		Street Type	
Facade Type / Location	Primary Pedestrian Street	Non-Primary Pedestrian Street	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	30%	30%	40%	40%
Secondary, Ground Floor	30%	20%	40%	30%
Residential, Ground Floor	20%	20%	20%	20%
Upper Floors, All Uses[1]	15%	15%	15%	15%
1. Upper floor surface area shall be measured excluding cornice or other roof features.				

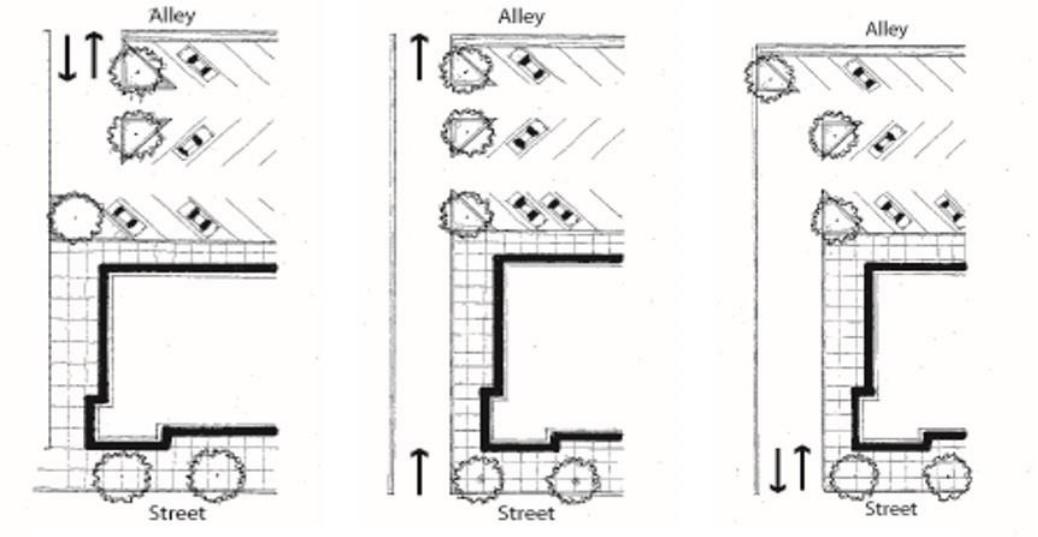
H. Open space: Where sufficient site area is available, common open spaces shall be provided in the form of central courts and squares to provide a focal point for activity, instead of perimeter buffer yards.

I. Parking: The intent of this section is to reduce the impact of parking lots on the pedestrian character of the downtown, by encouraging parking to be located to the rear or sides of buildings.

1. Vehicular access to parking lots shall be from alleys unless determined to be infeasible by the current planning manager. In those cases, it is preferable to have vehicle ingress from a public street and vehicle egress into the adjacent alley. The third preferable option is ingress and egress from the street. (See options A, B, and C in Figure 18.24.080-3).
2. Parking or drive aisles shall not be located between the primary elevation and the public right-of-way.
3. Parking lot frontage may not comprise more than fifty percent of any secondary lot frontage facing a public street right-of-way. This standard does not apply to lot frontage on an alley or on a lane that functions as an alley (see Figure 18.24.080-2).
4. Parking lot frontage may not comprise more than twenty-five percent of the primary lot frontage, with the exception that a drive aisle and a single bay of parking perpendicular to the primary lot frontage is permitted where alley access is not utilized.
5. Parking lots shall be appropriately screened per Section 3.04 of the Site Development

Performance Standards and Guidelines, except that screening shall be provided for the entire length of the parking lot, exclusive of the driveway.

6. Screening is not required adjacent to public alleys.



A. B. C.

Figure 18.24.080-3

J. Pedestrian facilities. Pedestrian sidewalks at least five feet in width shall be provided along all internal drives. Sidewalks shall provide access to adjacent roads, public spaces, parks and adjacent developments, when feasible. Front ground floor entrances to residential units shall be connected by a porch and/or walkway to the public sidewalk.

K. Other site amenities. Site amenities shall include ornamental street lighting, fencing, planters, benches, and feature landscaping at entries and within central open spaces consistent with the historic character of the downtown.

L. Infill streets and drives. Vehicular lane widths shall be kept to the minimum required width to reduce speeds and facilitate pedestrian activity.

18.24.090 Fourth Street character area urban design standards.

A. Intent. The intent of these standards is to preserve and enhance the historic character of the Fourth Street character area; to enhance the character of the retail district; and to maintain and enhance a pedestrian-friendly environment.

B. Applicability.

1. Fourth Street character area. These standards shall be applicable to properties within the Fourth Street character area as identified in Figure 18.24.070-1.
2. The standards in this Section 18.24.090 are type 2 standards.
3. New construction. These standards shall apply to new construction of buildings and structures.
4. Facade renovation: Standards shall apply only to the portion(s) of elevation(s) which are being renovated. The current planning manager may waive the requirement for a facade being renovated to install a storefront as defined in Section 18.24.090F. under the following conditions:
   i. the structure was not originally constructed with a storefront or had not been renovated to have a storefront in the past;

ii. the installation of a storefront is not practicable based on the cost of such renovation being greater than fifty percent of the total building permit valuation for the work being performed on the structure; or

iii. the proposed renovation is not materially changing the form of the facade.

5. No change in existing setbacks shall be required under this section during a facade renovation.
6. Lots located in the Fourth Street character area, but with no lot line adjacent to Fourth Street, shall comply with standards of Section 18.24.080E.2.

C. Front, side, and rear setbacks in the Fourth Street character area shall be as shown in Table 18.24.090-1.

Table 18.24.090-1

Fourth Street Character Area Setbacks	
Fourth Street Lot Line [1, 3]	0‘ Maximum
Rear Lot Line [2]	0’ Minimum
Side Lot Line	0’ Minimum
Notes: 1. Except for minor recesses and projections and recessed doorways 2. Garage doors shall be set back five feet or less or eighteen feet or more from alley rights of way. 3. Greater setbacks may be allowed in order to allow for the plaza spaces shown in the Destination Downtown HIP Streets Master Plan	

D. Building unit: These provisions are intended to result in building forms that are compatible with the historic pattern of twenty-five foot wide lots and storefronts found in the Fourth Street character area (see Figure 18.24.090-1).

1. New buildings constructed along Fourth Street shall, at the ground floor, be segmented into storefronts of between twenty feet and fifty feet in width.
2. Each storefront shall have a separate entrance.
3. Each storefront shall be separated from the adjoining storefront by a solid vertical element or feature a minimum of eight inches wide.
4. Buildings having Fourth Street frontage greater than seventy-five feet shall be designed so as to appear to be multiple buildings. Changes in facade material, window design, facade height, cornice, or decorative details are examples of techniques that may be used. There should be some slight variation in alignments between the facade elements such as window heights.

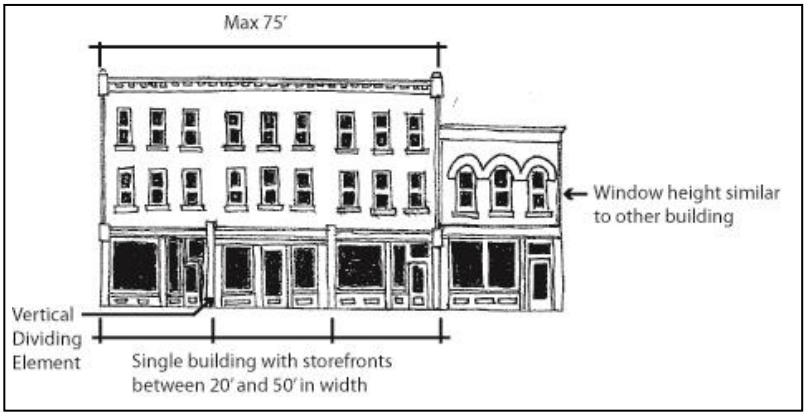


Figure 18.24.090-1

E. Corner buildings. These provisions are intended to ensure that buildings that front onto two streets continue a pedestrian character on both streets through window and door openings, a characteristic common to the Fourth Street character area. This enhances pedestrian comfort and the walkability of the downtown (see Figures 18.24.190-2 and Figure 18.24.090-3).

1. Corner buildings are those that have a frontage on Fourth Street and frontage on an intersecting street including Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue, or Washington Avenue.
2. For lots located at the corner of Fourth Street and any intersecting street, storefronts shall be designed to appear to wrap around corners by including a corner entrance or large pane display window at least ten feet in width along the side street facade.
3. Any corner building having more than seventy-five feet of frontage on an intersecting street, shall have at least one storefront at ground level, as described in Section 18.24.090F.3., facing the intersecting street and measuring at least twenty-five feet in width.

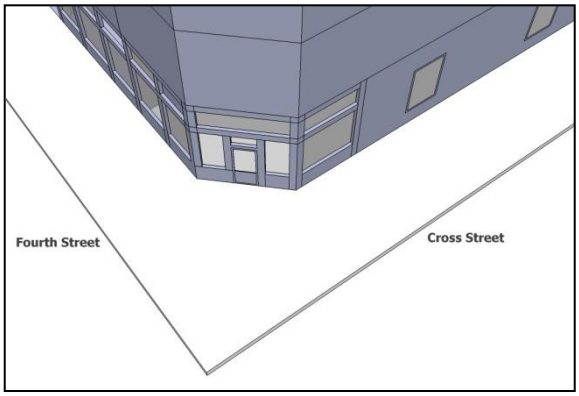


Figure 18.24.090-2

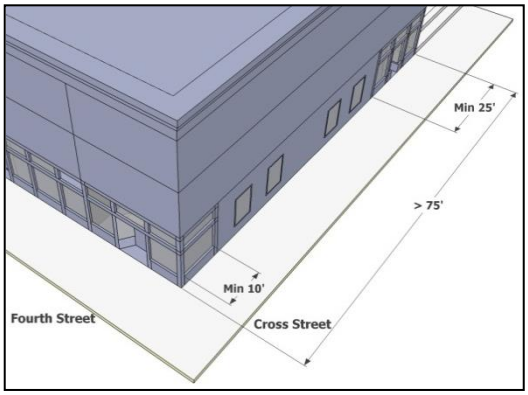


Figure 18.24.090-3

F. Architectural features. The provisions in this section are intended to lead to a building form that is compatible with the existing historic character of the Fourth Street character area and that maintains or enhances the retail and pedestrian character of this area (see Figure 18.24.090-4).

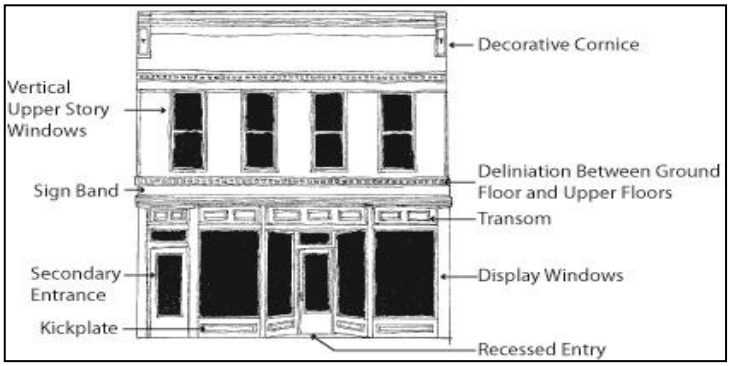


Figure 18.24.090-4

1. Upper floors shall be designed with a pattern of vertically oriented windows with spacing between windows and the ratio of solid to void similar to surrounding historical facades.
2. Floor-to-floor heights of the ground floor and upper floors shall be compatible with surrounding historic buildings;
3. Ground floor facades facing Fourth Street shall be designed as a typical storefront having the following features: large display windows with metal or wood frames; transom windows; kick plates of between one foot and two-and-a-half feet in height and constructed of metal, tile, stone, brick, or other similar high quality material.
4. Ground floor storefront doorways shall be recessed a minimum of three feet from the front of the building. The width of the recessed are shall not be more than forty percent of the width of the individual storefront or twenty feet.
5. A single building divided into more than one store-front need not recess every storefront doorway. Secondary doors and doors servicing upstairs uses need not be recessed unless required to open outwards by building or fire codes.
6. Ornamentation or a banding technique should be used to delineate the ground floor from the upper floors.

7. Excepting the recessed door and any upper-story setbacks, the facade should appear as predominantly flat, with any decorative elements and projecting or setback "articulations" appearing to be subordinate to the dominant building form.
8. The roof shall incorporate a parapet wall with a cornice treatment, capstone finish, or similar feature facing public streets rights-of-way.
9. The traditional function of awnings was to protect pedestrians and shoppers from sun, rain, and snow. Awnings should express the dimensions of the storefront framing and not obscure characteristic lines or details.
10. Facades need not mimic historical buildings, but shall be of a style that is compatible in rhythm, massing, material and design with the historic character of Fourth Street. Thematic facade designs, such as "Swiss chalet," should not be used.

G. Materials. These provisions are intended to lead to construction with quality materials that will match existing character and historic precedent, that will be durable, and that will enhance the retail and pedestrian character of this area.
1. Facades facing Fourth Street shall consist of brick, stone, masonry, or similar high quality material.
2. Facades facing Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue and Washington Avenue, or any identified pedestrian alley, shall consist of a minimum of fifty percent brick, stone, masonry, or similar high quality material.
3. Non-party walls facing side lot lines shall consist of a minimum of fifty percent brick, stone, or masonry.
4. These materials standards shall not apply to upper floors which are recessed in accordance with Section 18.24.060A.3.d.

H. Windows and doors: These provisions are intended to result in a permeable street wall that matches existing character and historic precedent and enhances the pedestrian and retail character of this area.
1. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as indicated by Table 18.24.090-2.
2. Any section of wall facing Garfield Avenue, Arthur Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, or Jefferson Avenue may not exceed twenty-five feet without containing windows or doors on the first floor.
3. Highly reflective or darkly tinted glass is inappropriate in first-floor storefront display windows.
4. Existing buildings need not meet these window and door standards, unless these standards can be met by opening original windows or storefronts which were previously enclosed.
5. During renovation of the facade of a building that has been evaluated as contributing to a downtown historic district in the Historic Preservation Plan, historic window openings that have been altered should be restored.

Table 18.24.090.-2

Facade Type / Location	Minimum Percentage of windows and doors
Ground Floor, Facing Fourth Street	50%
Ground floor, cross street	30%
Upper floors [1]	15%
Facing Alley	0%
1. Upper floor surface area shall be measured excluding cornice or other roof features.	

18.24.100 Neighborhood transition character area urban design standards.

A. Intent. Certain areas of the downtown BE district maintain a largely consistent character of high-quality historic homes. Additionally, several pockets of BE district areas lie within traditional residential neighborhoods. These neighborhoods are often characterized by mainly traditional one-family residential structures with pockets of other development; and tree-lined streets. The neighborhood transition character area is meant to protect the character of these areas when redevelopment or new development occurs, while allowing for a mix of uses appropriate to these areas and allowed by zoning. The neighborhood transition areas are also meant to transition to adjoining neighborhoods.

B. Applicability.

1. Neighborhood transition character area. These standards shall be applicable to properties within the neighborhood transition character area as identified in Figure 18.24.070-1 and Figure 18.24.070-2.
2. The standards in this Section 18.24.100 are type 2 standards.
3. New construction. These standards shall apply to new construction of buildings and structures, including additions.
4. Facade renovation. These standards shall apply only to those portion(s) of each elevation that is being renovated.
5. This section shall not require a change in existing setbacks during a facade renovation.
6. This section shall not require the modification of existing setbacks in cases of building expansion except that a building cannot be expanded, in such a manner that the setback of the new construction will not conform to Section 18.24.110D. below.
7. These standards, other than those pertaining to setbacks, shall not apply to one-family detached and two-family attached and detached residential uses.

C. Massing and architectural rhythm.

1. New buildings or additions should continue a massing pattern that is similar to the existing pattern of the block face as shown in Figure 18.24.100-1. For the purposes of this section, massing shall refer to height, width, bulk, roof form, or roof slope and direction of slope.

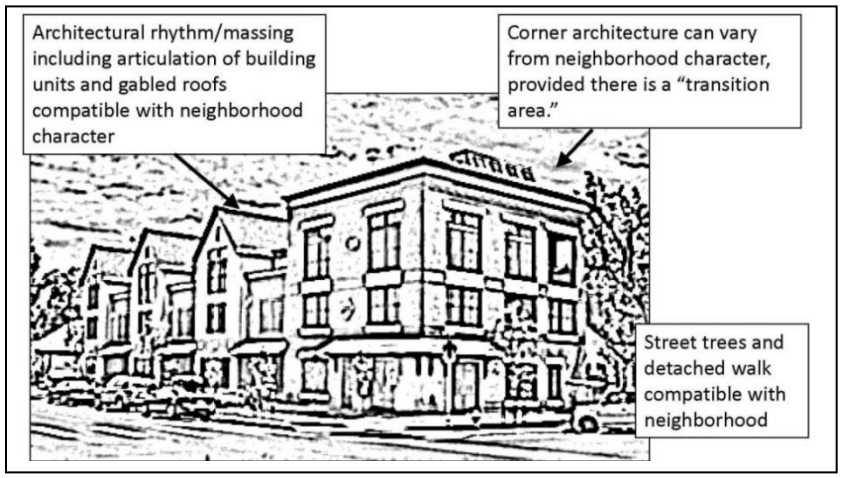


Figure 18.24.100-1

2. Compliance may be accomplished by creating independent building modules through articulation, roofline, or other distinguishing features.
3. New buildings shall have pitched roofs including hips or gables in order to match the residential character of the area. Buildings located on a lot with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue are not required to have a pitched roof but must meet the massing and setback standards set forth in Section 18.24.100D.3.a.
4. Elevations facing a public street shall consist of at least fifteen percent openings including windows and doors.
5. Materials. Structures shall be constructed of quality materials as defined in Section 18.24.080E.b., but designers should consider the use of exterior cladding materials such as

brick or siding commonly used on residential structures. Architectural metals such as bronze, copper, and wrought iron may not exceed twenty percent of any one facade.

6. Garage placement and design: Attached garages shall be setback from the front facade of a structure a minimum of six feet. The width of the total elevation of garage doors facing a public street may be no more than eighteen feet.
7. Each primary structure shall have at least one entrance facing a public street. This entrance shall have a direct pedestrian connection to the adjacent sidewalk.

D. Setbacks.

1. Building setbacks shall be in accordance with Table 18.24.100-1. Front setbacks shall be within four feet of the average setback on the block face, provided that the resulting setback is in keeping with the character of the block. See Figure 18.24.110-2 for an example of how a front yard setback is determined.

Table 18.24.100-1

Setbacks in Neighborhood Transition Character Area [3]					
	Front setback [1]	Side setback, adjoining lot	Side setback, right-of-way [1]	Rear setback, adjoining lot	Rear setback, alley
Principal Structure	Within 4' of the average setback on the block face	1' per 5' of height, not less than 5'	10'	10'	0'
Accessory structure [2]	Not less than setback of principal structure	5'	10'	5'	0'

1. See Section 18.24.100D.3. for setback requirements for lots with frontage on Washington Avenue, Jefferson Avenue and Lincoln Avenue.
2. Garages must be set back less than five or more than eighteen feet from alley rights of way.
3. No building shall be located closer than fifteen feet from the face of curb.

For lots with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue; the setback for buildings may be reduced or buildings may be built to the back of the public sidewalk on all street frontages provided there is a transition between the corner lot and the rest of the block face.

A transition may include:

a. A front yard setback that meets the requirements of Section D.1. for a minimum width of twenty-five feet combined with a building massing of at least twenty-five feet in width that Figure 18.24.100-2 is similar to the massing pattern on the rest of the block face, is implemented for the entire length, front to back, of the structure and has at least two of the following aspects: height, width, bulk, roof form, or roof slope and direction of slope similar to other

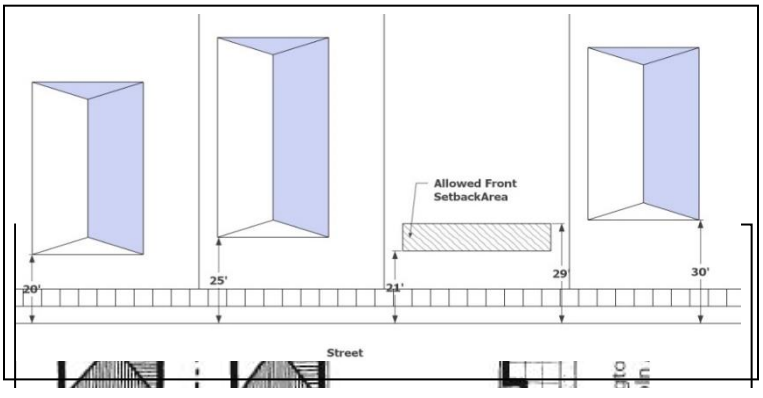


Figure 18.24.100-2

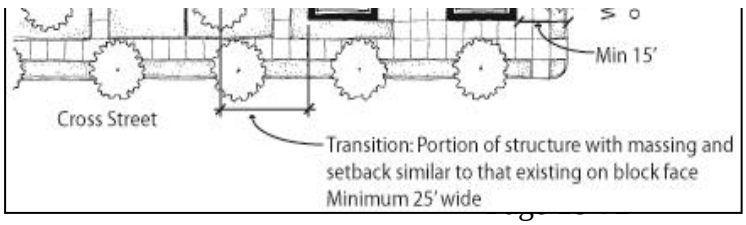


Figure 18.24.100-3

structures on the block face (see Figure 18.24.100-3) or

b. An existing alleyway.

E. Additions, expansions, or modifications to existing buildings: The intent of this provision is to provide guidelines that maintain the character of the largely historically intact neighborhood transition character areas when existing structures are converted from residential to commercial use or are expanded.
   1. When a residential structure is converted into a commercial use, the basic residential form of the building should remain.
   2. An existing front porch shall remain and shall not be enclosed.
   3. The existing window pattern on street-facing facades shall not be dramatically changed.
   4. The exterior cladding or material should remain that of a residential building and feature brick, siding or other appropriate material.
   5. Additions or expansions to existing structures shall not be in front of the front setback or side setback on corner lots unless the existing setback is more than three feet back from the allowed setback on that block face. Additions or expansions of an existing structure shall utilize a roof form with the same pitch as the existing roof and be constructed of similar material as the original structure.
   6. The use of metal as anything other than an accent is prohibited.

F. Parking. The intent of these provisions is to minimize the impact of parking areas on the existing and desired character of the neighborhood transition character areas. These provisions shall not apply to one-family and two-family residential uses.
   1. Parking shall not be allowed between the front façade and a public street or in the side yard setback adjacent to a public street on corner lots (see Figure 18.24.100-4).
   2. Parking shall be screened from adjacent residentially zoned lots and residential uses by an opaque fence a minimum of six feet tall. This fence shall not extend beyond the front yard setback. Parking shall be screened from public rights of way, not including alleys, and residential zoning or uses per Section 4.07.02.A. of the Site *Development Performance S*tandards and Guidelines, except that Figure 18.24.100-4 the parking lot shall be screened per these standards for its entire length exclusive of driveways.
   3. To the maximum extent possible, vehicular access to lots should be provided through the existing alleys. Where curb cuts from adjoining streets already exist or are required, the preferable design is to have vehicular ingress from the public street and egress into an alley.

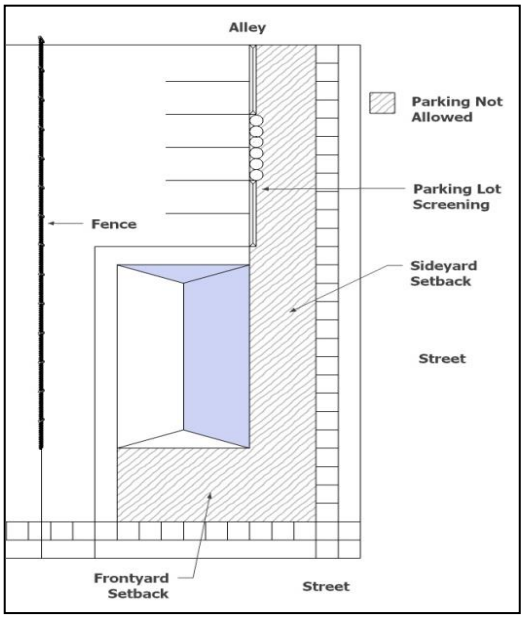


Figure 18.24.100-4

   4. In order to maintain a pedestrian friendly environment, vehicular access from public street rights of way shall be designed and constructed to be as narrow as possible. Whenever possible, new curb cuts shall be placed so as to not require the removal of existing street trees.
   5. For lots where parking is the principle use, the parking lot shall be setback in accordance with Section 18.24.100D.

18.24.110 Landscaping.

A. Purpose and intent. The landscaping standards for the BE District are intended to set a minimum landscape standard that emphasizes those elements most important to the creation of a pedestrian friendly environment that can support a variety of uses and building forms.

B. Applicability.
   1. These standards shall apply in any areas between a building facade and a public street.
   2. These standards shall apply to plaza spaces constructed in accordance with Section 18.24.080E.2.c.ii.2.
   3. Street trees and tree lawn landscaping improvements shall be required when: (i) there is new construction of primary structures; (ii) renovations of a value of greater than twenty-five percent of the assessed valuation of the building are undertaken; (iii) the footprint of an existing building is expanded by more than twenty-five percent; (iv) or the building changes from a residential use to a non-residential use.
   4. Landscaping requirements shall not apply when building improvements or modifications do not increase the gross floor area such as in the case of facade renovations, the construction of external stairwells, porches, or the installation of awnings.

C. Landscaping: type 1 standard. The landscaping standards included regarding street trees and parking lot landscaping and screening in Chapter 4 of the Site Development Performance Standards and Guidelines shall be applicable to all non-residential and multi-family residential uses.

D. Street Trees. The following type 2 standards are applicable to all street trees in the BE district. The provision of street trees is essential for the creation of a pedestrian friendly downtown area. Street trees are generally located between the curb and the main pedestrian pathway. In this location, they provide shade for pedestrians and serve to buffer pedestrians from auto traffic.
   1. Street trees shall be provided along all street frontages of a lot.
   2. Street trees shall be planted on thirty-five foot centers, taking into account the location of public utilities and curb cuts. Diseased or dying trees shall be removed by the property owner and new trees must be replanted in accordance with these provisions.
   3. The location used for the installation of street trees shall be a minimum of ten feet in width in situations associated with new construction of sidewalks. The current planning manager may reduce this width based on site constraints. The installation of trees should utilize design practices such as interconnecting tree soil from planting bed to planting bed.
   4. Street trees shall be of a species commonly considered to be canopy trees.
   5. A minimum sidewalk horizontal clearance of six feet shall be maintained.
   6. In instances where a tree lawn is provided the ground cover in the tree lawn shall be low growing and durable so as not to prevent or interfere with people using curbside parking and exiting from vehicles onto the tree lawn. The use of rock or stone in the tree lawn shall not be allowed.
   7. Existing mature street trees should be maintained wherever feasible.
   8. All existing healthy and mature trees shall be preserved and incorporated into the site design for new off-street parking areas and buildings.

E. Plazas: type 2 standard. Landscaping in public plaza spaces built as allowed in Section 18.24.080E.2.c.ii.2. should be designed with consideration given to the proposed use of the space. It is appropriate for onsite landscaping in the form of plazas or semi-public open space to employ the use of more softscape design elements than the landscape design in the public sidewalk areas, especially if they are attached to a residential use.

Chapter 18.28

B DISTRICT-DEVELOPING BUSINESS DISTRICT

Sections:

18.28.000 Purpose.

The developing business (B) district is intended to provide for auto-oriented and auto-dependent uses, primarily along established commercial corridors of the city. This district is applied to many of the city's established commercial corridors and corresponds to the areas depicted as CC-corridor commercial on the Comprehensive Master Plan's Land Use Plan Map. These areas provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures. Locations for this zone require good vehicular access.

18.28.010 Uses permitted by right.

The following uses are permitted by right in the B district:

A. Financial services;
B. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located three hundred feet or more from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
C. Place of worship or assembly;
D. Lodging establishments;
E. Clubs and lodges;
F. Medical, dental, or professional office or clinic;
G. Office, general administrative;
H. Parking lot and parking garage;
I. Park or recreation area;
J. Personal and business service shop;
K. Public and private school;
L. Essential public utility uses, facilities, services, and structures (underground);
M. Indoor entertainment facility and theater;
N. Restaurant standard;
O. Retail store;
P. Bed and breakfast establishment;
Q. Accessory buildings and uses;
R. Commercial child day care center licensed according to the statutes of the state;
S. Multiple-family dwellings for the elderly;
T. Combined use (or mixed-use) developments of permitted use;

U. Boardinghouses and rooming houses;
V. Community facility;
W. Long term care facility;
X. One-family dwelling;
Y. Printing shop, provided that no such shop occupies more than 3,500 square feet of floor area;
Z. Retail laundry;
AA. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
BB. Two-family dwelling;
CC. Antennas, as defined in Section 18.55.020, located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
DD. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.
EE. Bar or tavern;
FF. Convention and conference center;
GG. Food catering;
HH. Funeral home
II. Garden supply;
JJ. Health care service facility;
KK. Outdoor storage of equipment or products or other goods as an accessory use subject to Section 4.06 of the Site Development Performance Standards and Guidelines;
LL. Parking garage and parking lots;
MM. Research laboratory;
NN. Warehouse and distribution (enclosed within a building);
OO. Hospital;
PP. Workshop and custom small industry (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40; and
QQ. Shelter for victims of domestic violence, subject to Section 18.52.070.

18.28.020 Uses permitted by special review.

The following uses are permitted by special review in a B district subject to the provisions of Chapter 18.40:

A. Vehicle sales and leasing of cars and light trucks;
B. Vehicle minor and major repair, servicing and maintenance;
C. Car wash;
D. Combined-use (or mixed-use) developments containing one or more special review use(s);
E. Dairy processing plants, laundry and dry-cleaning plants;
F. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located less than three hundred feet from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district)
G. Lumberyard;
H. Light industrial, indoor;
I. Mobile home park and RV park/campground;
J. Pet store and veterinary clinic small animal hospitals;
K. Printing shop over 3,500 square feet of floor area;
L. Aboveground public utility and public service installations and facilities, essential public utility

uses, facilities, services, and structures (above ground);

M. Private recreational uses, outdoor;
N. Restaurants and other eating and drinking places, outdoor;
O. Undertaking establishments;
P. Warehouses and enclosed storage;
Q. Wholesale stores;
R. Multiple-family dwelling;
S. Restaurant, drive-in or fast food;
T. Massage parlors(massage therapy included in definition of health care service facility);
U. Congregate care facility;
V. Combined use developments including one or more special review use(s);
W. Attended recycling collection facility;
X. Unattended recycling collection facility;
Y. Convenience store;
Z. Personal wireless service facility (on new structure) as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
AA. Group care facility;
BB. Contractor's storage yard;
CC. Domestic animal day care facility;
DD. Open-air farmers market;
EE. Outdoor recreation facility;
FF. Nightclub;
GG. Plant nursery;
HH. Self-service storage facility;
II. Vehicle rentals for cars, light trucks and light equipment;
JJ. Sales and leasing of farm equipment and mobile homes, recreational vehicles, large trucks and boats with outdoor storage;
KK. Vehicle rental for heavy equipment, large trucks, and trailers;
LL. Outdoor storage of equipment, products or other goods as a principle use;
MM. Crematorium, subject to Section 18.52.080; and
NN. Firing range, indoor.

*See Chapter 18.40.

18.28.030 Minimum yards.

A. Minimum yards in a B district, being the minimum distance of any building from a street right-of-way or zoning district boundary line, shall be twenty-five feet. The minimum distance of any building to an alley right-of-way or public alley easement boundary line shall be fifteen feet.
B. Subsection A. notwithstanding, residential uses within a B district shall be the following setback requirements:
    1. The minimum front yard lot shall be as follows:
        a. Single, two, and three-family dwelling: twenty feet.
        b. All other residential uses: twenty-five feet.
    2. The minimum side yard of a lot shall be as follows:
        a. Single, two, and three-family dwelling: one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet.
        b. All other residential uses: ten feet.
        c. Subsections 2.a. and b. notwithstanding, the minimum street side yard for any residential use shall be fifteen feet.
    3. The minimum rear yard of a lot shall be as follows:

a. Principal structure: fifteen feet.
b. Detached accessory: five feet.

18.28.035 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.28.040 Off-street parking.

The minimum off-street parking in the B district shall be as provided in Chapter 18.42.

18.28.050 Site development plan review.

Category 2 development shall be subject to the provisions of Chapters 18.39 and 18.46, and the site development performance standards and guidelines as provided in Chapter 18.47.

18.28.060 Usable open space.

The usable open space in the B district shall be ten percent of the total lot area.

18.28.070 Lot area, multiple-family dwellings.

A. The minimum area of a lot for multiple-family dwellings in the B district shall be seven thousand square feet for the first two units, plus one thousand square feet for each additional dwelling unit up to four dwelling units, plus two thousand square feet for each additional dwelling unit over four units.
B. The minimum area of a lot for multiple-family dwellings for the elderly shall be seven thousand square feet.

18.28.080 Residential landscaping.

All residential parcels developed within the B district shall be landscaped with materials such as grass, shrubs, trees, or decorative materials. A minimum of two trees shall be provided for each two-family dwelling. The required trees shall be combinations of deciduous and coniferous trees with each deciduous tree having a minimum caliper of two inches at time of planting and each coniferous tree having a minimum height of six feet. All landscaping requirements shall be completed prior to occupancy of the structure or within thirty days following the beginning of the next planting season.

Chapter 18.29

MAC DISTRICT – MIXED-USE ACTIVITY CENTER DISTRICT

Sections:

18.29.010 Purpose.

The Mixed-use Activity Center (MAC) District is intended to be applied to areas designated as mixed-use activity centers by the Land Use Plan. This district may also be used in other appropriate locations, such as along existing commercial corridors, or in residential areas to provide larger neighborhood-serving commercial centers. MACs may include a wide variety of retail and commercial uses serving the surrounding area as well as larger retail uses serving a community-wide or regional market. Such areas may also include residential and office uses adjacent to the MAC's core or above ground floor retail. Such centers are typically located at major road and highway intersections, or along major corridors and are predominantly auto-oriented. However, the center should be designed to provide convenient access to and from adjacent neighborhood(s) for pedestrians and bicyclists.

18.29.020 Uses permitted by right.

The following uses are permitted by right in a MAC district:

A. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.
B. Restaurant, standard;
C. Car wash;
D. Commercial child day care center licensed according to the statutes of the state;
E. Clubs and lodges;
F. Convention and conference center;
G. Entertainment facilities and theaters, indoor;
H. Financial services;
I. Food catering;
J. Funeral home;
K. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located three hundred feet or more from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
L. Health care service facility;
M. Hospital;
N. Indoor recreation;
O. Lodging establishment (hotel and motel);
P. Long term care facilities;
Q. Medical, dental, or professional clinic or office;
R. Nightclub;
S. Office, general administrative;

T. Parking garage;
U. Parking lot;
V. Personal and business service shops;
W. Place of worship or assembly;
X. Print shop;
Y. Professional office/clinic;
Z. Public and private schools;
AA. Restaurant, drive-in or fast food;
BB. Restaurant, standard indoor;
CC. Restaurant, standard outdoor;
DD. Retail laundry (laundromat);
EE. Retail store;
FF. Veterinary facilities, small animal;
GG. Workshop and custom small industry (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40;
HH. Dwelling, attached single-family;
II. Dwelling, detached single-family;
JJ. Dwelling, multi-family;
KK. Dwelling, two-family;
LL. Elderly housing;
MM. Dwelling, mixed use;
NN. Community facility;
OO. Park or recreation area;
PP. Antennas as defined in Section 18.55.020, co-located on an existing tower or structure as provided in Section 18.55.030 and meeting all other requirements of Chapter 18.55;
QQ. Accessory buildings and uses; and
RR. Shelter for victims of domestic violence, subject to Section 18.52.070.

18.29.030 Uses permitted by special review.

The following uses are permitted by special review in a MAC district subject to the provisions of Chapter 18.40:

A. Domestic animal day care facility;
B. Gas station with or without convenience goods or other services subject to Section 18.52.060 and located less than three hundred feet from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
C. Open-air farmers market;
D. Outdoor recreation facility;
E. Self-service storage facility;
F. Vehicle minor repair, servicing, and maintenance;
G. Vehicle rentals for cars, light trucks, and light equipment;
H. Vehicle sales and leasing for cars and light trucks;
I. Research laboratory;
J. Essential public utility uses, facilities, services, and structures;
K. Group care facility;
L. Long term care facility (nursing home);
M. Personal wireless service facility as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
N. Public service facility;

O. Crematorium, subject to Section 18.52.080; and
P. Firing range, indoor.

18.29.040 Development standards.

The following standards shall be administered as type 2 standards in accordance with Section 18.53.020.

A. Architecture. In addition to architectural standards in Chapter 18.53, commercial and mixed-use buildings in MAC districts shall include at least one significant defining architectural element or feature that conveys a sense of architectural depth and substance. Examples include substantial offsets that differentiate building masses; arcades with substantial columns; towers with roofs that extend fully around the building or feature; extensive use of decorative block; stone and/or brick finish material; deep gable roofs with substantial eaves or over hangs; or other equivalent feature (Figures 18.29.040-1-4).

B. Pedestrian circulation. A continuous primary pedestrian route shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building entrances. Pedestrian/auto crossings shall be concentrated at key intersections, shall be incorporated into the primary pedestrian network, and shall be clearly delineated by a change in paving materials. The primary pedestrian route shall feature an adjoining landscaped area on at least one side with trees, shrubs, benches, ground covers or other such materials for no less than fifty percent of the length of the primary pedestrian route.

C. Screening large parking fields. Sites with large parking fields shall be encouraged to place and orient outlot or pad site buildings to screen large retail parking lots. Outparcels or pad sites shall minimize parking between the building and the frontage road to create a "building wall" along the frontage road. Where possible, landscape features (e.g. trees and shrubs, trellis, decorative wall, entry feature, etc.) shall be used to fill gaps between outlot buildings and where outlots are not planned. Where possible, "overflow" parking shall be placed to the side or rear of the building (see Figure 18.39.040-5).

D. Loading areas. The following location and screening requirements shall apply to loading areas, service, and storage areas:
   1. Loading docks, solid waste facilities, and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
   2. Screening and landscaping shall prevent direct views of the loading areas from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes.
   3. Screening shall be provided in the form of landscaping or as an integral part of the building architecture such as walls, architectural features, and shall be visually impervious. Recesses in the building or depressed access ramps may be used. Chain link fencing with slats shall not be an acceptable form of screening.

E. Utility boxes. Utility boxes, including, but not limited to, electric transformers, switch gear boxes, and telephone pedestals and boxes shall be screened from view on all sides not used for service access. The materials and colors of the materials used to provide the screening shall blend with the site and the surroundings.

F. Trash enclosures: Trash enclosures shall be placed around dumpsters and any other proposed trash receptacle. Trash enclosures shall prevent trash from being scattered by wind or animals. The dumpster shall be placed on a concrete pad, enclosed by an opaque wall at least six feet in height, with opaque gates. Trash enclosures shall be sturdy and built with quality wood and/or masonry materials similar or compatible with the primary materials of the primary structure. Trash enclosures shall be sited so the garbage truck has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.

G. Other. The requirements of Chapter 18.53and the Site Development Performance Standards and Guidelines shall apply to development within the MAC district.

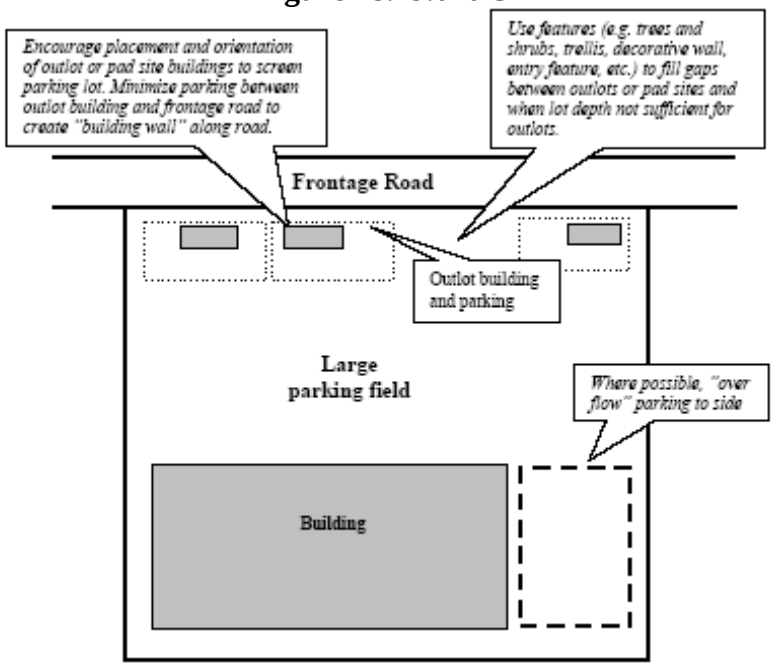
Figure 18.29.040-1

Figure 18.29.040-2

Figure 18.29.040-3

Figure 18.29.040-4

Figure 18.29.040-5



18.29.050 Site development plan review.

A. Category 2 development in the MAC District shall be subject to the provisions of chapters 18.39 and 18.46 and the Site Development Performance Standards and Guidelines as specified in Chapter 18.47. Conceptual Master Plan.

1. Where a site development plan application is not submitted for the entire site concurrent with the rezoning application, a Conceptual Master Plan shall be provided for the entire site to

ensure the coordinated development of the entire site. The Conceptual Master Plan must include the general type, intensity and location of land uses and public facilities, the overall classification and design of the primary road and pedestrian network, and a development phasing plan if applicable, including all information that the planning division may require. The Conceptual Master Plan shall also include a narrative statement, conceptual renderings, schematic designs, architectural guidelines or other information as needed demonstrating how the proposed development plan complies with Section 18.29.040. The Conceptual Master Plan shall be provided with a MAC district rezoning application, and the rezoning approval shall be subject to compliance with the Conceptual Master Plan as reference in the rezoning ordinance. Subsequent applications submitted for a use permitted by right or by special review shall conform to the Conceptual Master Plan.

2. A neighborhood meeting and public hearing for the Conceptual Master Plan shall be held concurrent with those for the rezoning, with notice provided pursuant to Chapter 18.05 Public Notice.

B. Plan modifications. Modifications to the Conceptual Master Plan as required to show compliance with Section 18.29.040, or that comply with Section 18.29.060, may be approved administratively by the current planning manager. Changes to permitted uses or substantial changes to the location of land uses as depicted on the Conceptual Master Plan are a major modification and shall require a neighborhood meeting and be submitted for review and final approval by the planning commission with the planning commission's decision and conditions, if any, referenced in a resolution.

18.29.060 Schedule of flexible standards.

Chapter 18.29 MAC and E Districts
Schedule of Flexible Standards

	Non-Residential			Residential				
District	Front Bldg. Setback (1)	Rear & Side Bldg. Setbacks (2)	Bldg. Height (3)	Residential Density	Front (2)	Rear (2)	Side (2)	Height
MAC-Community Activity Center	I-25: 80 ft Arterial: 35 ft Non-Arterial: 25 ft	See buffer requirements, Section 4.04 SDPSG	50 ft (4) 120 ft (5)	Up to 16du/ac (6) (7)	20 ft	15 ft	5 ft	40 ft
E-Employment Center	I-25: 80 ft Arterial: 35 ft Non-Arterial: 25 ft	See buffer requirements Section 4.04 SDPSG	50 ft (4) 120 ft (5)	Residential up to 20% of total project area, up to 16du/ac (7)	20 ft	15 ft	5 ft	40 ft

Use	Maximum height of building or structure	Maximum height of accessory building or structure
MAC-Mixed-use Activity Center District	As provided in Chapter 18.29 MAC District Schedule of Flexible Standards	50

Notes to MAC and E Districts Schedule of Flexible Standards:

(1) Building setbacks shall be measured from the edge of the future right-of-way. Development sites within the area cover by the U.S. 34 Corridor Plan shall conform to all road setback and design requirements of that plan. Exceptions from U.S. 34 Corridor Plan standards may be permitted for development plans following guidelines for optional flexible standards in note (2) below.

(2) Optional flexible standards: Setback required by this section and buffer standards required by Section 4.04 of the Site Development Performance Standards and Guidelines may be reduced or waived for projects that orient buildings to streets to create an attractive pedestrian environment following "new urbanism" or "smart code" principles (see "The Lexicon of the New Urbanism" or "Smart Code").

a. Where front setbacks are reduced, a treelawn not less than four feet in width shall be provided between the outer edge of the curb and the sidewalk. Canopy trees planted not less than thirty feet on-center (Figure 18.29-1) shall be provided in the treelawn. Landscaped bulb-outs and trees planted in tree grates in the sidewalk (Figure 18.29-2), with on-street parking, may be provided instead of a treelawn. Where garages face and are accessed from the street, at least twenty feet shall be provided between the face of the garage and the back of the sidewalk so that adequate space is provided for vehicle parking in the driveway.

b. Residential buildings with reduced setbacks shall include features such as covered porches or front stoops and walkways between buildings and the public sidewalk. Also, garages should be placed to the rear of the lot behind the primary structure, with side driveway or alley access.

c. In evaluating proposals with reduced setbacks, consideration shall be given to existing setbacks in adjacent developed areas to avoid incompatible and/or inconsistent design conditions.

(3) Subject to height restriction in Section 18.54.040, which restricts any nonresidential use or multi-family use located closer than fifty feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use.

(4) All uses other than office, research, lodging, and mixed-use (see Note (5)).

(5) Office, research, lodging, and mixed-use (mixed-use means residential located in the same building as non-residential uses).

(6) There shall be no limit on the amount of land area within a MAC district that may be devoted to residential use; however, for projects exceeding fifty percent residential land area, the applicant must demonstrate that sufficient land area is devoted to commercial use within the project, or within the vicinity of the project, to meet future commercial needs and demands. Such evidence may consist of a market analysis and/or an analysis of development trends and existing and proposed land uses within the vicinity of the project.

(7) Maximum number of dwelling units permitted per acre. The density calculation shall include the gross land area dedicated to residential use, including roads, drainage areas and open space within and serving the residential component of the project. Residential units that are part of a building that includes non-residential uses (mixed-use) shall not be included in the residential density calculation. (Ord. 5116 § 1, 2006)

Figure 18.29.060-1

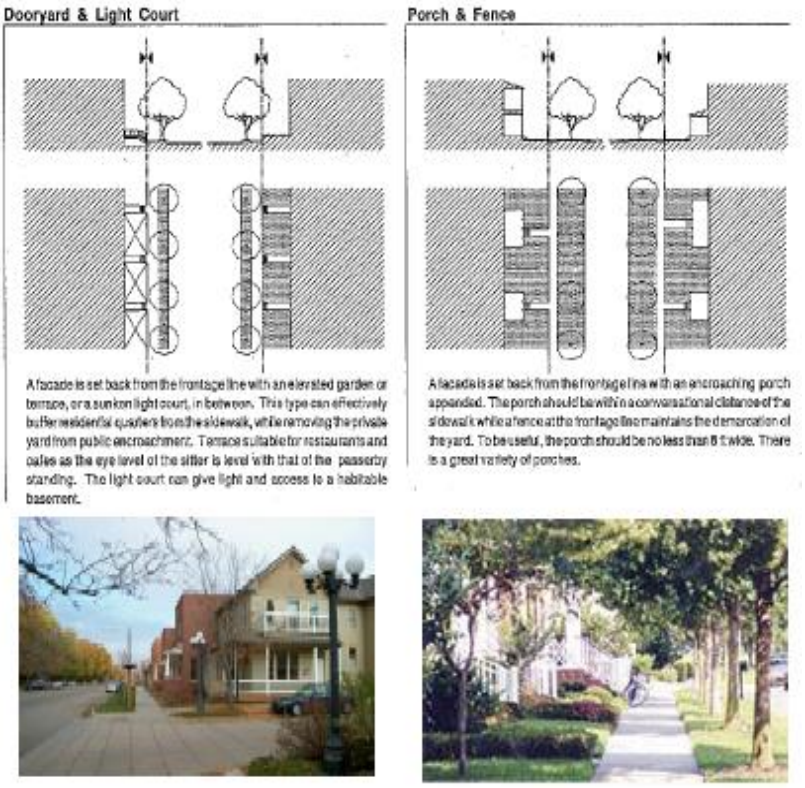
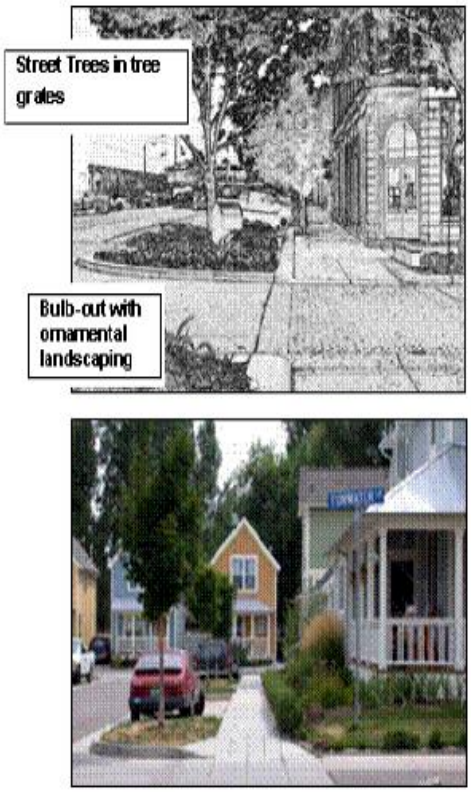


Figure 18.29.060-2



Chapter 18.30

E DISTRICT – EMPLOYMENT CENTER DISTRICT

Sections:

18.30.010 Purpose.

The employment center (E) district is a mixed-use district intended to provide locations for a variety of workplaces and commercial uses, including light industrial, research and development, offices, institutions, commercial services and housing. This E district is intended to encourage the development of planned office and business parks; promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities, streetscapes, lodging, and other complementary uses. The E district is intended to implement the E- employment center category set forth in the Comprehensive Master Plan. Uses that complement and support primary workplace uses, such as hotels, retail, restaurants, convenience shopping, child care, and housing are intended to be secondary uses and not intended to be the primary or predominant uses in the E district. Such uses should be limited to guidelines set forth in this district.

18.30.020 Uses permitted by right.

The following uses are permitted by right in an E district:

A. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40;
B. Commercial child day care center licensed according to the statutes of the state;
C. Convention and conference center;
D. Entertainment facilities and theaters, indoor;
E. Financial services;
F. Food catering;
G. Gas station with or without convenience goods or other services subject to Section 18.52.060 and located three hundred feet or more from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
H. Health care service facility;
I. Hospital;
J. Indoor recreation;
K. Lodging establishment (hotel and motel);
L. Long term care facility;
M. Medical and dental laboratories;
N. Office, general administrative;
O. Parking garage;
P. Parking lot;
Q. Personal and business service shops;
R. Place of worship or assembly;

S. Print shop;
A. Professional office/clinic;
T. Restaurant, standard;
U. Retail store;
V. Veterinary clinic;
W. Light industrial;
X. Research laboratory;
Y. Public and private schools;
Z. Workshop and custom small industry (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40;
AA. Dwelling, attached single-family;
BB. Dwelling, detached single-family;
CC. Dwelling, multi-family;
DD. Dwelling, two-family;
EE. Elderly housing;
FF. Dwelling, mixed use;
GG. Community facility;
HH. Park or recreation area;
II. Congregate care facility;
JJ. Antennas, as defined in Section 18.55.020, co-located on an existing tower or structure as provided in Sections 18.55.030 and 18.55.030 and meeting all other requirements of Chapter 18.55; and
KK. Accessory buildings and uses.

18.30.030 Uses permitted by special review.

The following uses are permitted by special review in an E district subject to the provisions of Chapter 18.40:

B. Bar or tavern;
C. Car wash;
D. Domestic animal day care facility;
E. Gas station with or without convenience goods or other services subject to Section 18.52.060 and located less than three hundred feet from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
F. Nightclub;
G. Open-air farmers market;
H. Plant nursery and greenhouses;
I. Restaurant, drive-in or fast food;
J. Self-service storage facility;
K. Vehicle minor repair, servicing, and maintenance;
L. Vehicle rentals for cars, light trucks and light equipment;
M. Vehicle rentals for heavy equipment, large trucks and trailers;
N. Vehicle sales and leasing for cars and light trucks;
O. Veterinary hospital;
P. Warehouse and distribution;
Q. Firing range, indoor;
R. Airports and heliports;
S. Essential public utility uses, facilities, services, and structures;
T. Group care facility;

U. Personal wireless service facility as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
V. Public service facility;
W. Crematorium subject to Section 18.52.080; and
X. Off-track betting facility.

18.30.040 Development standards and balance of land uses.

The following standards shall be administered as type 2 standards in accordance with Section 18.53.020.

A. Balance of land uses. Not more than forty percent of the land area within a development plan shall be dedicated to non-primary workplace uses. Non-primary workplace uses include hotels, retail, convenience and service uses, restaurants, child care, housing or other uses intended to support and compliment primary workplace uses. For the purposes of this requirement primary workplace uses shall include but shall not be limited to office, research or light industrial. A proposed development plan that does not meet this requirement may be permitted if within two miles of the proposed development plan, primary workplace uses exist or the zoning for such uses is in place, in an amount that is sufficient to comply with the intent of this section and meet the long term need for primary employment land uses anticipated by the Comprehensive Master Plan.

B. Campus-type character. E districts are intended to have a "campus-type" character with strong unifying design elements meeting the following standards:

1. Unified building design. Building design shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity and horizontal and vertical relief and interest.
2. Unified open space. Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces, and walkways that function to organize and connect buildings, and provide connections to common origins and destinations (such as transit stops, restaurants, child care facilities, and convenience shopping centers). The development plan shall utilize open space and natural features that serve as buffers and transitions to adjacent area(s). Development plans shall include at least twenty percent of the gross site area devoted to common open space features, including features such as common area landscaped buffers, parks or plaza spaces, entrance treatments, natural areas, or wetlands, but excluding any open space or landscaped areas within required building setbacks or parking lots. Areas dedicated to storm water drainage may also be counted toward meeting the open space requirement, provided they are designed to be recreation space or as an attractive site feature incorporating a naturalistic shape and/or landscaping.
3. Other unifying features: Major project entry points shall include well designed signage and entry features such as quality identity signage, sculpture, plazas, special landscape clusters, etc. The visibility of parking lots or structures shall be minimized by placement to the side or rear of buildings and/or with landscape screening. Shared vehicular and pedestrian access, shared parking, common open space and related amenities should be integrated into the project's design. The overall design and layout shall be compatible with the existing and developing character of the neighboring area.
4. Viewshed protection. Care shall be taken to minimize disruptions to adjacent neighborhood views of open spaces or natural features through the sensitive location and design of structures and associated improvements. Visual impacts can be reduced and better view protection provided through careful building placement and consideration of building heights, building bulk, and separations between buildings.
5. Unified design agreement. In the case of multiple parcel ownerships, an applicant shall make reasonable attempts to enter into cooperative agreements with adjacent property owners to

create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles, and land uses consistent with the standards in this section.

C. Other standards.
   1. Significant retail and office components shall comply with standards in Section 18.29.040.
   2. See also Chapter 18.53 and Site Development Performance Standards and Guidelines.
   3. Section 18.29.040D. , E., F., and G. Other Standards shall apply in E districts.

18.30.50 Site development plan review.

Development of any use for category 2 development shall be subject to the provisions of Chapters 18.39 and 18.46, and to the design standards and guidelines specified in Chapter 18.47.

A. Conceptual Master Plan:
   1. Where a site development plan application is not submitted for the entire site concurrent with the rezoning application, a Conceptual Master Plan shall be provided for the entire site to ensure the coordinated development of the entire site. The Conceptual Master Plan must include the general type, intensity and location of land uses and public facilities, the overall classification and design of the primary road and pedestrian network, and a development phasing plan if applicable, including all information that the planning division may require. The Conceptual Master Plan shall also include a narrative statement, conceptual renderings, schematic designs, architectural guidelines or other information as needed to demonstrate how the proposed development plan complies with development standards in Section 18.30.040B. and C. Additionally, the Conceptual Master Plan shall depict an allocation of land uses in a manner that demonstrates compliance with Section 18.30.040.A. The Conceptual Master Plan shall be provided with the E district rezoning application and the rezoning approval shall be subject to compliance with the Conceptual Master Plan as referenced in the zoning ordinance. Subsequent applications submitted for a use by right or a use by special review shall conform to the Conceptual Master Plan.
   2. A neighborhood meeting and public hearing for the Conceptual Master Plan shall be held concurrent with those for the rezoning, with notice provided pursuant to Chapter 18.05 public notice.

B. Plan modifications.
   1. Modifications to the Conceptual Master Plan as required to show compliance with Section 18.30.040, or that comply with Section 18.30.060, may be approved administratively by the director. Changes to permitted uses or substantial changes to the location of land uses as depicted on the Conceptual Master Plan are major modifications and shall require a neighborhood meeting and be submitted for final approval by the planning commission.
   2. Public notice of the neighborhood meeting and the public hearing for major modifications to a Conceptual Master Plan shall be provided pursuant to Chapter 18.05 Public Notice.

18.30.060 Schedule of flexible standards

Chapter 18.30 MAC and E Districts **Schedule of Flexible Standards**								
Non-Residential				**Residential**				
District	**Front Bldg. Setback (1)**	**Rear & Side Bldg. Setbacks (2)**	**Bldg. Height (3)**	**Residential Density**	**Front (2)**	**Rear (2)**	**Side (2)**	**Height**
MAC-Community Activity Center	**I-25**: 80 ft **Arterial:** 35 ft **Non-Arterial:** 25 ft	See buffer requirements, Section 4.04 SDPSG	50 ft **(4)** 120 ft **(5)**	Up to 16du/ac **(6) (7)**	20 ft	15 ft	5 ft	40 ft
E-Employment Center	**I-25:** 80 ft **Arterial:** 35 ft **Non-Arterial:** 25 ft	See buffer requirements Section 4.04 SDPSG	50 ft **(4)** 120 ft **(5)**	Residential up to 20% of total project area, up to 16du/ac **(7)**	20 ft	15 ft	5 ft	40 ft

Use	Maximum height of building or structure	Maximum height of accessory building or structure
E-Employment Center District	As provided in Chapter 18.30 E District Schedule of Flexible Standards	50

Notes to MAC and E Districts schedule of flexible standards:

(1) Building setbacks shall be measured from the edge of the future right-of-way. Development sites within the area covered by the U.S. 34 Corridor Plan shall conform to all road setback and design requirements of that plan. Exceptions from U.S. 34 Corridor Plan standards may be permitted for development plans following guidelines for optional flexible standards in note (2) below.

(2) **Optional flexible standards:** Setback required by this section and buffer standards required by Section 4.04 of the Site Development Performance Standards and Guidelines may be reduced or waived for projects that orient buildings to streets to create an attractive pedestrian environment following "New Urbanism" or "Smart Code" principles (see "The Lexicon of the New Urbanism" or "Smart Code").

a. Where front setbacks are reduced, a treelawn not less than four feet in width shall be provided between the outer edge of the curb and the sidewalk. Canopy trees planted not less than thirty feet on-center (Figure 18.31-1) shall be provided in the treelawn. Landscaped bulb-outs and trees planted in tree grates in the sidewalk (Figure 18.31-2), with on-street parking, may be provided instead of a treelawn. Where garages face and are accessed from the street, at least twenty feet shall be provided between the face of the garage and the back of the sidewalk so that adequate space is provided for vehicle parking in the driveway.

b. Residential buildings with reduced setbacks shall include features such as covered porches or front stoops and walkways between buildings and the public sidewalk. Also, garages should be placed to the rear of the lot behind the primary structure, with side driveway or alley access.

c. In evaluating proposals with reduced setbacks, consideration shall be given to existing setbacks in adjacent developed areas to avoid incompatible and/or inconsistent design conditions.

(3) Subject to height restriction in Section 18.54.040, which restricts any nonresidential use or multi-family use located closer than fifty feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use.

(4) All uses other than office, research, lodging and mixed-use (see note (5)).

(5) Maximum number of dwelling units permitted per acre. The density calculation shall include the gross land area dedicated to residential use, including roads, drainage areas and open space within and serving the residential component of the project. Residential units that are part of a building that includes non-residential uses (mixed-use) shall not be included in the residential density calculation.
(6) Office, research, lodging and mixed-use (mixed-use means residential located in the same building as non-residential uses). There shall be no limit on the amount of land area within a MAC district that may be devoted to residential use; however, for projects exceeding fifty percent residential land area, the applicant must demonstrate that sufficient land area is devoted to commercial use within the project, or within the vicinity of the project, to meet future commercial needs and demands. Such evidence may consist of a market analysis and/or an analysis of development trends and existing and proposed land uses within the vicinity of the project.

Chapter 18.32
PP DISTRICT – PUBLIC PARK DISTRICT

Sections:

18.32.010 Purpose.

The purpose of the public park (PP) district is to establish and preserve areas in the city for public recreation facilities, parks and open space lands described in the Parks and Recreation Master Plan.

18.32.020 Definitions.

As used in this chapter:

"Cemeteries or memorial gardens" means any publicly-owned land used for burial or memorials.

"Community park" means a publicly-owned park as defined and described in the Parks and Recreation Master Plan. Community parks serve as focal points within the community. Community parks usually have parking, increased traffic due to active programmed sports, lighting, and increased noise. Community parks are greater than thirty acres and usually serve approximately a four-mile service area with a one-mile radius surrounding the park. Typical facilities include those allowed in neighborhood parks plus all facilities listed in the Park and Recreation Master Plan.

"Golf courses" means any publicly-owned golf facility or area as defined and described in the Parks and Recreation Master Plan, and may include both indoor and outdoor facilities, buildings, and accessory uses.

"Neighborhood park" means a publicly-owned park as defined and described in the Parks and Recreation Master Plan. Neighborhood parks are centrally located, accessible to surrounding neighborhoods, and should be equally distributed throughout the city. A neighborhood park should be a minimum of eight acres in size and serve approximately a one- mile service area with a half mile radius surrounding the park. Typical facilities include informal softball and soccer/football fields, volleyball, basketball, playground, horseshoe, tennis, shelter/pavilion with tables, pathways, and free play areas.

"Open lands/natural areas" means all areas as defined and described in the open lands plan or as further described in the Parks and Recreation Master Plan.

"Recreational facilities" means any publicly-owned recreation facility or area as defined and described in the Parks and Recreation Master Plan, and may include both indoor and outdoor uses.

"Recreational trail" means a publicly-owned or maintained trail system, including trailheads, as defined, described, and identified in the Parks and Recreation Master Plan. Trails are typically located along drainage ways and irrigation canals or within acquired open lands/natural areas, easements, or land owned by the city. The recreational trail is intended to encircle the city in a connecting loop. Trails are predominately off-road, non-motorized recreational routes constructed as ten-foot wide concrete paths. Soft path trails may parallel the concrete surface where practical. Where feasible, trailheads will be located and may include parking, drinking water, restrooms, and information on the trail system.

"Regional park" means a publicly-owned park which offers leisure value beyond the neighborhood or community park. Often there is an environmental or scenic quality, such as a river or

mountain terrain, within a regional park. Regional parks are usually larger than two hundred acres. Viestenz-Smith Mountain Park is categorized as a regional park.

"School recreation areas" means a publicly-owned park or recreation area as defined and described in the Parks and Recreation Master Plan. These areas are located adjacent to schools or are cooperatively developed as recreation areas on school properties. These areas should be developed where practical and beneficial to serve neighborhoods that lack a park or have access barriers. Facilities may include youth baseball/softball fields, volleyball, basketball, soccer/football, playground, and multi-use turf areas.

"Special use areas" means a publicly-owned park or recreation area as defined and described in the parks and recreation master plan and may include unique or special uses such as sculpture parks.

18.32.030 Uses permitted by right.

All uses permitted by right and set forth in this section shall be subject to the site plan requirements of Chapter 18.46. The following uses are permitted by right in a PP district:

A. Any community park, regional park, and recreational facilities use that does not have sport lighting over forty feet in height and is not located within five hundred feet of a residentially-zoned or occupied area;
B. Neighborhood parks;
C. School recreation areas;
D. Special use areas;
E. Open lands/natural areas;
F. Recreational trail;
G. Accessory buildings or uses that are reasonably required to provide maintenance or security for the principal use; and
H. Antennas, as defined in Section 18.55.020, proposed to be located on an existing tower, as defined in Section 18.55.020 in compliance with the provisions of Chapter 18.55.

18.32.040 Uses permitted by special review.

The following uses are permitted by special review in a PP district:

A. Any community park, regional park, and recreational facilities use that does not meet the criteria as a use by right set forth in Section 18.32.030.A;
B. Golf course;
C. Cemetery or memorial garden; and
D. Except as provided in Section 18.36.010., personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

18.32.050 Site development plan review.

Development of any use in a PP district shall be subject to the provisions of Chapters 18.39 and 18.46 and to the design standards and guidelines specified in Chapter 18.47.

18.32.060 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.32.070 Off-street parking area.

The minimum off-street parking area for all permitted uses in a PP district shall be as provided in Chapter 18.42.

Chapter 18.36

I DISTRICT-DEVELOPING INDUSTRIAL DISTRICT

Sections:

18.36.000 Purpose.

The developing industrial (I) district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distribution, and a wide range of commercial and higher intensity industrial operations. The I District is intended to implement the industrial category as depicted on the Comprehensive Master Plan Land Use Plan Map. The I district also accommodates complementary and supporting uses such as convenience shopping centers and appropriately located accessory commercial child day care centers**.** Locations for the I district require good access to major arterial streets.

18.36.010 Uses permitted by right.

The following uses are permitted by right in an I district:

A. Administrative, insurance and research facilities;
B. Experimental or testing laboratories;
C. Manufacturing, assembly or packaging of products from previously prepared materials;
D. Manufacture of electric or electronic instruments and devices;
E. Manufacture and preparation of food products;
F. Warehouses, distribution and wholesale uses;
G. Any industrial or manufacturing use similar in character and external effects to above uses;
H. Utility service facilities;
I. Retail and wholesale sales of products produced on site or products incidental to such products, provided such use is incidental to the primary manufacturing use;
J. Minor recycling processing facilities;
K. Accessory uses which are reasonably required to provide necessary maintenance or security of the principal use, including, a dwelling unit for occupancy as a caretaker's quarters or for occupancy by the business or property owner;
L. Accessory buildings and uses including commercial child day care centers when incorporated as part of a development project and compatible with surrounding uses;
M. Antennas, as defined in Section 18.55.020, located-on an existing tower or structure as provided in Section 18.55.030 and meeting all other requirements of Chapter 18.55;
N. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.

O. Bar or tavern;
P. Car wash;
Q. Clubs and lodges;
R. Convention and conference center;
S. Domestic animal day care facility;
T. Food catering;
U. Funeral home;
V. Greenhouse;
W. Health care service facility;
X. Indoor recreation;
Y. Light industrial;
Z. Lodging establishments (hotel and motel);
AA. Lumber yards with outdoor storage screened as required by Section 4.06 of Site Development Performance Standards and Guidelines;
BB. Parking garage and parking lot;
CC. Personal and business service shop;
DD. Place of worship or assembly;
EE. Special trade contractor's shop (any outdoor storage screened as required by Section 4.06 of the Site Development Performance Standards and Guidelines);
FF. Medical or professional office/clinic;
GG. Office, general administrative;
HH. Outdoor storage subject to Section 4.06 of the Site Development Performance Standards and Guidelines;
II. Restaurant, standard;
JJ. Retail store;
KK. Self-service storage facility;
LL. Vehicle minor and major repair, servicing, and maintenance;
MM. Vehicle rentals for cars, light trucks and light equipment;
NN. Vehicle rentals for heavy equipment, large trucks and trailers;
OO. Vehicle sales and leasing for cars and light trucks;
PP. Sales and leasing of farm equipment, mobile homes, recreational vehicles, large trucks and boats with outdoor storage;
QQ. Veterinary facility, clinic, or hospital;
RR. Workshop and custom small industry. Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40;
SS. Crematorium located more than five hundred feet, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or located more than five hundred feet from any residential property within a planned unit development, subject to Section 18.52.080; and
TT. Firing range, indoor.

18.36.020 Uses permitted by special review.

The following uses are permitted by special review in an I district subject to the provisions of Chapter 18.40:

A. Any business, commercial, industrial, or manufacturing use which by virtue of its site, location, traffic, or other external impacts, as determined by the development director, warrants exceptional review and public hearing, as set forth in Chapter 18.40;
B. Parks and recreation areas;
C. Community facility;
D. Major recycling processing facilities;

E. Personal wireless service facility as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
F. Sexually oriented businesses;
G. Essential public utility uses, facilities, services, and structures (above ground);
H. Heavy industrial use;
I. Open-air farmers market;
J. Plant nursery;
K. Kennel;
L. Truck stop;
M. Junkyard;
N. Packing facility;
O. Recycling collection facility, attended;
P. Recycling collection facility, unattended;
Q. Resource extraction, process, and sales;
R. Restaurant, drive-in or fast food;
S. Airport and heliport;
T. Jails, detention, and penal centers;
U. Crematorium located five hundred feet or less, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or located five hundred feet or less from any residential property within a planned unit development, subject to Section 18.52.080; and
V. Safety training facility.

18.36.025 Site development plan review.

Development of any use within the I district shall be subject to the provisions of Chapters 18.39 and 18.46, and to the design standards and guidelines specified in chapter 18.47.

18.36.030 Lot area.

The minimum area of lot in an I district shall be two times the total floor area of the building.

18.36.040 Yards.

The minimum yards in an I district, being the minimum distance of any building from an alley, street, or zoning district line, shall be twenty-five feet.

18.36.045 Height limitations.

Buildings and structures in an I district shall comply with Chapter 18.54.

18.36.050 Off-street parking area.

The minimum off-street parking area for all permitted uses in an I district shall be as provided in Chapter 18.42.

18.36.060 Special review performance standards.

Uses permitted by special review within an I district shall be subject to the performance standards set forth in Section 18.46.020.

18.36.070 Open space.

The open space in an I district, exclusive of streets and off-street parking areas, shall be not less than ten percent of the total lot area.

18.36.080 Applicability.

Compliance with Section 18.36.025 for a use permitted by right under Section 18.36.010 shall satisfy any requirement imposed upon the annexation of any property prior to October 1, 1980, requiring compliance with special review provisions of this Code for any use thereon.

Chapter 18.38

DR DISTRICT-DEVELOPING RESOURCE DISTRICT

Sections:

18.38.005 Purpose.

The purpose of the developing resource district is to provide a zoning designation for property that is being annexed into the city, but for which there are no specific or imminent plans for development or when permanent open space is intended. Specified non-urban uses are available through the special review process.

18.38.010 Uses permitted by right.

There are no uses permitted by right in a developing resource (DR) district.

18.38.020 Uses permitted by special review.

The following uses are permitted by special review in a DR district:

A. Farm and garden uses only for the raising of crops, provided that no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;
B. Stands for the sale of agricultural products produced on the premises, provided that no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;
C. Greenhouses, turf and sod farms, and nurseries, provided that sales are limited to products produced on the premises, and further provided that no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;
D. Garden supply centers operated in conjunction with a nursery or greenhouse, provided that no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;
E. The extraction of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, provided that all mining, extracting and quarrying is in conformance with any master plan for extraction adopted by the city; and further provided, dust, fumes, odors, smoke, vapor, noise, and vibration shall be confined within the property boundary lines;
F. Essential public utility and public service installations and facilities for the protection and welfare of the surrounding areas, provided that business offices or repair facilities are not included, and further provided that no permanent structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;
G. Publicly-owned parks, recreation areas, golf courses, and storm water detention facilities, provided that no structures are erected thereon that permanently preclude the extraction of commercial mineral deposits by an extractor from the land subject to said use;
H. Oil, gas, and other hydrocarbon well drilling and production; and
I. Personal wireless service facilities as defined in Section 18.55.020, in compliance with Chapter 18.55.

18.38.030 Site development plan review.

Restoration, alteration, or expansion of permitted uses in the DR district shall be subject to the limitations of Chapter 18.56. Any category 2 development in the DR district shall be subject to the provisions of Chapters 18.39 and 18.46, and to the standards and guidelines specified in Chapter 18.47.

Chapter 18.39

DEVELOPMENT APPLICATION PROCESS AND PROCEDURES

Sections:

18.39.010 Purpose.

The purpose of this chapter is to establish the general requirements, process, and procedures for submittal, review, and approval of all development applications.

18.39.020 Applicability and restrictions.

A. This chapter shall apply to all development applications.
B. This chapter shall not apply to building permit applications for category 1 development.
C. Unless otherwise provided in this chapter, no formal action may be undertaken by the city on a category 2 development application, and no category 2 development may commence or continue on any property within the city, until the provisions of this chapter have been met.

18.39.030 Submittal checklists.

The current planning manager is hereby authorized to create, modify, or discontinue any submittal checklist for development applications as deemed necessary for the implementation of this title.

18.39.040 Concept review.

A. The purpose of concept review is to provide applicants with information on required content, process, and applicable development standards pertaining to a proposed development application.
B. A concept review meeting with the development review team is required prior to submittal of a formal development application. The concept review meeting may be waived if the current planning manager determines that, based on the nature and scope of the proposed development application, the meeting would not serve a useful purpose.
C. Prior to scheduling a concept review meeting with the development review team, an application must be submitted to the current planning division and a determination must be made by the current planning manager that the application contains the required information set forth in the applicable submittal checklist. The current planning manager may waive informational requirements based on the nature of the development proposal.
D. Information provided to the applicant by the city as part of a concept review meeting is preliminary in nature and scope, and no review comments, written or verbal, shall establish any vested right or approval for development, or exemption from the Code.

18.39.050 Submittal and review of development applications.

A. Determination of reviewable application.
   1. All development applications shall be submitted to the current planning division and shall include all information as specified in the applicable submittal checklists, unless waived by

the development review team or current planning manager. Each development application shall include payment of the applicable application fees as established by council.

2. The director may require any applicant for a development application to reimburse the city for costs incurred by the city for consultant fees when it is necessary to refer an application to any legal, technical, or other specialist in conjunction with review of the application.
3. All applications shall be signed by the owner of the land subject to the application. Where ownership is held by two or more owners, as joint tenants or as tenants in common, the application may be signed by only one joint tenant or tenant in common. The names and mailing addresses of all other owners shall be noted on the application, with an indication that the applicant is their designated representative.
4. Upon submittal, the current planning manager, in consultation with the development review team, shall determine if the application is reviewable. If the current planning manager determines that the application is reviewable, the application shall be scheduled for formal review. If the current planning manager determines that the submittal is not reviewable, the city shall provide written comments describing deficiencies in the application that must be revised before it can be accepted for formal review. No further review by the city will commence until the application is revised by the applicant, resubmitted to the current planning division, and determined by the current planning manager to be reviewable.
5. Any applicant who is aggrieved by a decision of the current planning manager as to whether an application is reviewable may appeal the decision to the director. Within five days of receiving a written appeal, the director must render a written decision and provide it to the applicant. The director's decision may be further appealed to the planning commission pursuant to Chapter 18.80.

B. Review by the development review team.
   1. The development review team shall review the application on the basis of all standard applicable codes to determine if the application is complete. The development review team shall prepare comments indicating the results of their review. The current planning manager shall forward the development review team review comments to the applicant in a timely manner.
      a. If the development review team comments indicate that the application is complete, the applicant shall be notified of the subsequent procedures necessary for the application to receive formal approval by the City, as set forth in the other applicable provisions of Titles 16, 17, and 18, including any required meetings or public hearings, any required neighborhood notices or public notices, and any appeal procedures applicable to the type of application under review.
      b. If the development review team comments indicate that the application is not complete, the applicant shall be notified that the application is not complete and that revisions and further development review team review is required. The applicant shall revise the application, and resubmit it to the current planning division for further development review team review.
      c. If the applicant believes that the revisions described in the development review team comments are not necessary to comply with the applicable standard codes of the city, written request may be submitted to the current planning manager requesting that the application be moved forward without completing further revisions. The request shall include written justification describing the basis for the request related to each matter not revised. Upon submittal of the written request, the current planning manager shall render a written decision with five working days, either approving the request, approving it with conditions, or denying the request. The applicant may appeal the decision of the current planning manager to the planning commission pursuant to Chapter 18.80.
   2. Pursuant to Chapter 18.46, the development review team may determine that the site

development application is sufficiently complete to allow initial submittal of a building permit application for the property.

3. Notwithstanding the provisions of Section 18.39.040B.1. and any other applicable provisions of this Code, and if agreed upon by the applicant and the current planning manager, any required neighborhood meetings that would normally be part of the subsequent process for the application type, may be held prior to a development review team determination that the application is complete. This determination shall not remove or diminish the requirement for further review by the development review team following the neighborhood meeting.

C. Development review team meetings. Upon consultation with the development review team, the current planning manager may schedule a meeting with the applicant and their consulting team in order to clarify city requirements and to resolve design issues so that the application can move forward to completion.

18.39.060 Closure of a development application.

A. In the development review process, it is expected that the city and the applicant perform in a diligent manner, working to bring submitted applications to a timely completion.

1. At any point in the application process where the applicant has not provided a required resubmittal or has not provided other pertinent information or materials for a period of twelve months that would substantially address the next step in the development review process, the current planning manager may initiate procedures to close the application. Prior to closing the application, the current planning manager shall provide a mailed notice informing the applicant of the necessary information and materials needed to complete the next step of the application process and indicating that this material must be received by the current planning office within sixty days from the date of the mailed notice or the application will be closed. If the application is closed, no further review shall be undertaken by the city unless a new application is submitted in accordance with the procedures set forth in this chapter, including payment of applicable application fees.
2. Any application, except an application for property that is zoned planned unit development, must receive final action by the city within thirty-six months from the date it was determined to be reviewable. All applications that fail to meet this timeframe may be closed without notice unless the applicant submits a written extension request prior to the expiration date that is approved by the planning commission.

Chapter 18.40

USES PERMITTED BY SPECIAL REVIEW

Sections:

18.40.005 Allowed when.

Uses permitted by special review are allowed in the designated districts upon issuance by the city of a type 2 or type 3 zoning permit. No person has a right or entitlement to a use by special review; rather, whenever in the reasonable judgment of the current planning division, the planning commission, or council, as is applicable, it is determined that a special review use cannot be subject to conditions or restrictions that will permit the special review use to be consistent with the purposes of zoning as set forth in Section 18.04.010 or for the use to be compatible with the surrounding uses of property, an application for such special review use shall be denied. Whether approval of the proposed special review use will be consistent with the purposes set forth in Section 18.04.010 or compatible with the surrounding uses of property shall be based upon an analysis of the factors listed in Section 18.40.015 and whether the possible conditions and restrictions on the proposed use can adequately mitigate the off-site impacts of the proposed use on surrounding properties and on the public and any adverse environmental impacts that might result from approval of the proposed special review use.

18.40.010 Definitions.

As used in this chapter:

A. "Neighborhood" as used in this chapter, is comprised of all properties which fall within the distances specified in Table18.05-2 in Section 18.05.030(C)(2), except for the neighborhood surrounding an application for special review of a sexually oriented business or a crematorium. The "neighborhood" for an application for special review of a sexually oriented business shall be comprised of all properties within blocks which fall wholly or partially within a three-thousand foot radius of all boundaries of the property under application. The "neighborhood" for an application for special review of a crematorium shall be comprised of all properties within blocks which fall wholly or partially within a five-hundred foot radius of all boundaries of the property under application.

18.40.015 Purpose and restrictions.

A. The purpose of allowing certain uses in a zoning district only upon issuance of a type 2 or type 3 zoning permit is to allow the city the opportunity to determine if the proposed use will be compatible with the surrounding uses of property. As part of its determination, the city may impose special restrictions and conditions, in conjunction with such uses, as deemed necessary, to insure that the purposes set forth in Section 18.04.010 will be met by the proposed use, that the effects of such uses on the surrounding neighborhood and the public in general will be ameliorated, and that the proposed use may therefore be allowed in a zoning district where it

may otherwise be inappropriate and incompatible if such restrictions or conditions were not imposed. To such end, restrictions or conditions more or less strict than those set forth generally for each zoning district may be imposed by the city as a condition of approval of any special review. At a minimum, the following matters shall be considered:

1. Type, size, amount, and placement of landscaping;
2. Height, size, placement, and number of signs;
3. Use, location, number, height, size, architectural design, material, and color of buildings;
4. Configuration and placement of vehicular and pedestrian access and circulation;
5. Amount and configuration of off-street parking;
6. Amount, placement, and intensity of lighting;
7. Hours of operation; and
8. Emissions of noise, dust, fumes, glare and other pollutants.

B. Except as varied in accordance with this chapter, the restrictions and regulations set forth for the zoning district or districts in which the special review use is located and the provisions of this Code shall continue to apply to such use.

18.40.020 Application requirements.

Application for a use permitted by special review shall conform with the following provisions and the provisions of Chapter 16.08:

A. Written documents. All required forms and supporting documents for a use permitted by special review shall be submitted in writing to the current planning division.
   1. The application form for a special review shall be filed on forms provided by the city. The application for special review shall be signed by a property owner of the land described therein.
   2. All applications for special review shall be accompanied by a certified list of the owners of all properties within a neighborhood as defined in Section 18.40.010A.
   3. There shall be filed with each special review application a title commitment for all properties included in the application. The report shall be prepared by a title company or an attorney and shall be dated no more than sixty days prior to the date of filing the application with the current planning division.
   4. There shall be filed with each special review application a project narrative describing the proposed uses(s) and the expected impacts to the city and neighborhood resulting from the proposed use. This report shall address each matter of consideration as set forth in Section 18.40.015A. through H., and shall also describe how, and to what extent, the proposed use(s) and the project design will be in keeping with the purposes of the zoning code, as set forth in Section 18.04.010 and with all other city policies, codes, standards, and guidelines.
   5. Whenever the provisions of this chapter or state law require the mailing or posting of notice, all required notice shall be provided pursuant to Chapter 18.05.

B. Site plan and supporting documents.
   1. There shall be filed with each special review application a site plan prepared by a qualified planner, urban designer, landscape architect, architect, engineer, land surveyor, or other professional experienced in the preparation of site plans.
   2. The special review site plan shall meet the requirements of Section 1.05 of the Site Development Performance Standards and Guidelines.
   3. The site plan shall show thereon the date or dates that each phase of the development included in the site plan will be completed.
   4. The owners and lienholders of the real property described in the application for special review shall sign the site plan.
   5. The city may require other material as necessary to evaluate the application for compliance with city standards.

18.40.025 Group care facilities.

In addition to all other requirements and provisions of this Code, no group care facility shall be approved if it is located within one thousand five hundred feet, as measured by a straight line, of another group care facility; provided, however, that an exception can be made if the facilities are separated by a physical barrier such as an arterial street or lake, commercial district, a topographical change, or other conditions that mitigate the need for dispersing these facilities. No application for special review for a group care facility meeting the provisions of Subsections A. and B. of Section 18.04.183, that otherwise meets all other requirements and provisions of this Code shall be denied solely because of the nature of the services to be provided or the type of persons proposed to be housed therein.

18.40.027 Sexually oriented businesses.

In addition to all other requirements and provisions of this Code, no application for special review for a sexually oriented business shall be approved if the sexually oriented business is located within one thousand five hundred feet of another sexually oriented business, place of worship or assembly, school, boundary of a residential district, licensed daycare facility, or park pursuant to Section 18.76.010, as measured pursuant to Section 18.76.020. No application for special review for a sexually oriented business which otherwise meets all other requirements and provisions of this chapter, shall be denied solely because of the nature of the sexually oriented business.

18.40.030 Procedures and fees for securing approval of a special review application.

A. The applicant shall attend a concept review meeting prior to submitting a formal application in order to become more familiar with the city's special review and site development plan requirements and procedures.
B. All applications for special review shall be accompanied by the special review checklist provided by the city.
C. All applications for special review may be filed with the current planning division within six months of the concept review meeting unless expressly allowed by the current planning manager.
D. All persons filing applications as provided herein shall be charged a fee in an amount set by resolution of council.
E. The special review application shall be referred by the current planning division to all affected city departments, utilities and other agencies for review and comment. The city shall review the application for compliance with the provisions of the Municipal Code and other adopted regulations, plans, standards and policies of the city.
F. Within a reasonable time period following the submittal of a special review application, the applicant and the current planning division shall set a neighborhood meeting date and notice shall be provided in accordance with Chapter 18.05. The objective of the neighborhood meeting is to inform the neighborhood of the scope and nature of the project and to reach an agreement between the applicant and the city as to the location, extent and nature of improvements and any conditions or restrictions necessary to adequately mitigate the impacts of the project on the neighborhood and on the public in general; as well provide for harmonious and aesthetic development.
G. Within seven working days after the neighborhood meeting, the current planning division shall formulate a preliminary written statement of findings as to whether or not the proposed use is or can be made compatible with the surrounding uses of property, and whether an agreement has been reached between the applicant and the city, relative to the location, the extent and the nature of improvements, along with any conditions, restrictions or modifications to the project which have been determined as necessary by the city to insure that the purposes of Section 18.04.010 will be met by the proposed use, and to insure that the proposed development will be compatible. If the current planning division has not found that the proposed use is, or can be

made compatible, with conditions, restrictions or modifications which are acceptable to the applicant, it shall include in the statement of findings that a recommendation of denial has been made. The statement of preliminary findings shall be posted at the current planning division offices and the applicant, the neighborhood and all persons in attendance at the neighborhood meeting shall have seven working days from the date of completion of the preliminary findings to review the statement and to make comment. The planning division will issue its final findings and agreement after considering comments from the applicant, the neighborhood or others in attendance at the neighborhood meeting.

H. If, on the basis of the neighborhood meeting and the written statement of findings, the city has determined that the use is or can be made compatible and that an agreement has been reached between the applicant and the city, no public hearing shall be required before the planning commission. The current planning division shall approve the application and issue a type 2 zoning permit at the end of the appeal period as stated in 18.40.055A. which stipulates the location, extent and nature of improvements required along with any conditions, restrictions, or modifications found to be necessary by the city. A copy of the type 2 zoning permit shall be posted at the planning office during the appeal period. If the type 2 zoning permit is to be issued for a master sketch plan, a detailed site plan pursuant to the site development performance standards and guidelines shall be required and administratively reviewed and approved prior to commencement of any grading or construction. The detailed site plan must be in substantial compliance with the approved master sketch plan. If the detailed site plan is not in substantial compliance with the approved master sketch plan, a new application for special review shall be required.

I. If the city has determined that the proposed use is not or cannot be made compatible with the surrounding uses of property or if an agreement has not been reached between the applicant and the city, the current planning division shall make a determination that a type 3 zoning permit is required, and the special review application shall be referred to the planning commission for public hearing.

J. Before the planning commission considers any application filed as provided in this chapter, all neighborhood property owners and those persons in attendance at the neighborhood meeting shall be notified of the type 3 zoning permit determination and the planning commission public hearing date. All required notice shall be provided pursuant to Chapter 18.05.

K. The planning commission, at a duly noticed public hearing, shall consider the special review application, and the findings and recommendations of the planning staff and correspondence. The planning commission shall review the application for compliance with the provisions of this Code and other adopted regulations, the compatibility of the application with the character of the surrounding neighborhood and adverse environmental influences that might result from approval of the application. The planning commission may either approve, approve with modifications or conditions or deny the application.

L. Following approval of the application by the planning commission, and upon completion of all additions or modifications to the application as required by the planning commission, the current planning division shall issue a type 3 zoning permit at the end of the appeal period as stated in Section 18.40.055A. which stipulates the location, extent, and nature of improvements required along with any conditions, restrictions, or modifications. A copy of the type 3 zoning permit shall be posted at the planning office during the appeal period. If the type 3 zoning permit is to be issued for a master sketch plan, a detailed site plan pursuant to the Site Development Performance Standards and Guidelines shall be required and administratively reviewed and approved prior to commencement of any grading or construction. The detailed site plan must be in substantial compliance with the approved master sketch plan. If the detailed site plan is not in substantial compliance with the approved master sketch plan, a new application for special review shall be required.

18.40.040 Effect of special review approval.

Following issuance of a type 2 or type 3 zoning permit, all real property described in the application must be improved, developed and used in accordance with the approved zoning permit, the site plan and any written proposals submitted therewith within three years of the date of issuance. Development of any use approved as a type 2 or type 3 zoning permit shall be subject to the provisions of Chapters 18.39, 18.46 and 18.47, and shall comply with all other applicable codes and ordinances of the city, except as otherwise approved as part of the type 2 or type 3 zoning permit. Any changes or modifications to the type 2 or type 3 zoning permit shall be permitted only in accordance with the procedures stated in Section 18.40.050. It is unlawful for the owner of any property subject to an approved type 2 or type 3 zoning permit to fail to complete all improvements within the approved completion date or dates set by the city, or to use the property for any use not set forth in an approved type 2 or type 3 zoning permit, except for a use by right within the zoning district in which the property is located, and in conformance with Chapters 18.46 and 18.47 and other codes and ordinances of the city. Each day of violation shall be considered as a separate violation of the provisions of this chapter.

18.40.050 Modifications.

An approved type 2 or type 3 zoning permit and site plan may be modified in the following manner:

A. A modification in the character, use, intensity or density of an approved type 2 or type 3 zoning permit or site plan shall be subject to the same procedures used for approval of the type 2 or type 3 zoning permit.

B. All other modifications shall be subject to the following minor amendment procedure:

1. The applicant shall submit to the current planning division a completed application form and the site plan which identifies the proposed modifications.
2. The planning division shall review the proposed modifications and prepare a staff report recommending approval, conditional approval or denial of the proposed modifications.
3. The current planning division may administratively approve a modification to an approved type 2 or type 3 zoning permit if it can be determined that the proposed modification will not substantially alter the character of the approved development, increase the intensity of the use, increase the impact on nearby properties, affect any previously approved agreement between the applicant and the city or modify a condition or restriction placed on the permit by the city.
4. During the review of the proposed modifications the following criteria shall be given consideration:
   a. Will the proposed modifications alter the character, use or density of the approved type 2 or type 3 zoning permit or site plan?
   b. Will the proposed modifications to the approved type 2 or type 3 zoning permit and site plan be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity?
   c. Will the proposed modifications to the approved type 2 or type 3 zoning permit and site plan comply with the regulations and standards specified in this Code?
5. Approval of a minor amendment does not require notice. A written record of all such modifications shall be maintained in the records of the current planning division pertaining to the original type 2 or type 3 zoning permit and site plan being modified. An original and two copies of the site plan, meeting the specifications of Section 18.40.020B., shall be filed by the applicant with the current planning division prior to initiation of the proposed modifications or the issuance of a building permit to initiate such modifications.

C. The current planning division, following the procedures outlined in Section 18.40.050B., may authorize an extension of the time schedule for the completion of the improvements.

1. During the review of the proposed time extension, the following criteria shall be given consideration:
    a. Have there been changes in the physical, economic or other conditions of the site or vicinity which were not adequately addressed in the original special review and which pose a potential impact on existing and future land uses in the area?
    b. Have there been changes in the character of the neighborhood or surrounding areas which were not adequately addressed in the original special review?
    c. Have there been changes in the regulations and requirements specified in the Code which should be addressed prior to the development of the site?
    d. Were there mistakes or oversights in the original review of the application that should be addressed prior to the development of the site?
    e. Will the granting of an extension be detrimental to the public health, safety or general welfare?
2. Any applicant may request that the proposed time extension be reviewed and considered at a public hearing before the planning commission.

D. The city may impose additional conditions and may amend conditions of the original approval in conjunction with any modification or extension.

18.40.055 Appeal of an administrative or planning commission final decision.

A. Appeal of administrative decision.
1. Any party-in-interest as defined in Chapter 18.80 may appeal to the planning commission a final decision of the current planning division on a type 2 zoning permit in accordance with the procedures set forth in Chapter 18.80 so long as the appeal is filed within ten days of the mailing of a notice from the current planning division office that a type 2 zoning permit will be issued.
2. Upon the filing of an appeal, the permit application shall be suspended pending conclusion of the appeal process. The appeal shall be scheduled for a public hearing in accordance with Chapter 18.80, at which time the applicant shall have the burden of proving that the applicant is entitled to a permit under the standards set forth in Sections 18.40.030K. and 18.40.005.
3. Following the close of the public hearing, the planning commission may deny the application for a special review permit or direct the current planning division to issue a type 3 zoning permit with or without restrictions or conditions as the planning commission deems appropriate. If the applicant fails to object to any condition or restriction on the record, the applicant shall be deemed to have agreed with such condition or restriction.

B. Appeal of planning commission decision.
1. Any party-in-interest as defined in Chapter 18.80, may appeal a final decision of the planning commission to council in accordance with the procedures set forth in Chapter 18.80, within ten days following the planning commission's final decision.
2. If council determines that a decision to deny a type 3 zoning permit should be reversed, council shall direct the current planning division to issue a type 3 zoning permit with or without restrictions or conditions as the council deems appropriate. If the applicant fails to object to any condition or restriction on the record, the applicant shall be deemed to have agreed with such condition or restriction. If council determines that a decision to issue a type 3 zoning permit should be reversed, no such permit shall be issued and the application shall be denied. If council determines that certain conditions or restrictions should or should not have been imposed upon the type 3 zoning permit, it shall direct the current planning division to issue the type 3 zoning permit subject to a modification in the conditions or restrictions. If council determines that the conditions and restrictions should remain as provided by the planning commission, then it shall direct the current planning division to issue the type 3 zoning permit without modification. In making its decision on the appeal, council shall

consider the standards in Sections 18.40.030K. and 18.40.005.

18.40.060 Termination of special review.

An approved type 2 or type 3 zoning permit shall be terminated as follows:

A. If construction of all improvements is not completed and if the special review use is not established within three years of the date of approval or other completion date or dates as specified in a development agreement approved by the city, the permit and site plan shall be considered abandoned and shall be null and void.

B. If the use authorized by the permit and site plan shall cease for any reason for a period of twelve months, the use shall be considered abandoned and the approved special review permit and site plan shall be null and void.

C. If the certified property owner list and mailing labels as described in Section 18.05.040 are found to be substantially in error by the current planning division, the permit and site plan shall be null and void.

Chapter 18.41

PLANNED UNIT DEVELOPMENT ZONE DISTRICT REQUIREMENTS AND PROCEDURES

Sections:

18.41.010 Purpose.

The planned unit development zoning district provides procedures by which land areas in the city can be uniquely zoned and developed to meet the needs of the city, property owners, residents and developers, and encourage flexibility and innovative design of residential, commercial and industrial development and to provide an alternative to compliance with conventional zoning and subdivision regulations. It is also the intent of council to exercise all powers authorized by the Planned Unit Development Act of 1972, C.R.S. 24-67-101 to -108, and to that end, the powers and duties therein granted to municipalities are incorporated herein by this reference as if set forth fully.

18.41.020 Objectives of planned unit development.

Objectives to be achieved through a planned unit development as that term is defined in Chapter 18.04 are:

A. To provide for necessary commercial, recreational, and educational facilities conveniently located to housing;
B. To provide for well-located, clean, safe, and pleasant industrial sites involving a minimum of strain on transportation facilities;
C. To encourage that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density, and open space within each zoning district will not be applied to the development of multi-lot projects;
D. To encourage innovation in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
E. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;
F. To lessen the burden of traffic on streets and highways;
G. To encourage the building of new developments incorporating the best features of modern design;
H. To conserve the value of the land;
I. To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics;

J. To encourage integrated planning in order to achieve the above purposes; and
K. To encourage a land use pattern that supports the cost effective delivery of public services and facilities.

18.41.030 Applicability.

No planned unit development may be approved without the consent of the owner of the land subject to the planned unit development. The owner of any land may apply for approval of a planned unit development; however, council shall have discretion as guided by the standards set forth in this chapter to approve, conditionally approve, or deny an application for planned unit development approval. No person may develop any property subject to a master plan for a unit development approved prior to June 1, 1993, and for which no preliminary and final development plans have been approved, unless such person first applies for and receives approval of a general, preliminary and final development plan, as are applicable, pursuant to the approval procedures and criteria contained in this chapter. This requirement shall not apply to master plans for unit developments that have acquired vested property rights pursuant to state law or pursuant to development agreements entered into between the developer of the unit development and the city.

18.41.040 Permitted uses within a planned unit development - Density and intensity of development.

A. Any combination of uses may be permitted in a planned unit development so long as council determines that such uses are compatible with one another and with the property that could reasonably be impacted by the development of any proposed planned unit development. Compatibility shall be determined based on the extent to which any proposed use of land within the planned unit development would unreasonably interfere with the use and enjoyment of any other use of land within the planned unit development. Factors which may be considered include the type and intensity of uses, the extent to which uses complement one another, the bulk of structures associated with use, and the noise, light, traffic, vibrations, and other similar external impacts associated with each use.
B. The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the planned unit development as well as the impact of the proposed development on city services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development. Notwithstanding the foregoing, residential development shall not exceed a gross density of sixteen units per acre; commercial development shall not exceed a floor area ratio of 0.5; office development shall not exceed a floor area ratio of 4.0; industrial development shall not exceed a floor area ratio of 1.0. In a mixed use planned unit development, the gross density shall be calculated based on the gross land area devoted to each type of use.

18.41.050 Procedures for approval of a planned unit development.

A. Plan requirements. All planned unit developments to be developed in phases shall require a general development plan, preliminary development plan, and final development plan. Planned unit developments that consist of only one phase shall require a preliminary development plan and final development plan.
B. Conceptual review conference. Prior to submittal of a formal planned unit development application, or a preliminary development plan application when no general development plan is required, the applicant shall arrange for and attend a conceptual review conference with the conceptual review team and present a sketch plan for review and comment. The applicant shall provide ten copies of the sketch plan to permit interdepartmental review. Within ten days following the conceptual review conference, the current planning division shall advise the

applicant whether or not the proposed planned unit development complies with state and local law, provide the applicant with suggestions and comments concerning the proposed planned unit development and shall provide the applicant with a submittal checklist and statement of procedures for planned unit development approval. If the current planning division determines that the proposed development appears to meet the requirements of local, state and federal law, the current planning division shall issue to the applicant a notice to proceed with planned unit development. No applicant may submit a general development plan, or a preliminary development plan when a general development plan is not required, for government approval, unless the applicant has received such notice. The notice to proceed with planned unit development shall be valid for a period of six months from the date of issuance, after which the applicant may not submit any general development plan or preliminary development plan when no general development plan is required unless, as may be required by the current planning division, the applicant attends a new conceptual review conference and resubmits all materials as may be required by the current planning division if it wishes to proceed with the planned unit development. Developers should use the services of certified land planners, registered architects, or landscape architects, in addition to the project engineer, and consult with the current planning division early in and throughout the approval process.

C. Application requirements. A formal application for approval consists of a general development plan for any planned unit development proposed to be developed in phases, and a preliminary development plan and final development plan for each phase of the planned unit development, all of which comply with the submittal requirements set forth in this chapter. Every plan submitted shall be accompanied by the following materials:
   1. Original plus one copy of the completed submittal checklists obtained from current planning division;
   2. List of all property owners within the radius distances specified in Table A in Section 16.16.030B.1.b.(ii);
   3. Original plus six submittal information forms;
   4. Eight and one-half by eleven inch vicinity map;
   5. Preliminary drainage report; and
   6. Filing fee.

D. General development plan approval.
   1. The general development plan shall be submitted to the current planning division. The current planning division will review the general development plan and make a recommendation to the planning commission as to whether the general development plan should be approved, approved with conditions or disapproved.
   2. In addition to the submittal requirements for all plans, the following materials shall be submitted:
      a. Twenty copies of the general development plan and one eleven by seventeen inch reduced copy of the general development plan;
      b. An affidavit certifying that the applicant conducted a neighborhood meeting in accordance with the following requirements:
         i. All neighborhood property owners, as defined in Section 16.16.030B.1.b.(ii), were notified and a neighborhood meeting conducted by the applicant;
         ii. At least ten days prior to the neighborhood meeting the applicant, by first class mail, sent a written notice of the neighborhood meeting to all property owners on the certified list required by Section 16.16.030B.1.b.(ii).
      c. Failure to provide the required affidavit or evidence of a defective mailing list shall result in termination of the review process until proper notice is provided and the neighborhood meeting conducted.
   3. Within thirty days from submission by the applicant, and after review by the development

review team, the current planning division shall make its recommendation to the planning commission unless the applicant consents to an additional period of time.

4. The current planning division shall make findings that accompany its recommendation and that address the following issues:
   a. Whether the general development plan conforms to the requirements of this Chapter 18.41, to the city's master plans and to any applicable area plan;
   b. Whether the proposed development will negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. If such impacts exist, the current planning division shall recommend either disapproval of the general development plan or reasonable conditions designed to mitigate the negative impacts; and
   c. Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:
      i. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
      ii. Incorporating site planning techniques that will foster the implementation of the city's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the city;
      iii. Incorporating physical design features in the development that will provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;
      iv. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design;
      v. Incorporating elements of community-wide significance as identified in the town image map;
      vi. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the city's services and facilities; and
      vii. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.

5. Following issuance of the current planning division's recommendation, the application for planned unit development approval shall be set for public hearing at the next regularly scheduled meeting of the planning commission consistent with the provisions of Chapter 18.05. After holding the public hearing, which may be continued from time to time without further public or written notice, the planning commission shall issue a recommendation to council to either approve, approve with conditions or disapprove the general development plan. The planning commission shall consider the same factors used by the current planning division when making its recommendation. Before imposing any condition or conditions on the general development plan that were not part of the applicant's original proposal, the chairman of the planning commission shall ask the applicant if the applicant accepts the condition or conditions. If the applicant objects to any condition that the planning commission believes should be imposed on the general development plan, then the planning commission shall recommend denial of the general development plan.

6. The planning commission's recommendation, along with the minutes of the planning commission meeting and exhibits submitted to the planning commission, shall be forwarded

to council which shall consider the planning commission's recommendation after the planning commission approves the minutes of the meeting at which the commission made its recommendation. Following the conclusion of a public hearing noticed in accordance with Chapter 18.05, council may approve, deny, or conditionally approve the general development plan. Council shall consider the same factors used by the current planning division when making its recommendation to the planning commission. Before council may impose any condition or conditions on the general development plan that have not already been agreed to by the applicant, the mayor shall ask if the applicant accepts the condition or conditions. If the applicant objects to any condition that the city council believes should be imposed on the general development plan, then council shall deny the general development plan. At any stage in council's consideration of a general development plan, it may refer the plan back to the planning commission.

7. If council approves or conditionally approves the general development plan, it shall adopt an ordinance rezoning the property subject to the general development plan thereby establishing the general development plan as the zoning district for the property except that no development may take place on the property subject to the general development plan until a preliminary development plan and final development plan have been approved pursuant to this chapter. The general development plan shall be signed by the mayor or his designee, the current planning manager or his designee, the city engineer or his designee, and the city attorney or his designee, and the general development plan may not be recorded without such signatures. After the general development plan is signed, the ordinance approving or conditionally approving the general development plan shall be recorded without undue delay in the real property records for Larimer County and the city's zoning map shall be changed to reflect the rezoning of the property subject to the general development plan. The general development plan shall be kept on file with the building division and available for public inspection.
8. The ordinance approving or conditionally approving the general development plan may direct the current planning division to enter into a development agreement with the applicant that sets out all terms and conditions of approval of the general development plan. The development agreement shall be recorded within thirty days of approval of the general development plan and no preliminary development plan may be submitted for approval until the development agreement is recorded. Any amendments to the general development plan shall constitute, when appropriate, amendments to the development agreement which shall be amended and recorded.
9. No general development plan shall be approved if it is not in compliance with applicable land use and development regulations in effect at the time that council decides whether or not to approve the general development plan.
10. Whenever council denies an application for general development plan approval, it shall adopt findings and conclusions in support of the denial within thirty days from the date of the denial.
11. The general development plan may be amended in the same manner as it was approved, except that the current planning manager may recommend minor amendments without review by the planning commission unless the amendment would permit a use not allowed under the original general development plan, increase density of development by more than ten percent, decrease the amount of open space by more than ten percent, change any requirement for the payment of money or the dedication of land or other property rights to the city or the public or relocate any public right-of-way. If the current planning manager approves an amendment, he shall recommend the amendment to council. Council may approve the amendment by ordinance or disapprove the amendment. City may conditionally approve the amendment only if the applicant seeking the amendment agrees to the condition

or conditions. If the applicant objects to any condition, then council shall deny the amendment.

12. If the general development plan applies to property that is being annexed to the city, the following statement shall be placed on the final annexation plat: "This Property is subject to a General Development Plan which is on file in the City Building Division." When no general development plan is required, the final annexation plan shall have a note reading: "This Property is subject to a Preliminary Development Plan which is on file in the City Building Division."
13. If an application for approval of a preliminary development plan is not filed with the city within one year from the date of approval of the general development plan where a general development plan is required, then approval of the general development plan shall lapse and the applicant will be required to submit to a new general development plan for approval by the city; except that the applicant may, before the expiration of the one year period, seek an additional period of time within which to file a preliminary development. An application for an extension of time shall be made to the current planning manager for the city who may grant or deny the extension in his or her discretion. If the extension is granted, then the current planning manager shall issue an approval for an extension of time within which to file a preliminary development plan.

E. Preliminary development plan approval.
   1. The following materials shall be submitted with any application for preliminary development plan approval:
      a. All items specified in Section 18.41.050C.;
      b. Fifteen copies of the preliminary development plan;
      c. One eleven inch by seventeen inch reduced preliminary development plan;
      d. Five copies of preliminary utility plans;
      e. Three copies of preliminary soils and geology reports;
      f. Three copies of required written materials, including but not limited to fiscal analysis, traffic analysis, or other reports that the planning staff or planning commission may require;
      g. An affidavit certifying that the applicant conducted a neighborhood meeting in accordance with the following requirements:
         i. All neighborhood property owners, as defined in Section 18.05.040 were notified and a neighborhood meeting conducted by the applicant; and
         ii. At least fifteen days prior to the neighborhood meeting the applicant, by first class mail, sent a written notice of the neighborhood meeting to all property owners on the certified list required by Section 18.05.040.
      h. Failure to provide the required affidavit or evidence of a defective mailing list shall result in termination of the review process until proper notice is provided and the neighborhood meeting conducted.
   2. Within thirty days after it is submitted, the development review team shall review the preliminary development plan and the current planning division shall make a recommendation to the planning commission as to whether the preliminary development plan should be approved, denied, or conditionally approved. The planning commission shall consider the current planning division's recommendation and either approve, deny, or conditionally approve the preliminary development plan at the conclusion of a public hearing noticed in accordance with Section 18.050.040. The current planning division's recommendation shall include findings with regard to the following issues:
      a. Whether the preliminary development plan conforms to the general development plan on file with the city where the property is being developed in phases;
      b. Whether the preliminary development plan meets the intent and objectives of this chapter

and the factors set forth in Section 18.41.050D.4.b. and c.; and

c. Whether the preliminary development plan complies with applicable land use and development regulations in effect as of the date that the general development plan was approved except that the preliminary development plan can be required to comply with regulations adopted after approval of the general development plan if the current planning division and the current planning commission expressly find that such compliance is necessary to protect public health, safety and welfare. If no general development plan was required, then the preliminary development plan must comply with applicable land use and development regulations in effect at the time the plan is approved or conditionally approved by the planning commission.

3. Final decisions and appeals.
   a. The effective date of the planning commission's final decision shall be the date that the planning commission adopts its written findings and conclusions. The planning commission shall issue findings and conclusions in support of any decision within thirty days of its decision. Any party-in-interest as defined in Chapter 18.80, may file a written notice of appeal with the current planning division within ten days of the effective date of the current planning commission's final decision. Upon the filing of a notice of appeal, the appeal shall be scheduled for a full public hearing in accordance with Chapter 18.80. At the public hearing, council shall approve, approve with conditions, or disapprove the matter, considering the same standards as prescribed for the planning commission in this title.
   b. If there is no applicable general development plan for the development, then the planning commission shall only make a recommendation to council regarding the approval, conditional approval or denial of the preliminary development plan. The council shall proceed in the same manner as in the case of general development plans as provided in Section 18.41.050D.1.-10.
   c. For appeals filed by three or more council members, the appellants shall file a written notice of appeal with the current planning division, on a form provided by the current planning division, within twenty days of the effective date of the planning commission's decision. Upon the filing of a notice of appeal by three or more council members, the appeal shall be scheduled for a full public hearing, at the next regularly scheduled council meeting following receipt of the notice of appeal at which all public notification requirements can be complied with, in accordance with the provisions of Chapter 18.05. At the public hearing, council shall approve, approve with conditions, or disapprove the matter, following the same procedures as prescribed for the planning commission in this Title 18.
   d. If there is no applicable general development plan for the development, then the planning commission shall only make a recommendation to council regarding the approval, conditional approval or denial of the preliminary development plan. Council shall proceed in the same manner as in the case of general development plans (see Section 18.41.050D.6.-10.).
4. If there is an applicable general development plan for the development, then the approval or conditional approval of any preliminary development plan shall be by a resolution of the planning commission which incorporates by reference the preliminary development plan. The resolution shall be recorded in the real property records of Larimer County and the preliminary development plan shall be filed with the building division and be available for public inspection.
5. The preliminary development plan may be amended in the same manner as it was approved, except that the current planning manager may approve minor amendments without review by the planning commission unless the amendment would permit a use not allowed under the

original general development plan, increase density of development by more than ten percent, decrease the amount of open space by more than ten percent, change any requirement for the payment of money or the dedication of land or other property rights to the city or the public or relocate any public right-of-way. When a general development plan has been approved, the planning commission may amend the preliminary development. If no general development plan was required, then council shall approve amendments to the preliminary development plan.

6. If an application for approval of a final development plan is not filed with the city within one year from the date of approval of the applicable preliminary development plan, then approval of the preliminary development plan shall lapse and the applicant will be required to submit a new preliminary development plan for approval by the city; except that the applicant may before the expiration of the one year period seek an additional period of time within which to file a final development plan. Application for an extension of time shall made to the current planning manager for the city who may grant or deny the extension in his or her discretion. If the extension is granted, then the current planning manager shall issue an approval for an extension of time within which to file a preliminary plan.

F. Final development plan approval.

1. The following materials shall be submitted with any application for approval of a final development plan:
   a. All materials specified in Section 18.41.050C.;
   b. Reproducible mylar and five copies of the final development plan;
   c. Five copies of the final landscape plan;
   d. Eleven inch by seventeen inch reduced final development plan and final landscape plan; and
   e. Final copies of all other preliminary plans required at the time of preliminary development plan approval.

   The final development plan shall show by proper notation, as applicable, all conditions imposed on the general development plan, and the preliminary development plan. The final development plan shall contain a note incorporating any approved general development plan applicable to the planned unit development.
2. The final development plan shall be reviewed by the current planning manager for the city in consultation with the current planning division staff and other city departments. The current planning manager shall either approve or deny the final development plan within thirty days from the date that it is submitted and shall base such decision on the following consideration: whether the final development plan is in substantial compliance with the preliminary development plan as approved or conditionally approved and applicable land use and development regulations in existence on the date the preliminary development plan was approved unless the current planning manager affirmatively finds that the imposition of regulations adopted after approval of the preliminary development plan is necessary to protect public health, safety, and welfare.
3. If the current planning manager approves the final development plan, he shall issue an approval of final development plan which shall incorporate by reference the final development and shall be recorded in the real property records of Larimer County without due delay. The final development plan shall be filed with the building division and be available for public inspection. If the current planning manager denies approval of the final development plan, he shall mail a written notice of denial to the applicant setting forth the basis for the denial. Within ten days of the date the current planning manager mails the notice of denial to the applicant, the applicant may file an appeal of the denial in accordance with chapter 18.80 to the planning commission, which shall hear the matter in accordance with the

procedures set forth in chapter 18.80, except that no further public notice of the appeal shall be required. Both the current planning manager and the applicant shall appear before the planning commission and be given an opportunity to speak to the issues. Except as permitted by a majority vote of the planning commission members present at the meeting, no other person shall be entitled to address the planning commission. The planning commission shall consider the same factors used by the current planning manager when making his determination.

4. The final development plan may be amended in the same manner as it was approved and must meet the same standards as required for approval. The applicant for any amendment may be required to comply with applicable land use and development regulations adopted after approval of the general development plan or the preliminary development plan if compliance is necessary to protect public health, safety and welfare.

18.41.054 Site development plan review.

Development of any category 2 development approved by a planned unit development final development plan shall be subject to the provisions of Chapters 18.39, 18.46 and 18.47 unless otherwise approved as part of the approval process for the planned unit development final development plan and supporting plans and documents.

18.41.070 Other regulations.

All city codes, regulations, and development standards, including, without limitation, site-specific development standards ("other regulations"), shall apply to planned unit developments except when those other regulations are inconsistent with the terms and conditions of an approved general development, preliminary development, or final development plan, and any deviation from any other regulations in an approved general development, preliminary development, or final development plan, shall be deemed an exception to or waiver from such other regulations.

18.41.080 Combined applications.

A. An applicant may submit a combined application for planned unit development approval and subdivision approval so long as the combined application meets the more comprehensive submittal requirements, all applicable regulations and is reviewed by all appropriate authorities.
B. A preliminary subdivision plat may only be submitted with an application for preliminary development approval and the final subdivision plat may be submitted with the final development plan, except that the final subdivision plat shall be approved in the manner set forth in Title 16. In addition, the planning commission and council may each hold simultaneous hearings on combined applications.
C. An applicant also may combine its applications for general development plan, preliminary development plan and final development plan approval, or an appropriate combination thereof, but the applicant should be aware that conditions imposed on a prior plan will necessarily affect the applicant's ability to receive approval on a subsequent plan.
D. Any approved general development plan, or preliminary development plan when no general development is required, shall be deemed an amendment to the city's master land use plan whenever the approved general or preliminary development plan allows a use different from or at a greater density than that shown on the master land use plan.

18.41.100 Exemptions and waivers.

An applicant for general development plan, preliminary development plan, or final development plan approval may seek an exemption or waiver from any regulation or requirement imposed by or authorized under this chapter. Exemptions and waivers from general development plan regulations and requirements shall be submitted along with the application for general development plan approval and

be approved or denied by council. Exemptions and waivers from preliminary development plan regulations and requirements shall be submitted with the application for preliminary development approval and be approved or denied by the planning commission, except that when the preliminary development plan is required to be approved by council, council shall grant such exemptions or waivers. Exemptions and waivers from final development plan regulations and requirements shall be submitted with the application for final development plan approval and be approved or denied by the current planning manager.

18.41.110 Definitions.

As used in this chapter:

"Applicant" means the owner of land or the owner's legally designated agent who applies for approval of a planned unit development.

"Building envelope" means the two-dimensional space within which a building or structure is permitted to be built on a lot.

"Development agreement" means an agreement between the city and a developer which outlines the terms and conditions related to the approval of the planned unit development, including but not limited to, density, open space, infrastructure, phasing, land use, vested rights, etc.

"Environmentally sensitive area" means an area with one or more of the following characteristics: (i) slopes in excess of twenty percent; (ii) floodplain; (iii) soils classified as having a high water table; (iv) soils classified as highly erodible, subject to erosion or highly acidic; (v) land incapable of meeting percolation requirements; (vi) land formerly used for landfill operations or hazardous industrial use; (vii) fault areas; (viii) stream corridors; (ix) estuaries; (x) mature stands of vegetation; (xi) aquifer recharge and discharge areas; (xii) habitat for wildlife; or (xiii) any other area possessing environmental characteristics similar to those listed here.

"Final development plan" means a detailed site specific development plan approved by the current planning manager which demonstrates compliance with the terms and conditions of approval of the general and preliminary development plans. A submitted plan shall contain all information that the current planning division may require.

"Floor area ratio" or "FAR" means the gross floor area of all buildings or structures on a lot divided by the lot area.

"General development plan" means a conceptual site plan which outlines the general type, intensity and location of land uses and public facilities within the planned unit development. The general development plan will establish development character and policy guidance (e.g. lot size, landscaping, architecture, auto and pedestrian facility design, open space, etc.) for the property along with classification and design of the road and pedestrian network, access points to the existing road network and proposed development areas within the planned unit development, major utility lines and phasing of development, including on- and off-site improvements. A submitted plan shall contain all information that the current planning division may require.

"Minor amendment" means a change to the general development plan or preliminary development plan which may be approved by the current planning manager as provided for in Section 18.41.050D.11. In principle, a minor amendment does not change the character, intensity, or overall distribution of land uses within the planned unit development.

"Open space" means the gross area of a lot or tract of land minus all streets, driveways, parking lots, and building areas, which is to be or has been landscaped or developed for use by the public or by the residents of the lot or tract of land for private, common or public enjoyment or recreational use.

"Preliminary development plan" means a plan that shows with reasonable specificity the general type, intensity, location and character of development within a planned unit development and generally contains the same information required for a general development plan. A submitted plan shall contain all information that the current planning division may require.

"Sketch plan" means rough sketch map of a proposed subdivision or site plan of sufficient

accuracy to be used for the purpose of discussion and classification.

"Vicinity map" means a map not necessarily drawn to scale showing the general location of the proposed development in relation to other developments within one mile of the development.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

"Wildlife corridor" means a land area used by wildlife for travel to or from a destination on a recurring basis.

Chapter 18.42

OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

18.42.010 Purpose.

These standards specify the provision of off-street parking and loading facilities in proportion to the need generated by the development of new or the expansion of existing land uses as identified herein. These standards also provide for the design of off-street parking and loading areas that are safe, accessible, convenient, and attractive.

18.42.020 Applicability.

Off-street parking and loading areas, pursuant to the provisions herein, shall be provided for every use and structure. Non-residential land uses and mixed uses located in the General Improvement District No. 1 shall not be required to comply with the applicable provisions herein as provided in Section 18.24.050D.2.

18.42.030 Spaces required.

Adequate off-street parking shall be required for all development. The number of off-street parking spaces on Table 18.42-1 shall be required with land uses or buildings containing such land uses. These requirements shall be type 2 standards which shall be mandatory, unless otherwise approved by alternative compliance in accordance with the following provisions or as part of an approved special review, or an approved planned unit development.

A. Upon submittal of written justification by the applicant, the current planning manager may allow application of an alternative standard, different than a type 2 standard, provided the current planning manager determines the following:
   1. The applicant has demonstrated that either:
      a. Site-specific, physical constraints necessitate application of the alternative standard, and such constraints will not allow a reasonable use of the property without application of such alternative standard; or
      b. The alternative standard achieves the intent of the subject type 2 standard to the same or greater degree than the subject standard, and results in equivalent or greater benefits to the community as would compliance with the subject standard.

B. Whenever the current planning manager grants alternative compliance, the current planning manager shall prepare a written statement of findings based on the above criteria for such action. Such statement shall be placed in the development application file. The current planning manager's final decision with respect to such alternative compliance may be appealed to the planning commission in accordance with Section 18.60.020.

Table 18.42 -1 Parking Spaces Required	
Residential Land Use	**Parking Requirement**
One-family or two-family dwellings, multiple family dwellings	2 spaces per dwelling unit (may count tandem and garage spaces to meet requirement)
Accessory dwelling unit	See Section 18.48.060
Live/work space	2 spaces for every living area (residential unit), plus 1 space for every work area
Mobile home parks and communities	2 spaces per dwelling unit
Shelter for Victims of Domestic Violence	2 spaces for every 3 employees plus 2 parking spaces for the facility
Institutional Land Use	**Parking Requirement**
Colleges and universities (in campus setting)	1 space for each employee plus 1 space for every 5 students
Colleges and universities in non-campus setting	1 space for each classroom seat, plus one space for each employee
Elementary school	2 spaces for each classroom
Government, semipublic uses	2 spaces for every 3 employees
Hospitals	2 parking spaces per bed, plus 1 space for every 300 square feet of outpatient clinics and service areas
Independent living facilities	1 space for each unit, plus 1 space for every employee
Junior high school	2 spaces for each classroom
Nursing homes, Alzheimer's care, assisted living, congregate care facilities	1 space for every 3 beds, plus .5 space for every employee
Place of worship or assembly with 200 or fewer seats in the principal place of assembly Place of worship or assembly with over 200 seats in the principal place of assembly	1 space for every 4 seats in the principal place of assembly; or 1 space for every 35 square feet of seating area or 18 lineal inches of bench space where there are no fixed seats in the principal place of assembly. Where multiple uses or times of use overlap at a place of worship or assembly with over 200 seats, parking shall be required for all proposed uses based on this table and shared parking provisions of Section 18.42.040 may be applied, considering the uses and overlap.
Senior high school	1 space for each 3 seats in the auditorium or principal place of assembly
Commercial Land Use	**Parking Requirement**
Administrative, insurance and research facilities	1 space for every 250 square feet of floor area
Animal hospitals and clinics	1 space for every 300 square feet of floor area
Automotive sales, leasing and service (including cars, trucks, motor cycles)	1 space for every 450 square feet of floor area (showroom, office, repair and parts sales)
Banks, savings and loan, and finance companies	1 space for every 250 square feet of floor area

Bar or tavern	1 space for every 100 square feet of floor area
Bed and breakfast	1 space for every guest room, plus 2 spaces for employees
Call center	1 space for every 166 square feet of floor area
Car wash	2 stacking spaces for every bay, plus 2 spaces for employees for full-service car washes
Convenience store (see Section 18.52.060 for calculating gross floor area)	1 space for every 200 square feet of floor space
Convention, conference center	1 space for every 3 seats
Dance clubs or dance halls	1 space for every 100 square feet of floor area
Domestic animal day care facility	1 space for every 450 square feet of floor area
Equipment and small vehicle rental	1 space for every 300 square feet of floor area
Flex office space with light manufacturing	1 space for every 333 square feet of floor area
Funeral homes, mortuaries	1 space for every 4 seats
Galleries, art and dance studios, photo studios	1 space for every 2 students or visitors at maximum capacity, plus 2 spaces for every 3 employees
Garden supply, greenhouses, nurseries – retail sales (excludes production areas)	1 space for every 300 square feet of floor area devoted to retail sales
Greenhouses, nurseries – production (no retail sales)	2 spaces for every 3 employees
Gas stations with repair, tire and lube shops	1 space for every pump island, plus 1 space for every 200 square feet of floor area
Health care service facility	1 space for each examination or treatment room, plus 1 space for every 2 employees or health care provider
Hotels, motels, rooming houses, boarding houses and tourist homes	1 space for every unit, plus .75 space for every employee
Laundromats	1 space for every 250 square feet of floor area
Live/work space	2 spaces for every living area, plus 1 space for every work area
Medical and dental clinics and offices	1 space for every 225 square feet of floor area
Membership clubs, athletic/fitness facilities	1 space for every 300 square feet of floor area
Mixed-uses	As required for both uses and subject to Section 18.42.040.B
Night Clubs	1 space for every 4 seats, plus 2 spaces for every 3 employees on the maximum shift
Personal service and business shops (retail laundries, hair salons, barber shops, tanning and nail salons, shoe repair, copy shops)	1 space for every 300 square feet of floor area

Places of amusement or recreation (indoor recreation, not including theaters or auditoriums)	1 space for every 200 square feet of floor area
Preschools, nurseries, or child care centers	1 space for each 450 square feet of floor area
Professional offices	1 space for every 250 square feet of floor area
Restaurants with drive-thru lanes or windows	1 space for every 100 square feet of floor area, including outdoor patio space, plus 5 stacking spaces for every drive-thru lane or window
Restaurants standard, sit down	1 space for every 200 square feet of floor area, including outdoor patio space
Restaurants fast food without drive-thru lanes or windows, coffee shops, delis, juice bars	1 space for every 3 seats, or 1 space for every 150 square feet of floor area (whichever results in greater number of spaces), but no less than 5 spaces
Restaurants drive-in – with or without drive-thru lane – this use is assumed to have 1 space provided for every order box	1 space for every 3 seats, or 1 space for every 150 square feet of floor area (whichever results in greater number of spaces), plus 5 stacking spaces for every drive-thru lane or window (if applicable)
Retail business and commercial uses	1 space for every 300 square feet of floor area
Theaters, auditoriums or other places of assembly	1 space for every 3 seats in the principal place of assembly
Industrial Land Use	**Parking Requirements**
Airports, heliports Hangars	2 spaces for every 3 employees, plus 1 space for every 200 square feet of lobby or waiting area 1 space for every 1,000 square feet of floor area (may be inside hangar)
Contractor's shops, yards	2 spaces for every 3 employees
Dry cleaning plants, commercial laundries	2 spaces for every 3 employees
Foundries	2 spaces for every 3 employees
Industrial or manufacturing activities (excluding offices)	1 space for every 450 square feet of floor area or 1 for every 2 employees, whichever is greater
Live/work space	2 spaces for every living area, plus 1 space for every work area
Lumber yard (wholesale)	2 spaces for every 3 employees
Medical and research laboratories	1 space for every 450 square feet of floor area
Personal wireless service facilities	1 space
Recycling facilities	Unattended facilities – 1 space for every loading area Attended facilities – 1 space for every loading area, plus 2 spaces for every 3 employees

Self-storage facilities	1 space for every 300 square feet of office area, plus 1 space for every employee or 2 spaces for resident manager
Showroom warehouse	1 space for every 300 square feet of showroom floor area, plus 1 space for every 1,000 square feet of warehouse area
Utility service facilities	2 spaces for every 3 employees
Vehicle sales, leasing, and repair (farm equipment, mobile homes, rv's, boats, large trucks)	1 space for every employee, plus 1space for every 500 square feet of floor area
Wholesale commercial uses and warehouses	1 space for every 1,000 square feet of floor area, plus 1 space for every 5,000 square feet after first 100,000 square feet
Workshops, custom small industry	2 spaces for every 3 employees

C. For parking requirements based on floor area, the total gross floor area shall be used for calculating the requirement, based on the principal use of the building, including outdoor seating areas for restaurants. When the calculation of required parking spaces results in a fractional number, the required number shall be rounded up to the next whole number. Additional parking standards and guidelines are found in Section 3.04 of the Site Development Performance Standards and Guidelines and in Chapter 19 of the Larimer County Urban Area Street Standards.

D. The off-street parking requirements of Section 18.42.030A. for non-residential and mixed-use developments or uses located with frontage on the following redevelopment corridors, excluding areas zoned BE, may be reduced up to ten percent. Upon submittal of written justification by the applicant, greater reductions may be considered by the current planning manager, as may be appropriate for the use and location, and considering such things as the availability of sufficient on-street parking, access to the site and parking area(s), and/or the potential for negative impacts as a result of parking reductions. Parking reductions provided for in this section shall not require alternative compliance. For the purposes of this section, the redevelopment corridors shall be defined as follows:
   1. S.H. 287 (including Buchanan Avenue, Cleveland Avenue, Garfield Avenue, and Lincoln Avenue) from Ranch Acres Drive to 14th Street SE.
   2. Eisenhower Avenue from Namaqua Drive to Boise Avenue.

E. The off-street parking requirements of Section 18.42.030A. for land uses located within the R3-E district and within the geographic area specified below may be reduced up to twenty-five percent. Upon submittal of written justification by the applicant, greater reductions may be considered by the current planning manager, as may be appropriate for the use and location, and considering such things as the availability of sufficient on-street parking, access to the site and parking area(s), and/or the potential for negative impacts as a result of parking reductions. Parking reductions provided for in this section shall not require alternative compliance. On-street parking spaces directly adjacent to the site may be counted toward meeting the off-street parking requirements of Section 18.42.030A. The geographic area of this provision shall be: all R3-E zoned parcels within an area bounded by U.S. Highway 34 on the north; Boise Avenue on the east; the Big Thompson River on the south; and Taft Avenue on the west.

F. For parking requirements based on the number of employees, the number of employees on the major or largest shift shall be used to determine requirements.

G. Where garages are available, tandem spaces in front of garages shall be counted toward meeting off-street parking requirements for single-family and two-family dwelling units.

H. When the number of parking spaces exceeds one hundred fifty percent of the number required in Section 18.42.030A., an additional one deciduous shade tree shall be added to the interior parking lot landscaping for every additional ten parking spaces and shall be distributed

throughout the interior landscape islands of the parking area. Any additional trees required by this section shall not count toward other landscaping requirements. Parking lots with less than fifteen parking spaces required shall be exempt from this provision.

I. Where Leadership in Energy and Environmental Design (LEED) certification is being sought for new buildings, major building renovations, or for existing buildings, and LEED credit is achieved for addressing alternative modes of transportation, the number of required parking spaces may be reduced through approval of alternative compliance of a type 2 standard, as provided in Section 18.42.030A.

18.42.040 Shared parking.

A. Shared parking shall be allowed if the maximum number of vehicles using the shared parking spaces does not exceed, at any time, the sum of the spaces required by the provisions of this chapter. Once established, shared use of a parking facility shall continue until the properties which share parking spaces are, independently, in compliance with the access, parking, and circulation requirements of the Site Development Performance Standards and Guidelines, as provided in Chapter 18.47.

B. When one building is planned to include a combination of different uses, the minimum parking required shall be determined by applying the requirements of Section 18.42.030A. based upon the gross floor area for each use, and shall include outdoor seating areas, as well as other areas in the building that generate parking demand.

C. A reduction of no more than twenty percent of the total number of required parking spaces may be made for shared parking for buildings or sites that include a mix of land uses that include residential with office uses, or residential with retail uses. Further reductions, or reductions for other land use mixes may be considered under the alternative compliance provisions for type 2 standards in Section 18.53.020 and shall take into consideration such things as hours of operation, location, and nature of the proposed land use mix, and potential impacts, if any, on adjacent properties.

D. If an agreement for shared parking is approved and entered into, it shall be recorded with the Larimer County Clerk and Recorder's Office.

18.42.050 Parking requirements for uses not listed.

For specific uses not listed in Table 18.42-1, the current planning manager shall use the most recent edition of the American Planning Association's Planning Advisory Service Report on parking to determine parking requirements.

18.42.060 Remote site parking.

In lieu of locating parking spaces required by this title on the lot which generates the parking requirements, such parking spaces may be provided on any lot or premises owned or leased by the owner of the use that generates the parking demand, within three hundred feet of the property generating such parking requirements, for any business, commercial or industrial use. Ownership in this regard may include participation in a parking district or other joint venture to provide off-street parking areas to the extent that the parking requirement for each lot using the joint venture to meet its parking requirement can be met by a proportionate or greater number of off-street parking spaces in the lot subject to the joint venture. Any lot or premise which is subject to a lease for the purpose of providing off-street parking areas to meet the parking requirements of another lot shall contain a sufficient number of parking spaces to meet the parking requirements of both such lots unless reduced under the provisions of Section 18.42.040B.

18.42.070 Design standards for off-street parking areas.

A. All areas counted as off-street parking spaces shall be unobstructed and free of other uses, including storage or display of merchandise.
B. Unobstructed access to and from a street shall be provided for all off-street parking spaces.
C. All off-street parking spaces shall be surfaced with asphalt or concrete or other similar surfacing. Parking shall not be permitted in a required front setback except on a residential driveway and/or parking pad that extends through a front setback.
D. All open off-street parking areas with six or more spaces shall be adequately screened from any adjoining residentially zoned lot and from any street by landscaping or solid fencing, which fencing or landscaping shall be maintained in good condition at all times. The landscaping or fencing shall be installed and maintained to specifications prescribed by the city, provided such landscaping and fencing may be waived by the current planning manager when it is determined that safety factors would indicate the same should be waived. If lighting is provided for such parking areas, it shall not be directed toward any adjacent residential area or public street and shall meet the provisions of Section 3.09 of the Site Development Performance Standards and Guidelines.
E. All off-street parking areas serving a use requiring three or more parking spaces shall be designed and traffic controlled therein so that access to and from a public street shall require vehicular traffic to be traveling in a forward direction when entering and exiting from such parking areas. However, a single-family or two-family dwelling unit may have a parking area which is designed to permit vehicles to back directly onto one public local street.
F. Off-street parking spaces may be provided in areas designated to jointly serve two or more buildings or uses, provided the provisions of Section 18.42.040B. are met.
G. No part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this title shall be included as part of an off-street parking space similarly required for another building or use, unless permitted as shared parking under the provisions of Section 18.42.040B. No part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this title shall be converted to any use other than parking unless additional parking space is provided to replace such converted parking space and meets the requirements of any use to which such parking space is converted.
H. All parking areas shall be designed to the extent possible to be in conformity with the approved parking lot design standards in the Site Development Performance Standards and Guidelines and Larimer County Urban Area Street Standards.
I. Parking for persons with disabilities shall be as required by the Americans with Disabilities Act.
J. A row of parking spaces shall extend no more than fifteen spaces, counted along one side, without an intervening landscape island.
K. Large parking lots shall be divided into smaller sections or compounds, containing a maximum of two-hundred parking spaces per section, through the use of landscape separators a minimum of fifteen feet in width, excluding any pedestrian pathways or sidewalks. Landscape separators shall contain a minimum of one deciduous or evergreen tree per seven-hundred square feet of landscaped area, or one tree per thirty-five lineal feet, whichever results in a greater number of trees.
L. A maximum vehicle overhang of two feet shall be permitted where the adjacent sidewalk or landscape area is not less than seven feet in width, allowing for an unobstructed walkway or landscape area of at least five feet in width. The use of wheel barriers is prohibited. Such parking spaces shall be no less than seventeen feet in length and shall not be used in compact parking spaces.

18.42.080 Off-street loading areas.

Off-street loading areas shall be required for non-residential uses which require goods,

merchandise, or equipment to be routinely delivered to or shipped from that use and shall be of sufficient size to accommodate vehicles which will serve such use. The location of the loading area shall not block or obstruct any public street, alley, driveway, or sidewalk. Loading areas shall be provided as follows: one off-street loading space for buildings between five thousand square feet and twenty thousand square feet, plus one additional off-street loading space for each twenty thousand square feet or fraction thereof of additional gross floor area in excess of twenty thousand square feet.

18.42.090 Drive-thru stacking.

Off-street stacking shall be provided for land uses which contain a drive-thru lane or drive-up window, including, but not limited to, banks and restaurants, so that waiting vehicles do not interfere with other vehicular access and circulation on or adjacent to the site, subject to the following requirements:

A. A minimum of five off-street stacking spaces shall be required for each restaurant drive-thru lane or drive-up window. Stacking spaces shall not be used to satisfy parking requirements.
B. A minimum of three off-street stacking spaces shall be required for each car wash or bank drive-thru lane or drive-up window.
C. Off-street stacking spaces shall be a minimum of eight feet wide and twenty feet in length.
D. Areas reserved for stacking shall not otherwise be used as maneuvering areas or circulation driveways, nor interfere with access to or circulation on the site, or parking on-site.

18.42.100 Site development plan review

Development of a parking lot, whether as a principal use or accessory use, is subject to the applicable provisions of Chapters 18.39, 18.46, and 18.47 and shall comply with all other applicable codes and ordinances of the city.

Chapter 18.43

MOBILE HOME PARKS, COMMUNITIES, AND CAMPGROUNDS

Sections:

18.43.005 Purpose.

The purpose of this chapter is to specify the circumstances in which mobile home parks, communities and campgrounds can be permitted and the regulations applicable to their development.

18.43.010 Where permitted.

Mobile home communities may be permitted under the special review procedures in the R3 district and mobile home parks and campgrounds under the special review procedures in the B district provided each mobile home community, mobile home park, and campground complies with all applicable city ordinances and the provisions of this chapter.

18.43.020 Minimum total area.

The minimum total areas shall be as follows:

Mobile home community	10 acres
Mobile home park	5 acres
Campground	5 acres

18.43.030 Minimum area of each site.

The minimum area of each site shall be as follows:

In a mobile home community	4,000 square feet
In a mobile home park	2,400 square feet
In a campground	1,600 square feet

18.43.040 Minimum width of a site.

The minimum width of a site within a mobile home park, mobile home community, or a campground shall be twenty-five feet.

18.43.050 Minimum yards.

The minimum yard requirements for a mobile home park, mobile home community, or a campground shall be as follows:

Front yard	10 feet
Side yard	5 feet
Rear yard	20 feet

18.43.060 Required site improvements and facilities.

A. Connections to city water and sewer shall be available for each mobile home space.
B. All interior private or public streets shall be surfaced with asphalt or concrete to a width of at least thirty-four feet.
C. All private or public streets shall be lighted by covered street lamps.
D. All utility lines shall be placed underground.
E. When dependent units are allowed to occupy a space, a service building containing adequate auxiliary toilets and laundry facilities shall be provided for use by dependent units.
F. A recreational area at least equal to one space in area for every ten mobile home spaces.
G. Refuse disposal shall be available in covered receptacles.
H. Sidewalks shall be provided as required by Section 12.20.010.

Chapter 18.44

FLEXIBLE ZONING OVERLAY DISTRICT

Sections:

18.44.010 Purpose.

The purpose of this chapter is to provide standards and procedures for the establishment of flexible zoning overlay districts in areas of the community that are experiencing disinvestment or under-utilization of land. The flexible zoning overlay is intended to stimulate innovative development and promote reinvestment by providing relief from regular land use controls, including the opportunity for relief from use restrictions, development intensity limitations and associated standards included in the provisions of the underlying zoning.

18.44.020 Objectives of the flexible zoning overlay district.

Objectives to be achieved through the establishment of a flexible overlay zoning district are to:

A. Further the intent and goals of adopted land use plans;
B. Encourage investment in areas experiencing blight, disinvestment or underutilization of land;
C. Create opportunities for development and redevelopment that would otherwise be unachievable.
D. Promote coordination and cooperation between property owners that are interested in pursuing redevelopment initiatives;
E. Facilitate design innovation with the reduction or elimination of certain land use and zoning controls;
F. Ensure adequate public safety within and adjacent to district boundaries;
G. Maintain quality standards for the provision of city services for properties within and adjacent to district boundaries; and
H. Protect land uses and neighborhoods that are adjacent to flexible overlay zoning districts from material negative impacts.
I.

18.44.030 Definitions.

The words, terms and phrases in this section shall have the meanings as set forth below, unless the context requires otherwise.

A. “Flexible zoning overlay district” or “district” shall mean all land within a designated area that has been approved by the council following a public hearing with public notice that will be subject to the provisions of this chapter.

B. “Flexible zoning overlay district plan” or “district plan” shall mean a general plan of development that complies with the requirements specified in this chapter.
C. “Flexible zoning project” or “project” shall mean a development project located within a district that conforms to the established district plan.
D. “Flexible zoning project plan” or “project plan” shall mean a site specific plan of development located within a district that complies with the requirements specified in this chapter.
E. “Greenfield sites” shall mean open land that is not surrounded by or substantially constrained by development, including leapfrog development, and where there has been no previous development activity other than agricultural uses or similar low-intensity uses.
F. “Sensitive uses” shall mean single family and two-family homes, schools and daycare facilities, medical care facilities including hospitals, clinics and nursing facilities, or other uses that may be materially impacted in a negative manner by the location of a district or development project.

18.44.040 Establishment of flexible zoning overlay districts.

Establishment of a flexible zoning overlay district includes the following:

A. Submittal of a complete application signed by owners of real property within the district boundaries;
B. Review of the application by the development review team for completeness;
C. Conducting a neighborhood meeting and public hearings by the planning commission and the council all of which shall be publicly noticed; and
D. Approval of the district, district plan, and, if applicable, the project plan by council following the public hearing.

18.44.050 Eligibility criteria.

All districts shall meet the following eligibility requirements:

A. District boundaries shall be consistent with the city’s infill definition where at least eighty percent of the district boundary is contiguous to properties within the city limits; greenfield sites are unsuitable for district designation;
B. Property within the district boundaries is contiguous or separated only by public rights-of-way;
C. District boundaries are reasonably discernable and distinguishable from adjacent land;
D. The district use meets applicable Adequate Community Facilities (ACF) standards set forth in chapter 16.41;
E. The district plan is consistent with the intent and goals of applicable land use plans and policies; however, a district plan may vary from the use, density and intensity provisions specified in the land use plan component of the Comprehensive Plan;
F. The district plan has been designed to prevent incompatibility with adjacent and nearby property and land uses, particularly sensitive uses;
G. Community benefits of the flexible zoning overlay district and the associated district plan shall outweigh any negative impacts to surrounding properties or to the community; and
H. Establishment of the district encourages property investment and development which might otherwise not occur, and furthers a valid public purpose.

18.44.060 Permitted uses and applicable development standards.

A. When a flexible zoning overlay district is established, the underlying zoning designation remains in place except as modified by the district plan.
B. Once a district has been established and a district plan approved, subsequent development and redevelopment within the district must conform to the district plan.
C. All property within a flexible zoning overlay district is subject to this title, except where specifically exempted in the district plan.

18.44.070 Overlay district application requirements.

A. An application for establishment of a flexible zoning overlay district may be submitted by a property owner within the proposed district boundaries or by written consent of three city council members.
B. An applicant must present preliminary plans for a proposed district at a concept review meeting prior to making an application to establish a district.
C. Written consent from all owners of property within the proposed district boundaries must be provided before notice of a public hearing before the planning commission.
D. The application shall include the following information along with information specified on the city's submittal checklist for establishment of a district:
    1. A written explanation of the community benefit that the district and district plan will provide and how the proposed development furthers the intent and goals of applicable land use plans and policies;
    2. A written explanation of how the proposed development achieves compatibility with surrounding uses, particularly sensitive uses;
    3. A purpose statement indicating how the district plan achieves compliance with the eligibility criteria listed in Section 18.44.050;
    4. A map of the proposed district boundaries, including all lots, tracts, outlots and rights-of-way;
    5. A list of all owners of real property within the district boundaries;
    6. A district plan which specifies the type and extent of development proposed, including the following components**:**
        a. A master plan indicating the intensity and general configuration of the proposed use or uses;
        b. An architectural concept plan that includes a building massing and height study;
        c. A phasing plan, including a projected timeframe for each phase; and,
        d. A listing of zoning standards that will be applicable to development within the district.

18.44.080 Procedures for approval of flexible zoning overlay districts.

A. Review process. Upon receipt of a complete application within the allowed timeframe, the development review team will undertake the review procedures specified in chapter 18.39 of this title.
B. Public notice requirements. Notice shall be provided in accordance with chapter 18.05, and conform to the notice distance requirements for rezoning applications as specified in Table 18.05-1.
C. Neighborhood meeting. Prior to completion of the review process by the development review team, the applicant shall provide public notice for and conduct a neighborhood meeting.

D. .Planning commission.
    1. A public hearing shall be conducted with public notice before the planning commission following the neighborhood meeting.
    2. Notes from the neighborhood meeting, relevant application materials, written input from interested parties and a recommendation from the current planning manager as to whether the district plan meets the eligibility criteria of section 18.44.050 shall be forwarded to the planning commission for review at the public hearing.
    3. Based upon information received at the public hearing, the planning commission shall, by resolution within thirty days of the hearing, recommend approval, approval with conditions or denial of the district and district plan based on eligibility criteria of Section 18.44.050.
    4. The public hearing may be continued if the planning commission determines that additional information is necessary to consider before a decision can be rendered.
    5. If the applicant objects to any condition of approval placed by the planning commission upon the district plan, the planning commission shall recommend denial.
    6. The planning commission's recommendation shall be forwarded to the council along with the approved minutes of the public hearing and all other material considered by the planning commission in making its recommendation.

E. City council. The council shall conduct a public hearing with public notice upon receipt of the recommendation of the planning commission, the approved minutes of any planning commission public hearing, and all materials considered by the planning commission in making its recommendation, and any materials submitted following any such planning commission hearing.
    1. Council shall approve, approve with conditions or to deny the district and the associated district plan based on eligibility criteria of section 18.44.050.
    2. Council may establish an expiration date for a district and for associated district plans.
    3. If the applicant objects to any condition of approval placed upon the district plan by the council, the district plan shall not be approved.
    4. The council may remand a district plan to the planning commission for any reason.
    5. If the council approves a district plan, it shall adopt an ordinance establishing the district and the district plan. The adopted plan, signed by the mayor, the city attorney and the current planning manager, shall be recorded with the Larimer County clerk and recorder's office along with the adopting ordinance.
    6. The adopted overlay zone shall be designated on the official zoning map.

F. A project plan may be considered concurrently with a district plan. When a concurrent submittal is made, the council shall have final decision making authority on both plans.

G. A district plan shall be amended in the same manner it was approved unless the current planning manager determines that the proposed amendment meets the following criteria:
    1. The amendment would not allow new uses;
    2. The amendment would not allow a change in development density or intensity greater than 20%;
    3. The amendment would not alter a condition approved by council; and
    4. There is no reason to believe that any party would be aggrieved by the amendment. Where these criteria have been met, the amendment shall be considered minor and the current planning manager shall have the authority to approve, approve with

conditions or deny the amendment. Alternatively, the current planning manager may forward a minor amendment to the planning commission for determination at a public hearing with public notice.

H. Planning commission decisions on district plan amendments may be appealed to council by a party in interest. The appeal shall be processed and heard as specified in chapter 18.80.

18.44.085 Flexible zoning project plan required.

Project plans are approved subsequent to or concurrently with approval of an associated district and district plan. Project plans are specific and detailed development plans that are reviewed and approved administratively unless approved concurrently with a district or district plan as specified in Section 18.44.80. Development within a flexible zoning overlay district must conform to an approved project plan.

18.44.090 Flexible zoning project plan application requirements.

Applications for flexible zoning project plans, including associated subdivision, infrastructure and related applications, shall be subject to the requirements for site development plans specified in chapter 18.46 and any conditions adopted by Council.

18.44.100 Procedures for approval of flexible zoning project plans.

A. Development within an established district must be consistent with the approved district plan.

B. Applications for approving or amending project plans shall be subject to the procedures for site development plans specified in chapter 18.39 and 18.46 unless project plans are approved as otherwise authorized by this chapter.

C. Building permits. Any building permit issued for development or redevelopment within a district shall be consistent with the district plan and with the project plan approved for the property.

18.44.110 Establishment, extension, expiration and termination of a district and district plan.

Council has exclusive authority to establish with or without conditions, limit, terminate and extend districts and district plans.

A. Districts and associated district plans shall be established for a period of forty-eight months from the date of the approval of the adopting ordinance, unless such ordinance specifies otherwise. When a district expires or is terminated, the district overlay designation on the official zoning map is removed and the authority of the underlying zoning regulations is reestablished. Any nonconforming uses or buildings resulting from a district expiration or termination will be subject to Chapter 18.56 of this title.

B. The established expiration date for a flexible zoning overlay district may be extended by the council at the request of all property owners within the district. To be considered, a written extension request must be submitted to the city prior to the expiration date.

C. Any district with an expiration date shall be approved only after the applicant has provided an agreement, in a form approved by the city attorney, that acknowledges the limited term of the district and the absence of any right to use or rely on the district beyond such term and indemnifies the city for any claim related to the expiration of the district.

D. At the request of all property owners within a district or upon failure of the property

owners to maintain any ongoing conditions of the district or district plan, or upon abandonment of the use permitted by the district and district plan, council may terminate the district and district plan.

E. Subject to the foregoing, once a project plan is approved and any and all district or district plan conditions set by council have been fully satisfied, the district and the district plan shall not expire or terminate.
    1. Upon such approval and full satisfaction of any and all such conditions, the district property owner may request written certification from the current planning manager to this effect; and

I. Upon receipt of such certification, the city clerk's office shall record the ordinance establishing the district and the district plan with the Larimer County clerk and recorder's office.

(Ord. 6040 § 1, 2016)

Chapter 18.45

FLOODPLAIN REGULATIONS

Sections:

18.45.010 Purpose.

It is the overall purpose and intent of this chapter to promote the health, safety and general welfare and to provide adequate zoning regulations to minimize public and private losses due to flooding. It is further intended that these regulations will help to identify and clarify where flood hazards may exist and to ensure that potential buyers or builders are aware that certain properties are of areas with special flood hazards.

18.45.020 Definitions.

The definitions set forth in Section 15.14.020 shall be applied to the terms defined therein as they appear in this chapter.

18.45.030 Establishment of districts.

A. There are created and established in the city the following special zoning districts: floodway (FW) district and flood fringe (FF) district.

B. The boundaries of the districts are as shown by the Flood Insurance Rate Map (FIRM) accompanying the Flood Insurance Study for Larimer County, Colorado and Incorporated areas, dated February 6, 2013, published by the Federal Emergency Management Agency, which map constitutes an addition to the zoning district map of the City of Loveland, Colorado, adopted by Section 18.04.040. The designation of such special district boundaries as shown on the map shall be in addition to the designations shown on the zoning district map, which designations are called "underlying zoning districts" elsewhere in this chapter.

C. Modifications to the established boundaries for the FW and FF districts may be made by council in accordance with the amendment procedures established by this title and shall be based upon city-approved engineering studies, which present modifications or refinements to the original engineering and surveying determinations.

18.45.040 Interpretation and application.

A. The districts and regulations established by this chapter shall be included as a part of this Title 18.

B. Whenever possible, the provisions of this chapter shall be interpreted to apply in conjunction with other land use regulations. If conflicts with other provisions of this Code do occur, the more restrictive provision shall apply.

18.45.050 Floodway district.

A. Uses permitted without special review. The following uses may be permitted in the floodway district, provided the special conditions of Subsection B. of this section are met:
   1. Agricultural uses, including general farming, grazing of horses and livestock, forestry, sod farming, crop harvesting, raising of plants and flowers, and open-air nurseries;
   2. Recreational uses including, but not limited to, golf courses, golf driving ranges, swimming pools, parks and recreation areas, picnic grounds, horseback riding and hiking trails; and
   3. Wildlife and nature preserves, game farms and fish hatcheries.

B. Conditions for uses permitted without special review.
   1. No use shall limit or restrict or create an obstruction of the flow capacity of the floodway or channel or a main stream or a tributary to a main stream;
   2. No permitted use shall include structures, fill or storage of materials or equipment;
   3. Any proposed well, solid waste disposal site or sewage disposal system shall be protected from inundation by floodwater;
   4. No use shall increase flood heights during the base flood discharge; and
   5. No new mobile homes or mobile home parks or mobile home subdivisions shall be permitted.

C. Uses permitted by special review. The following uses may be permitted through the special review procedures of Chapter 18.40:
   1. Circuses, carnivals, and similar transient amusement enterprises;
   2. Temporary roadside stands;
   3. Limited stockpiling of sand and gravel;
   4. Boat rentals, docks, and piers;
   5. Railroads, streets, bridges, utility transmission lines ,and pipelines; and
   6. Open pit mining for removal of topsoil, sand, gravel, or other materials.

D. Conditions for uses permitted by special review. The following special conditions shall apply for uses permitted by special review in the floodway district:
   1. The procedures and requirements of Chapter 18.40 shall be followed for all applications;
   2. No structure, deposit, obstruction or other use shall be allowed which acting alone or in combination with existing or future uses adversely affects the flow capacity of the floodway or increases flood heights;
   3. The storage processing of materials that are in time of flooding buoyant, flammable, poisonous, explosive, or could be injurious to human, plant, or animal life shall be prohibited; and
   4. No storage of movable objects shall be permitted.

18.45.060 Flood fringe district.

A. Uses permitted without special review. All uses permitted by right in the underlying zoning district but excluding outside storage.

B. Conditions for permitted uses.
   1. All structures shall be placed on fill so that the lowest floor (including basement) of such structures is at or above the regulatory flood protection elevation. Any new structure or addition to an existing structure on a property removed from the flood fringe district by the issuance of a FEMA Letter of Map Revision Based on Fill ("LOMR-F") must still be constructed such that its lowest floor level is at or above the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Section 15.14.080 are met;
   2. No use shall be commenced or structure built which may limit or restrict the flow capacity of the channel of a tributary or drainageway, or retard drainage of flood waters from the area in which a structure is built;

3. Fill or deposition of materials shall be permitted only to the extent required for placement of structures and their accessory uses;
4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; and
5. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, and on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

C. Uses permitted by special review. All uses permitted by special review in the underlying zoning district shall be permitted in the flood fringe district, provided the conditions of Subsection D. of this section are met.

D. Conditions for uses permitted by special review. The following special conditions shall apply for uses permitted by special review in the FF district:
1. The requirements and procedures of Chapter 18.40 shall be followed for all applications;
2. Fill or deposition of materials shall not be permitted if such is found to reduce the storage or flow capacity of a waterway;
3. The lowest floor (including basement) of all new structures or substantial improvements to existing structures shall be placed at or above the regulatory flood protection elevation. Any new structure or addition to an existing structure on a property removed from the flood fringe district by the issuance of a FEMA LOMR-F must still be constructed such that its lowest floor level is at or above the regulatory flood protection elevation. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Section 15.14.080 are met;
4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
5. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding; and
6. The storage or processing of materials that are in time of flooding buoyant, flammable, poisonous, explosive, or could be injurious to human, plant, or animal life shall be prohibited.

**See also Sections 15.14.005 through 15.14.080.

18.45.065 Areas of special flood hazard.

All new and substantially improved critical facilities and new additions to critical facilities located within the areas of special flood hazard shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protections shall include one of the following: (i) the structure shall be located outside of the special flood hazard area; or (ii) the structure's lowest floor level shall be elevated or flood-proofed to at least two feet above the regulatory flood datum. New critical facilities shall, when practical as determined by the public works department stormwater division senior civil engineer, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a one hundred-year flood event.

18.45.070 Information required for special review applications.

In addition to the application requirements for special review requests as stated in Chapter 18.40, special review requests for development within a floodway district or flood fringe district shall include the following information as necessary:

A. Plans drawn to scale and prepared by a professional engineer showing the nature, location, dimensions, and elevation of the lot, parcel or tract of land;

B. Location and dimensions of all proposed structures;
C. The amount of fill to be used, if any;
D. A description and specifications of all flood-proofing measures;
E. The relationship of the use or structures to the location of the channel, floodway, and flood protection devices;
F. The flood protection elevation;
G. A typical valley cross-section showing the channel of streams, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
H. Surface view plans showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location, and spatial arrangement of all proposed and existing structures on the site;
I. Location and elevations of streets, water supply, and sanitary facilities;
J. A profile showing the slope of the bottom of the channel or flow line of the stream; and
K. Specifications for building construction and materials, flood-proofing, filling dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.

18.45.080 Review standards and criteria.

The following factors are to be considered by the planning commission and council when reviewing special review applications for areas located in the floodway district or flood fringe district:

A. The danger of life and property due to the increased flood heights or velocities caused by encroachments upstream or downstream within the floodplain;
B. The danger of materials being swept away onto other lands or downstream to the injury of others in the event of a flood;
C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions in the event of a flood;
D. The relationship of the proposed use to the flood management program for the area in question;
E. The safety of access to the property in times of flood;
F. The expected heights, velocity, duration, rate of the rise and sediment transport of floodwaters at the proposed location and their effect on the proposed use; and
G. The recommendations of the planning and engineering staff and the building official.

18.45.090 Nonconforming buildings or uses.

A. A structure or use within a structure or use of premises which was lawful before the passage of this chapter, but which is not in conformity with the provisions of this chapter may be continued without compliance with this chapter. Such nonconforming uses or nonconforming buildings may be repaired, expanded or altered only upon compliance with the following conditions:
    1. Any nonconforming use of property may be expanded, provided that such expansion is approved by the public works director. Any appeal of the public works director's final decision shall be made to the planning commission in accordance with Chapter 18.80.
    2. Any nonconforming structure may be repaired, altered or enlarged, provided the repair, enlargement or alteration does not exceed fifty percent of the nonconforming structure's market value as existing prior to such enlargement.
    3. If a nonconforming use of property or nonconforming building is discontinued or vacated for a period of twelve consecutive months, it shall be deemed to be abandoned and any further use of the property or structure shall conform to this chapter.
B. A nonconforming structure which is damaged or destroyed by any calamity, except flood, may be restored to its original condition if such restoration commences within one year from the date of the calamity. If any nonconforming structure is damaged to the extent of fifty percent of its actual value by flood, the nonconforming structure shall be restored only in compliance with this

chapter. If such flood damage is less than fifty percent of the structure's actual value, such structure may be restored without compliance with this chapter, Chapter 15.14, the Floodplain Building Code, provided the restoration commences within one year from the date of damage.

18.45.100 Nonliability of the city.

A. The degree of flood protection provided by the terms of this chapter is, after considering numerous relevant factors, considered reasonable for regulatory purposes. Floods of greater magnitude may occur and flood heights may be increased as a result of natural or manmade causes. Further, provisions of this chapter do not imply that areas outside the boundaries of areas of special flood hazard or that land uses permitted within the area of special flood hazard are free from flooding or flood damage.

B. The grant or approval by the city under the regulations as contained in this chapter shall not constitute a representation, guarantee, or warranty of any kind or nature by the city, or by any officer, board member or employee thereof, of the practicability or safety of any structure, building, or other proposed use; and shall create no liability upon or cause of action against such public body, officer, board member, or employee of the city for any damages, from flood or otherwise, that may result from such use.

Chapter 18.46

SITE DEVELOPMENT PLAN REQUIREMENTS AND PROCEDURES

Sections:

18.46.010 Purpose.

The purpose of this chapter is to provide procedural requirements for obtaining approval of a site development plan and a site work permit.

18.46.020 Applicability and restrictions.

A. The requirements of this chapter apply to category 2 development.
B. Site development plan approval is required for all category 2 development with the following exceptions:
   1. Tenant finishes that do not constitute a change in use.
   2. Routine building and site repairs and maintenance.
   3. Landscaping maintenance and modifications that do not result in the removal of trees, or the location or density of plantings, and that do not diminish compliance with established standards.
   4. Exterior building modifications that do not expand building square footage, change customer entrances, diminish the character of the property, create incompatibility with surrounding uses or appreciably modify site function.
   5. Circumstances appreciably similar to those specified above when the current planning manager determines that a site development plan would serve no useful purpose.
C. Site work permit. Unless otherwise provided in this chapter, no site work permit shall be issued unless the current planning manager has approved and issued a site development plan for the proposed development of the property. This provision shall not limit the city from issuing an early grading permit or other preliminary improvements when, in the judgment of the director of the affected department, the development review team and the current planning manager, it is appropriate to do so.
D. Application for building permit. Unless otherwise provided in this Code, no building permit application for category 2 development shall be accepted by the city unless a site development plan has been approved by the current planning manager, or early acceptance of said permit application is authorized by the development review team. The determination of the development review team shall be based upon whether the site development plan application being reviewed is in substantial compliance with city requirements and standard applicable codes.
E. Issuance of a building permit. No building permit shall be issued by the city until the site

development plan has been approved and issued by the current planning manager, the applicant has submitted all required final documents, the city engineer has approved and issued a site work permit, and all required public improvements related to the proposed development have been installed, or future installation has been financially secured, pursuant to the provisions of Chapter 16.40.

F. Simplified site development plan. As determined by the current planning manager in consultation with the development review team, a simplified site development plan may be submitted for review in association with a building permit application in lieu of the regular site development plan review process. The simplified site development plan review process is applicable to redeveloping properties where minimal or no additional utility or street improvements are required to serve the proposed development. Considerations in determining whether a simplified site development plan is appropriate include the following:
   1. Parking requirements can be met with minimal paving changes.
   2. The existing vehicle ingress and egress provisions are adequate.
   3. Exterior additions represent less than twenty percent of the existing floor area.
   4. Exterior site or building alterations do not substantially diminish or alter the character of property.
   5. Existing landscape area and landscape function is not substantially diminished.

G. Waiver of requirements.
   1. For development or redevelopment which proposes minimal landscaping adjustments, site improvements or exterior building improvements, the current planning manager, in consultation with the development review team, may waive the requirement for a site development plan.
   2. For development or redevelopment which proposes or requires minimal or no utility improvements the city engineer may waive the requirement for a site work permit.

18.46.030 Application and review procedures for site development plan.

Applications for a site development plan for category 2 development shall be submitted to the current planning division and reviewed by the development review team in accordance with the provisions of Chapter 18.39.

18.46.040 Approval of a site development plan.

A. If a site development plan is related to any other development application under review by the city, such as, but not limited to, annexation, zoning, rezoning, subdivision, amended plats, special review, or variance, the site development plan may be reviewed concurrently with such other applications, but shall not be approved until such applications have received final approval and applicable appeal procedures have been exhausted.

B. The current planning manager may approve or approve with conditions the site development plan application. Any approval shall be expressly for the property indicated in the application, and may be transferred to a future property owner, but may not be transferable to any other property.

C. Upon approval of the site development plan application, the current planning manager shall notify the applicant that the application has been approved, including all conditions that may be part of the approval. The current planning manager shall also notify the applicant of the type and number of all final documents necessary for the permanent file.

D. If the site development plan application is denied, the applicant may appeal the decision of the current planning manager to the planning commission, pursuant to the provisions of Chapter 18.80.

18.46.050 Effect of approval.

If all the property included in a site development plan is not substantially developed, improved, and used in compliance with said plan within thirty-six months from the date of approval of said plan, then the plan shall become null and void. In this context, substantially developed means that all approved building square footage is constructed and all site is improvements are installed and in compliance with the approved plan. Approval of a site development plan does not authorize commencement of any physical demolition, alteration, construction of improvements to land, buildings, streets, or utilities.

18.46.060 Phasing plan approval.

Upon submittal of a written request by the applicant prior to the expiration of a site development plan, the planning commission may approve a phasing plan that extends the validity period of a site development plan if at least fifty percent of the approved building square footage has been constructed prior to the expiration period. When considering a phasing plan, the planning commission may require a noticed public hearing and may place conditions on any phasing approval granted.

18.46.070 Amendment of an approved site development plan.

Amendment of a site development plan may be pursued with submittal of an application to the current planning division in accordance with the provisions set forth in this chapter. The current planning manager, in consultation with the development review team, may determine that review by the development review team would serve no practical purpose; in such instance, the current planning manager may approve, approve with conditions, or deny the application.

18.46.100 Application, review, and issuance of a site work permit.

A. Application. Upon approval of the site development plan, or upon approval of the development review team, the applicant may submit an application for the required site work permit. Applications for a site work permit shall be submitted to the current planning division and shall contain the information required in the applicable submittal checklist. The application shall be reviewed in a manner that is consistent with the provisions of Section 18.46.040 of this chapter; once the development review team determines the application is reviewable, the city engineer shall be responsible for administration of the remainder of the review, approval, and issuance process.

B. Pre-construction meeting. Upon the determination by the development review team that the application for a site work permit is complete, a pre-construction meeting with the applicant's construction team shall be scheduled by the city engineer. The pre-construction meeting may be waived if the city engineer determines that, based on the nature and scope of the proposed development application, the meeting would not serve a useful purpose.

C. Approval and issuance. Following the pre-construction meeting, and upon determination by the city engineer that it is appropriate to authorize commencement of construction on the site and any off-site areas that are part of the overall project, the city engineer shall issue the site work permit. Issuance of a site work permit shall authorize the commencement of construction of all improvements shown or described in the approved site development plan except as specified in Subsection D. below.

D. Limitation. Issuance of a site work permit does not authorize any demolition or construction of buildings, building foundations, or similar structures on the project site, unless a demolition permit for such work has also been approved and issued by the city building official. Construction of buildings, building foundations, and similar structures may commence only upon issuance of a partial or full building permit by the building official.

18.46.120 Amendments to a site work permit.

Upon approval of an amended site development plan, pursuant to Section 18.46.070, and if determined to be appropriate by the development review team, the applicant shall submit an application for an amended site work permit. The application shall be submitted and processed in accordance with the provisions set forth in this chapter.

Chapter 18.47

SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES

Sections:

18.47.005 Purpose.

The site development performance standards and guidelines provide site improvement standards primarily for commercial, industrial and multifamily development. These provisions are designed to promote quality design that results in a functional, safe and attractive environment.

18.47.010 Site development performance standards and guidelines adopted.

The "Site Development Performance Standards and Guidelines," dated October, 1989, were prepared by the city beautification board and the planning, engineering, building, and streets department, and are adopted.

18.47.020 Amendment.

The site development performance standards and guidelines may be amended from time-to-time by resolution of council.

18.47.030 Application.

The site development performance standards and guidelines shall apply to all uses permitted by right and by special review in this title unless expressly exempted and as provided in the Code.

18.47.040 Conflicts.

In the event of a conflict between a provision of the site development performance standards and guidelines and any other provision of this Code or any other applicable regulation, the more stringent provision shall apply.

Chapter 18.48

ACCESSORY BUILDINGS AND USES

Sections:

18.48.010 Purpose.

The purpose of this chapter is to define and specify allowances and restrictions for buildings and uses that are accessory or subordinate to the primary building or use located on the property.

18.48.015 Accessory buildings and uses defined.

A. An "accessory building and use" is a subordinate use of a building, other structure, or tract of land or a subordinate building or other structure:
   1. Which is clearly incidental to the use of the principal building;
   2. Which is customary in connection with the principal building, other structure or use of land; and
   3. Which is ordinarily located on the same lot with the principal building, other structure, or use of land.

B. Accessory buildings and uses may include, but are not limited to, the following:
   1. Home occupations;
   2. Horses and household pets;
   3. Signs;
   4. Fences, hedges and walls;
   5. Private greenhouses;
   6. Private swimming pools;
   7. Storage of merchandise in business and industrial districts as permitted by this Code;
   8. Fallout shelters;
   9. Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises, except that the cultivation and storage of medical marijuana grown for sale pursuant to the provisions of Article XVIII, Section 14 of the Colorado Constitution, whether at cost or for profit, shall not be considered as an accessory use under this Section 18.48.010 unless conducted as a home occupation in accordance with all applicable requirements of this Chapter 18.48, but nothing herein shall be construed as authorizing the operation of any business required to be licensed under the Colorado Medical Marijuana Code, which businesses are prohibited by Chapter 7.60;
   10. Detached garages;
   11. Private tennis courts;
   12. Off-street parking areas;
   13. Off-street loading areas in business and industrial districts;
   14. Collection and storage of recyclable materials by semipublic users at the location of their

primary activities, provided that such collection is of minor or intermittent nature, and that the collection and storage operation complies with the provisions of this title relating to recyclable materials; and

15. Satellite dishes for residential use.

C. Supplemental criteria for accessory buildings and uses include the following:
   1. Any permitted accessory building, structure or use which is defined as an unsightly area in Section 4.06 of the Site Development Performance Standards and Guidelines shall be screened in accordance with the provisions of that section.
   2. All other permitted accessory buildings, structures or uses which are conducted or operated in connection with a non-residential principal use must either be located or conducted at a distance from the front lot line which is equal to or greater than the front setback for the principal building or use with which it is connected, or be screened from view in compliance with Section 4.06.02 of the Site Development Performance Standards and Guidelines.
   3. Off-street parking area shall comply with the requirements of Section 4.07 the Site Development Performance Standards and Guidelines.
   4. Accessory uses which are approved as part of a special review site plan, and signs, shall be exempt from the requirements of Subsection 2. above.
   5. The following limitations and requirements shall be applied as normal guidelines to a detached garage or storage building in a residential zone district, in order for the garage to be determined to be incidental and customary.
      a. The garage shall not exceed nine hundred square feet in building footprint.
      b. The height of the roof eave shall not exceed ten feet above grade.
      c. The roof pitch shall be similar to the roof pitch on the principle dwelling.

18.48.020 Home occupations.

A. Purpose. The purpose of the provisions of this section is to insure that an occupation or business undertaken within a dwelling unit located in a residential zoning district is incidental to or secondary to the residential use and is compatible with the residential character of the neighborhood.

B. Intent. It is the intent of this section to permit only those home occupations that do not adversely affect the residential character and quality of the neighborhood and the premises on which the home occupation is located. It is the further intent of this section to limit the types of business that will be allowed as home occupations, because locating certain businesses within residential neighborhoods can have adverse effects upon the residential character and quality of the neighborhoods in which they are located.

C. Definitions. As used in this section:
   1. “Commercial vehicle” means a vehicle having a combined gross vehicle weight rating greater than twelve thousand pounds designed for transportation of commodities, merchandise, produce, freight, animals or passengers, and operated in conjunction with a home occupation.
   2. “Exterior activity” means storage, display, or work done in conjunction with the home occupation that does not take place within the confines of the structures on the premises.
   3. “Foodstuff” means a substance used or capable of being used as nutriment.
   4. “Home occupation” means any activity undertaken for monetary gain within or associated with any dwelling unit within the city’s corporate limits, and shall include, without limitation, a primary caregiver cultivating, storing, manufacturing and/or providing medical marijuana in any form for his or her patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. 25-1.5-106, whether at cost or for profit, provided the primary caregiver is not required to have a license under the Colorado Medical Marijuana Code.

5. "Major home occupation" means a home occupation complying with the requirements of Subsections D.1. and D.4.
6. "Minor home occupation" means a home occupation complying with the requirements of Subsections D.1. and D.3.
7. "Neighborhood" means property owners and tenants whose property, or any part thereof, is located;
    a. within three hundred feet of the boundary of the property on which the home occupation is proposed; and
    b. within a distance of six hundred feet measured along the street frontage in both directions, and on both sides of the street, from the boundary of said property on which the home occupation is proposed. Measurements for purposes of establishing the notice area set forth herein shall be in accordance with the examples in Figure A.
8. "Staff person" means a person who is employed in connection with a home occupation, and who works on the premises but does not reside on the premises.
9. "State licensed day-care facility" means a type of family care home in a place of residence which has been licensed with the state and provides care for not more than eight children under the age of sixteen years who are not related to the head of such home. This use shall be a major home occupation. This definition shall not apply to a group care facility as defined in Section 18.04.040, or to a day-care facility for greater than eight children, for which a special review is required.

D. Limitations on home occupations. The following limitations are designed to minimize the impact of home occupations upon the surrounding residential neighborhood:
1. General Requirements. The following standards apply to all home occupations except as modified in Subsections D.3. and D.4.:
    a. The home occupation shall be conducted entirely within the dwelling unit or associated accessory building, except for a state licensed family child care home.
    b. The person conducting the home occupation shall reside on the premises on which the business operates.
    c. The home occupation shall occupy not more than twenty-five percent of the combined total floor area of the dwelling unit and any accessory buildings, included but not limited to the basement, garage, and upper floors of the dwelling unit, except for a state licensed family child care home.
    d. There shall be no display, advertising, sign, exterior activity or exterior alteration of the home that would in any way indicate that the premises are being used for a home occupation, except that exterior activity may be allowed for outdoor playground activities in a state licensed family child care home.
    e. The home occupation shall not generate, in excess of levels customarily found in residential neighborhoods, any vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare which is noticeable at or beyond the property line of the premises upon which the home occupation is located.
    f. No additional off-street parking shall be created on the premises for the home occupation, except for bed and breakfast and boarding and rooming houses as a major home occupation.
    g. No clients, pupils, or staff person shall be on the premises between the hours of ten p.m. and seven a.m., except clients of boarding and rooming houses, bed and breakfast homes, and state licensed family child care homes.
    h. There shall be no deliveries to or from the premises with a vehicle longer than sixteen feet or rated over eight thousand gross vehicle weight (a standard United Parcel Service truck). Moving vans shall be permitted for the purpose of delivering or removing household or office furnishings.

i. No commercial vehicle shall be used in conjunction with a home occupation.
j. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail (U.S. Postal Service, United Parcel Service, and the like), or sales are transacted on the premises no more than one time per calendar month (e.g., Tupperware parties). Incidental sales of products shall be permitted (e.g., hair care products sold in conjunction with a beauty salon, or instructional books sold in conjunction with music lessons).
k. No chemicals or substances which are physical or health hazards as defined in the fire code as adopted by the city shall be used, sold or stored in conjunction with a home occupation.
l. The home occupation shall not result in an increase in the life safety hazard rating of the site or buildings on the site as defined in the building code as adopted by the city.
m. Any home occupation involving the preparation, sale or handling of foodstuffs shall be required to obtain approval from the Larimer County Health Department prior to commencing business. Proof of health department approval must be furnished to the city at the time a business occupancy permit is applied for.
n. The allowance of home occupations is not intended nor shall it be construed to abrogate or otherwise modify other zoning restrictions, subdivision restrictions or covenants, or other restrictions that may apply to the premises.
o. There shall not be more than one primary caregiver per dwelling unit cultivating, storing, manufacturing or providing medical marijuana in any form to his or her patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. 25-1.5-106, and the primary caregiver shall not have more than thirty medical marijuana plants being grown on the premises of the dwelling unit at any given time.

2. Prohibited home occupations. Certain business uses have a demonstrated tendency to cause impacts to a neighborhood that are detrimental to the character and value of residential properties, and have associated impacts upon the public health, safety, and welfare in residential areas. The following uses, regardless of whether they meet the performance standards, are not permitted as home occupations:
   a. Veterinary offices or clinics, animal hospitals or kennels;
   b. Equipment rental;
   c. Funeral chapels, mortuaries or funeral homes;
   d. Wedding chapels;
   e. Medical or dental clinics;
   f. Repair or painting of automobiles, motorcycles, trailers, boats and other vehicles;
   g. Repair of large appliances including stoves, refrigerators, washers and dryers;
   h. Repair of power equipment including lawn mowers, snow blowers, chain saws, string trimmers and the like;
   i. Restaurants;
   j. Welding or metal fabrication shops;
   k. Dispatching of vehicles to and from residential premises. This prohibition includes, but is not limited to taxi services, towing services, and the like; and
   l. The sale of firearms.
3. Minor home occupations. A use shall be classified as a minor home occupation and allowed without a business occupancy permit in all residential districts provided that the general provisions of Subsection D.1. and the following standards are met:
   a. There shall be no advertising, sign, exterior activity, or other indications of a home occupation on the premises except as follows:
      1. boarding and rooming houses and bed and breakfast homes may list the address of the home occupation in business or telephone directories; and

2. Properties within the North Cleveland Sub-Area, as defined in Section 18.16.110, shall be permitted one sign on North Cleveland Avenue subject to the standards in Section 18.50.090.

b. Only persons who reside on the premises shall be employed in the conduct of the home occupation.
c. Neither direct sale nor display of products is permitted, although a person may pick up an order previously placed by telephone or off the premises.
d. Business deliveries and business shipments, on the average, may not occur more than once per month, and deliveries and shipments shall occur only between the hours of eight a.m. and five p.m. Monday through Friday.
e. No more than one client or pupil shall be served at one time.
f. Boarding and rooming houses may rent rooms for residential purposes to not more than two persons per dwelling unit. Meals shall be served only to those who reside within the dwelling unit.
g. Bed and breakfast homes may rent not more than two rooms to guests. Meals shall be served only to those who reside within the dwelling unit and overnight guests.
h. Notwithstanding any other provision of this Section 18.48.020 to the contrary, a primary caregiver providing medical marijuana in any form to his or her patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. 25-1.5-106, shall not provide such medical marijuana to his or her patients in or on the premises of the primary caregiver's home, except for those patients whose residence is also the primary caregiver's home, but a primary caregiver shall only deliver medical marijuana to his or her patients off of the premises from which the primary caregiver conducts his or her minor home occupation.

4. Major home occupations. A use shall be classified as a major home occupation, and allowed by permit in all residential districts, provided that the general provisions of Subsection D.1. and the following standards are met:
   a. No more than one staff person shall be permitted. Construction contractors and similar businesses who have more than one employee may operate an office as a home occupation provided that only the staff person reports to the premises.
   b. Business deliveries and business shipments, on the average, may not occur more than once per week, and deliveries and shipments shall occur only between the hours of eight a.m. and five p.m. Monday through Friday.
   c. No more than one commercial vehicle shall be used in conjunction with the home occupation or parked on the premises.
   d. The addition of a secondary entrance to the home shall be the only permitted exterior alteration.
   e. No more than four persons at one time may avail themselves of the services provided by the home occupation, or more than twelve people during a twenty-four hour period. Barber and beauty shops shall have no more than two stations. State licensed family child care homes may provide care for the number of children authorized under the applicable State license.
   f. Boarding and rooming houses which rent rooms for residential purposes to more than two persons per dwelling unit are major home occupations. Meals shall be served only to those who reside within the dwelling unit. Parking shall be provided for the dwelling unit and for the use in accordance with Chapter 18.42. On-street parallel parking may be used to provide some or all of the required parking spaces. On-street parallel parking shall be located immediately adjacent to the property on which the use is located and shall not block any driveway. Any additional required parking spaces shall be located behind the dwelling unit. Parking lot design, access design, parking space dimensions, screening,

landscaping, and buffer yards shall be in accordance with Chapter 18.47.

g. Bed and breakfast homes which rent more than two rooms to guests are major home occupations. Meals shall be served only to those who reside within the dwelling unit and overnight guests. Parking shall be provided for the dwelling unit and for the use in accordance with Chapter 18.42. On-street parallel parking may be used to provide some or all of the required parking spaces. On-street parallel parking shall be located immediately adjacent to the property on which the use is located and shall not block any driveway. Any additional required parking spaces shall be located behind the dwelling unit. Parking lot design, access design, parking space dimensions, screening, landscaping and buffer yards shall be in accordance with Chapter 18.47.

h. Properties within the North Cleveland Sub-Area, as defined in Section 18.16.110, shall be permitted one sign on North Cleveland Avenue subject to the standards in Section 18.50.090.

E. Application procedure.

1. Any person wishing to establish a major home occupation within the city must obtain a business occupancy permit. The person desiring to obtain a business occupancy permit shall make an application for same with the city. The application shall be made on such forms as required by the city. There shall be a nonrefundable fee of twenty-five dollars for filing the application.
2. Within four days of the date of application with the city, the applicant shall mail a notice to all members of the neighborhood. The notice shall be in form approved by the city.

F. Review procedure.

1. The city shall have twelve days from the date of application to review and formulate written findings of whether or not the business occupancy permit should be granted.
2. Any member of the neighborhood shall have twelve days from the date of application within which to contact the city and request a neighborhood meeting.
3. At the conclusion of the neighborhood review period identified in paragraph 2 above, if no request for a neighborhood meeting is received, the director shall post a notice of intent to approve or deny a business occupancy permit at the planning office and the applicant shall mail such notice to members of the neighborhood. If the director finds that the business occupancy permit should be granted, the permit shall be issued to the applicant at the conclusion of the appeal period as stated in Subsection G. of this section.
4. If a request for a neighborhood meeting is received, the applicant shall be notified that a neighborhood meeting is required. The applicant shall be responsible for scheduling the neighborhood meeting with the city and for sending a notice to all members of the neighborhood. The notice shall be in a form approved by the city and shall be mailed a minimum of twelve days in advance of the scheduled neighborhood meeting.
5. The purpose for the neighborhood meeting shall be to inform the neighborhood about the nature of the home occupation and to reach agreement between the applicant, the neighborhood and the city regarding whether the home occupation meets the criteria for granting a business occupancy permit and is compatible with the character of the neighborhood. The applicant, the neighborhood and the city may also agree upon additional conditions of approval.
6. If agreement is reached at the neighborhood meeting between the applicant, the neighborhood and the city, the director shall post a notice of intent to issue a business occupancy permit at the planning office and mail said notice to members of the neighborhood and council. The notice shall be posted and mailed during the next working day following the neighborhood meeting. The permit shall be issued to the applicant at the conclusion of the appeal period as stated in Subsection G.
7.

G. Appeal.
   1. Appeal of director's decision. Any applicant or member of the neighborhood may appeal a final decision of the director regarding the granting or denial of a business occupancy permit so long as the appeal is filed with the city within ten days of the date that a notice of intent to issue a business occupancy permit was mailed by the director, or the permit was denied. Upon the filing of an appeal, the permit application shall be suspended pending conclusion of the appeal process. Appeals shall be conducted by the planning commission in accordance with Chapter 18.80. The applicant shall be notified of the appeal, and shall be responsible for sending a notice to the members of the neighborhood. The notice shall be in a form approved by the city and shall be mailed a minimum of fifteen days in advance of the scheduled public hearing.
   2. Planning commission consideration. At the appeal hearing, the planning commission shall follow the procedures set forth in Chapter 18.80, and shall consider the application, the findings and determinations of staff, and take public testimony regarding the proposed home occupation. The planning commission shall review the application for compliance with the provisions of this Code and other adopted regulations, the compatibility of the application with the character of the surrounding neighborhood and adverse influences that might result from approval of the application. The planning commission may either approve, approve with modifications or conditions or deny the application. The planning commission's final decision may be appealed to council in accordance with Chapter 18.80.

H. Permit.
   1. All applications for a business occupancy permit shall include a list of the names and addresses of all the property owners and tenants who were mailed a notice and an affidavit which certifies that the property owners and tenants on the list have been notified at each step in the review process.
   2. Prior to the issuance of the business occupancy permit, the applicant shall certify that he or she will operate the home occupation in conformity with the provisions of this title and any conditions agreed upon at the neighborhood and council meetings, if applicable.
   3. Once issued, said permit shall apply only to the applicant, occupation and premises stated in the application. The permit is nontransferable and nonassignable and shall remain in full force and effect unless revoked pursuant to Subsection J of this section. Said permit shall also be deemed to be automatically revoked when the applicant ceases engaging in the home occupation at the approved premises for ninety consecutive days or longer.

I. Revocation of permit and appeal. A business occupancy permit may be revoked by the director if the director finds that the home occupation no longer conforms to the provisions of this section or the conditions of approval of the business occupancy permit. A business occupancy permit may also be revoked upon a determination by the city that the mailing list was faulty or the applicant failed to follow the application, review and appeal process. Notification to the applicant shall include findings in support of the revocation and the applicant's rights of appeal. The written notification of revocation shall be mailed to the last known address of the permit holder. The date of the mailing shall be the date of notification. The business occupancy permit holder may appeal the director's final decision to the planning commission in accordance with Chapter 18.80.

J. Enforcement. It is unlawful for any person to operate a home occupation that does not conform to the provisions of this section. It shall also be unlawful for any person to operate a home occupation that does not conform to the conditions of approval as stated on the business occupancy permit.

18.48.050 Swimming pools.

Swimming pools may be located in any zoning district as an accessory use provided that such pools

are situated on a lot, tract, or parcel in a manner which is not detrimental to the health, safety and welfare of the users of the

A. pool or the adjacent property owners.

B. All swimming pools shall have safety features that prevent unwanted access to the pool as determined by the chief building official. Access may be controlled by completely enclosing the pool with a minimum of a four-foot high fence, or elevating the pool at least four feet above the ground level, or by installing an automated pool cover, or by use of other safety features.

C. Gates, ladders, or entrances to the swimming pool area shall be designed to prevent people gaining access to the pool area without the owner's consent.

18.48.060 Accessory dwelling unit.

A. An accessory dwelling unit, where permitted, must meet the following conditions:
   1. It must be on the same lot, either attached or detached with another single-family dwelling unit;
   2. It must have a minimum of five hundred square feet and cannot exceed seven hundred fifty square feet of floor area;
   3. It must have its own cooking and bathing facilities;
   4. Electric, water and sewer service must be from the single-family dwelling unit on the property. There shall not be separate utilities to the accessory unit;
   5. It must be of the same architectural style, materials and colors as the principal single-family dwelling so as to be architecturally compatible;
   6. No portion of an accessory unit shall be located nearer the front lot line than the principal single-family dwelling unit;
   7. It must meet all of the setback requirements within the zoning district in which it is located;
   8. The minimum required lot size is ten thousand square feet except if approved through special review;
   9. There can only be one accessory dwelling unit permitted per lot;
   10. Within the R1 zoning district, no accessory dwelling unit shall be located within five hundred feet of another accessory dwelling unit;
   11. The maximum number of accessory dwelling unit permits which can be issued during any calendar year shall be limited to one percent of the total number of dwelling units within the city limits as determined by the current planning manager;
   12. There shall be no off-street parking required where the street width is twenty-eight feet or greater; and
   13. To qualify as an accessory unit under this section, one of the units on the property must continue to be occupied by the owner of the property as defined in the residential occupancy definition in this title;

18.48.070 Fences, hedges, and walls.

It is the purpose of the provisions of this section to establish requirements for the height, location, materials, and maintenance of fences, hedges, or walls which will promote the health, safety, and welfare of the community. Fences, hedges, and walls shall be required to comply with the following standards and requirements:

A. General standards and requirements.
   1. The height of a fence, hedge or wall shall be measured as follows:
      a. the height of a fence, hedge, or wall shall be the greatest vertical difference in elevation between the top of the fence, hedge, or wall, and the lowest point of approved grade located perpendicular to and within five feet on either side of the fence, hedge or wall.
      b. when a fence or wall is located on sloping ground with the top constructed in more or less horizontal fashion and not-parallel with the slope, the height shall be measured at the

mid-point of each fence section.

c. the maximum height of a fence or wall shall not include the support posts or ornamental features included in the construction, provided that the overall construction of such posts and ornamental features does not exceed the limitations describing a limited solid material fence or wall as set forth in Section 18.48.070A.2., below, and that no posts or ornamental features extend more than one foot above the top of fence or top of wall.

2. All fences and walls which have a ratio of solid material to open space of not more than one to four shall be considered limited solid material fences, and walls.
3. All fences and walls which have a ratio of solid material to open space of more than one to four shall be considered solid material fences, and walls.
4. All fences and walls must be located within the boundary lines of the property owned by the person or persons who construct and maintain them, unless expressly approved otherwise in writing by the city.
5. No barbed wire or other sharp-pointed fences and no electrically charged fences shall be installed on any property, except in the Be, B, F and I districts. Before such fences are constructed, they must be approved by the planning division as to their safety and compliance with the laws of the state.
6. All fences, hedges and walls shall be maintained in good condition at all times. All fences and walls shall be neatly finished and repaired, including all parts and supports.
7. No fence or wall may be constructed in a manner or location which will interfere with natural surface water run-off or which will result in a negative impact to any adjacent property by natural surface run-off. All fences and walls must be constructed in a manner that is in harmony with city drainage requirements and standards and in compliance with any approved drainage plans on file with the city for the property upon which the fence or wall is constructed.
8. It shall be unlawful for any person to place, allow or be placed, or allow to remain on any lot, tract or parcel of land which is either owned or otherwise legally controlled by them a fence, hedge or wall that creates an unsafe or dangerous obstruction or condition, or that obstructs reasonable access to utility or drainage equipment, structures, or facilities located within a dedicated easement or right-of-way, by utility providers, agencies, corporations, or businesses and their designated representatives who are entitled to gain access to such equipment, structures, or facilities.

B. Height, location standards, and requirements. The maximum height of all fences and walls shall be six feet, three inches, except as hereafter provided:
   1. Fences, and walls around tennis, squash racquet, squash tennis or badminton courts and publicly owned recreation areas may exceed six feet in height, provided, that the same are limited solid material fences, and walls.
   2. Limited solid material fences, and walls located in front yard areas, except publicly owned recreation areas, shall have a maximum height of four feet unless the same are set back fifteen feet from the front property line.
   3. Solid material fences, and walls located in front yard areas shall have a maximum height of three feet unless the same are set back fifteen feet from the front property line.
   4. When a fence, or wall is located in a side or rear yard abutting a street, lot, tract or parcel of land, said fence, or wall may be located upon the property line, provided that it meets the requirements set forth in Subsection B.5. (sight distance triangles).
   5. A sight distance triangle shall be provided at the intersection of any vehicular access point into a public or private right-of-way, which is a through street or alley, and at the intersection of street rights-of-way or alley rights-of-way, except as provided in this section. A sight distance triangle shall not be applicable at intersections at which all vehicle movements are controlled by traffic signals or stop signs. The sight distance triangle shall be provided both

to the left and right of all access(es) for street and alley intersection(s) where a sight distance triangle is applicable.

a. A sight distance triangle shall be measured and applied as specified in the site development performance standards and guidelines. Such measurements and applications of the sight distance triangle may be modified at specific intersections and vehicular access points, due to extenuating site conditions, so long as the city's traffic engineer determines that the safe movement of motor vehicle, bicycle, and pedestrian traffic will not be negatively affected by such modification.
b. No solid material fence, wall over two feet in height, tree, hedge, vegetation, or other obstruction, as measured from the top of the curb, located within a sight triangle, shall unreasonable interfere with the safe movement of motor vehicle, bicycle, or pedestrian traffic.
c. Upon a determination by the city traffic engineer that any such obstruction unreasonably interferes with the safe movement of motor vehicle, bicycle, or pedestrian traffic, the city shall notify in writing the owner(s) of the property on which the obstruction is located that such obstruction shall be removed within fifteen business days. In the event the property owner(s) fails to adequately remove the obstruction within the fifteen day period, the city shall have the right to begin enforcement proceedings against the owner(s).
d. There shall be a rebuttable presumption that any obstruction within a sight distance triangle does not unreasonably interfere with the safe movement of motor vehicle, bicycle, or pedestrian traffic where motor vehicles are authorized to park within the sight distance triangle on the street immediately adjacent to the applicable sight distance triangle.

6. In the I and F districts, fences and walls in the rear and side yards may be eight feet in height, provided there is no obstruction of the required sight distance triangle stipulated in Subsection B.5. above.

C. Definitions. As used in this section:

1. “Approved grade” means the elevation of the ground, or any paving or sidewalk built upon it, which has been established on the basis of an engineered grading and drainage plan for the property that has been reviewed and approved by the city for the property. When no engineered grading and drainage plan is on file with the city, an established historic grade may be accepted in-lieu-of the engineered plan, based on general information available, including, when appropriate, a site inspection of the property by the city before the fence, hedge or wall is constructed. In making a determination regarding historic grade, the city may, when deemed necessary, require submission of current surveyed elevations of the property and other nearby properties; or may require that an engineered grading and drainage plan be submitted by the owner or occupant of the property.
2. “Fence section” means a portion or panel of fence construction, normally consisting of pickets, planks or metal fabric attached to horizontal rails, and which is attached or constructed, in more or less regular sequential intervals, to supporting vertical posts; in determining what constitutes a fence section, the normal guideline shall be sequential sections of fence which are eight feet in length.
3. “Hedge” means several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus forming more or less a barrier or enclosure.
4. “Top of fence/top of wall” means the uppermost point on the edge or surface of a fence or wall, but not including support posts or architectural features as described in Section 18.48.070A.1.d.

5. “Top of hedge” means the highest point on the uppermost branches or stems of a hedge above which only leaves or needles naturally grow.

18.48.080 Model homes and sales offices.

A. Model homes and sales offices shall be allowed as an accessory use to a residential subdivision so long as the provisions of this chapter are met.
B. Each subdivision shall be allowed one model home for each unit type or style offered for sale within the subdivision.
C. Each subdivision shall be allowed one sales office for purposes of sale of lots or dwelling units within the subdivision, so long as the sales office is located within a model home or temporary structure whose location is approved by the planning division.
D. Each model home or sales office shall obtain a type 1 planning application approval prior to occupancy of the structure.
E. The use of a residential structure for a model home or sales office shall cease upon sale of all residential units or lots located within the boundaries of the subdivision.
    a. Upon termination of use of the model home or sales office for the subdivision, the unit shall be restored for residential use, including, but not limited to, restoration of the garage for auto storage and installation of a driveway.

18.48.090 Satellite dishes.

A. Satellite dishes for residential use may be located in any zoning district as an accessory use to any legally established residential use of the property.
B. Each property shall be limited to one satellite dish per dwelling unit.
C. Every such dish shall be located in the space between the residential structure, the minimum rear yard for accessory buildings, and lines drawn perpendicularly from the point of the building nearest the side lot lines to the rear lot lines; provided that in no event shall such dish be located any nearer to a side lot line than the required width of a side yard in the zoning district.
D. All satellite dishes for residential use shall be constructed or painted in a manner that is compatible with or blends with the surroundings. No advertising shall be allowed on satellite dishes for residential use.

18.48.100 Storage, repair, and parking of vehicles as accessory use in residentially zoned area.

A. It is the purpose of the provisions of this section to establish requirements for the storage, repair and parking of vehicles as accessory uses in residentially zoned areas of the city, which requirements will promote the health, safety and welfare of the community. It is unlawful for any person who owns, rents, or occupies any lot, tract or parcel of land to use or allow to be used such land in a manner inconsistent with the provisions of this section.
B. Definitions. As used in this section:
    1. “Collector's vehicle” means a motor vehicle currently and validly registered and licensed as such with the state pursuant to the provisions of C.R.S. 42-12-401, *et seq.*, and includes a parts car as defined by said statute even if such car is not registered and licensed.
    2. “Registered vehicle” means a motor vehicle which is currently and validly registered and licensed pursuant to the laws of the state for operation on public roadways by the state of Colorado, whether such vehicle is actually operated or not. “Registered vehicle” does not include a “collector's vehicle” as defined herein.
    3. “Residentially zoned area” means the property within any of the following zoning districts: R1e, R1, R2, R3e, R3 residential planned unit development, or any other area used for residential purposes.
    4. “Unenclosed area” means an area which is outside of the confines of a building with walls and roof which totally screens the contents of the building from the outside.

5. “Unregistered vehicle” means a motor vehicle or portion thereof which is not currently and validly registered and licensed with the state for operation on public roadways by the state, whether such vehicle is actually operated or not. “Unregistered vehicle” does not include a parts car as described in the definition of “collector's vehicle.”

C. Collection, storage, and parking of an unregistered vehicle. The provisions of Section 18.48.010 notwithstanding, the collection or storage of an unregistered vehicle on any lot, tract or parcel of land located within a residentially zoned area shall be considered a permitted accessory use only providing each of the following conditions are met:
   1. the collection, storage or parking area is maintained in such a manner that it does not constitute a health, safety or fire hazard;
   2. the collection, storage or parking area is kept free of weeds, trash and accumulations of waste;
   3. the unregistered vehicle is completely enclosed, screened from public and private off-lot view, or covered with a securely fastened tarp; and
   4. not more than one unregistered vehicle is collected, stored or parked on any lot, tract or parcel.

D. Storage of collector's vehicle. One or more collector's vehicles and parts cars for collector's vehicles may be stored upon a lot, tract or parcel of land located within a residentially zoned area as a permitted accessory use only providing each of the following conditions are met:
   1. each collector's vehicle and any parts cars for the collector's vehicle is maintained in such a manner that it does not constitute a health, safety, or fire hazard, either individually or collectively;
   2. the outdoor storage area is maintained in such a manner that it does not constitute a health, safety or fire hazard;
   3. the outdoor storage area is kept free of weeds, trash, and other objectionable items;
   4. each collector's vehicle and any parts care for the collector's vehicle is totally screened from ordinary public view by means of a solid fence, trees, shrubbery, or securely fastened tarp; and
   5. the registered owner of each collector's vehicle is also the owner or a resident of the lot, tract, or parcel upon which said vehicle is stored.

E. Repair of vehicles. The provisions of Section 18.48.010 notwithstanding, the repair, maintenance, restoration or rebuilding of a registered or unregistered vehicle on an unenclosed area of a lot, tract, or parcel of land located within a residentially zoned area shall be considered a permitted accessory use only providing each of the following conditions are met:
   1. the owner of the vehicle is either the owner or resident of the lot, tract or parcel upon which the vehicle is being repaired, maintained, restored, or rebuilt;
   2. not more than one vehicle is being repaired, maintained, restored, or rebuilt on any one lot, tract, or parcel at any given time; and
   3. if the vehicle being repaired, maintained, restored, or rebuilt is an unregistered vehicle, then no other unregistered vehicle is being collected, stored, or parked on the lot, tract, or parcel.

Chapter 18.50

SIGNS

Sections:

18.50.010 Purpose.

The purpose of this chapter is to promote and protect the public health, safety and welfare which includes traffic safety and the public's right to an aesthetic environment by regulating existing and proposed signs of all types within the city in order to assure that:

A. For the public convenience, businesses, services and activities have the right to identify themselves by using signs;
B. Signs enhance the economic, cultural and social viability of the community;
C. Signs are legible in the circumstances in which they are seen;
D. Signs are expressive of the identity of individual properties or of the community as a whole;
E. Signs are well designed and compatible with their surroundings and with the uses to which they are an accessory;
F. Signs preserve and enhance property values in the community;
G. Hazardous and unsafe sign conditions are eliminated;
H. There is a reasonable balance between the right of individuals to identify their own businesses and the right of the public to be protected from the unrestricted proliferation of signs; and
I. Signs are compatible with adjacent land uses and the total visual environment of the community.

18.50.020 Definitions.

As used in this chapter:

"Animated or flashing sign" means any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement by use of lighting, including blinking, chasing, scrolling or other animation effects, or signs which exhibit intermittent or sequential flashing of natural or artificial light or color effects.

"Awning" means a framed exterior architectural feature which is attached to and supported from the wall of a building and/or held up by its own supports, and which is covered with canvas, fabric, or other similar material as its primary surface, and which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property, or buildings.

"Awning sign" means a sign that is painted on or otherwise attached to an awning that is otherwise permitted by ordinance.

"Balloon" means an airtight bag or membrane which is inflated with air or a lighter than air gas typically intended to rise or float above the ground.

"Banner" means a sign which is constructed of cloth, canvas, or other type of natural or man-made fabric, or other similar light material which can be easily folded or rolled, but not including paper or cardboard.

"Billboard, bench sign" or "off-premises sign" means a sign which directs attention to a business, product, service or entertainment conducted, sold or offered at a location other than on the premises on which the sign is located, but shall not include bus stop signs.

"Building frontage" means the side of the building which aligns with a street or parking lot.

"Building mounted sign" means any permanent sign fastened to or painted on any part of a building or structure in such a manner that the building is the supporting structure for or forms the background surface for the sign, including, but not limited to, wall signs, projecting signs, awning signs, and roof signs.

"Bus signs" means signs placed upon transit buses owned or operated by, or on behalf of the city pursuant to a written agreement with the city which sets forth the regulations for the size, content, placement, design and materials used for such signs. Bus signs shall not be considered "portable signs" as defined in Subsection P.1. of this section.

"Bus stop signs" means signs located on benches or shelters placed in the public rights-of-way or in private property adjacent to public rights-of-way at a bus stop pursuant to a written agreement with the city which sets forth the regulations for the size, content, placement, design and materials used in the construction of said signs, benches and shelters.

"Business" means an activity concerned with the supplying and distribution of goods and services.

"Business premises" means the land, site, or lot at which, or from which, a business is principally conducted, including off-street satellite parking areas or vehicle storage areas which are approved by the City as an accessory use for the business.

"Business vehicle identification sign" means a sign which is permanently mounted or otherwise permanently affixed to a vehicle, trailer or semi-trailer and which identifies the business, products or services with which the vehicle, trailer or semi-trailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. Bumper stickers and similar size adhesive decals shall not be considered business vehicle identification signs.

"Canopy" means a framed accessory structure or exterior architectural feature which is attached to and supported from a wall or held up by its own supports, which provides shelter from the elements to persons, vehicles, or property.

"Canopy sign" means a wall sign that is located on the roof, fascia, soffit, or ceiling of a canopy, and that is otherwise permitted by ordinance.

"Changeable copy sign" means a sign which displays words, lines, logos or symbols which can change to provide different information. Changeable copy signs include computer signs, reader boards

with changeable letters and time and temperature units.

"Commemorative or memorial sign" means a sign, tablet or plaque commemorating or memorializing a person, event, structure or site.

"Construction sign" means a temporary sign erected on the premises on which construction, alteration or repair is taking place, during the period of active continuous construction, displaying the name and other relevant information about the project, and may include the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

"Dissolve" means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

"Election sign" means a non-illuminated sign relating to a candidate, issue, proposition, or other matter to be voted upon by the electors of the city.

"Electronic Message Sign" means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

"Fade" means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases intensity to the point of legibility.

"Flying banner" means a type of temporary sign consisting of cloth, bunting, canvas or similar fabric, attached to a single vertical staff support structure with distinctive colors, patterns or symbolic logos for display.

"Freestanding sign" means any non-movable sign not affixed to a building, and is not a portable sign.

"Governmental sign" means a sign erected and maintained by or on behalf of the United States, the state, the county or the city for the purpose of regulating traffic or for civic purposes.

"Hazardous sign" means a sign which by reason of inadequate maintenance, dilapidation, or obsolescence creates a hazard to public health, safety or welfare.

"Historic sign" means a sign which has been designated as historic as provided in Subsection D of Section 18.50.150.

"Holiday decoration sign" means a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local or religious holidays and contains no commercial message.

"Horizontal Profile" means a sign profile where the width of the sign is a minimum of 50% greater than the height of the sign.

"Identification sign" means a sign giving only the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment.

"Illegal sign" means any sign which was erected without a sign permit in violation of any of the ordinances of the city governing the same at the time of its erection and which sign has not been in conformance with such ordinances, including this Code, and which shall include signs which are posted, nailed or otherwise fastened or attached to or painted upon structures, utility poles, trees, fences or other signs.

"Indirect lighting" means a source of external illumination of any sign.

"Information Sign" means a sign which directs or regulates pedestrians or vehicle traffic within private property and includes information of a general directive or informational nature such as no parking, disabled parking, loading area, self-service, and rest rooms; which bears no advertising matter,

and does not exceed two square feet of sign area per face.

"Joint identification sign" means a sign which serves as a common or collective identification for two or more uses on the same premises.

"Leading edge" means the point of a sign, including the sign support structure, closest to the public right-of-way.

"Legal nonconforming sign" means any sign for which a sign permit was issued and said sign was lawfully erected and maintained prior to the enactment of this chapter and any amendments thereto and which does not conform to all the applicable regulations and restrictions of this Code and any amendments thereto.

"Light bulbs" means incandescent bulbs used on a business or commercial premise and not a residential premise. This does not include holiday decorative lights.

"Logo" means, for the purposes of this chapter only, a symbol, image, insignia, word, word abbreviation, or initials which is designed for easy recognition, and which represents or identifies in graphic form, a nation or organization of nations, states or cities, or fraternal, religious and civic organizations or any educational institutions, irrespective of whether they are made of permanent, semi-permanent, or temporary materials.

"Menu board sign" means a wall or freestanding sign which lists the foods or other products available at drive-through facilities.

"Module" means a self-contained message component which is an integral part of a sign.

"Multi-tenant center" means one or more buildings, located on a single premise, containing two or more separate and distinct businesses or activities which occupy separate portions of the building with separate points of entrance, and which are physically separated from each other by walls, partitions, floors or ceilings.

"Nameplate sign" means a sign, located on the premises, giving only the name or address, or both, of the owner or occupant of a building or premises.

"Nonbacked or individual letter sign" means a wall sign consisting of individual letters, script or symbols without background other than a wall of a building or other structure.

"Noncommercial sign" means a sign which has no commercial content.

"Off-premises Sign." See "Billboard, bench sign."

"Pennant" means a type of temporary sign consisting of fabric, plastic, or metal strand drapery with distinctive colors, patterns, symbolic logos, or a series of narrow tapering flags for display.

"Portable sign" means a sign that is designed to be easily transportable, including but not limited to signs designed to be displayed while mounted or affixed to the trailer by which it is transported, or with wheels remaining otherwise attached during display; signs mounted on transportable frames with wheels removed; signs attached or affixed to a chassis or other moveable support constructed without wheels; signs designed as, or converted to, A-frame or T-frame signs; signs attached temporarily to the ground, a structure, or other signs; signs mounted on a vehicle and visible from the public right-of-way, including business vehicle identification signs; sandwich boards; and hot air or gas filled balloons which are not designed or approved for navigable flight.

"Premises" means an area of land occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

"Private sale or event sign" means a sign advertising a private sale of personal property such as a house sale, garage sale, rummage sale and the like.

"Project marketing sign" means a sign that is placed at one or more key locations within a project, which identifies the project and offers for sale, as part of the original marketing of the project, the lots, tracts, structures or units within the project.

"Projecting sign" means a sign that is wholly or partly dependent upon a building for support and which projects horizontally more than fifteen inches from such building.

"Real estate model home sign" means a sign identifying a model home and/or a temporary real

estate sales office.

"Real estate open house sign" means a sign indicating that a building or portion of a building is available for inspection by prospective buyers or renters.

"Real estate sign" means a sign indicating only the availability for sale, rent or lease of a specific parcel, building or portion of a building and name, address and telephone number of owner or listing of real estate broker.

"Residential, commercial and industrial development identification sign" means a sign identifying only the name of a residential, commercial or industrial complex.

"Residential premise" means a lot or parcel of land containing a home or building used for dwelling purposes provided that the land is zoned for such use.

"Residential zoning district" means a property having one of the following Title 18 zoning designations: ER, R1e, R1, R2, R3e, R3 or a property zoned PUD where the property is designated exclusively for residential use by an approved site specific development plan.

"Roof sign" means a sign any portion of which projects above the top of the wall of a building, or is mounted on the roof of a building.

"Searchlight." See "Animated or flashing sign."

"Sign" means any object, device, or structure, or part thereof, situated outdoors or indoors, which is visible beyond the boundaries of the premises upon which it is located, and which advertises, identifies, directs or attracts the attention of the public to a business, institution, product, organization, event or location by any means, including, but not limited to, words, letters, graphics, fixtures, symbols, colors, motion, illumination and projected images.

"Sign face" means the area of a sign upon or through which the message is displayed.

"Sign structure" means and includes all supports, braces or other framework of a sign.

"Signable wall" means a wall of a building which is visible from a street, parking area or other public or private way.

"Street frontage" means a property line which abuts a public right-of-way that provides public access to or visibility to the premises.

"Temporary construction fence sign" means a temporary sign affixed to or incorporated into a construction fence for displaying advertisements, messages, logos, illustrations, and graphics related only to the associated property under construction.

"Temporary event sign" means a temporary sign advertising a community event sponsored by a governmental entity or not-for-profit entity that is limited only to one type of temporary sign that may include either a banner, balloon, flying banner, pennant, or valance.

"Temporary sign" means a sign which, due to the materials used; the method, manner or location of display; or the method of operation for display; is suited only for occasional, seasonal, or special event display, including, but not limited to, those signs regulated under Section 18.50.070.

"Top of wall" means the uppermost point of the vertical exterior surface of a building wall, excluding parapet wall in which case the top of wall shall be the top of the parapet wall or three feet above the roof, whichever is less.

"Valance" shall have the same definition as a pennant.

"Vehicular Sign." See "Portable sign."

"Wall sign" means a sign fastened to or painted on a wall of a building or structure in such a manner that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than fifteen inches from such building or structure.

"Window sign" means a sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise in a window display.

18.50.030 General sign regulations in all zones.

A. Applies to all signs. The provisions in this chapter shall apply to all signs, except governmental

signs and bus stop signs, but including signs not requiring a permit.

B. Right-of-way. No sign shall be allowed in any public right-of-way except for projecting and wall signs which meet all the requirements under Section 18.50.100.

C. Location. No sign shall be located on any premises other than the premise on which the use to which the sign applies is located except for election signs, real estate open house signs and works of art which are otherwise in compliance with the provisions of this chapter.

D. Sight distance triangle. All signs located within the sight distance triangle as specified and illustrated in Section 3.03 of the Site Development Performance Standards and Guidelines shall be of pole construction with a twelve-inch maximum diameter of a pole, and a minimum distance from grade to the bottom of the sign of ten feet.

E. Unimpaired traffic visibility. No sign shall be located to impair traffic visibility or the health, safety and welfare of the public. The direct or reflected light illuminating any sign shall not create a traffic hazard or otherwise be detrimental to public health, safety and welfare.

F. More restrictive conditions may apply for uses by special review. For uses subject to special review pursuant to Chapter 18.40, the city may apply conditions on signs which are more restrictive than this chapter. However, in the approval of a use by special review, the provisions of this chapter shall be met and any request for deviation from the provisions as contained in this chapter shall be required to go through the variance process as specified in Chapter 18.60.

18.50.040 Measurement of sign dimensions in all zones.

A. Sign area (face) measurement. The sign area (face) shall be measured by including within a single continuous rectilinear perimeter of not more than eight straight lines which enclose the extreme limits of writing, representation, lines, emblems, or figures contained within all modules together with any air space, materials or colors forming an integral part or background of the display or materials used to differentiate such sign from the structure against which the sign is placed. Architectural features, structural supports and landscape elements shall not be included within the sign area. For the purpose of determining sign area and the allowable number of wall signs, a module, word, logo, or similar media of communication, which by itself identifies a product, manufacturer, business, or service, or conveys a complete thought or message, constitutes a sign, and the surface area between such signs is not considered to be an integrated part of the sign.

B. Freestanding base measurement. The sign area of a freestanding sign shall include, in addition to the sign face area, any portion of the freestanding sign structure which exceeds one and one-half times the area of the sign face. The base shall be any structural component of the sign, including raised landscape planter boxes.

C. All sign faces counted. All sign faces shall be counted and considered part of the maximum total sign area allowance.

D. Freestanding sign setback measurement. The required setback for freestanding signs shall be the distance between the sign's leading edge and the closest ultimate face of curb or edge of pavement.

E. Sign height measurement. The height of a sign is the vertical distance measured from either the elevation of the nearest public or private sidewalk within twenty-five feet of the sign, to the upper most point of the sign structure, including architectural appendages, or from the lowest grade within twenty-five feet of the sign to the upper most point of the sign structure, including architectural appendages, whichever is lower.

F. Awning sign measurement. All writing, representations, emblems, or figures forming an integral part of a display used to identify, direct, or attract the attention of the public shall be considered to be a sign for purposes of measurement.

18.50.050 Signs not subject to permit – Exempt signs.

There is community interest in allowing certain types of signs to be erected without a permit. Due to their temporary nature and limited aesthetic impact, the following signs may be erected without a sign permit so long as they meet all applicable standards of this chapter, and construction and safety standards of the city:

A. Business vehicle identification signs.
B. Commemorative signs which do not exceed a total of two square feet. Only one commemorative sign per premises shall be exempt.
C. Construction signs. One construction sign per street frontage per premises that does not exceed sixteen square feet in residential zoning districts or thirty-two square feet in nonresidential zoning districts.
D. Election signs. Any number of election signs are allowed on property in a residential district, provided such signs do not exceed four square feet in area per face. Any number of election signs are allowed on property in a nonresidential or mixed-use district, including property designated for non-residential use or mixed use in the PUD district, provided such signs do not exceed thirty-two square feet in area per face. Election signs may be displayed a maximum of ninety days prior to the applicable election and must be removed within ten days after the applicable election.
E. Flags:
    1. Flags of the United States;
    2. Flags and insignias of the state, the city, Larimer County, governmental agencies, and nonprofit organizations exempt from federal tax, when displayed on premise, and where no single side exceeds forty-eight square feet in area;
    3. Except as provided in Section 18.50.050E.4., no more than three flags shall be exempt for each premise. Any additional flag shall be subject to a sign permit and the square footage shall be included in the sign area measurement for a freestanding sign.
    4. Upon written request, the current planning manager may authorize additional flags on a premise provided that the flags are not used as a sign, as defined in this chapter, and are compatible within the context of the premise and the surrounding neighborhood. Any final decision of the current planning manager may be appealed to the planning commission in accordance with Chapter 18.80.
F. Holiday decoration signs.
G. Information signs.
H. Logos, provided they are not used in connection with a commercial promotion or as an advertising device.
I. Nameplate signs that do not exceed a total of two square feet in area. Only one name plate sign per street frontage shall be exempt.
J. Noncommercial signs that do not exceed one per premises and are not more than six square feet of sign area per face and six feet in height.
K. Private sale signs. One on-premises private sale sign per street frontage that does not exceed four square feet per face. Private sale signs shall be displayed only during the sale or event specified.
L. Real estate signs. One real estate sign is permitted per street frontage on the property being advertised. Real estate signs in residentially zoned districts shall not exceed eight square feet of sign area per face and six feet in height, except signs on vacant residentially zoned lots shall not exceed sixteen square feet of sign per face and six feet in height. Real estate signs in non-residentially zoned districts shall not exceed thirty-two square feet of sign area per face and seven feet in height. All surfaces incorporated into the sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.
M. Real estate model home signs. One real estate model home sign and a maximum of two flying banners are permitted per street frontage of the premise on which a model home or a temporary

real estate sales office is located. Real estate model home signs shall not exceed thirty-two square feet of sign area per face; free-standing real estate model home signs are limited to six feet in height and wall mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. Flying banners shall not exceed a dimension of four feet in width, thirteen feet in height and twenty-five square feet in total size. All surfaces incorporated into a real estate model home sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

N. Real estate open house signs. A maximum of six real estate open house signs are allowed for an open house event and such signs shall be displayed only on the day of the open house and the day prior to the open house. On-premise or off-premises display of real estate open house signs is permitted, but display in the public right-of-way is prohibited. Real estate open house signs shall not exceed six square feet of sign area per face and four feet in height. Pennants and balloons may be affixed to real estate open house signs provided that such attachments do not encroach upon street or sidewalk right-of-way or create a street or sidewalk safety hazard; balloons that are affixed to real estate open house signs shall not have a vertical or horizontal dimension greater than two feet.
O. Window signs, except as provided in Section 18.50.060.
P. Works of art. Fine art which in no way identifies a product, business or enterprise and which is not displayed in conjunction with a commercial enterprise that would realize direct commercial gain from such display.

18.50.060 Prohibited signs.

The following signs are not permitted in any zoning district except as provided in Section 18.50.070:

A. Animated or flashing signs, with the exception of electronic message signs meeting the requirements of Section 18.50.100A.4., either inside or outside a building and which are visible from a public right-of-way; and with the exception of traditional barber poles and searchlights as provided in Section 18.50.070;
B. Roof signs. Except as part of a planned sign program as provided for in Section 18.50.100B.;
C. Off-premise signs, including without limitation, off-premise electronic message signs and off-premise animated or flashing signs, with the exception of election signs and real estate open house signs that are otherwise in compliance with the provisions of this chapter;
D. Portable signs, except for signs that comply with the provisions of Sections 18.50.070 and 18.50.075;
E. Light bulbs. Except as part of a planned sign program as provided for in Section 18.50.100B. or temporary signs as provided for in Section 18.50.070;
F. Freestanding signs made of paper or other impermanent material. Signs of a nonpermanent nature such as cardboard, paper, cloth, plastic, or similar material except as provided in Section 18.50.070;
G. Signs in the public rights-of-way, except as provided in Section 18.50.030B.

18.50.070 Temporary signs.

A. Purpose. Temporary sign regulations are established to provide businesses and non-residential uses with the opportunity to advertise occasional, seasonal, or special events. These regulations are intended to control the visual impacts to the community of such advertisements, and to provide consistency with the spirit and intent of this title and the vision statements of the Comprehensive Plan. Temporary signs shall under no circumstance be substituted for permanent signage or be situated to screen permanent signage on an adjacent lot or premise. These temporary sign provisions shall only apply to businesses and non-residential uses. These

provisions shall not be applicable to signs listed under Section 18.50.050.

B. Temporary signs subject to a permit.
   1. For all businesses and non-residential uses, the following sign types are permissible:
      a. Banners
      b. Balloons
      c. Pennants
      d. Valances
      e. Flying banners
      f. Any sign device which operates from an external power source including but not limited to searchlights, balloons, and animated signs
   2. Permit and duration.
      a. All permissible temporary signs as specified in Section 18.50.070B.1. shall require the approval of a temporary sign permit application by the building division.
      b. Temporary sign permit applications shall be made in increments of fifteen consecutive days. A maximum of four temporary sign permits may be issued to an individual business or non-residential use per calendar year and may be approved in succession. The maximum cumulative display for all permitted temporary signs shall not exceed sixty days per calendar year unless a variation is approved under Section 18.50.070E.
   3. Number. No more than two of the sign types specified in Section 18.50.070B. of this chapter shall be permitted on a lot or premise for an individual business or non-residential use.
   4. Sign area and location.
      a. Banners: A banner or banners must not cumulatively exceed one-hundred square feet in total sign area and shall be attached to an exterior building wall. All portions of such banner(s) shall be in contact with the building wall, and shall not flap, extend beyond the wall nor be fastened to support structures.
      b. Balloons: Except as allowed in Section 18.50.070D.1.a., Balloons shall not exceed a total maximum dimension of ten feet, inclusive of a base. Attaching Balloons to tethers is permitted providing the tether is no greater than fifteen feet in length. Balloons must be secured to a building, structure, stable object, or the ground and shall not extend beyond the boundaries of the lot or premise. Balloons shall not be attached to trees or shrubs planted within the lot or premise.
      c. Pennants and valances: A single pennant or valance strand shall not exceed fifty feet in length. Each pennant or valance strand must be secured to a building, structure, stable object, or the ground at both ends. Pennant and valance strands shall not be attached to trees or shrubs planted within the lot or premise.
      d. Flying banners: Except as allowed in Section 18.50.070D.1.b., each flying banner shall not exceed twenty-five feet in height inclusive of the staff or support structure and seventy-five square feet in size. Flying banners are to be attached to a single vertical staff support structure only. The support structure may be mounted securely to a building, structure, stable object, or the ground. Flying banners shall not extend beyond the boundaries of the lot or premise. Flying banners shall not be attached to trees or shrubs planted within the lot or premise.
      e. Sign devices operated from an external power source: Sign devices operated from an external power source shall comply at all times with the city's noise ordinance. These types of temporary signs shall be secured to the ground and limited to twenty-five feet in height providing they do not extend beyond the boundaries of the lot or premise. The lighting component for searchlights must be projected upward so as not to diminish public safety and welfare.
   5. Lighting. Temporary signs may only be illuminated indirectly by means of a separate light source (excluding searchlights). It shall be demonstrated that no off-site impacts associated

to glare will occur by indirectly illuminating a temporary sign. The light source shall also comply with applicable provisions of the Site Development Performance Standards and Guidelines.

C. Maintenance. All temporary signs shall be kept neatly finished and repaired, including all parts and supports. The building official and/or an authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

D. Temporary signs not subject to permit.
   1. The following temporary signs shall not require a permit and shall not be limited in number or duration upon a lot or premise associated to a business or non-residential use, unless specified otherwise. Internal or external illumination for these specific signs shall be strictly prohibited.
      a. Balloons which do not have maximum horizontal or vertical dimension greater than two feet;
      b. Flying banners placed within a lot or premise, providing no more than four are installed and each individual flying banner does not exceed a maximum of ten feet in height and twenty-five square feet in total size;
      c. Temporary construction fence sign as defined in Section 18.50.020, provided the sign does not extend above the fence;
      d. Temporary event sign as defined in Chapter 18.50.020 subject to Section 18.50.070B.4. and limited to a duration of no more than five days;
      e. Portable signs as defined in this chapter limited to A-frame or T-frame signs which do not exceed six square feet and have a maximum height of four feet. These portable signs shall be located within ten feet of the business entrance and allow for a minimum unobstructed access width of five feet along all sidewalks. For the purpose of this section, portable A-frame or T-frame signs shall not be placed in a public right-of-way; and
      f. Any signage device similar to those described in items a. through e. above if so determined and approved in writing by the current planning manager.
   2. Internal or external illumination for the signs listed in Subsection D.1. above, shall be strictly prohibited.

E. Administrative allowances.
   1. Variations from these temporary sign provisions relating to the duration and location may be provided by the current planning manager. Such variations may only be provided to businesses operating at a new location for less than six months or for businesses which have poor visibility from the street. To obtain a variation, the applicant must make a written request and demonstrate the following:
      a. A substantial hardship exists in carrying out the provisions of this chapter; and
      b. The spirit and intent of this chapter will be secured in granting a variation.
   2. Variations will be considered on a case-by-case basis. The current planning manager may impose conditions to ensure that the intent of this chapter is maintained. Appeal of the current planning manager's decision shall follow the procedures outlined in Chapter 18.80.

F. Enforcement. Any unauthorized deviation from this chapter shall be subject to the enforcement, legal procedures and penalties as described in Chapter 18.50.170.

18.50.075 Business vehicle identification signs.

A. Due to their aesthetic and economic impact, especially along business corridors and other major streets and highways, the following specific regulations for signs on business vehicles are necessary to carry out the purposes of this chapter. The following specific regulations shall not

be applicable to signs on government and emergency vehicles. Business vehicle identification signs shall comply with the following standards:

1. The vehicle, trailer, or semi-trailer (vehicle) to which a business vehicle identification sign is mounted, painted, or otherwise affixed: (i) must be regularly used to provide the services or products offered by the business with which the sign is related; (ii) must be used for the regular operation of the business; and (iii) must not be primarily used to display signage.
2. The vehicle to which a business vehicle identification sign is mounted, painted or otherwise affixed must be parked on the business premises with which the sign is related and in no case any closer than fifty feet to the public right-of-way; provided that if there is no parking on the business premises, the vehicle shall be legally parked.
3. A business vehicle identification sign shall not project more than one foot above the roofline of the vehicle to which it is mounted, painted, or otherwise affixed.
4. It shall not be a violation of this Section 18.50.075 if the vehicle to which a business vehicle sign is mounted, painted or otherwise affixed is being used to travel home from work and is temporarily parked at or near the vehicle operator's residence or is otherwise temporarily parked way from the business premises while being used to provide the business' services or products or as personal transportation for the vehicle operator.

18.50.080 Residential, commercial, and industrial project identification signs.

A. Sign area. The maximum sign area of a residential, commercial or industrial project identification sign shall be thirty-five square feet. The sign area shall only include the extreme limits of lettering, except when the surface area of the structure to which the sign is attached or affixed exceeds one and one-half times the area of the sign face, in which case all additional surface area will be included in the sign area measurement. The foregoing notwithstanding, this limitation shall not be applied when the sign is attached or affixed to a landscape planter bed constructed with quality design and materials such as masonry, timbers, or natural stone which has been approved by the current planning division for the site, and meets the intent of the Site Development Performance Standards and Guidelines. This limitation shall also not be applied when the sign is attached or affixed to a building which has been approved for the site by the current planning division. Logos of residential, commercial, or industrial projects up to four square feet in size shall not be counted as part of the sign area.

B. Number. There shall be no more than two signs per project entry from an arterial or collector street as defined in the city's master street plan. Commercial and industrial project identification signs shall be counted as a freestanding sign for the premises on which it is located.

C. Design. Wall signs shall be designed to present a unified and coordinated appearance, and be integrated into the overall design of the wall. The following sign characteristics shall be considered when identifying unity, coordination and integration: material, color, height, shape, and location on the wall.

D. Height. Freestanding signs shall be a maximum of six feet in height.

E. Lighting. Any lighting shall be indirect.

F. Maintenance. All applicants shall provide adequate assurance acceptable to the city that the sign and the lot on which it is located will be maintained.

18.50.085 Project marketing signs.

A. Sign Area. The maximum sign area for a project marketing sign in residential zones and residential PUDs shall be fifty square feet. The maximum sign area for a project marketing sign in non-residential zones and non-residential PUDs shall be seventy-five square feet. The sign area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds fifty percent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement.

Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the fifty percent limitation.

B. Number. There shall be no more than one sign per project entry from any adjacent street and no more than two signs per project or phase of a project.

C. Height. Project marketing signs shall be no more than twelve feet in height.

D. Lighting. Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.

E. Duration. Signs shall be allowed to remain for no more than two years following commencement of construction of the public improvements within the project, unless a written request to extend this time period is approved by the current planning manager.

F. Location. Signs shall be located within the boundaries of a project or premise which is part of the original marketing of the lots, tracts, structures or units. For projects within a mixed use planned unit development, the premise shall constitute the boundaries of the entire planned unit development.

G. Maintenance. All applicants shall provide adequate assurance acceptable to the City that the sign and the lot or tract upon which it is located will be maintained in good condition at all times.

18.50.090 Sign regulations for nonresidential uses in a residential zone.

A. General. Except as provided for in this section, all signs for nonresidential uses in residential zoning districts shall be limited to twenty square feet in size per face, unless otherwise approved in conjunction with a special review for the primary use. All such signs shall be unlit or indirectly lit. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon any nearby street or upon any nearby residential property.

B. Subdivision sales office. A subdivision sales office shall be entitled to one illuminated sign not to exceed ten square feet in size.

C. Project marketing sign. A residential development shall be entitled to at least one project marketing sign, in accordance with the provisions of Section 18.50.085.

D. Home occupation sign. No signs are allowed in conjunction with any home occupation, except for properties within the North Cleveland Sub-Area, as defined in Section 18.16.110, which shall be permitted one sign on North Cleveland Avenue subject to the standards contained in this section.

18.50.095 Sign setback from adjacent residentially zoned land.

Any sign which requires a permit and which is accessory to a non-residential use adjacent to a residentially zoned property, shall be located at a point that is furthermost from the residential property unless such sign is not visible from the residentially zoned property, provided that the sign is also located in a yard that is adjacent to any abutting streets.

18.50.100 Sign regulations in nonresidential zones.

The following regulations shall apply to all uses in nonresidential districts. Included are Be, B, I, MAC, E, and DR districts. In addition, within the downtown development authority boundary, all signs shall comply with Section 18.50.110, and along Interstate Highway-25 (I-25), all signs shall comply with chapter 8 of the Site Development Performance Standards and Guidelines and Section 18.50.120. All signs allowed pursuant to this section shall have their sign area applied to the total allowable sign area.

A. Basic sign regulations. Every business desiring signs as allowed by right in this Code may apply for a sign permit and a permit shall be issued if all the provisions in this section are met.

1. Total allowable sign area.

a. The total sign area for all permitted signs shall not exceed two square feet per linear foot

of building frontage for the first two hundred linear feet of building frontage, plus one square foot per linear foot of building frontage thereafter. No more than two sides of a building may be counted as building frontage. The total sign area for all sign faces shall be deducted from the total allowable sign area.

b. However, each premises shall be at a minimum entitled to one freestanding sign per street frontage of fifty square feet per face and one wall sign per street frontage of thirty-two square feet in size so long as all other requirements of the sign code are met. Each business within a multi-tenant center shall be entitled to one wall sign per street frontage of thirty-two square feet in size.

c. If permits are approved by the city for signs based on the minimum provisions of Subsection b. above, the allowable sign area based on the building frontage as set forth in Subsection a. above shall not be recognized by the city as allowable sign area.

2. Freestanding signs.

a. Number: one per street frontage per premise located on each street frontage except with an approved planned sign program;

b. Sign area: all freestanding signs which are setback eight feet or less from face of curb or edge of pavement shall be entitled to twenty-seven square feet of sign area. All freestanding signs setback more than eight feet from face of curb or edge of pavement shall be allowed 3.3 square feet of sign area per foot of setback up to a maximum of one hundred square feet per face. The maximum sign area of all faces of a freestanding sign shall be two times the maximum sign area per face allowed based on setback;

c. Height: eight feet in height for the first eight feet of setback from face of curb or edge of pavement then one foot of height for each foot of setback thereafter up to a maximum height of twenty-five feet. However, should it be adequately demonstrated that the only feasible location for a freestanding sign is within the clear vision triangle due to the location of existing buildings, entrances and parking, or shallowness of the lot, staff may allow a freestanding sign up to a maximum height of fourteen feet;

d. Setback: for purposes of determining the allowable sign area and height of a freestanding sign, the setback of a freestanding sign shall be measured from the face of curb or edge of pavement;

e. Location: all freestanding signs shall be located on the premises so as to be compatible with required landscaping, including street trees at maturity, so that the public's view of the sign will not be obstructed;

f. Sign modules: maximum of three;

g. Changeable copy: if an electronic message sign module is used, the module shall comply with the provisions in Section 18.50.100A.4.;

h. Freestanding sign area bonus: to encourage design excellence, the maximum sign area for freestanding signs if the freestanding sign is located entirely within a landscaped area. There shall be a maximum bonus of twenty percent for freestanding signs:

i. Integration with building structure: a ten percent bonus shall be provided if the freestanding sign is designed to integrate with the building structure. The sign will be considered integrated if the same or similar building materials and colors are used. If discrepancy occurs, the current planning manager shall make the final decision.

ii. Landscaping: A ten percent bonus shall be provided if the freestanding sign is located entirely within a landscaped area. The bonus shall be granted if a minimum of four square feet of landscaping is provided for every one square foot of sign face. Only one face of the sign shall be counted. The portion of the sign on the ground shall not count toward landscaped square footage. To count as landscaping, seventy-five percent of the sign area landscaping shall be live plant cover within three years of normal plant growth. The percentage of live plant cover may be reduced to fifty

percent when used in conjunction with a rock mulch of river cobbles of varying sizes; or forty percent when used in conjunction with flagstone, patterned concrete, brick pavers, or exposed aggregate concrete. If the freestanding sign is integrated into a raised planter box, the landscape area may be reduced to one square foot of landscaping for every one square foot of sign area to qualify for the bonus.

3. Building mounted signs. Each business shall be entitled to no more than one building mounted sign per signable wall. Building mounted signs may only be installed on a signable wall which adjoins that portion of the building occupied by the business or use with which the sign is associated;
   a. Wall Signs.
      1. Size: no wall sign shall exceed one hundred square feet in sign area;
      2. Height: no wall sign or sign support shall extend above the top of wall or parapet wall of the building to which the wall sign is attached. Wall signs shall be allowed on a mansard-style roof, provided the roof is constructed at an angle of not less than forty-five degrees, as measured from the horizontal plane, and in such a manner that the sign is not silhouetted against the sky as viewed five feet above grade at the property line;
      3. Wall sign bonus: a ten percent sign area bonus shall be provided if all wall signs within a single or multi-tenant center are individual lettered signs.
   b. Projecting signs.
      1. Location: No projecting sign is allowed to be located on the same street frontage as a freestanding sign;
      2. Sign area: projecting signs shall not exceed fifteen square feet in sign area per face with a maximum of thirty square feet for all faces;
      3. Projection: projecting signs shall not extend more than five feet from a building nor extend beyond the curbline of any street or off-street parking area;
      4. Clearance: projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk;
      5. Height: the maximum height of projecting signs shall be twenty-five feet and shall not extend above the roof peak or parapet wall of the building to which it is attached.
   c. Awning signs.
      1. Location: awning signs shall not be allowed above the first story of a building;
      2. Sign area: the maximum amount of sign area allowed on an awning per street frontage shall be fifty square feet excluding banding and striping;
      3. Clearance: when extended over either a private or a public sidewalk, the minimum clearance from the lowest point of the awning to the top of pavement shall be eight feet. No awning sign shall be allowed to project over a private or public vehicular way.
4. Electronic message signs. Electronic message signs shall be subject to the following limitations:
   a. The displayed message shall not change more frequently than once per five seconds.
   b. The sign shall contain static messages only, changed only through dissolve or fade transitions, but which may otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The change of messages using a dissolve or fade transition shall not exceed of 0.3 seconds of time between each message displayed on the sign.
   c. The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety

or welfare. Lighting from the message module shall not exceed six hundred nits (candelas per square meter) between dusk to dawn as measured from the sign's face. Applications for sign permits containing an electronic display shall include the manufacture's specifications and nit (candela per square meter) rating. City officials shall have the right to enter the property and view the programmed specifications of the sign to determine compliance with this provision in accordance with Chapter 1.08.

d. The area of the electronic message sign display shall not exceed fifty percent of the total sign face.
e. Commercial messages displayed on the module shall not direct attention to a business, product, service or entertainment conducted, sold or offered off the premise that is not also conducted, sold, or offered on the premise on which the sign is located.
f. All existing electronic message signs that contain an electronic changeable copy module which does not comply with the provisions of this section shall be made to conform to the brightness and duration of copy provisions upon the effective date of the ordinance approving such provisions.
g. Electronic message signs within the Highway 34 corridor, as defined in the U.S. 34 Corridor Plan, shall be permitted only within a planned sign program for commercial centers on premises directly abutting Highway 34 for more than five hundred lineal feet, provided that the maximum sign area for the electronic message module shall not exceed fifty percent of the total sign face and the sign shall comply with the provisions in this section.
h. A request for variance to the maximum sign area, height or setback for a sign containing an electronic message module shall be heard by the zoning board of adjustment in accordance with the procedures specified in Chapter 18.60. In addition to the findings specified Section 18.60.040, before granting any request, the board shall find that:
    1. The proposed area, setback and/or height of the electronic message sign module is the minimum required to be fully visible from the adjacent arterial or interstate roadway right-of-way;
    2. Traffic safety conditions will not be diminished by the increased square footage, increased height or decreased setback of the electronic message sign module; and
    3. There are no reasonable alternatives to the increased size, height, setback and/or design of the electronic message sign.
i. Every person found guilty of violating any provision of this section shall be subject to the penalty provisions provided in Section 1.1.2.010. Notwithstanding the penalty provisions in Chapter 1.12.010, a violation of any provision of this section shall result in the following: The first offense shall result in a written notice and order to the property owner specifying the cause of violation and shall provide a twenty-four hour period to bring the sign into compliance with the standards of the Code. A second offense within a one year period shall result in a summons into municipal court. If judgment is entered for a violation of this section, a mandatory minimum fine of five hundred dollars shall be imposed. If judgment is entered for any subsequent violations within a one year period, a mandatory minimum fine of one thousand dollars shall be imposed.

B. Planned sign program regulations. Owners or tenants of a premise desiring signs which vary from the basic sign regulations as contained in Section 18.50.100A., may apply for approval of a planned sign program for the entire premises.
    1. Total allowable sign area. The total allowable sign area for all signs shall be based upon the requirements contained in Subsection A.1. of this section.
    2. Freestanding signs.
        a. Number: one per street frontage per premise. For a premise with more than five hundred feet of street frontage, one additional freestanding sign shall be allowed;

b. Sign area: 3.3 square feet of sign area per foot of setback up to a maximum of one hundred square feet per face. The maximum sign area of all faces of a freestanding sign shall be two times the maximum sign area per face allowed based on setback;
c. Height: one foot of height for each foot of setback up to a maximum height of twenty-five feet;
d. Setback: for purposes of determining the allowable sign area and height of a freestanding sign, the setback of a freestanding sign shall be measured from the face of curb or edge of pavement;
e. Location: all freestanding signs shall be located on the premises so as to be compatible with required landscaping, including street trees at maturity, so that the public's view of the sign will not be obstructed;
f. Freestanding sign area bonus: to encourage design excellence, the maximum sign area for freestanding signs for all nonresidential uses as set forth in this section may be increased by the percentages shown in this section if the criteria are met. There shall be a maximum bonus of twenty percent for freestanding signs:
    i. Integration with building structure: a ten percent bonus shall be provided if the freestanding sign is designed to integrate with the building structure. The sign will be considered well integrated if the same or similar building materials and colors are used. If discrepancy occurs, the current planning manager shall make the final decision.
    ii. Landscaping: a ten percent bonus shall be provided if the freestanding sign is located entirely within a landscaped area. The bonus shall be granted if a minimum of four square feet of landscaping is provided for every one square foot of sign face. Only one face of the sign shall be counted. The portion of the sign on the ground shall not count toward landscaped square footage. To count as landscaping, seventy-five percent of the sign area landscaping shall be live plant cover within three years of normal plant growth. The percentage of live plant cover may be reduced to fifty percent when used in conjunction with a rock mulch of river cobbles of varying sizes; or reduced forty percent when used in conjunction with flagstone, patterned concrete, brick pavers, or exposed aggregate concrete. If the freestanding sign is integrated into a raised planter box, the landscape area may be reduced to two square feet of landscaping for every one square foot of sign area to qualify for the bonus.
g. Separation: minimum seventy-five linear feet between any two freestanding signs;
h. Sign modules: a maximum of three;
i. Changeable copy: changeable copy signs may be allowed as part of a freestanding sign subject to Section 18.50.100A.4. and, for signs abutting I-25, Section 18.50.120.

3. Building mounted signs. The maximum sign area per signable wall for all combined building mounted signs shall be fifteen percent of the wall surface area, including only the first story of the building. Building mounted signs may only be installed on a signable wall which adjoins that portion of the building occupied by the business or use with which the sign is associated.
    a. Wall sign.
        i. Number: no limit with approval of a planned sign program;
        ii. Size: a maximum of one hundred fifty square feet per signable wall for each business;
        iii. Height: no wall sign or sign support shall extend more than one-third the width of the sign above a roof peak or above a parapet wall of a building to which the wall sign is attached. No shall sign shall be allowed on a roof with an angle less than forty-five degrees, as measured from the horizontal plane, or in such a manner as to be silhouetted against the sky as seen from the nearest street except as provided in this

section;

iv. Wall sign bonus: a ten percent bonus in sign area shall be provided if all wall signs within a single or multi-tenant center are individual lettered signs.

b. Projecting sign.

i. Number: one projecting sign per wall per business with approval of planned sign program;

ii. Size: projecting signs shall not exceed fifty square feet per face with a maximum total of one hundred square feet for all faces;

iii. Projection: projecting signs shall not extend more than ten feet from the building nor extend beyond the curbline of any street or off-street parking area;

iv. Clearance: projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk; and

v. Height: the maximum height of projecting signs shall not extend above the top of the wall or parapet wall of the building to which it is attached.

c. Awning Signs.

i. Location: awning signs shall not be allowed above the first story of a building;

ii. Sign-area: all signs on awnings shall be integrated into the overall design of the awning so as to present a unified appearance; and

iii. Design: whenever a sign is placed on an awning, the awning shall be integrated into the overall design of the building to present a unified architectural theme.

4. Freestanding directory signs. Freestanding directory signs are allowed on premises with more than four uses and provided that each of the following are met:

a. Number: one directory sign shall be allowed per pedestrian entry, not to exceed two directory signs per project;

b. Sign area: the maximum sign area shall be twelve square feet per sign face, with a maximum of twenty-four square feet for all faces;

c. Height: directory signs shall not exceed six feet in height; and

d. Setback: directory signs shall be setback a minimum of fifty feet from a public right-of-way and shall be located to best serve its intended function.

5. Menu boards. both freestanding and wall menu board signs are allowed in conjunction with restaurant drive through, under the following restrictions:

a. Number: the maximum number of menu board signs allowed per site shall be two;

b. Sign area: the maximum sign area of a menu board shall be twenty-five square feet. For wall-mounted menu board signs, this area shall be in addition to all other wall-mounted signs; and

c. Height: the maximum height of a menu board sign shall be six feet.

6. Entry/Exit Signs. Entry/exit signs which contain advertising material provided the entry/exit sign does not exceed four square feet and the area in advertising is included in the allowable square footage for freestanding signs.

7. Flags or pennants may be located on the tops of walls of a building so long as they are fixed to permanent poles no more than three feet in height and are architecturally integrated into the design of the building and into the sign program. No more than four such flags or pennants may be displayed on each wall of the building. All faces of such flags or pennants will be counted as part of the allowable sign area.

8. Planned sign program requirements. An application form for a planned sign program shall include allowable square footage, sign locations, sizes, materials, colors, lighting, lettering type and structural support, and such other information as may be requested by the planning division. The application shall be signed by the property owner or the authorized representative of the property owner of the premise for which the application has been

submitted. The sign program shall be designed to show unity and coordinate all signs within the project to a building and all other signs on the premise. The following sign characteristics shall be considered when identifying unity and coordination: material, color, height, lettering style, sign type, shape, lighting, and location on a building.

9. Review procedure. The planning division shall review the planned sign program and shall approve the application if it meets the findings required in Subsection B.11. of this section.
10. Findings required. A planned sign program shall not be approved unless the planning division finds that the proposed signs are unified and coordinated with:
    a. Other signs included in the planned sign program. This shall be accomplished by incorporating four common visual design elements chosen by the applicant such as material, letter style, colors, illumination, sign type, sign shape, or location on a building;
    b. The buildings they identify. This may be accomplished by utilizing materials, colors, or design motif included in the building being identified;
    c. When awning signs are used as part of a planned sign program, color must be incorporated as one of the approved four visual design elements.
11. Appeal of a current planning division decision. Should the applicant for a planned sign program not be satisfied with the decision of the current planning division, the applicant shall have the right to appeal the final decision to the planning commission in accordance with Chapter 18.80. The decision of the current planning division shall be upheld unless the planning commission finds that the current planning division findings are clearly erroneous, arbitrary, or capricious.

18.50.110 Sign regulations for structures with minimal building setback along a street right-of-way or in the downtown sign district.

This section shall apply when a building or structure is setback fifteen feet or less from face of curb or edge of pavement and/or within the boundary of the Downtown Sign District, which boundary is identified on Appendix A to this chapter.

A. Number of signs. Except as otherwise specified in this section, a premises with a structure which is setback fifteen feet or less from face of curb or edge of pavement shall be allowed one wall sign per street frontage pursuant to Section 18.50.100A. In addition to the allowance for one wall sign, such premise shall also be allowed to display sign messages on the front and/or side valance flap of an awning (Figure 18.50.110 -1) provided the total wall and awning sign area does not exceed the total sign area limitations of this section. Such awning signs shall be coordinated with the display of wall signs to provide easy readability of signs for both pedestrians and vehicles and shall comply with other standards of this section. The color of an awning sign shall be compatible with and complementary to the color and material of the building to which it is attached. Additionally, a planned sign program pursuant to Section 18.50.100B., may be allowed with no specific limit on the number of signs so long as the cumulative total of area in signs does not exceed the total area allowed pursuant to this section.

B. Area of signs. Except as otherwise specified in this section, the total cumulative sign area for a structure which is setback fifteen feet or less from face of curb or edge of pavement shall be ten percent of the first floor facade area, or thirty-two square feet, whichever is greater. For multistory buildings, only the facade area for the first story shall be used to calculate the allowed sign area.

C. Downtown signs. All signs within the boundary of the Downtown Sign District shall also comply with the provisions of this section.

1. Historical context and pedestrian scale. All signs allowed pursuant to this section shall be designed and integrated into the architecture of a building and street so as to enhance and preserve the historic character of the downtown area. Through appropriate design, signs can help recapture a sense of time and place in the downtown. Signs shall be designed at two levels to be most effective: (a) from the vantage point of a driver of an automobile traveling at ten mph, and (b) from the sidewalk at pedestrian scale.

2. Architectural compatibility of signs. All signs allowed pursuant to this section shall be compatible and harmonious with the architectural style of a building and adjacent signs. For purposes of interpretation, a harmonious sign shall mean a sign which lends itself in character, material, color, design and style to a building and environment in which it is located.
3. Downtown Sign Design Guidelines. The design guidelines for downtown Loveland shall be used when approving any sign within the Downtown Sign District.

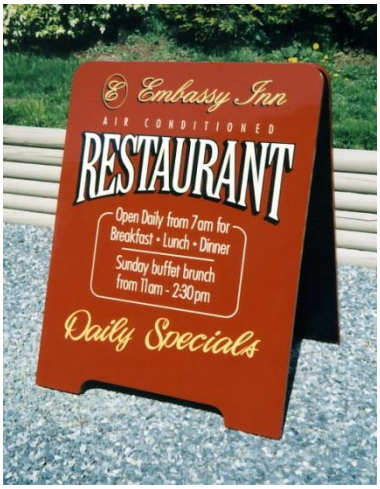
18.50.115 Portable signs – Downtown Sign District.

Appropriate Placement of Portable Sign

A. Portable signs allowed: For properties located within the boundaries of the Downtown Sign District, one portable sign shall be allowed. Such portable signs are intended to be directed at pedestrian traffic, shall minimize disruption of vehicular and pedestrian traffic and shall be located and designed to meet all requirements of this section. For the purposes of this section, a portable sign is any sign or advertising device, which rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground.

B. Permit: No sign permit shall be required for portable signs permitted under this section.

C. Size: The area of the portable sign shall not exceed six square feet. In measuring the area of the sign, the entire face of the sign (one side) shall be counted, irrespective of the area devoted to the sign message. Signs are permitted to have advertising on two faces of the sign. The maximum height of the sign shall be four feet.



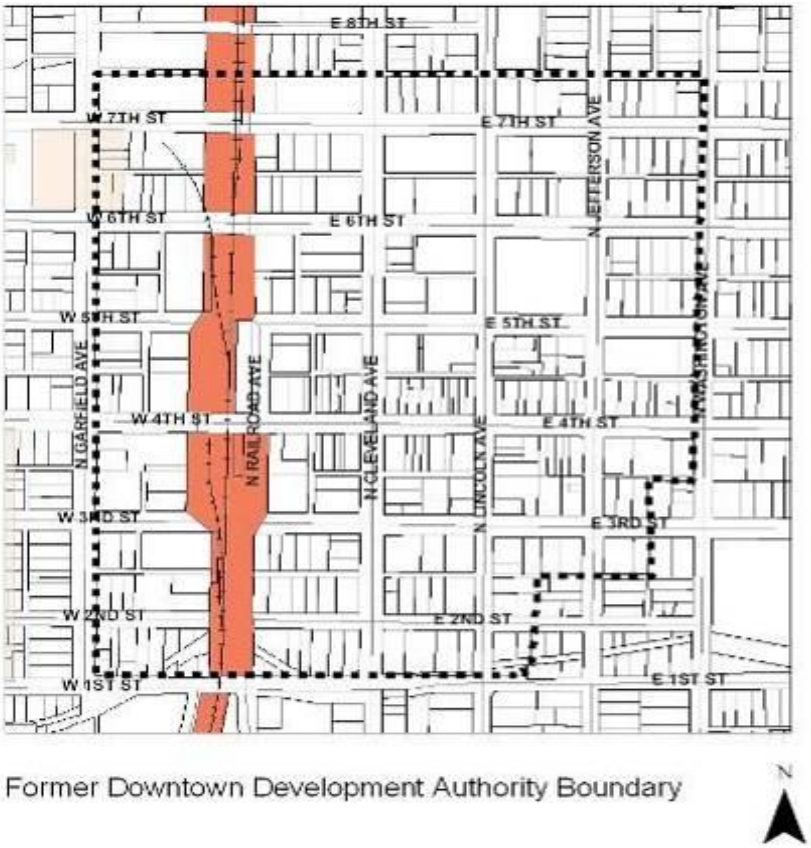
Desirable Materials and Design

D. Removal: Portable signs permitted by this chapter shall be allowed on display only during regular business hours of the business and shall be removed during non-business hours.

E. Placement:
   1. Such signs may be located on private property or within the public right-of-way adjacent to the property (excluding any vehicular travel lane), provided the placement of the portable sign shall not interfere with vehicle access, pedestrian movement or wheelchair access to, through, and around the site.
   2. A minimum unobstructed access width of five feet shall be maintained along all sidewalks and building entrances accessible to the public. This measurement shall be made from the edge of the sidewalk or pedestrian passage to the nearest point of the sign.
   3. Such signs shall not be located in off-street parking areas, public roadways, a public landscape planter or landscape bed and may not be arranged so as to create sight distance conflicts at road intersections or driveways.

F. Material and appearance:
   1. Portable signs shall be constructed of materials that are of a permanent nature and not subject to fading or damage from weather. The use of paper or cloth is not permitted unless located within a glass (safety glass) or plastic enclosure.
   2. Portable signs shall be designed in an attractive manner to present an image of quality and creativity for downtown. Signs shall be maintained in a neat, orderly fashion so as not to constitute a public nuisance or hazard.
   3. Portable signs shall not have electrical moving parts. Decorative or ornamental features related to the business may be permitted, but shall be maintained in good condition.

Appendix A



18.50.120.1 I-25 Corridor.

These provisions shall apply to any premises in a nonresidential district which directly abuts the right-of-way of I-25. This section applies only to freestanding signs. In addition, all signs shall comply with Chapter 8 of the Site Development Performance Standards and Guidelines.

A. Sign area: the maximum sign area of a freestanding sign shall be one hundred eighty square feet per face.
B. Setback: none, however no part of the sign shall protrude off of the site.
C. Number: one freestanding sign shall be allowed for properties with five hundred feet or less abutting I-25. Any property abutting I-25 for more than five hundred feet shall be allowed a maximum of two freestanding signs with the approval of a planned sign program.
D. Sign Design: Signs shall be designed with a Horizontal Profile and shall relate to the architectural style of the main structure on the premise by integrating similar architectural features and materials. The sign face shall be oriented in a perpendicular fashion to the street frontage associated with the sign. Signs shall be of a high quality design which provides the following: readability of the message on the sign panel as described in the U.S. 34 Corridor Plan, sign face materials and base having warm-toned, natural materials such as brick, sandstone, textured and colored concrete and stucco and a design that is not top-heavy in appearance.
E. Lighting: Signs shall be lit by directional, external light sources, internally illuminated letters and logos, or back-lighted raised letters and logos. The entire sign face shall not be internally illuminated.
F. Landscaping shall be included around the base of the sign to minimize the visual impact of the base of the sign. A minimum of four square feet of landscaping shall be provided for every one

square foot of sign face. Only one face of the sign shall be counted. The portion of the sign on the ground shall not count toward landscaped square footage. To count as landscaping, seventy-five percent of the sign area landscaping shall be live plant cover within three years of normal plant growth. If the freestanding sign is integrated into a raised planter box, the landscape area may be reduced to two square feet of landscaping for every one square foot of sign area.

G. Items of information: all freestanding signs established under this section shall be limited to ten items of information. An item of information is a word, an initial, a logo, an abbreviation, a number, a symbol, or a geometric shape.

H. Property abutting I-25 for more than five hundred feet: a maximum of two freestanding signs shall be allowed for properties with more than five hundred feet abutting I-25 with the approval of a planned sign program and provided that a minimum separation of 175 feet exists between the freestanding signs.

I. To encourage the consolidation of signs along I-25, property abutting I-25 for more than five hundred feet which is eligible for two freestanding signs, shall be granted the following increased sign area and sign height in exchange for installing only one freestanding sign along the I-25 frontage. If the increased sign allowances are utilized, the right to install two freestanding signs shall be deemed forfeited.
    1. Sign area: signs shall be allowed 11.3 square feet of sign area per foot of setback up to a maximum of three hundred forty square feet per face;
    2. Height: signs shall be allowed 1.3 feet of height for each foot of setback with a maximum height of 30 feet, as measured to the top of the sign face. The height can be extended by a maximum of 11 feet for architectural features only such as lanterns, columns or design features that integrate the sign into the context or theme of the development. The extended height for architectural features shall not count against the sign height ratio;
    3. Setback: for the purposes of determining the allowable sign area and height, the setback shall be measured from the I-25 right-of-way.

J. Electronic Message Signs: within the I-25 Corridor, Electronic Message Signs shall be permitted only within a planned sign program for commercial centers on premises directly abutting I-25 for more than five hundred lineal feet, provided that the maximum sign area for the Electronic Message module shall not exceed sixty percent of the total sign face and the sign shall comply with the provisions in Section 18.50.100.A.4. Only one Electronic Message Sign shall be permitted per frontage within a premise.

K. Prior to approval of a sign permit for signs within the I-25 Corridor, a letter of approval from the Colorado Department of Transportation shall be submitted to the city, if applicable.

L. All other sign regulations: all other sign regulations in this chapter shall be applied within this I-25 corridor area.

18.50.130 Sign regulations for signs in the Highway 34 corridor.

All signs which require a permit and which are accessory to a building or use located within the Highway 34 Corridor, as it is described in the City of Loveland 1994 Comprehensive Master Plan, shall comply with the design guidelines for signs as contained in the Highway 34 Corridor Plan incorporated into the City of Loveland 1994 Comprehensive Master Plan. Any variance or deviation from these guidelines shall be allowed only if approved through the variance process, as set forth in Chapter 18.60 of this title. (Ord. 4185 § 1 (part), 1996)

18.50.135 Sign regulations for convenience stores.

In addition to all other provisions of this chapter, the following additional regulations shall be applicable to all signs located on a premise developed as a convenience store:

A. All signs on convenience store sites must conform to the requirements and limitations of a planned sign program as described in Section 18.50.100.B. of this chapter.

B. Freestanding signs: all freestanding signs or price reader boards shall not exceed eight feet in total height, shall have a monument style base, and shall not exceed thirty-two square feet in sign area per face.
C. Canopy signs: signs located on the canopy may be located only on the canopy fascia and shall be limited to one corporate or business logo, of the principal use only, on each side of the canopy which is visible from a public or private street. Such logos shall have a vertical dimension no greater than seventy-five per cent of the vertical dimension of the canopy fascia and shall be no greater than twelve square feet in sign area per logo.
D. Amortization: all legal non-conforming signs installed on premises developed as convenience store sites before October 9, 1989 shall be subject to the provisions of Section 18.50.150.C.

18.50.140 Maintenance.

All signs shall be maintained in good condition at all times. All signs shall be kept neatly finished and repaired, including all parts and supports. The building official or his or her authorized representative shall inspect and shall have authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

18.50.145 Abandoned/obsolete signs.

Any sign which is associated with a business which is no longer being conducted, or a product no longer being offered, from the premises on which the sign is located, shall have the sign face altered so that the message is no longer visible to the public within ninety days upon the cessation of such business or sale of such product.

18.50.150 Nonconforming signs.

A. Termination of Legal Nonconforming Signs. A legal nonconforming sign shall either be amortized as prescribed in Section 18.50.150 C or comply with this chapter or be removed if any one of the following conditions occur:
    1. If a change of use occurs as defined in this title or the type of use terminates for ninety days or longer;
    2. The nonconforming sign becomes a hazard or a danger as defined in Section 3.02 of the Uniform Code for the Abatement of Dangerous Buildings and is not brought into compliance pursuant to Subsection B1b of this section;
    3. The use or building with which the nonconforming sign is associated expands either singularly or cumulatively, its building gross floor area, outdoor retail/display area, or outdoor storage area by at least twenty-five percent of the gross floor area at the time of this Code's adoption;
    4. The structural support of a nonconforming sign is altered to the extent that a building permit is required;
    5. The nonconforming sign structural support is modified or the original support materials are replaced to the extent that a building permit is required or a nonconforming sign module is substantially modified to the extent that a building permit is required;
    6. The nonconforming sign is relocated on the same or different premises and will still be in noncompliance with this chapter;
    7. The nonconforming sign is damaged or destroyed and the cost of reconstruction or repair is sixty percent or more of its depreciated value at the time it is damaged or destroyed;
    8. The principal building or use with which the sign is associated is demolished or destroyed; and
    9. The non-conforming sign face is modified to an electronic message sign or an animated or flashing sign.

B. Prohibited, illegal, nonconforming, abandoned or hazardous signs are declared nuisances and shall not be allowed within the city nor continued by variance. If any person fails to comply with the provisions of this chapter, in addition to the penalty provided therefor, a written order may be served upon the owner or agent in charge of such property, such order to be served personally or by mail, requiring the abatement of the nuisance within fifteen days, excluding weekends and official holidays, after mailing such notice. Such notice shall also advise the owner or agent of his or her right to appeal pursuant to Chapter 18.80. If the abatement has not occurred within the stated time and an appeal has not been filed pursuant to the provisions of Chapter 18.80, then the city may remove said sign, provided that the sign is either an off-premise sign, portable sign, free standing sign made of paper, balloons, pennants or banners, and charge the direct cost incurred by the city for removal of the sign, including five percent for inspection and other incidental costs in connection therewith. Such assessment shall be a perpetual lien upon the land on which the sign is located until the assessment is paid. In addition to any other means provided by law for collection, if any such assessment is not paid within thirty days after it is made and notice thereof is mailed, the same may be certified by the city clerk to the county treasurer and by him placed upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with ten percent penalty thereon to defray the cost of collection.

C. Amortization: The right to keep, own, use, maintain or display a sign prohibited by the terms of this chapter as a nonconforming sign shall cease and terminate in accordance with the following schedule:

1. Any existing nonconforming sign for which a sign permit has been issued pursuant to a previously adopted code, excluding prohibited signs, which exceeds only the maximum sign area for each sign or maximum height limitations of this Code, as specified in Section 18.50.100, by twenty percent or less shall be considered a conforming sign and shall not need to be removed or altered. However, should said sign structure be replaced or renovated, excluding routine maintenance, said sign shall lose its conforming status and shall comply with all requirements of this Code.
2. All signs illegally erected and all signs regulated under Section 18.50.060, except roof signs, shall be brought into conformity with this chapter on or before January 7, 1990. Signs erected more than three years before the effective date of the ordinance codified in this chapter are not presumed to be illegal merely because a sign permit is not on file with the building division. Other factors including the size, setback, height and applicable regulations on the date of erection or installation of the sign will be considered in determining whether or not a sign was illegal when erected or installed.
3. All nonconforming signs which have been approved by the city through the variance or special review processes, or issued a sign permit which do not meet the requirements of this chapter, shall be considered legal nonconforming signs and shall comply with the provisions of the sign code as required in this section, and be subject to amortization.
4. All existing nonconforming signs, including roof signs, but excluding those signs specified in Subsections 1 and 2 of this Subsection C, shall be brought into compliance with the requirements of this sign code on or before November 1, 1998.
5. All nonconforming signs located on property annexed into the city after adoption of this Code shall comply with all the provisions of this chapter, including this section. The amortization period shall commence on the effective date of the annexation. The amortization period for such signs shall be three years, unless otherwise determined by council as a condition of annexation.
6. Any existing sign which is brought into compliance with this chapter within four years from the date of adoption of this chapter, shall be entitled to a ten percent sign area bonus.

D. Historic Signs: Notwithstanding any other provisions in this title, an historic sign may be kept, used, owned, maintained and displayed, subject to the following conditions:

1. The sign and the use has been at its present location since 1956;
2. The sign is not an off-premises sign;
3. The sign is structurally safe or capable of being made structurally safe without substantially altering its historic character. All structural repairs and restoration of the sign to its original condition shall be made within sixty days of approval of the application for designation as an historic sign;
4. The sign is representative of signs from the era in which it was constructed and provides evidence of the historic use of the building or premises; and
5. A permit for such sign has been issued designating the sign as an historic sign.

E. All signs which have been designated as historic signs shall be exempt from Subsection B. of Section 18.50.150 relating to abandoned signs so long as the sign continues to meet all the requirements of this section.

18.50.160 Approval procedures.

A. Sign Permit Required.
   1. Except as provided in Section 18.50.050, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the city an application in writing and obtaining a sign permit.
   2. When a sign permit has been issued by the city, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the city. A written record of such approval shall be entered upon the original permit application and maintained in the building permit files of the building division.

B. Application for Permit.
   1. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent, or a sign contractor licensed by the city. Such application shall be made in writing on forms furnished by the city and shall be signed by the applicant.
   2. The city shall, within five working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

C. Plans, Specifications and Other Data. The application for a sign permit shall be accompanied by the following plans and other information:
   1. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
   2. The location by street address of the proposed sign structure;
   3. Complete information as required upon the application forms provided by the city including but not limited to:
      a. Elevation drawings of the proposed sign showing the dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached,
      b. The dimensions of the sign's supporting members,
      c. The maximum and minimum height of the sign,
      d. The proposed location of the sign in relation to the face of a building, in front of which it is to be erected,
      e. A site plan showing the proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated and other building improvements,
      f. Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached,
      g. A sign elevation indicating overall the letter/figure/design dimensions, colors, materials proposed, copy/wording/verbiage and illumination/lighting/beam method to be used.
   4. Plans indicating the scope and structural detail of the work to be done, including details of all

connections, guidelines, supports and footings, and materials to be used;

5. Application for, and required information for such application, and electrical permit for all electric signs if the person building the sign is to make the electrical connection; and
6. A statement of valuation.

D. Interpretation.
   1. The provisions of this chapter are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this chapter;
   2. Whenever the application of this chapter is uncertain due to ambiguity of its provisions, the question shall be referred to the planning commission for determination. The planning commission shall then authorize signing which best fulfills the intent of this chapter.
   3. If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

E. Fee Required. The application for a sign permit under this section shall be accompanied by a fee established by resolution of council to cover the cost of handling the application as prescribed by this chapter.

18.50.170 Enforcement, legal procedures and penalties.

It shall be unlawful for any person to erect, maintain, or allow upon any property over which they own, manage, lease or control, any sign which is not permitted pursuant to the provisions of this sign code. Enforcement, legal procedures and penalties shall be in accordance with Chapter 18.68 of this title. Additionally, unauthorized signs on public property may be confiscated by the city and held pending notification of the owner by the city. The owner may obtain said signs from the city manager upon payment of a confiscation and storage charge in an amount established by council. For the purposes of the enforcement of this chapter, the Building Official and his or her designee is authorized and duly appointed to issue summonses and complaints and penalty assessment notices for a violation of this chapter.

18.50.180 Variances.

Applications for a variance from the terms of this chapter shall be reviewed by the zoning board of adjustment according to Chapter 18.60 of this title.

18.50.190 Appeals.

A final decision of the current planning manager relative to the provisions of this chapter may be appealed to the planning commission in accordance with Chapter 18.80. The decision of the current planning manager shall be upheld unless the planning commission finds that the current planning manager's findings are clearly erroneous, arbitrary or capricious. Any appeal of the planning commission's final decision to council shall be made in accordance with Chapter 18.80 and council shall uphold the decision of the current planning manager unless council finds that the current planning manager's findings are clearly erroneous, arbitrary or capricious.

Chapter 18.52

SUPPLEMENTARY REGULATIONS

Sections:

18.52.010 Purpose.

This chapter specifies procedures and standards that apply to conditions and uses which may occur in more than one zoning district.

18.52.015 Supplementary lot area and width regulations.

A. Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of the ordinance codified herein, in a recorded subdivision approved by council, and has less area or less width than required in other chapters of this title, such a lot may be occupied according to the permitted uses provided for the district in which the lot is located, provided no lot area or lot width is reduced by more than one-third as specified in the regulations of the applicable zoning district unless a greater allowance is approved through a process specified in the Municipal Code.
B. No part of an area or width for a lot for the purpose of complying with the provisions of this title shall be included as an area or width required for another lot.

18.52.020 Supplementary yard regulations.

A. The purpose of a setback creating a yard is for the preservation of light and air to adjoining properties, fire protection, maintenance of property, preservation of open space and the retention of a visually cohesive pattern established by buildings and the spaces which separate them. To maximize the amount of open space on a lot and/or the beneficial use of the property, the current planning manager may approve a reduction of up to thirty-three percent of a required setback, so long as the current planning manager determines and makes written findings that:
    1. The alternative setback would be in harmony with the spirit of this title;
    2. The alternative setback would not limit the use or enjoyment of nearby property;
    3. A letter of non-objection to the alternative setback is submitted from all adjacent property owners; and
    4. A letter of non-objection to the alternative setback is submitted by other potentially impacted property owners, as determined by the current planning manager, who own property that falls wholly or partially within one hundred fifty feet of the subject property.
B. The front yard in all residential zones may be reduced by five feet for garages where the vehicle access door does not face directly onto the street. This allowance shall not apply to properties within a planned unit development or special review that contain specific yard provisions.
C. The following items may extend into required yards if determined to be incidental and harmless to adjacent properties by the current planning manager:

1. Architectural features including cornices, eaves, bay windows, an exterior chase for a fireplace or other similar features;
2. At grade uncovered decks and patios that are exempt from building permit requirements; and
3. Fire escapes that extend into the required rear yards by no more than six feet.

18.52.030 Supplementary building height regulations.

A. All dwellings shall be constructed with at least fifty percent of the roof surface higher than seven feet from grade.
B. It is unlawful to construct, build or establish any building, trees, smokestack, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a publicly used airport.

18.52.040 Commercial mineral deposit.

For the purpose of this title, there are or may be established and designated on the zoning district map, commercial mineral deposits, as defined by C.R.S. 34-1-302(1). A master plan for the extraction of such deposits may be adopted by council. No real property shall be used, or permanent structures placed thereon, which shall permanently preclude the extraction of such mineral deposits by an extractor in violation of the provisions of C.R.S. 34-1-305.

18.52.050 Collection, storage and processing of recyclable materials.

For the purpose of encouraging the safe, healthy, attractive and convenient location and operation of recycling activities, the following supplementary regulations apply to all recycling activities, uses and locations, in addition to all other applicable regulations:

A. No storage area, enclosure or container used for collection or storage of any recyclable material shall be visible from any public street bordering on the lot on which the collection and storage takes place, except mobile recycling collection units at attended collection facilities. The location on the lot for each such area, enclosure and container shall be subject to specific approval of the planning division, and shall be screened in compliance to Section 4.06 of the Site Development Performance Standards and Guidelines.
B. No power-driven processing equipment is permitted as part of an attended or unattended recycling collection facility, except for reverse vending machines which do not exceed the allowable noise levels as set forth in Chapter 7.32.
C. No more than four outside storage containers for recyclable materials are permitted at any attended or unattended recycling collection facility. All containers located outside of a building shall be limited to five cubic yards in storage capacity. No containers shall be placed or stored on the site except in the location designated for their use.
D. All outside recycling collection facilities shall be kept free of litter and other unsightly or nuisance conditions. Outside storage containers shall be kept in good condition at all times, and collected materials shall not be permitted to overflow the design capacity of the container.
E. No more than three reverse vending machines are permitted at the same outside recycling collection facility. The total square footage occupied by all such machines at an outside recycling facility shall not exceed one thousand five hundred square feet. No reverse vending machine shall be placed on a site in such a manner as to diminish or obstruct the required parking area for other uses or businesses on that site.
F. All existing facilities for the collection, storage and processing of recyclable materials which do not comply with the provisions of this section are hereby declared to be public nuisances, and shall be abated.

18.52.060 Supplementary regulations for gas stations with or without convenience goods or other services

For the purpose of encouraging the safe, healthy, attractive and convenient location and development of gas stations with or without convenience goods or other services, the following supplementary regulations apply to all such facilities, in addition to all other applicable regulations:

A. The maximum floor area ratio (FAR) for such sites shall be 0.15 for conventionally developed sites and 0.20 for sites developed using reverse mode design. The gross floor area shall include the area under all gas island canopies and other accessory structures. For the redevelopment of gas station sites which existed prior to January 1, 1990, the maximum floor area ratio shall be 0.20. The provisions of this Subsection A. shall not apply where existing gas station buildings, canopies and fuel pump islands are being reused.
B. Such uses shall be located only along arterials or major collectors. Reverse mode design is encouraged at the intersection of two arterials. On a corner lot, provision of access to the site from adjacent sites or service roads is encouraged, rather than directly from the abutting streets. The provisions of this Subsection B. shall not apply where existing gas station buildings, canopies and fuel pump islands are being reused.
C. All signs for such uses shall conform to the requirements and limitations set forth in Section 18.50.135.
D. No canopies on such sites shall exceed 16.5 feet in total height. Canopies shall be architecturally integrated with the main building and all other accessory structures on the site through the use of the same or complementary materials, design motif and colors. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than two inches. The material and color used on the underside of the canopy shall not be highly reflective, with the intent of minimizing the amount and intensity of light which reaches beyond the site boundaries.
E. All materials and colors used on both structural and architectural surfaces shall be subdued, earth tone colors, with the intent of promoting a harmonious appearance of the structures and the natural surroundings, as well as with appearance themes or guidelines of any surrounding development. Brick, stone and other high-quality masonry-type elements are strongly encouraged as a major component of the exterior of all structures. Any landscape walls shall also match the exterior materials and colors used on the principal structure. Bright accent colors, intended to express corporate or business logos, may be used only on a limited basis. These accent color areas shall not be internally illuminated, except for any portions that are permitted by the city as a sign.
F. Landscaping materials and/or screening berms or walls shall be installed along all portions of the street frontage necessary, in order to screen from view the gasoline service islands and pumps and any other product dispensing areas from all abutting public streets and residentially zoned properties. No wooden fences or walls shall be used for these purposes. These requirements shall be additional to and made part of all other landscape requirements stipulated by the City of Loveland site development performance standards and guidelines, as they apply to such sites.
G. All heating, air conditioning, refrigeration, ventilation or other mechanical equipment located on the exterior of any structure shall be screened from view on all sides which are visible as viewed from the abutting street frontage or any adjacent residential properties.
H. The minimum distance between parallel fuel pump islands shall be twenty-five feet.
I. The minimum distance from the outside edge of the fuel pump island and a required drive lane shall be no less than twelve feet. The minimum distance from the end of a fuel pump island and a required drive lane shall be no less than fifteen feet.
J. In addition to the criteria set forth above, such sites that are located within the Downtown Development Authority boundary may be required to meet the guidelines for development within that area, as set forth in the "Design Guidelines for Downtown Loveland," or such other document(s) as may be adopted by the Downtown Development Authority or the city.
K. No sign shall be allowed on the premise which is visible beyond the boundaries of the premise

which advertises, identifies, or directs the attention of the public to any specific food(s) items or products, not including beverages, which are offered for sale and/or consumption on the premise as part of the accessory sales.

L. All food(s), food items, or food products, offered for sale on the premise shall be limited to those types of food that have been previously prepared off the premise and only requires, as part of the purchase of the product, removal of wrappers or packaging, heating, reheating, chilling, or assembly by the consumer in order to prepare it for human consumption.

M. No fast food or drive-in restaurant shall be operated in conjunction with a convenience store on the same site and/or within the same building without first obtaining from the city approval of a special review, pursuant to Chapter 18.40 of this title, for such operation, either as an additional use or a combined use development.

18.52.070 Supplementary regulations for a shelter for victims of domestic violence.

The following supplementary regulations shall apply to all shelters for victims of domestic violence:

A. The facility shall be limited to a maximum of eight bedrooms that could each be occupied by one adult or by families consisting of one adult and their dependents. One additional bedroom may be occupied by staff.

B. The facility shall be subject to review and approval of a site development plan pursuant to Chapters 18.39, 18.46 and 18.47. In addition to the information required in the submittal checklist, the applicant shall include the following supplemental information:

1. A description of the facility's operation including staff levels, services provided to patrons, facility operational rules and maintenance responsibilities.
2. An organizational outline of the governing body of the facility, including grantors and boards that provide oversight to the facility.
3. A description of qualifications and experience of the facility operators.
4. A map showing the location of any daycare facility licensed with the state, any school meeting all requirements of the compulsory education law of the state or licensed with the state as a preschool, any group care facility as defined in Section 18.04.183, and any other shelter for victims of domestic violence that lies within three hundred feet of the boundaries of the property in which the shelter is proposed.
5. A description and location for all proposed lighting and security measures demonstrating compliance with CEPTED lighting, security, and construction provisions including the following:
   a) All entryways, porches, walkways and sides of the residence shall be well lit;
   b) All exterior entrance doors shall be constructed of solid core or steel and shall have security devices such as deadbolts, strike plates, door viewers and locks located away from any glass; and
   c) All homes shall have an intrusion alarm and or exterior camera system.
6. All landscaping shall be maintained in a manner to promote and increase security of the facility A landscape plan shall be submitted demonstrating compliance with the following standards:
   a) All shrubs located near sidewalks, driveways, doors or gates shall be a low growing species obtaining a maximum height of not more than two feet;
   b) All trees placed near the home shall be a canopy tree species and shall be trimmed so that lower branches are at least six feet off the ground; and
   c) Decorative stone or rock shall be used as ground cover near home so that it makes noise when someone walks on it.
7. The City may require other material as necessary to evaluate the application for compliance with City standards.

C. In approving a site development plan, the current planning division and the Loveland Police Department shall determine whether the location of the shelter will be compatible with the uses listed in Subsection B.1. and that appropriate security and landscape measures will be in place, in compliance with the standards contained in Subsection B.5. and B.6. As part of the determination, the city may impose restrictions and conditions, as deemed necessary, to insure compliance with the standards contained in Section B., above.

D. All site development plan applications for shelters for domestic violence, including building permit applications, inspection records and any related documents shall be kept confidential and shall not be inspected or released to any person or entity pursuant to an open records request, except upon written permission by the director of the shelter for domestic violence.

18.52.080 Supplementary regulations for crematoriums

The following supplementary regulations shall apply to all crematoriums constructed after September 1, 2009. Crematoriums existing prior to September 1, 2009 shall comply with Sections 18.52.080B., C., and where applicable, F.

A. Prior to the issuance of a certificate of occupancy for any crematorium, the operator shall provide documentation to the city that all applicable federal, state and local permits have been obtained and provide to the city all of the equipment manufacturers' specifications for construction, installation, operation, and maintenance.

B. Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended. The city shall have the right to enter and inspect the operations of the crematoriums to determine compliance with this provision in accordance with Chapter 1.08.

C. The addition or expansion of an incinerator within an existing crematorium prior to (insert the effective date of the ordinance) shall be subject to the provision in Subsection F., below, and the special review procedures set forth in Chapter 18.40, except for properties zoned Industrial located more than five hundred feet, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or located more than five hundred feet from any residential property within a planned unit development.

D. Each incinerator within a crematorium shall have a modern automated control panel and a dedicated natural gas meter.

E. The height of the exhaust stack for each crematorium unit shall be a minimum of two feet above the roofline or other nearby obstruction to minimized downdrafts of the exhaust.

F. No incinerator within a crematorium shall be located less than three feet, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or less than three feet from any residential property within a planned unit development.

Chapter 18.53
COMMERCIAL AND INDUSTRIAL ARCHITECTURAL STANDARDS
Sections:

18.53.010 Purpose and general application.

A. Purpose and intent. The following standards are intended to enhance the appearance of buildings and promote a high quality of design in order to protect the public health, safety and welfare. The intent of these standards is to: (i) encourage greater design compatibility with surrounding areas and establish a precedent for high quality design in areas with no established character; (ii) achieve greater architectural variation and interest through standards for the design of roofs, exterior walls and the use of exterior finish materials; (iii) encourage greater architectural cohesiveness and compatibility within a new development of multiple buildings; and (iv) reduce the negative visual impact of features and site improvements such as mechanical equipment. These standards are intended to be applied together with other development standards of Title 18, including the Site Development Performance Standards and Guidelines.

B. General application.

1. New construction. These standards shall apply to new construction of buildings and structures as specified in the following sections.
2. Improvements to existing structures and development sites.
   a. These standards shall apply to existing buildings only when a proposed building expansion exceeds twenty-five percent of the existing floor area measured on a cumulative basis starting from the date of the adoption of the chapter. For example, if an owner increases the gross floor area by five percent each year, for five years beginning on the date of adoption of this chapter, the provisions of this chapter shall apply when the gross floor area has increased by twenty-five percent in the fifth year.
   b. It is intended that a building expansion subject to these standards be reasonably integrated with the existing structure or site condition consistent with these standards.
   c. These standards shall not be construed to necessitate improvements to existing buildings or site conditions beyond those necessary to integrate the proposed improvement with existing conditions in a manner consistent with these standards.
3. Development or permit applications. These standards shall not apply to any complete development, zoning or building permit application submitted or approved prior to the adoption of these standards.
4. Exemption for historic buildings. These standards shall not apply to designated historic structures altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56.

18.53.020 Compliance

A. Type 1 standards. Compliance with the type 1 standards set forth in this chapter is mandatory, unless a variance is granted pursuant to Chapter 18.60.

B. Type 2 standards.

1. Alternative compliance. Compliance with the type 2 standards set forth in this chapter

is mandatory, unless the current planning manager grants alternative compliance in accordance with the following provisions. The current planning manager may allow application of an alternative standard, different than a type 2 standard, provided the current planning manager determines that:

a. The applicant has demonstrated that either:

i. Site-specific, physical constraints necessitate application of the alternative standard, and such constraints will not allow a reasonable use of the property without application of such alternative standards; or

ii. The alternative standard achieves the intent of the subject type 2 standard to the same or greater degree than the subject standard, and results in equivalent or greater benefits to the community as would compliance with the subject standards.

2. Statement of Findings. Whenever the current planning manager grants alternative compliance, the current planning manager shall formulate a written statement of findings based on the above criteria for such action. Such statement shall be filed in the development application file.

3 Appeals. Final decisions by the current planning manager with respect to such alternative compliance may be appealed to the planning commission in accordance with Chapter 18.80.

18.53.030 Commercial (non-industrial) architectural standards.

A. Application.

1. The following standards apply to retail, office, institutional and other commercial buildings located in business zoned or designated areas, including but not limited to the B district. In the case of business or commercially designated areas within a planned development district, or such uses subject to special review (Chapter 18.40), standards negotiated as part of a planned development district, or as may be required by the findings of the special review, may be different or more stringent than those set forth in this section. These standards shall not apply to buildings located in industrially zoned or designated areas, including but not limited to the I district (see section 18.53.040 for industrial standards), except as provided herein. These standards shall apply to the buildings in I districts that are located on sites adjacent to a major or minor arterial road (as defined in Subsection 15.53.040B.), when fifty percent or more of the building gross floor area or use is devoted to a non-industrial use. Non-industrial uses include uses such as office, retail goods or services, restaurants, or institutional use. In calculating the use devoted to such non-industrial use, any outdoor area devoted to the display of goods for sale shall be included in the calculation of area devoted to non-industrial use. For such buildings in I districts, exterior portions of the building enclosing such non-industrial space shall comply with the commercial architectural standards in this section. Exterior portions of such buildings enclosing space devoted primarily to industrial uses, such as manufacturing or warehouse space, are exempt from application of commercial architectural standards in this section.

2. It is intended that these standards apply to the primary façade of the building and that all sides of building, where visible from public rights-of-way and private roads or services drives or adjacent residential neighborhoods, shall include design characteristics and materials consistent with those of the primary façade, except as provided in subsection B below. Also, standards specified in Section 18.53.040, shall be limited to the façade and walls as specified in that section.

3. These standards shall not apply to buildings and sites located within the downtown BE district as illustrated by Figure 18.24.050 (3).

B. Exceptions. The director may waive the application of the standards set forth in this chapter in cases where the visibility of side or rear walls of the building is substantially diminished by landscaping, or by a decorative screening wall or earthen berm combined with landscaping, located between the building wall and any such right-of-way or adjacent property. A waiver may also be considered in cases where

the distance of the building from the right-of-way or adjacent property, and/or intervening structures or other landscape features, diminish the visibility of the proposed structure in a manner consistent with the intent of this paragraph. Landscape screening shall be designed to be at least sixty percent opaque to a height of six feet upon installation and a minimum of eighty percent opaque to a height of six feet within five years of planning (see examples Figures 18.53.030-1 and 18.53.030-2). Such landscaping shall consist of primarily evergreen plant material to provide year-round screening. The required landscaping shall be maintained in healthy condition by the current owner. In the event any required landscaping material dies or is destroyed, it shall be replaced by the owner within six months. Replacement material shall conform to the original intent of the landscape plan.

C. Design compatibility.

1. Type 2 standards:

a. Building design shall contribute to the special or unique characteristics of an area and/or development through the use of predominant building massing and scale, building materials, architectural elements and color palette.

b. Design compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed development.

c. Where there is no established or consistent neighborhood or area character or unifying theme, or where it is not desirable to continue the existing character because it does not reflect a design theme consistent with the architectural standards as described in this chapter, the proposed development shall be designed to establish an attractive image and set a standard of quality for future developments and buildings within the area. Greater attention to design with respect to design compatibility standards in this Subsection C shall be required in areas of high visibility, such as community entryways and arterial and major collector roadways.

D. Building design elements.

1. Type 2 standards: All buildings shall be designed and maintained using the following building elements, with a minimum of one item each selected from four of the five groups below:

a. Group 1 – exterior wall articulation.

i. Openings or elements simulating openings that occupy at least twenty percent of the wall surface area (excluding overhear or dock doors) (Figure 18.53.030-3); or

ii. Building bays created by columns, ribs, pilasters or piers or an equivalent element that divides a wall into smaller proportions or segments with elements being at least one foot in width, a minimum depth of eight inches, and spaced at intervals of no more than twenty five percent of the exterior building walls (Figure 18.53.030-4). For buildings over twenty thousand square feet in floor area, such elements shall be at least eighteen inches in width, with a minimum depth of twelve inches, and spaced at intervals of no more than twenty percent of the exterior building walls; or

i. A recognizable base treatment of the wall consisting of thicker walls, ledges or sills using integrally textured and colored materials such as stone, masonry, or a decorative concrete; or

ii. Some other architectural feature that breaks up the exterior horizontal and vertical mass of the wall in a manner equivalent to (i), (ii), or (iii) above.

b. Group 2 – roof articulation.

i. Changes in roof lines, including the use of stepped cornice parapets, a combination of flat and sloped roofs, or pitched roofs with at least two roof line elevation changes (Figure 18.53.030-5 and 6); or

ii. Some other architectural feature or treatment which breaks up the exterior horizontal and vertical mass of the roof in a manner equivalent to (i) above.

c. Group 3 – building openings, walkways and entrances.
   i. Canopies or awnings over at least thirty percent of the openings of the building (Figure 18.53.030-7); or
   ii. Covered walkways, porticos and/or arcades covering at least thirty percent of the horizontal length of the front façade (Figure 18.53.030-8); or
   iii. Raised cornice parapets over entries; or
   iv. Some other architectural feature or treatment which adds definition to the building openings, walkways or entrances in a manner equivalent to (i), (ii), or (iii) above.

d. Group 4 – building materials. (The area of windows and doors, including overheard doors, shall be excluded from the wall area calculation for the following standards.)
   i. At least two kinds of materials distinctively different in texture or masonry pattern, at least one of which is decorative block, brick or stone, with each of the required materials covering at least twenty-five percent of the exterior walls of the building (Figure 18.53.030-9); or
   ii. Brick or stone (including synthetic stone) covering at least fifty percent of the exterior walls of the building.

e. Group 5 – other architectural definition.
   i. Overhanding eaves extending at least twenty four inches past the supporting walls, or with flat roofs, cornice parapets or capstone finish (Figure 18.53.030-10); or
   ii. Ornamental lighting fixtures (excluding neon)for all exterior building lighting (Figure 18.53-030-11) or
   iii. A feather that adds architectural definition to the building, in a manner equivalent to (i), (ii), or (iii) above.

E. Articulation of walls. Type 2 standard: Facades, and any wall of the building facing any road or public or private service drive, greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least four percent of the length of the façade, extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet (Figure 18.53.030-12)

F. Delivery/loading doors and docks. Type 2 standard: No delivery, loading, dock or trash removal door or facility shall be located on the main street facing façade of the building. Any such door or facility located on the side or rear wall of the building shall be screened in accordance with the Site Development Performance Standards and Guidelines, as amended. For sites that have road frontage on multiple sides, these facilities shall be located in the least obtrusive manner, preferably on a non-road facing side of the building, or the road frontage that has the least public visibility.

G. Rooftop mechanical units. Type 2 standard: Rooftop mechanical units and other miscellaneous rooftop equipment shall be substantially screened from view from public rights-of-way and other public places. Screening materials shall be of the same or comparable material, texture and color as the materials used on the building. Roof-mounted equipment screening shall be constructed as an encompassing monolithic unit, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements shall not be permitted). The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment (Figure 18.53.030-13).

H. Cart storage and vending machines. Type 2 standard: Cart storage areas, vending machines, and video and book return containers shall be placed inside the principal building, placed in an accessory structure designed to complement the principal building, or screened with walls and landscaping.

I. Multi-building developments. Type 1 standard: Developments with multiple buildings shall include predominant characteristics in each building so that the buildings within the development appear to be part of a cohesive, planned area, yet are not monotonous in design. Predominant characteristics may include use of the same or similar architectural style, materials and colors.

J. Building entrances. Type 1 standard: Primary public entrances shall be clearly defined and recessed and projected or framed by elements such as awnings, arcades, porticos or other architectural features.

K. Building colors.

1. Type 1 standard: Colors shall be used to blend buildings into an area and to unify elements of a development. Color should be drawn from the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area. Monotonous or monochromatic color palettes are strongly discouraged. Accent colors used to call attention to a particular feature or portion of a building, or to form a particular pattern, shall be compatible with predominant building base colors and may be incorporated using such elements as shutters, window mullions, building trim and awnings.

2. Type 2 standard: Accent colors shall cover no more than five percent of a building façade.

L. Franchise architecture. Type 1 standard: Prototypical or franchise architectural designs may be required to be modified to meet these architectural standards. Changes to prototypical franchise styles to meet these standards may include, but not limited to, modifications to roofs, windows, doors, building mass, materials, colors, placement of architectural features and details, etc. Care should be taken to ensure that such modifications comply with Subsection C. Design Compatibility. Franchise architectural styles found to meet these standards will not require any modification.

M. Illumination. Type 2 standard: Illumination highlighting the entire façade of a building, or a significant portion of the building, or back lighted translucent awnings intended to function as signage, shall not be permitted as part of a building design. This standard is not intended to preclude the use of lighting (including neon lighting) to accent limited portions of the building façade.

N. Metal siding. Metal siding may be used as an exterior finish material as long as the amount used does not exceed twenty-five percent of the area of any single wall, exclusive of the roof, and provided it matches or complements the building color and/or material scheme. Further, such metal siding shall be a “standing seam” type or equivalent quality, not a “corrugated” type. Architectural metals, such as bronze, brass, copper and wrought iron, may be used and may exceed the twenty-five percent area limit.

Figure 18.53.030-1

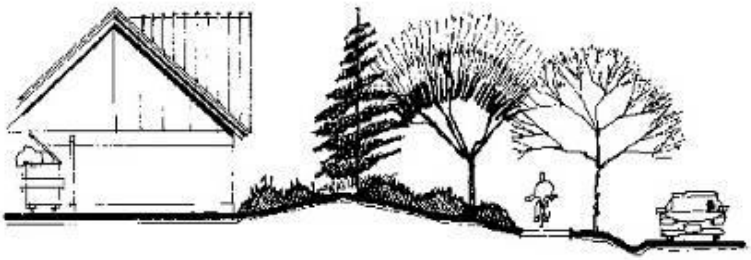


Figure 18.53.030-2

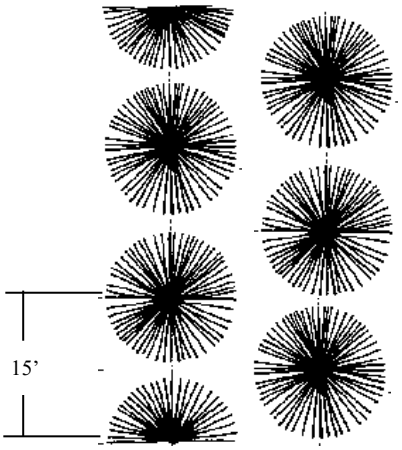


Figure 18.53.030-3

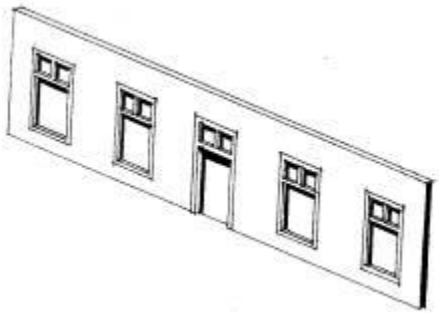


Figure 18.53.030-4

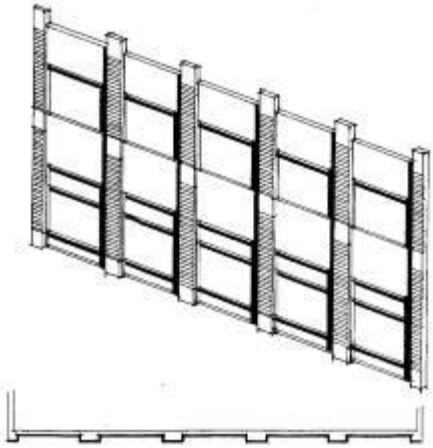
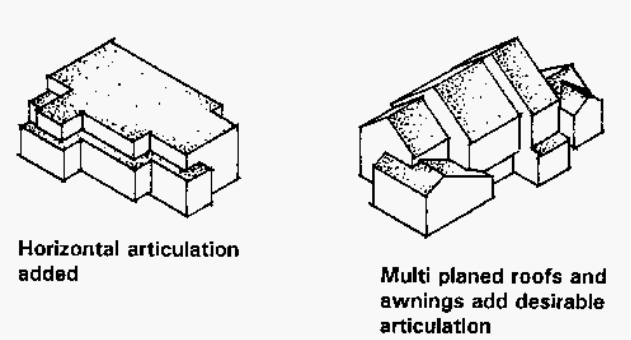


Figure 18.53.030-5

Figure 18.53.030-6



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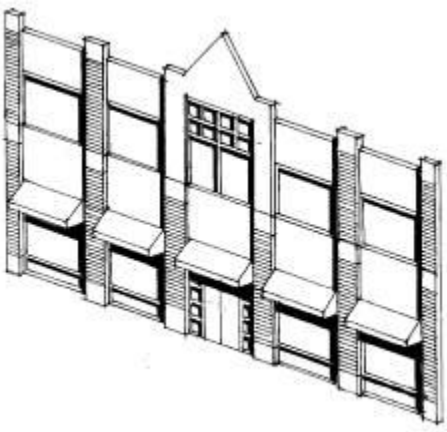

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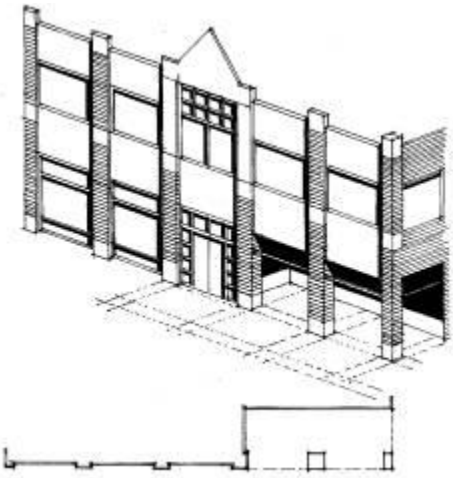


Figure 18.53.030-9

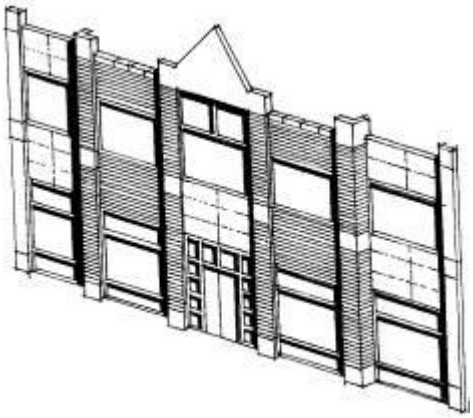


Figure 18.53.030-10

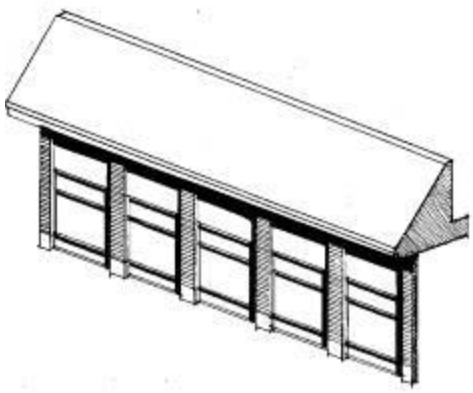


Figure 18.53.030-11

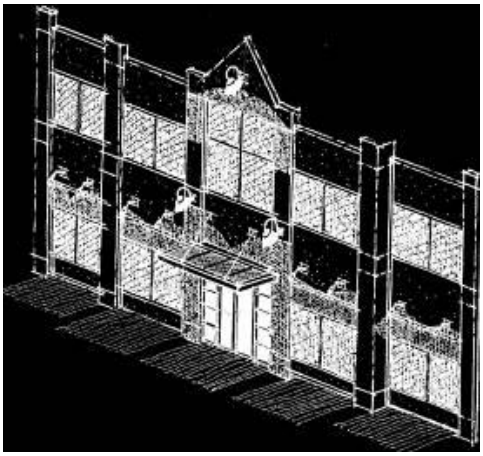


Figure 18.53.030-12

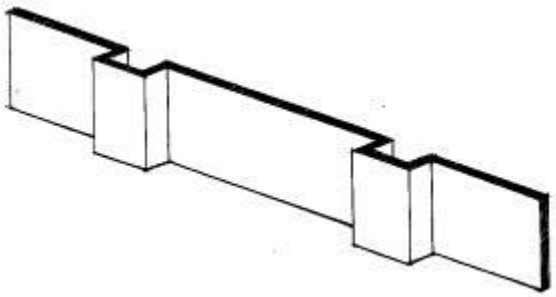
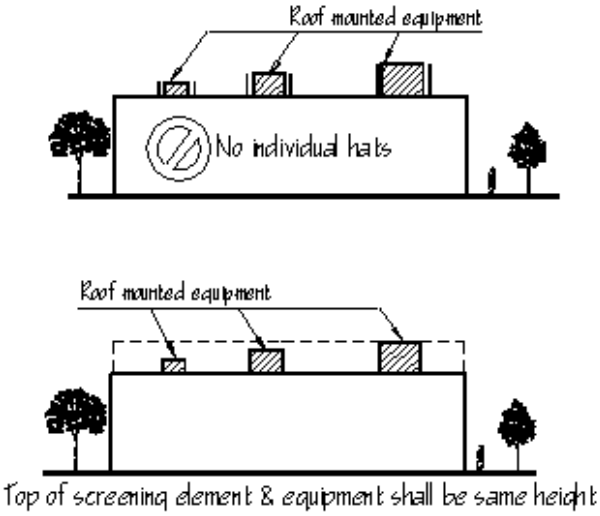


Figure 18.53.030-13



18.53.040 Industrial architectural standards.

A. Purpose and intent. These standards are intended to apply to industrial buildings on sites adjacent to major roads (as defined in Subsection B. below) because of the visibility of such development and its impact on the image and character of the community. Industrial development that is adjacent to collector or local roads is not subject to these standards.

B. Application. Standards in this section apply to industrial buildings located in the I district and areas with PUD districts designated for industrial use that are located on sites adjacent to a major or minor arterial road, as defined by the 2020 Transportation Plan, or an interstate highway. (For buildings where fifty percent or more of the gross floor area or use is devoted to a non-industrial use, see Section 18.53.030A.)

1. Sites adjacent to public or private service roads, where there is no developed or developable private land between the service road and the arterial road, shall be considered adjacent to such arterial roads or interstate highways and shall be subject to these standards. This shall include sites on service roads separated from the arterial or interstate road by public or private commuter facilities other public facilities within the right-of-way.

2. In the case of industrial designated areas within a PUD district, or industrial uses subject to special review (Chapter 18.40), standards negotiated as part of a PUD district, or as may be required by the findings of the special review, may be different or more stringent than those set forth in this section.

3. Subsection 18.53.010B, which addresses how standards apply to new construction and exiting buildings, and Section 18.53.020, regarding the application of type 1 and type 2 standards, also shall apply to standards in this section.

C. Arterial/interstate sites.

1. Type 2 standard: For sites adjacent to a major or minor arterial road or Interstate highway, or service road as defined in Subsection B. of this section, metal shall not comprise more than twenty-five percent of the exterior building finish material on walls (roof excluded) facing such a road. Where walls on sites with frontage on such roads do not face such roads, but are visible

from such roads, such as side walls, this requirement shall extend to one third of the depth of the wall measured from the wall facing such road. Figure 18.53.040-1 illustrates this standard.

a. This requirement shall not apply to sites adjacent to local or collector roads or other types of rights-of-way such as, but not limited to, public or private trails, railroads, or utility rights-of-way or easements.

b. Metal siding includes any form of metal exterior finish material, including corrugated or standing seam metal siding. The director may permit metals such as bronze, brass, copper, and wrought iron, in excess of the twenty-five percent limitation if a determination is made that such materials are equal or superior to the primary building materials.

2. Other standards: Industrial buildings on sites adjacent to a major or minor arterial road or Interstate highway, or service road as defined in Subsection B. of this section, shall also comply with standards set forth in Section 18.53.030C., E., F., G., K., and M.

D. Non-arterial/interstate sites. For industrial sites and buildings that are not adjacent to a major or minor arterial road or Interstate highway, or service road as defined in Subsection B of this section, there shall be no limit on the use of metal exterior siding and other requirements in Subsection C. of this section shall not apply.

a.
b.

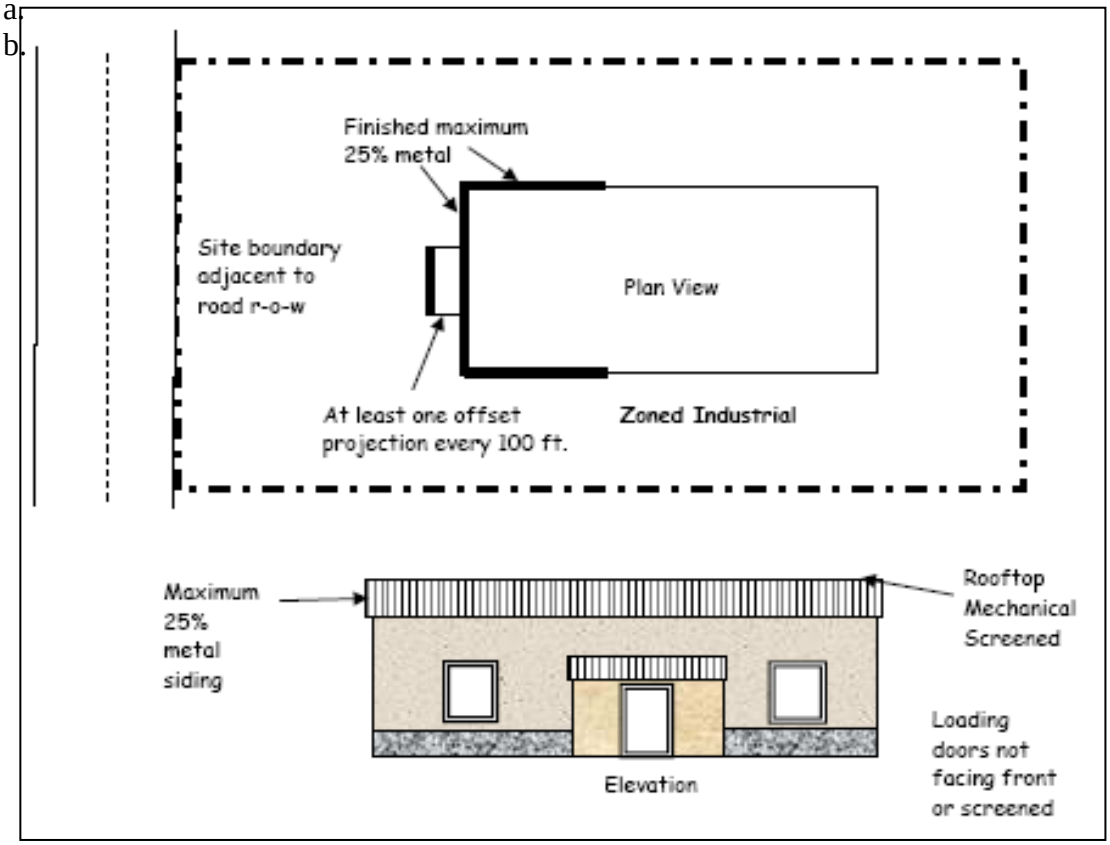


Figure 18.53.040-1

Chapter 18.54

BUILDING HEIGHT REGULATIONS

Sections:

18.54.010 Purpose and applicability.

This chapter is enacted pursuant to and in accordance with Section 18.04 and applies to buildings and structures for which a building permit shall have been obtained after the effective date of this Ordinance.

18.54.020 Height limitations – Conformance required.

It is unlawful for the owner, developer or occupant of any building or structure to erect, move, alter or extend any building or structure, except in conformity with the height limitations set forth in Schedule A of this chapter. Building or structure height shall be measured as defined in Section 18.04.

Use	Maximum height of building or structure	Maximum height of accessory building or structure
One, two, three and four family dwelling units	35	25
Multiple family dwellings more than four dwelling units	40	25
Mobile homes	25	15
I zoning district east of County Road 9	50	50
Other	40	40
E-Employment Center District	As provided in Chapter 18.30 E District Schedule of Flexible Standards	50
MAC-Mixed-use Activity Center District	As provided in Chapter 18.29 MAC District Schedule of Flexible Standards	50
BE – Established Business District	As provided in Chapter 18.24 BE – Established Business Zoning District	As provided in Chapter 18.24 BE – Established Business Zoning District

18.54.030 More restrictive limitations shall supersede.

Where any height limitations set forth in this chapter conflicts with any height limitations set forth in the airport overlay zone, or any other overlay zone, the more restrictive limitation shall apply.

18.54.040 Height limitations within fifty feet of residential uses.

Any nonresidential use or multi-family use located closer than fifty feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use. This standard shall not apply to nonresidential or multi-family uses located within the BE district. See Chapter 18.24 for height limitations for nonresidential and multi-family uses located next to residential uses, excluding multi-family dwelling units.

18.54.050 Request for exception.

The owner of the proposed building or structure may request an exception from the height limitations imposed by this chapter. A request for an exception shall be made to the planning commission. The planning commission shall hold a public hearing on such request, which hearing shall be noticed in accordance with Section 16.16.070.

Before granting any request, the planning commission shall find that:

A. The requested exception allows adequate light and air to the adjacent neighborhood; and
B. The requested exception is compatible with the character of the surrounding neighborhood; and
C. The requested exception will not be injurious to the adjacent neighborhood or otherwise detrimental to the public health, safety and welfare; and
D. The requested exception is consistent with the intent of the zoning district and the entire zoning ordinance.

18.54.060 Appeal to council.

Any party-in-interest, as defined in Section 18.80.020, may appeal the final decision of the planning commission to council. Council shall hold a public hearing on such appeal, which appeal shall be conducted in accordance with Chapter 18.80. Using the criteria set forth in Section 18.54.050, council may affirm, modify or reverse the planning commission's final decision.

18.54.070 Amendments – PUD.

Council may amend this chapter through approving a planned unit development submitted in accordance with Chapter 18.41.

Chapter 18.55

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

18.55.010 Purpose and interpretation.

A. The purpose of this chapter is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this chapter be applied in such a manner as to discriminate unreasonably between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the City Code or any ordinance of the city, the provisions of this chapter shall be deemed to control.

B. The goals of this chapter are to: (i) encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the city, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas least likely to negatively affect residential property or other uses, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of personal wireless services to provide such services throughout the city quickly, effectively, and efficiently.

18.55.020 Definitions.

A. As used in this chapter, all words and phrases shall be interpreted and defined in accordance with Section 18.04.040 and Subsection B. of this section, unless specifically defined otherwise. In the event of a conflict between Section 18.04.040 and Subsection B. of this section, Subsection B. shall control. (Ord. 6118 § 2, 2017)

B. As used in this chapter:

"Antenna" shall mean any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, "cellular," "enhanced specialized mobile radio" and "personal communications services" telecommunications or broadband services, and its attendant base station. For purposes of this chapter, the term "antenna" shall not include an antenna used by an amateur radio

operator or "ham" operator, nor an exterior antenna or satellite dish used for the private or non-commercial reception of television or radio signals. (Ord. 6118 § 3, 2017)

"Antenna Height" shall mean the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

"Antenna Support Structure" shall mean any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

"Cell Site" shall mean a tract or parcel of land that contains the personal wireless service facilities including any antenna, antenna support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services. (Ord. 6118 § 4, 2017)

"EIA" shall mean the Electronic Industry Association. (Ord. 6118 § 5, 2017)

"FAA" shall mean the Federal Aviation Administration.

"FCC" shall mean the Federal Communications Commission.

"Personal Wireless Services" and "Personal Wireless Service Facilities," means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services and the facilities for the provision of such services, as defined in Title 47, United States Code, Section 332, as amended from time to time.

"Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

18.55.025 FCC Eligible Facilities Co-location

A. This section encourages the timely approval of eligible facilities requests for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

B. For the purposes of this section 18.55.025 the following definitions shall apply:

"Base station" shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include a tower or any equipment associated with a tower. Base station includes, without limitation:

(i) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the city under this Chapter, has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support; or

(ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the city under this Chapter, has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support.

(iii) The definition of base station does not include any structure that, at the time

the relevant application is filed with the city under this Chapter, does not support or house equipment described in this definition.

"Co-location" shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, and shall include related modifications to and removal of such equipment.

"Eligible facilities request" shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

"Eligible Support Structure" shall mean any tower or base station as defined in this section, provided that it is existing at the time the application is filed with the city under this section.

"Existing" shall mean a constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an Eligible Facilities Request, provided that a Tower that exists as a legal, non-conforming use and was lawfully constructed, is existing for purposes of this section.

"Site", for towers other than towers in the public rights-of-way and for eligible support structures, shall mean the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For other towers in the public rights-of-way, a site is further restricted to that area comprising the base of the structure and to other transmission equipment already deployed on the ground.

"Substantial Change" shall mean a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(iv) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(v) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(vi) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(vii) For any eligible support structure, it entails any excavation or deployment outside the current Site;

(viii) For any eligible support structure, it would impair the screening or other concealment elements of the eligible support structure or cause the transmission equipment to extend above the natural horizontal rock line of the city's foothills and hogbacks;

(ix) For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified above; or

(x) For any eligible support structure, it does not comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirement.

"Transmission equipment" shall mean equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

C. An eligible support structure may be modified or reconstructed to accommodate co-location pursuant to the application and review process set forth herein.

1. No co-location or modification to any existing tower or base station may occur except after a written request from an applicant, reviewed and approved by the city in accordance with this section.
2. The city shall prepare, and from time to time revise, and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the project: would result in a substantial change; or violates a generally applicable law, regulation, or other rule reasonably related to public health and safety. To the extent necessary, the city may request additional information from the applicant to evaluate the application under 47 U.S.C. § 332(c)(7) pursuant to the limitations applicable therein; however, the city may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.
3. Upon receipt of an application for an eligible facilities request pursuant to this section, the city's planning division shall review such application to determine whether the application qualifies as an eligible facilities request.
4. Subject to the tolling provisions of subsection 5 below of this Paragraph c, within 60 days of the date on which an applicant submits an application seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by this section.
5. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual written agreement of the city and the applicant, or in cases where the city's planning division determines that the application is incomplete.
    a. To toll the timeframe for incompleteness, the city must provide written

notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

b. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city's notice of incompleteness.

c. Following a supplemental submission, the city's planning division will notify the applicant within 10 days, if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified herein. Subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

6. If the city determines that the applicant's request is not covered by the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") as delineated in this section, the presumptively reasonable timeframe under 47 U.S.C § 332(c)(7) of 90 days, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the city's decision that the application is not a covered request.
7. In the event the city fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
8. Applicants and/or the city may bring claims related to this section of the City Code implementing Section 6409 to any court of competent jurisdiction.

D. An eligible facilities request shall be permitted in all zone districts, subject to the requirements of the zone district and special review; provided, however, that such review may be modified or waived by the Current Planning Manager if, in the determination of the Current Planning Manager, such review would unduly delay a decision regarding the application as a covered request and an administrative review is reasonable under the circumstances.

E. An eligible facilities request shall be subject to the simplified site development plan requirements of chapter 18.46

F. Except as provided in subsection 6 of Paragraph C of this section, a request for co-location that the city determines does not qualify as an eligible facilities request shall not be subject to this section. (Ord. 6118 § 1, 2017)

18.55.030 Co-location in general.

A. To minimize adverse visual impacts associated with the proliferation of towers, the city encourages co-location of antennas by more than one carrier on existing towers or structures.

B. An existing tower or base station may be modified or reconstructed to accommodate the co-location of an additional antenna. Modification of an existing tower or base station that is not an eligible facility structure under section 18.55.025 to accommodate additional antennas shall be permitted in all zone districts, subject to the requirements of the zone district and the following criteria:

1. An existing tower may be modified or rebuilt to a taller height, not to exceed twenty feet

over the tower's existing height, to accommodate the co-location of an additional antenna. The tower as modified shall comply with the other provisions of this chapter.

2. A tower which is being modified to accommodate the co-location of an additional antenna may be moved to a different location on the same property within 50 feet of its existing location so long as it remains within the same zone district. After the tower is rebuilt to accommodate co-location, only one tower shall remain on the property.
3. The tower, as modified shall comply with the provisions of this chapter in all respects.
4. The applicant for modification of a tower and co-location of an antenna shall follow the approval process as set forth in this title for the zone district in which the tower is located. (Ord. 6118 § 6, 2017)

C. No personal wireless service facility owner, operator, lessee, or any officer or employee thereof, shall act to exclude any personal wireless services provider from using the same facility, building, structure or location. Personal wireless service facility owners or lessees or officers or employees thereof shall cooperate in good faith to achieve co-location of personal wireless service facilities and equipment with other personal wireless services providers. Upon request by the city, the owner or operator shall provide evidence establishing why co-location is not feasible. The city shall not attempt to affect fee negotiations between private parties concerning co-location.

D. If a personal wireless services provider attempts to co-locate a facility on an existing or approved facility or location and the parties cannot reach agreement concerning the co-location, the city may require a third party technical study at the expense of either or both parties to resolve the dispute.

18.55.040 Co-location on existing structures.

The special review requirements for an antenna that is not subject to section 18.55.025 may be waived in the BE, B and I districts if the applicant proposes to locate the antenna on an existing structure such as a water tower, building, steeple or other suitable structure or pole. The applicant shall submit detailed plans to the current planning division for an administrative review to determine if the special use permit process and public hearing can be waived. Suitability of the existing structure for the co-location of an antenna shall be determined based upon the structure's capacity to accommodate the antenna and the antenna's architectural compatibility with the structure. No building permit shall be issued unless approval is granted through the administrative review, or the applicant completes the full special review process. (Ord. 6118 § 7, 2017)

18.55.050 Co-location on new towers.

A. In order to reduce the number of towers needed in the city in the future, every new tower shall be designed to accommodate antenna for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons, or unless the Current Planning Manager determines that a tower for only one user is more appropriate at a specified location. (Ord. 6118 § 8, 2017)

B. Unless the current planning division determines that co-location is not feasible, the site plan for every new tower shall delineate an area near the base of the tower to be used for the placement of additional equipment or buildings for other users. The site plan for towers in excess of 100 feet shall propose space for two or more other comparable tower users, while the site plan for towers under one hundred feet shall propose space for one other comparable tower user.

C. The city may deny an application to construct a new tower if the applicant has not demonstrated a good faith effort to co-locate the antenna on an existing structure or tower.

18.55.060 Application requirements.

Applicants for approval of personal wireless service facilities including co-location subject to section 18.55.025 shall submit the following information with their application. The current planning division may waive certain submittal requirements if the information requested is deemed by the current planning manager not to be necessary under the circumstances of a particular application. (Ord 6118 § 9, 2017)

A. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures. The site plan shall indicate all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and all other items required in this chapter.
B. A current map and aerial as provided by the county assessor's office showing the location of any proposed tower; (Ord 6118 § 10, 2017)
C. Legal description of the parcel upon which the personal wireless service facilities are to be located;
D. A statement on the site plan indicating the distance between the proposed tower and the nearest residential dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties. If the proposed tower is to be located within 300 feet of any residentially zoned property, then the distances, locations and identifications of said residential properties shall be shown on an updated city map;
E. A landscape plan showing specific landscape materials;
F. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;
G. Evidence demonstrating compliance with all provisions of this chapter and the zone district in which the personal wireless service facilities are to be located;
H. A notarized letter signed by the applicant stating the tower and any related facilities will comply with all EIA Standards and all applicable federal and state laws and regulations (including specifically FAA and FCC regulations); (Ord 6118 § 10, 2017)
I. A statement by the applicant as to whether construction of any new tower will accommodate co-location of additional antenna(s) for future users;
J. Certification by a qualified engineer that the antenna usage will not interfere with other adjacent or neighboring or city-wide transmissions or reception functions;
K. Documentation evidencing that the applicant is licensed by the FCC if required to be licensed under FCC regulations; or in the event the applicant is not the telecommunications or broadband service provider, proof of lease agreements with an FCC licensed telecommunications or broadband provider if such telecommunications provider is required to be licensed by the FCC; (Ord 6118 § 10, 2017)
L. Information demonstrating how the proposed site fits into the applicant's overall network within the city;
M. If the personal wireless service facilities or equipment are to be located westerly of the 5200 foot elevation, the applicant shall provide computerized, three dimensional, visual simulation of the facility and equipment and other appropriate graphics to demonstrate the visual impact on the view of the city's foothills and hogbacks as viewed from major transportation corridors or public open space. No personal wireless service facilities or equipment shall extend above the natural, horizontal rock line of the city's foothills and hogbacks;
N. Documentation evidencing the applicant's FCC authorization to provide personal wireless services or place personal wireless service facilities within the city or geographic area which includes the city; and
O. The application for any tower shall be accompanied by a bond, letter of credit, or other guaranty satisfactory to the city, in an amount to be determined by the city, which may be drawn upon by the city as necessary to cover the costs of removal of the tower. (Ord 6118 § 10, 2017)

18.55.070 Design criteria.

Every personal wireless service facility shall comply with the following design criteria:

A. Architectural compatibility: Personal wireless service facilities shall be architecturally compatible with the surrounding buildings and land uses in the zone district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.

B. No significant adverse impact: The applicant shall demonstrate that the placement of antennas or towers on property will have no significant adverse impact on surrounding private or public property.

C. Setbacks: Tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Unless there are unusual geographical limitations, in residential zone districts, towers shall be set back from all property lines a distance equal to 300% of tower height as measured from ground level; provided, however, that a lesser setback may be permitted, if the Current Planning Manager determines that (i) the tower is camouglaged or otherwise adapted to be compatible with the surrounding area, and (ii) the setback is not less than a distance equal to 100% of tower height as measured from ground level. Towers shall comply with the minimum setback requirements of the area in which they are located in all other zone districts. (Ord 6118 § 11, 2017)

D. Color: Towers and antennas shall be of a color which generally matches the building, surroundings or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.

E. Lights, signals, and signs: No signals, lights or signs shall be permitted on towers or other structures unless required by the FCC or the FAA. (Ord 6118 § 11, 2017)

F. Equipment Structures: Ground level equipment and buildings and the tower base shall be screened. The standards for equipment buildings are as follows:

1. The maximum floor area is three hundred fifty square feet and the maximum height is twelve feet.
2. Ground level buildings shall be screened from adjacent properties by landscape plantings, fencing or other appropriate means, as specified in this chapter or in the City Code.
3. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted, subject to good engineering practices. Equipment, buildings, antenna and related equipment shall occupy no more than twenty-five percent of the total roof area of a building.

G. Federal requirements: All towers and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. (Ord 6118 § 11, 2017)

H. Structural design: Towers shall be constructed to the FCC and EIA Standards, which may be amended from time to time, and all applicable construction/building codes and safety. Any improvements and/or additions to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the FCC and EIA

Standards, all applicable construction building and safety codes and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted and reviewed at the time building permits are requested. (Ord 6118 § 11, 2017)

I. Fencing: In the BE, B or I districts, a well-constructed wood, stucco, masonry or stone wall, not less than six feet in height from finished grade, shall be provided around each tower. The type of fencing in other districts shall be subject to city review and approval. Security fencing should be colored or should be of a design which blends into the character of the existing environment. Access to the tower shall be through a locked gate.

J. Antenna and tower height: The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily and to meet requirement of this chapter. No antenna that is taller than the minimum height required to function or otherwise meet the requirements of this chapter shall be approved. Towers shall be no taller than the maximum permitted height for other structures contained within the applicable zone district, except that in the BE, B or I districts, towers may be taller pursuant to special review. (Ord 6118 § 11, 2017)

K. Antenna support structure safety: The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

L. Required parking: If the site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, adequate off-street parking shall be provided and documentation evidencing that adequate off-street parking is available shall be provided to the city. (Ord 6118 § 11, 2017)

M. Landscaping: Landscaping in accordance with the provisions of this chapter shall be provided.

N. Site characteristics: Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated by the city, taking into consideration the site as built.

18.55.080 Antenna design criteria.

Antenna mounted on any tower, building or other structure shall comply with the following requirements:

A. The antenna shall be architecturally compatible with the building and wall on which it is mounted so as to minimize any adverse aesthetic impact and shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

B. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons the antenna needs to project above the wall. In no event shall an antenna project more than ten feet above the height of the building. Building heights shall be calculated pursuant to Chapter 18.54.

C. The antenna and its support structure shall be designed to withstand a wind force of one hundred miles per hour without the use of supporting guy wires.

D. No antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing tower to which such antenna, antenna array, or support structure is attached.

E. The antenna may be attached to an existing mechanical equipment enclosure which projects

above the roof of the building, but may not project any higher than ten feet above the enclosure.

F. If an accessory equipment shelter is present, such building shall blend with the surrounding buildings in architectural character and color.

G. On buildings thirty feet or less in height, the antenna may be mounted on the roof if:
   1. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
   2. The antenna or antennas and related base stations cover no more than an aggregate total of twenty-five percent of the roof area of a building.
   3. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
   4. No portion of the antenna may extend more than ten feet above the height of the existing building as calculated in accordance with Chapter 18.54 of this title.

H. If a proposed antenna is located on a building or a lot subject to a special review site plan, written city approval is required prior to the issuance of a building permit for the antenna.

I. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district or site, unless such antenna has been approved in accordance with the Code and written permission is obtained from the city.

J. No antenna shall cause localized interference with the reception or transmission of any other communications signals including, but not limited to public safety signals, and television and radio broadcast signals.

18.55.090 Landscaping and screening.

A. Landscaping shall be required to screen as much of the support structure as possible. The fence surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the cell site. The city may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If an antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required, except as otherwise required for the existing use.

B. The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures:
   1. A row of evergreen trees a minimum of ten feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence; and
   2. A continuous hedge, at least thirty-six inches high at planting and capable of growing to at least forty-eight inches in height within eighteen months, shall be planted in front of the tree line referenced above.

C. Landscaping shall be installed on the outside of fences. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the city. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.

18.55.100 Maintenance and inspections requirements.

A. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building and safety codes, regulations of the FCC and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes, regulations or standards and constitutes a danger to persons or property, then

upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into compliance with such codes, regulations and standards. If the owner fails to bring such tower into compliance within said thirty days, the city may remove such tower at the owner's expense, the costs of which shall constitute a lien against the property. (Ord. 6118 § 12, 2017)

B. Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC Standards and within sixty days of the inspection, file a report with the city building division.

18.55.110 Non-use/abandonment.

A. In the event the use of any tower has been discontinued for a period of six months, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the city which shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional sixty days within which to:
   1. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
   2. Dismantle and remove the tower. If such tower is not removed within said sixty days, the city may remove such tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Unnecessary sections of the tower shall be removed. (Ord 6118 § 13, 2017)

B. At the earlier of sixty days from the date of abandonment without reactivation or upon completion of dismantling and removal, city approval for the tower shall automatically expire.

C. If an abandonment of a tower occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of telecommunications or broadband services, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled. (Ord 6118 § 14, 2017)

18.55.120 Third party review.

A. The personal wireless services providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of personal wireless services, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless services provider. The city may require such a technical review, to be paid for by the applicant for the personal wireless service facilities. The selection of the third party expert may be by mutual agreement between the applicant and city or at the discretion of the city, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. The expert review of the technical submission shall address the following:
   1. The accuracy and completeness of the submission;
   2. The applicability of analysis techniques and methodologies;
   3. The validity of conclusions reached;
   4. Any specific technical issues designated by the city, including without limitation, whether any potential alternatives exist to the proposed facility. (Ord 6118 § 15, 2017)

B. Based on the results of the third party review, the city may condition approval of the application

for personal wireless service facilities upon meeting requirements that comply with the recommendations of the expert. (Ord 6118 § 16, 2017)

18.55.130 Applicability.

The provisions of this chapter shall apply to all applications for personal wireless service facilities which were filed prior to the effective date hereof and which have not been approved by the city as of the effective date of this chapter, and to applications filed thereafter.

Chapter 18.56

NONCONFORMING USES – NONCONFORMING BUILDINGS

Sections:

18.56.005 Purpose.

The purpose of this chapter is to preserve specified property rights relating to uses and buildings that have been legally established but are not in conformance the provisions of this title.

18.56.010 Defined.

A. A "nonconforming use" includes any legally existing use, whether within a building or on a tract of land, which does not conform to the use regulations of this title for the district in which such nonconforming use is located, either on April 9, 1973, or as a result of subsequent amendments which may be incorporated into the ordinance codified herein.

B. A "nonconforming building" includes any legally existing building which does not conform to the minimum yard or usable open space regulations of this title for the district in which such nonconforming building is located, either on April 9, 1973, or as a result of a subsequent amendment which may be incorporated into the ordinance codified herein.

18.56.020 Continuation of use.

A nonconforming use may be continued and a nonconforming building may continue to be occupied except as both of the foregoing are otherwise provided for in this chapter.

18.56.030 Change of use.

A nonconforming use may be changed to a conforming use.

18.56.040 Abandonment of use.

If active and continuous operations are not carried on in a nonconforming use during a period of one year, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

18.56.050 Restoration.

A nonconforming building or a building containing a nonconforming use which has been damaged by fire or other causes may be restored to its original condition provided such work is started within six months of such calamity and completed within eighteen months of the time the restoration is commenced.

18.56.060 Expansion of a nonconforming use.

A nonconforming use shall not be enlarged, extended or expanded by more than twenty-five percent of its total floor area if contained within a building (or lot area if not contained within a building), existing at the time of adoption of the ordinances codified in this title.

18.56.070 Alteration of nonconforming building.

A nonconforming building may be structurally altered, repaired or enlarged provided such alterations, repairs or enlargements are in compliance with the provisions of this title; provided that no nonconforming building shall be altered, repaired or enlarged so as to cause it to further encroach into any setback established by this title.

18.56.080 Structural changes.

Any building or other structure containing a nonconforming use or any nonconforming building or portion thereof declared unsafe by the city building inspector may be strengthened or restored to a safe condition.

18.56.090 Cessation of use.

A nonconforming use of the land, not involving a building with an assessed valuation in excess of five hundred dollars, or a nonconforming sign shall be made conforming or removed within three years after April 9, 1973.

18.56.100 Screening of unsightly areas.

All unsightly areas, including, but not limited to, outside trash receptacles, loading docks, outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired on property developed prior to February 1, 1988, shall be screened from view from public sidewalks, streets and other public areas pursuant to Section 4.06 of the Site Development Performance Standards and Guidelines within two years of adoption of the ordinance codified in this section.

Chapter 18.60

ZONING BOARD OF ADJUSTMENT*

Sections:

*For statutory provisions regarding boards of adjustment, see C.R.S. 31-23-301 and 31-23-307.

18.60.005 Purpose.

The purpose of this chapter is to establish provisions that provide the zoning board of adjustment with authority to grant variances to the regulations contained in this title.

18.60.010 Board of adjustment established.

The planning commission shall serve as the board of adjustment for the city.

18.60.020 Powers and duties.

The board of adjustment shall have the powers and duties to grant variances from certain standards set forth in this Title 18 subject to and in compliance with this chapter and the laws of the state. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title, the board of adjustment may vary or modify certain regulations or provisions to the title so that the spirit of the title is observed, public safety and welfare secured, and substantial justice done.

The board of adjustment shall have the power to grant variances for properties within each zoning district; however, variances cannot be granted to authorize a special review use or a use not otherwise permitted within a given zoning district.

The board of adjustment has the power to vary or modify the application of the regulations or provisions of this title related to the following:

Standards for lot area, lot dimensions, setback requirements, and other dimensional and numerical standards within this title, with the exception of standards relating to building height (see Chapter 18.54) and limited to standards relating to signs as specified in Section 18.60.040 below.

After considering if a proposed variance meets the applicable criteria in Section 18.60.030 and 18.60.040 below, the board shall take action to approve, approve with conditions or deny the application.

18.60.030 General variance review criteria.

To approve a zoning variance application, the board of adjustment shall consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

A. There are unique circumstances or conditions that are particular to or related to the land or

structure for which the variance is requested. The circumstances may include, but are not limited to, exceptional topographic conditions, the shape or dimensions of the property, or the existence of mature landscaping or natural features that impact the property;

B. The special circumstances are not the result of actions or inactions by the applicant or the current owner;
C. The strict interpretation and enforcement of the provisions of the Code would cause an unnecessary or undue hardship;
D. Granting the variance is the minimum action needed to accommodate or alleviate the difficulty or hardship involved;
E. The variance would not substantially impact the reasonable use and enjoyment or development of other property in the vicinity of the subject land or structure;
F. The variance would not authorize any use in a zoning district other than a use specifically permitted in such zoning district; and
G. The variance would not waive or modify the requirements of any use approved by special review.

18.60.040 Sign variance review criteria.

A. Variances to the requirements of Chapter 18.50 shall not be permitted, except as related to the requirements concerning the setback of a freestanding sign, the spacing between freestanding signs, or the maximum sign area. To approve a zoning variance application to Chapter 18.50, the board must consider the following review criteria and find that each criterion has been met.
    1. There are special physical circumstances or physical conditions, including, without limitation, buildings, topography, vegetation, sign structures, or other physical features on adjacent properties or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question, and such special circumstances or conditions are unique to the business to which the applicant desires to draw attention and do not apply generally to all businesses in the area;
    2. The variance would be consistent with the purposes set forth in Section 18.50.010 and would not adversely affect the neighborhood or other businesses within the vicinity in which the subject business is located; and
    3. The variance is the minimum necessary to permit the applicant to reasonably draw attention to its business.
B. In addition to the above criterion, for signs that contain an electronic message module, the board must consider the review criteria in Section 18.50.100A.4.h. and find that each criterion has been met.

18.60.050 Applications.

Any person seeking action or review upon any matter within the jurisdiction of the board of adjustment, shall make an application on forms provided by the current planning division. The application shall be accompanied by such supporting material as may be required. The applicant shall also pay, at the time of filing of the application, any required filing fee as established by resolution of council.

18.60.060 Procedure.

The board of adjustment may designate one or more hearing officers from within the board to conduct public hearings on matters coming before the board. The designated hearing officer shall have the discretion to forward any matter onto the full board of adjustment for the initial public hearing. Within ten days after the conclusion of any hearing conducted by the hearing officer, the hearing officer shall submit proposed findings and order to the board, to the applicant, and to all parties participating in the hearing, which findings and order shall constitute the hearing officer's final decision. The hearing

officer's final decision may be appealed to the full board of adjustment by any party-in-interest as defined in Chapter 18.80, by the filing of a written appeal with the current planning division in accordance with the provisions contained in Section 18.80.030.B, within ten days of the decision of the hearing officer. If an appeal is filed, the hearing officer shall forward to the board of adjustment the record of the hearing. The board shall consider any such appeal on the first available date for which proper notice can be provided pursuant to Chapter 18.05. The appeal shall be conducted as a de novo hearing as defined in Chapter 18.80, and shall follow the procedures set forth in Section 18.80.090. Whether as a result of an initial public hearing by the board or an appeal of the hearing officer's final decision, the board shall submit its findings and order to the applicant and all parties participating in the hearing within thirty days following the conclusion of the hearing. The findings and order of the board representing the board's final decision, may be appealed to council by any party-in-interest as defined in Chapter 18.80, by the filing of a written appeal with the current planning division in accordance with the provisions contained in Section 18.80.030.B within ten days of the mailing of the findings and order. Council shall consider any such appeal at a public hearing noticed in accordance with Section 18.80.050C. and conducted in accordance with Section 18.80.090. Unless otherwise stated in the findings and order, or in the decision of council, all permits or actions authorized as a result of an approval of a variance must be initiated within six months of the date such findings and order became final. Upon written request by the applicant, an additional six months may be granted by the current planning manager for initiating such permits or actions. In reviewing the proposed time extension, the current planning manager shall consider the following criteria:

A. Has there been a change of zoning for the site, or for any property adjacent to the site since the original approval?
B. Has a change of use taken place on the site or on any adjacent property since the original approval, or is a change of use proposed for the site which would be divergent from the use shown in the application documents for the original variance?
C. Have there been changes in the regulations and requirements specified in the Loveland Municipal Code which are applicable to the site and which should be addressed prior to the development of the site?
D. Has the ownership of any adjacent property changed?
E. Will the granting of the extension be detrimental to the public health, safety, or general welfare?
F. Will the granting of the extension be in keeping with the purposes set forth in this title to the same degree as intended in the original approval?

18.60.070 Notice.

Notice requirements for appeals shall be provided in accordance with Chapter 18.80. All other notices required by this chapter shall be provided pursuant to Chapter 18.05.

Chapter 18.64

AMENDMENTS

Sections:

18.64.005 Purpose.

The purpose of this chapter is to establish procedures allowing for the amendment of this title and for the rezoning of property.

18.64.010 General procedure.

This title and the zoning district map may be amended by council after the planning commission and council have given public notice of any such proposed amendment, and after holding public hearings thereon, in accordance with the statutes of the state; provided, the zoning of all real property is in compliance with the statutes of the state.

18.64.020 Special procedure.

A. Any person may petition the planning commission and council to change the zoning of any real property within the city upon filing with the city clerk a petition in such form and content as shall be prescribed by the city clerk; provided, such petition is filed in accordance with the provisions of any ordinances of the city pertaining thereto.

B. No such petition shall be accepted for filing by the city clerk until the following requirements are met:
   1. All filing fees required by the ordinances of the city have been paid;
   2. The applicant has submitted a certified list and mailing labels as required by Section 18.05.040.

C. All notices required by this chapter shall be provided pursuant to Chapter 18.05.

D. No later than five days after the city's development review team meets to review a proposed rezoning, the current planning manager shall schedule all required hearings before the planning commission and council. No petition for rezoning shall be deemed complete until it has been reviewed by the development review team for compliance with the city's submittal requirements and the applicant has conducted a neighborhood meeting in accordance with the following requirements:
   1. Within two weeks of submittal of a petition to change zoning the applicant shall conduct a neighborhood meeting.
   2. Written notice of the neighborhood meeting shall be given pursuant to Chapter 18.05.
   3. Prior to the neighborhood meeting, the applicant shall provide the city with an affidavit certifying that the notification requirements set forth in this section have been met pursuant to Chapter 18.05. Failure to provide the required affidavit or evidence of a defective mailing list shall result in termination of the review process until proper notice is provided and the neighborhood meeting conducted.

18.64.030 Limitation on change of zoning map.

No petition for rezoning shall be granted where, within one year preceding the date of the filing of such petition with the city clerk, a petition for the same change of the zoning district of the property described in such petition has been denied.

18.64.040 Procedure for addition of uses not itemized.

Upon application, or on its own initiative, council may, through the general procedures stated in Section 18.64.010, add to the uses listed for a zoning district.

Chapter 18.68

ENFORCEMENT – PENALTIES

Sections:

18.68.005

The purpose of this chapter is to establish the methods for enforcing this title and the penalty for violations.

18.68.010 Methods.

The provisions of this title shall be enforced by the following methods:

A. Requirement of a building permit;
B. Requirement of a certificate of occupancy;
C. Inspection and ordering removal of violations;
D. Proceedings in municipal court; and
E. Injunction.

18.68.020 Building permit.

No building shall be erected, moved or structurally altered unless a building permit therefore has been issued by the city building official or his authorized representative. All permits shall be issued in conformance with the provisions of this title and all other applicable city ordinances.

18.68.030 Certificate of occupancy.

A. No land or building shall hereafter be changed to a business, commercial, industrial or residential use nor shall any new structure, building or land be occupied for a business, commercial, industrial or residential use unless the owner first has obtained a certificate of occupancy from the city building official.
B. Provided the use is in conformance with the provisions of this title, a certificate of occupancy shall be issued within three days of the time of notification that the building is completed and ready for occupancy. A copy of all certificates of occupancy shall be filed by the city building official and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

18.68.040 Inspection.

A. The city building official and his authorized representatives are empowered to cause any building, other structure or tract of land to be inspected and examined in accordance with Chapter 1.08, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this title.

B. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such violation. Such building official and his authorized representatives are authorized and duly appointed to issue summonses and complaints and penalty assessment notices for any violation of the provisions of this title.

18.68.045 Code enforcement guidelines.

A duly appointed peace officer or code enforcement officer of the city may enforce the provisions of this title and of Titles 15 and 16 of the City Code by the issuance of a summons and complaint as provided in Rule 204 of the Colorado Municipal Courts Rules of Procedure.

18.68.050 Violation.

A person is guilty of a violation of this title in any case where:

A. Any violation of any of the provisions of this title or of any agreement or development plan approved under this title or under Title 16, exists in any building, other structure or tract of land; or

B. An order to remove any alleged violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof) or upon the architect, builder, contractor or any other person who commits or assists in any alleged violation, and such person fails to comply with such order within fifteen days, excluding weekends and legal holidays, after the service thereof.

18.68.060 Injunction.

In addition to any of the foregoing remedies, the city attorney acting in behalf of council may maintain an action for an injunction to restrain any violation of this title.

18.68.070 Penalty.

Any person, firm or corporation violating any provisions of this title, upon conviction therefore, shall be fined not more than one thousand dollars or incarcerated not more than one year, or both. Each day during which the illegal erection, construction, reconstruction, alteration, maintenance, use, or any other violation of this title continues, is deemed a separate offense.

18.68.080 Liability for damages.

This title shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit as herein provided.

Chapter 18.72

VESTED PROPERTY RIGHTS

Sections:

18.72.010 Purpose.

The purpose of this chapter is to provide the procedures necessary to implement the provisions of the Colorado Vested Rights Act, which establishes the process by which a landowner can establish a vested property right to undertake and complete development and use of the real property under the terms and conditions of an approved Site Specific Development Plan.

18.72.020 Definitions.

As used in this chapter:

"Colorado Vested Rights Act" or "act" shall mean C.R.S. 24-68-101 *et seq.*

"Final approval" of a site specific development plan shall mean, that following a properly noticed public hearing under this chapter, the decision of the planning commission or council, as applicable, approving a site specific development plan, for which decision there is no remaining right to appeal under the Code, even if there remains the right to appeal to the courts or the right of referendum under the Charter.

"Site specific development plan" shall mean a preliminary development plan approved in compliance with Chapter 18.41, a special review permit approved in compliance with chapter 18.40, or a development agreement approved in compliance with Title 16 or Title 18 of the Code; provided that the preliminary development plan, the special review permit, or the development agreement describes with reasonable certainty the type and intensity of use proposed for a specific parcel or parcels of real property.

"Vested property right" shall mean the legal right established in accordance with this chapter to undertake and complete the development and use of real property under the terms and conditions of a site specific development plan, which shall include, without limitation, the requirement to submit a final development plan within one year of approval of a preliminary development plan, as provided in Section 18.41.050D.13.

18.72.030 Application for a vested property right.

An application for a vested property right shall be made in writing on a form provided by the city as part of an application for the applicable site specific development plan. The site specific development plan shall describe, with reasonable certainty, the type and intensity of the proposed development.

Therefore, none of the submittal requirements that may affect the type and intensity of use may be waived for a development application designated as a site specific development plan for which a vested property right application has been submitted. Any additional information deemed necessary by the director regarding items which may directly or indirectly affect the type or intensity of development under the site specific development plan may be required during the applicable review process.

18.72.040 Establishing vested property right by publication of notice.

The public hearing at which the final approval is considered shall be preceded by public notice of such hearing, including the intent to obtain a vested property right, as provided in Section 16.16.070. To establish a vested property right under this chapter for a site specific development plan, the city shall, within fourteen days following the final approval of the site specific development plan, publish in a newspaper of general circulation within the city a notice advising the general public of the site specific development plan approval and the creation of a vested property right pursuant to this chapter for that site specific development plan. If such notice is either not timely published, or contains any material errors, the city shall republish the notice at its expense and the three year vesting period shall be deemed to have commenced fourteen days after final approval of the site specific development plan.

18.72.050 Effect of approval and term of vested property right.

A. Final approval of a site specific development plan and subsequent timely publication of the notice required by Section 18.72.040 shall create a vested property right to undertake and complete development and use of the subject real property in accordance with the terms and conditions contained in the approved site specific development plan and subject to the requirements and limitations of this chapter.

B. The grant of a vested property right under this chapter for an approved site specific development plan shall not prevent the city, in subsequent actions, from applying any of the following to the subject real property:
   1. Any ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the city, including building, fire, plumbing, electrical, engineering, and mechanical codes or other technical standards of the city as the same may be enacted or amended from time-to-time;
   2. New ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the terms or conditions of the approved site specific development plan;
   3. New ordinances, rules, regulations, and policies that are necessary for the immediate preservation of the public health and safety; or
   4. New ordinances, rules, regulations, and policies when the city finds that the site specific development plan is based on substantially inaccurate information supplied by the applicant.

C. A vested property right shall remain vested for a period of three years from the date of publication of the notice required by Section 18.72.040, unless a longer term is agreed to by the city in a development agreement approved in accordance with Title 16 or Title 18 of the Code.

18.72.060 Plan language required.

Each site specific development plan shall contain the following language: "The City of Loveland's approval of this plan, or agreement, as applicable, creates a Vested Property Right under the City Code Chapter 18.72 subject to all the terms, conditions and limitations of this plan, or agreement and subject to the provisions of City Code Chapter 18.72. The effective date of this Vested Property Right is (insert date of publication of notice)."

18.72.070 Applicable standards and regulations.

The review, approval, approval with conditions, or denial of an application for a site specific development plan shall be governed by the duly adopted laws and regulations in effect at the time a

complete application for such plan was submitted pursuant to this chapter. The application for a vested property right under this chapter for a site specific development plan shall be deemed complete only if the application related to such plan is deemed complete in accordance with the applicable provisions of the Code. Notwithstanding the foregoing, the city may apply to a pending complete application for a site specific development plan any subsequently enacted or amended ordinances, rules, regulations, or policies that are necessary for the immediate preservation of the public health or safety.

18.72.080 Waiver of vested property right.

A property owner may waive a vested property right by separate agreement with the city, which agreement shall be recorded with the Larimer County Clerk and Recorder. Upon such recording, the vested property right shall be deemed to have expired. Unless otherwise agreed to by the city, any property owner requesting annexation to the city shall waive in writing any pre-existing vested property right as a condition of such annexation.

18.72.090 Modifications.

Modifications or amendments to a site specific development plan shall be processed in accordance with applicable provisions of the Code. In the event that minor modifications to a site specific development plan are approved under the applicable provisions of Title 18 (or under prior law, if applicable), the effective date of such minor modifications, for purposes of duration of vested rights, shall be the date of the final approval of the original site specific development plan. The final approval of major modifications to a site specific development plan under the applicable provisions of title 18 (or under prior law, if applicable), shall create a new vested property right with effective period and term as provided in this chapter, unless expressly stated otherwise in the decision approving such major modification.

18.72.100 Other provisions unaffected.

Approval of a site specific development plan shall not constitute an exemption from or waiver of any other applicable provisions of the Code pertaining to the development and use of the subject real property.

18.72.110 Limitations.

Nothing in this chapter is intended to create any vested property rights other than such rights as established pursuant to the provisions of the Colorado Vested Rights Act. In the event of the repeal of the act, or a judicial determination that the act is invalid or unconstitutional, this chapter shall be deemed to be repealed and the affected provisions of this chapter no longer effective.

18.72.120 General development plans.

A. Final Approval of a general development plan does not grant a vested property right, unless council grants such rights in a development agreement approved in accordance with Title 16 or Title 18 of the Code.

B. The approval of, or completion of work pursuant to, a preliminary development plan for portions of a general development plan shall not create a vested property right under this chapter for those portions of the general development plan which have not received approval of, or completion of work pursuant to, such preliminary development plan.

18.72.130 Term of vested property right.

Within the period of time for which a vested property right is granted under this chapter as provided in Section 18.72.050C., the applicant shall undertake, install and complete all engineering improvements (water, sewer, streets, curb, gutter, sidewalk, street lights, fire hydrants, and storm

drainage facilities) in accordance with city codes, rules, and regulations. Such period of time shall constitute the "term of vested right." Failure to undertake and complete the development within the term of the vested right shall cause a forfeiture of such vested property rights. All dedications as contained on the final subdivision plat shall remain valid unless such plat is vacated in accordance with law.

18.72.140 Effect of new site specific development plan.

In the event that a new site specific development plan is approved for a parcel of real property which had been subject to a previously approved site specific development plan and that constituted all of the real property in that previously approved plan, the final approval of such new site specific development plan shall cause the automatic expiration of the previously approved site specific development plan and of any remaining vested property right associated with such plan. In the event that a site specific development plan is approved for a parcel of real property which constitutes only a portion of all the property included in a previously approved site specific development plan, the final approval of the new site specific development plan for such portion shall result in the removal of that portion of the real property from the previously approved plan. That portion of the property removed shall thereafter be governed by the new plan, and shall be reviewed according to all other applicable provisions of the Code, and the remaining real property in the previously approved site specific development plan shall continue to be governed by that plan.

Chapter 18.76

SEXUALLY ORIENTED BUSINESS ZONING

Sections:

18.76.010 Purpose.

The purpose of this chapter is to establish locational requirements and associated provisions for sexually oriented businesses.

18.76.015 Locations.

A. No person shall operate or cause to be operated a sexually oriented business within any zone district other than an industrial zone district.
B. No person shall operate or cause to be operated a sexually oriented business within one thousand five hundred feet of:
    1. Any place of worship or assembly; or
    2. Any school meeting all requirements of the compulsory education law of the state or licensed with the state as a preschool; or
    3. The boundary of any residential district; or
    4. Any daycare facility licensed with the state; or
    5. Any park.
C. No person shall operate or cause to be operated a sexually oriented business within one thousand five hundred feet of any other sexually oriented business.
D. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof.

18.76.020 Measurement of distance.

A. For purposes of this chapter, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each business.
B. For purposes of this chapter, the distance between any sexually oriented business and any place of worship or assembly, school, residential district, licensed daycare facility, or park shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted to the nearest property line of the premises of a place of worship or assembly, school, residential district, licensed daycare facility, or park.

18.76.030 Other locational regulations.

A. Any sexually oriented business lawfully operating on the effective date of the ordinance from which this section derives (Ordinance No. 4453) that is in violation of Section 18.76.010 shall be permitted to continue operation as a non-conforming use and shall be subject to the requirements of Chapter 18.56 concerning nonconforming uses.

B. If two or more sexually oriented businesses are within one thousand five hundred feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location shall be deemed to be in compliance with Section 18.76.010 and the later established business shall be deemed a non-conforming use pursuant to Section 18.76.010A.

C. A sexually oriented business lawfully operating is not rendered in violation of Section 18.76.010 by the location, subsequent to the issuance or renewal of the sexually oriented business license, of a place of worship or assembly, school, residential district, licensed daycare facility, or park within one thousand five hundred feet of the sexually oriented business. This exemption applies only to the renewal of a valid license and does not apply when an application for a sexually oriented business license is submitted after such a license has expired or has been revoked.

Chapter 18.77

OIL AND GAS REGULATIONS

Sections:

18.77.010 Authority.

This chapter is enacted pursuant to the city's police powers and land-use authority under Article XX of the Colorado Constitution, C.R.S. 31-1-101 *et seq.*, the OGC Act, the COG regulations and under all other applicable laws, rules and regulations. It is the intent of this chapter that these powers and authority be exercised in a manner that will not create an operational conflict with the provisions of the OGC Act or the COG regulations, which conflict could arise if any application of this chapter has the effect of materially impeding or destroying a state interest as expressed in the OGC Act or the COG regulations. The provisions of this chapter are therefore to be interpreted and applied in a manner that is consistent and in harmony with any conflicting provisions of the OGC Act or the COG regulations, so as to avoid an operational conflict.

18.77.015 Purpose.

The purpose of this chapter is to generally protect the public's health, safety and welfare and the environment and more specifically to regulate oil and gas operations within the city so as to minimize the potential land use conflicts and other adverse impacts that may negatively affect existing and future land uses when oil and gas operations occur within the city near those uses. This purpose is intended to be achieved in a manner that recognizes the state's interests in oil and gas operations as

expressed in C.R.S. 34-60-102, which include: fostering the responsible and balanced development of the state's oil and gas resources in a manner consistent with the protection of the public's health, safety and welfare, including protection of the environment and wildlife resources; protecting public and private interests against waste in both the production and use of oil and gas; and allowing Colorado's oil and gas pools to produce up to their maximum efficient rate subject to the prevention of waste, protection of the public's health, safety and welfare, protection of the environment and wildlife resources, and the protection and enforcement of the rights of owners and producers to a common source of oil and gas so that each owner and producer obtains a just and equitable share of production from that source.

18.77.020 Applicability.

Except as otherwise provided in this section, the provisions of this chapter shall apply to all surface oil and gas operations occurring within the city's boundaries, which shall include, without limitation, any oil and gas operation requiring the commission's issuance or reissuance of a drilling permit or any other permit under the COG regulations. Prior to any person commencing any such operations within the city, that person shall apply for and receive an oil and gas permit from the city in accordance with the provisions of this chapter. This chapter, however, shall not apply to those surface oil and gas operations for which a drilling permit was issued under the COG regulations prior to April 2, 2013, the effective date of this chapter, and under which permit the oil and gas operations were commenced before April 2, 2013. It shall also not apply to any surface oil and gas operations occurring on real property annexed into the city on or after April 2, 2013, provided those operations are occurring as of the effective date of the annexation pursuant to a drilling permit issued under the COG regulations. This chapter shall apply to all other surface oil and gas operations occurring within the city's boundaries after April 2, 2013.

18.77.025 Rules of construction and definitions.

A. The words, terms and phrases expressly defined in this section shall have the meaning hereafter given them, unless the context requires otherwise. The words, terms and phrases used in this chapter not defined in this section shall have the meaning given to them in the OGC Act, the COG regulations or in Chapter 18.04, and where there is more than one definition, the controlling definition shall be the one that is most consistent with the city's authority described in Section 18.77.010 and with the city's purposes for enacting this chapter as described in Section 18.77.015. Words, terms and phrases not defined in this section, the Act, the COG regulations or chapter 18.04, shall be given their commonly accepted meaning unless they are technical in nature, in which case they should be given their technical meaning generally accepted by the industry in which they are used. Therefore, for those words, terms and phrases peculiar to the oil and gas industry, they shall be given that meaning which is generally accepted in the oil and gas industry. Words, terms and phrases of a legal nature shall be given their generally accepted legal meaning.

B. When determining the end date of a time period under this chapter, the day on which the time period begins shall not be counted and the last day shall be included in the count. If the last day is a Saturday, Sunday or federal or state legal holiday, that day shall be excluded in the count.

C. As used in this chapter:

"Abandonment" means the plugging process of cementing a well, the removal of its associated production facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the wellsite.

"Act" or "OGC Act" means the Colorado Oil and Gas Conservation Act as found in C.R.S. 34-60-101 *et seq*.

"Administrative review process" means the expedited and enhanced review process set out in Section 18.77.050.

"Adverse effect" or "adverse impact" means the impact of an action that is considerable or substantial and unfavorable or harmful. The term includes social, economic, physical, health, aesthetic, historical impact, and/or biological impacts, including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

"Applicant" means any person possessing the legal right to develop oil or gas underlying land located within the city's boundaries and who has applied for an oil and gas permit under this chapter.

"Application" means an application filed with the city by any person requesting an oil and gas permit under this chapter.

"Baseline standards" means those review standards and operation requirements set out in Sections 18.77.055 and 18.77.060.

"Best management practices" means the best proven and commercially practicable techniques, technologies and practices that are designed to prevent or minimize adverse impacts caused by oil and gas operations to the public health, safety or welfare, including the environment and wildlife resources.

"Building" means any residential or non-residential structure designed and permitted to be occupied by natural persons.

"City manager" means the city's duly appointed city manager or his or her designee.

"COG permit" means a permit issued by the commission to drill, deepen, re-enter or recomplete and conduct any other oil and gas operation as allowed under the COG regulations.

"COG rule" or "COG regulations" means the Colorado Oil and Gas Rules and regulations duly adopted by the commission, as amended, including 2 Colo. Code Regs. 400; et seq.

"Commission" means the Oil and Gas Conservation Commission of the State of Colorado.

"Completion" means, for the completion of an oil well, that the first new oil is produced through wellhead equipment into leased tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in the COG regulations. Any well not previously defined as an oil or gas well, shall be considered completed ninety days after reaching total depth. If approved by the director of the commission, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

"Completion combustion device" means any ignition device, installed horizontally or vertically used in exploration and production operations to combust otherwise vented emissions from completions.

"Designated agent" means the designated representative of any operator.

"Enhanced standards" means those review standards and best management practices set out in Section 18.77.065.

"Gas" means all natural gases and all hydrocarbons not defined in this section as oil.

"High occupancy building" means any residential or non-residential structure design to be occupied by natural persons and permitted with an occupancy rating for fifty persons or more.

"Hydraulic fracturing" means all the stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geological formation to enhance production of oil and gas.

"Inspector" means any person designated by the city manager who shall have the authority to inspect a well site to determine compliance with this chapter and any other applicable city ordinances.

"Minimize adverse impacts" means, whenever reasonably practicable, to avoid significant adverse impacts to wildlife resources, the environment, or to the public's health, safety or welfare from oil and gas operations, minimize the extent and severity of those impacts that cannot be avoided, mitigate the effects of unavoidable remaining impacts, and take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts.

"Natural area" means those areas described or identified as natural areas in the Open Lands Plan.

"Oil" means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are

produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

"Oil and gas facility" means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment or processing of oil or gas, which shall include, without limitation, any and all storage, separation, treating, dehydration, artificial lift, compression, pumping, metering, monitoring, aboveground flowlines, and other equipment directly associated with oil wells, gas wells, or injection wells. However, "oil and gas facility" shall not include aboveground or underground power supply, underground flow lines, or underground water lines.

"Oil and gas operations" or "operations" means exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, re-entering, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering lines; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

"Operator" means a person who has the legal right under a permit issued under this chapter and under a COG permit issued by the commission to conduct oil and gas operations on the surface within the city's boundaries by drilling into and producing from a pool and to appropriate the oil or gas produced therefrom either for the operator or for the operator and an owner.

"Outdoor assembly area" means an improved facility, not within a building, designed to accommodate and provide a place for natural persons to congregate and is capable of being reasonably occupied by fifty or more natural persons at any one time, but the front, side and rear yards of residential lots shall not be considered an "outdoor assembly area."

"Owner" means any person having an ownership interest in the oil and gas resources underlying land either as the owner of a corporeal estate in realty or as an owner of a leasehold interest therein.

"Permit" or "oil and gas permit" means a permit issued by the city to an applicant under this chapter.

"Person" means any natural person, corporation, association, partnership, limited liability company, receiver, trustee, executor, administrator, guardian, fiduciary or any other kind of entity or representative, and includes any department, agency or instrumentality of the state or any political subdivision thereof and any county, city and country, home rule municipality, statutory municipality, authority or special district.

"Pit" means any natural or man-made depression in the ground used for oil or gas exploration or production purposes. A pit does not include steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils. This shall include, without limitation and as applicable, "production pits," "special purpose pits," "reserve pits," "multi-well pits" and "drilling pits," as these are defined in the COG regulations.

"Planning commission review process" means the review process set out in Section 18.77.045.

"Seismic operations" means all activities associated with the acquisition of seismic data including, but not limited to, surveying, shothole drilling, recording, shothole plugging and reclamation.

"Significant degradation" means any degradation to the environment that will require significant efforts and expense to reverse or otherwise mitigate that degradation.

"Surface owner" means any person having title or right of ownership in the surface estate of real property or any leasehold interest therein.

"Surface water body" includes, but not be limited to, rivers, streams, ditches for the conveyance of water for irrigation or domestic water supply use, reservoirs, and lakes.

"VOCs" means volatile organic compounds.

"Well" means an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of

monitoring or observing a reservoir.

"Well blowdown" means the maintenance activity designed to remove fluids from mature wells during which time gas is often vented to the atmosphere.

"Well completion" means the process that perforates well casing, stimulates the reservoir using various techniques including, but not limited to, acid treatment and hydraulic fracturing, allows for the flowback of oil or natural gas from wells to expel drilling and reservoir fluids, and tests the reservoir flow characteristic, which may vent produced hydrocarbons to the atmosphere via an open pit or tank.

"Wellhead" means the equipment attached to the casinghead of an oil, gas or injection well above the surface of the ground.

"Wetlands" shall have the same meaning as this word is defined in Section 18.41.110.

18.77.030 Zoning.

Notwithstanding any provision in this Code to the contrary, oil and gas operations shall be permitted in all of the city's zoning districts, planned unit developments, general development plans, unit developments and within any other city-approved land uses, but only if a permit has been issued to the extent required by this chapter and a COG permit has been issued by the commission for those oil and gas operations.

18.77.035 Alternative permit processes.

Any person applying for a permit under this chapter must proceed under the planning commission review process as provided in Section 18.77.045, unless the applicant voluntarily chooses to proceed under and qualifies for the expedited and enhanced administrative review process as provided in Section 18.77.050. The permit application under the planning commission review process shall be reviewed and granted or denied on the basis of the applicable baseline standards set out in Sections 18.77.055 and 18.77.060 and any other applicable standards and requirements in this chapter and code. A permit application under the administrative review process shall be reviewed and granted or denied under the applicable baseline and enhanced standards set out in Sections 18.77.060 and 18.77.065 and any other applicable standards and requirements in this chapter and code.

18.77.040 Conceptual review.

Prior to any person submitting an application under this chapter, that person shall first schedule with current planning and attend a conceptual review meeting with the city's development review team. Current planning shall schedule such meeting within fifteen days after a written request for the meeting has been received. At least fifteen days before the scheduled conceptual review meeting, the person requesting the meeting shall submit to current planning in electronic form or one hard-copy set of all applications, plans, studies and other documents that such person has filed or will be required to file with the commission under the COG regulations to obtain a COG permit for the oil and gas operations proposed to be conducted within the city. The purpose of the conceptual review meeting is to give the prospective applicant and the city's development review team the opportunity to discuss the proposed oil and gas operations and to discuss the city's application and review processes under this chapter. This will include a discussion as to whether the prospective applicant is interested in using the expedited and enhanced administrative review process rather than the planning commission review process. Within fifteen days after the meeting, current planning shall provide the prospective applicant with the development review team's written comments and recommendations concerning the proposed oil and gas operations. When these comments and recommendations are sent to the prospective applicant by current planning, the prospective applicant shall have ninety days thereafter in which to file with current planning an application for the proposed oil and gas operations. Failure to file that application within this time period will require the prospective applicant to schedule and conduct another conceptual review meeting under this section for those oil and gas operations. However, in the event current planning fails to timely provide development review team's written comments and recommendations to

the prospective applicant, the prospective applicant may proceed to file its application with current planning within ninety days thereafter.

18.77.045 Planning commission review process.

A. Application completeness review. After an application has been filed with current planning, the director shall review the application for completeness to determine its compliance with the applicable requirements of Section 18.77.070. If the director determines that any of those applicable requirements have not been satisfied, the director shall, within fifteen days after the application is filed, notify the applicant in writing of any deficiencies in the application. This process of review and notice of deficiency shall continue until the director determines the application satisfies all applicable requirements of Section 18.77.070 and is, therefore, a complete application. The director shall notify the applicant in writing that the application is complete within fifteen days after the later of the filing of the application or the filing of the last application resubmittal in response to a notice of deficiency from the director. Promptly thereafter, current planning shall post the complete application on the city's website for public review, but excluding any information required in this chapter to be kept confidential.

B. Development review team. After an application is filed with current planning and has been determined by the director to be a completed application, it shall be reviewed by the development review team. The development review team shall review the application for conformance with the applicable provisions of this chapter and any other applicable provisions of this Code. As part of this review, the development review team may meet with the applicant or the applicant's representatives to discuss the application and to present the development review team's questions, concerns and recommendations. Within thirty days after the application has been determined by the director to be a complete application, the development review team shall complete its review by submitting a written report of its findings and recommendations to the applicant and the director. The report shall also be posted on the city's website with the application, but excluding any information required under this chapter to be kept confidential. Within thirty days of the issuance of the development review team's report, the applicant may supplement its application in response to the development review team report.

C. Neighborhood meeting. Promptly after the director has issued the written determination that the application is complete, current planning shall schedule a neighborhood meeting to be held within forty-five days of the director's written determination of completeness. Once that neighborhood meeting has been scheduled, notices of the neighborhood meeting shall be provided in accordance with all applicable requirements of Chapter 18.05. The mailed notice required for neighborhood meetings under chapter 18.05 shall also be sent to the surface owner or owners of the parcel or parcels of real property on which the oil and gas operations are proposed to be located. In addition to the other contents required for the mailed notice under chapter 18.05, the mailed notice shall state that the application can be reviewed prior to the neighborhood meeting on the city's website or at the current planning division's office. The neighborhood meeting shall be conducted by the current planning division. The applicant or a representative of the applicant shall attend the neighborhood meeting and be available to answer questions concerning the application. The objective of a neighborhood meeting shall be to inform noticed persons and other interested citizens attending the meeting of the scope and nature of the proposed oil and gas operations under the application and how the operations will be regulated under this chapter and the COG regulations. Notwithstanding the foregoing, the director may waive the provisions of this Subsection C. if the director determines that the city's required notices and neighborhood meeting under this subsection will be duplicative of the notice and neighborhood meeting requirements under the COG regulations for the applicant's COG permit. To be considered duplicative, the commission's neighborhood meeting must be held within the city.

D. Planning commission hearing. Current planning shall schedule the application for a public hearing before the planning commission within forty-five days after the development review team has finished its review of the application. Notice of the hearing shall be provided in accordance with all applicable requirements of Chapter 18.05. The mailed notice required in Chapter 18.05 for this hearing shall also be mailed to the surface owner or owners of the parcel or parcels of real property on which the oil and gas operations are to be located. In addition, the mailed and published notices shall state that the complete application can be reviewed by the public on the city's website or at current planning's office.

E. Planning commission hearing procedures. The planning commission's public hearing shall be conducted as a quasi-judicial proceeding. Subject to the planning commission chairperson's discretion to limit the time and scope of testimony and to make allowances for the adequate presentation of evidence and the opportunity for rebuttal, the order of the hearing shall be as follows: (1) explanation and nature of application by current planning staff; (2) applicant's presentation of evidence and testimony in support of the application; (3) public comment and presentation of evidence; (4) applicant's rebuttal presentation; and (5) motion, discussion and vote by the planning commission on the application. No person making a presentation and providing testimony or comment at the hearing shall be subject to cross-examination. However, during the hearing members of the planning commission and the city attorney may make inquiries for the purposes of eliciting new information and to clarify information presented.

F. Planning commission decision. The planning commission shall consider the application based solely on the testimony and evidence submitted at the hearing, the applicable provisions of this chapter and any other applicable provisions of this Code. At the conclusion of the presentation of testimony and evidence, the planning commission shall vote to grant, grant with conditions or deny the oil and gas permit requested in the application under consideration. A condition may only be imposed on the grant of an oil and gas permit if the applicant agrees to that condition on the record of the hearing. An applicant's refusal to agree to any such condition shall not be used by the planning commission as a basis, in whole or part, to deny the applicant's requested oil and gas permit, unless the condition is expressly required by this chapter. In granting, granting with conditions or denying an application for an oil and gas permit, the planning commission shall adopt its written findings and conclusions within thirty days of its decision at the hearing.

G. Appeal of planning commission decision. The planning commission's decision described in Subsection F. of this section may be appealed to council by the applicant and any "party in interest" as defined in Section 18.80.020. The written notice of appeal shall be filed with current planning within ten days of the effective date of the planning commission's final decision, which date shall be the date the planning commission adopts its written findings and conclusions. The appeal shall be filed and conducted in accordance with the applicable provisions in Chapter 18.80 for appeals from the planning commission to council. The council's decision in the appeal hearing to grant, grant with conditions or deny the applicant's request for an oil and gas permit shall, like the planning commission's decision, be based on the applicable provisions of this chapter and any other applicable provisions of this Code. The council shall also not impose any condition on its grant of the oil and gas permit unless the applicant agrees to the condition on the record of the council's appeal hearing. An applicant's refusal to agree to any such condition shall not be used by council to deny the permit unless the condition is expressly required by this chapter.

18.77.050 Administrative review process.

A. Applicant's election to use administrative review process. As an alternative to processing an application using the planning commission review process set out in Section 18.77.045, an applicant may elect to use the expedited and enhanced administrative review process set out in this section. In electing to use this administrative review process, the applicant must

acknowledge and agree in its application to all of the following: (1) that by using this administrative review process to obtain an expedited review, the applicant's application will not only be subject to the baseline standards in Section 18.77.060, but also the enhanced standards in Section 18.77.065, which enhanced standards might be interpreted to be in operational conflict in one or more respects with the COG regulations; (2) that to the extent the enhanced or negotiated standards imposed through this administrative review process are not already included as conditions in the applicant's COG permit, the applicant will request the commission to add such enhanced standards as additional conditions to the applicant's COG permit; and (3) that if for any reason the applicant wishes to revoke its election to use this administrative review process or to withdraw from the process once started, but still desires an oil and gas permit under this chapter, it will be required to follow and meet all of the requirements of the planning commission review process.

B. Application completeness review. An application reviewed under this section shall be reviewed by the director for completeness using the same process used in the planning commission review process as set out in Section 18.77.045A.

C. Development review team. After an application is filed with current planning and determined by the director to be a complete application, it shall be reviewed by the development review team. The development review team shall review the application for conformance with the applicable provisions of this chapter and any other applicable provisions of this Code. As part of this review, the development review team may meet with the applicant or the applicant's representatives to discuss the application and to present the development review team's questions, concerns and recommendations. Within thirty days after the application has been determined by the director to be a complete application, the development review team shall complete its review by submitting a written report of its findings and recommendations to the applicant and the director. The report shall also be posted on the city's website with the application, but excluding any information required under this chapter to be kept confidential. Within thirty days of the issuance of the development review team's report, the applicant may supplement its application in response to the development review team report.

D. Neighborhood meeting. The neighborhood meeting for an application reviewed under this section shall be scheduled, noticed and conducted or waived in the same manner as under the planning commission review process set out in Section 18.77.045C., but with one addition. The notices mailed under Section 18.77.045C. shall state that the application is being reviewed under the administrative review process and notify the recipients of the notice that they will have until fifteen days after the neighborhood meeting is held or after such other date set by the director if the neighborhood meeting is waived by the director as provided in Section 18.77.045C. in which to submit to current planning for the director's consideration any comments and information, in written, electronic or photographic form, related to the subject application as provided in Subsection E. of this section.

E. Public comment. Within fifteen days after the neighborhood meeting is held or after such other date set by the director if the neighborhood meeting is waived by the director as provided in Section 18.77.045C., any person may file with current planning for the director's consideration and to be included in any record on appeal taken under Subsection H. of this section, any comments and information, in written, electronic or photographic form, relevant to the director's consideration of the subject application under this section. The current planning division shall preserve all of the comments and information received under this section to ensure that they are included in any record of appeal. These comments and information shall also be made available for review by the applicant. The applicant may supplement its application in response or rebuttal to the comments and information submitted by the public. The applicant must file this supplemental information with current planning within fifteen days after the deadline for the public's submittal of its comments and information. Any comments and information received by

current planning after the deadlines set forth herein, shall not be considered by the director in his or her decision and shall not be included in the record of any appeal under Subsection H. of this section.

F. Director's negotiations with applicant. After receiving the development review team report and all of the public comments and information provided under Subsection E. of this section, the director shall negotiate with the applicant for standards to be added as conditions to the oil and gas permit in addition to or in substitution of those baseline standards required in Section 18.77.060 and the enhanced standards in Section 18.77.065, if in the director's judgment such conditions will result in the increased protection of the public's health, safety or welfare or further minimize adverse impacts to surrounding land uses, the environment or wildlife resources. The director shall have ten days after the last of the public comments and information have been submitted under Subsection E. of this section in which to conduct those negotiations. If after those negotiations the applicant agrees in writing to these new standards, they shall be added as conditions to the oil and gas permit if the permit is granted by the director. If the applicant does not agree to these conditions, they shall not be added as conditions to any granted oil and gas permit. In addition, the applicant's refusal to agree to any such conditions shall not be used by the director as a basis, in whole or part, to deny the applicant's requested oil and gas permit, unless the condition is expressly required by this chapter.

G. Director's decision. Within fifteen days after the expiration of the negotiation period in Subsection F. of this section, the director shall issue his or her written findings and conclusion, granting, granting with conditions to the extent agreed by the applicant under Subsection F. of this section or denying the applicant's requested oil and gas permit. The director's written decision shall be mailed to the applicant and to all persons required in Subsection D. of this section to be mailed written notice of the neighborhood meeting. The record which the director must consider in issuing his or her written findings and conclusions shall consist solely of the application, the applicant's supplementals to the application, the development review team report and the public comments and information submitted under Subsection E. of this section. This record shall be used by the director to then determine the application's compliance or noncompliance with the applicable provisions of this chapter and any other applicable provisions in this Code.

H. Appeal of director's decision. The director's decision as set out in his or her written findings and conclusions shall constitute the director's final decision. The director's final decision is not appealable to the planning commission or council. The director's final decision may only be appealed to the district court for Larimer County under Rule 106(a)(4) of the Colorado Rules of Civil Procedure by the applicant, by anyone required in Subsection D. of this section to be mailed written notice of the neighborhood meeting, and by any other person or persons considered a "party in interest," under Section 18.80.020. The record to be considered in the appeal shall consist of the director's written findings and conclusion, the application, the applicant's supplementals to the application, the development review team report, all comments and information provided by the public under Subsection E. of this section and any other evidentiary information the district court orders to be included in the record.

18.77.055 Baseline standards for planning commission review process.

All applications considered in the planning commission review process and all oil and gas operations approved under this process shall be subject to and comply with the setback and mitigation requirements set forth in COG rule 604, as amended, in addition to the standards and requirements in Section 18.77.060.

18.77.060 Baseline standards for planning commission and administrative review processes.

All applications considered in the planning commission review process and the administrative review process and all oil and gas operations approved under either process shall be subject to and comply with the following standards and requirements, as applicable:

A. COG regulations for setback requirements. All oil and gas operations shall comply with COG Rule 603, as amended.

B. COG regulations for groundwater baseline sampling and monitoring. All permits for oil and gas operations shall comply with COG Rule 318.A.e, as amended.

C. COG regulations for protection of wildlife resources. All permits for oil and gas operations shall comply with COG Rule series 1200, as amended. The operator shall notify the director if consultation with Colorado Division of Parks and Wildlife is required pursuant to COG Rule 306.c.

D. COG regulations for reclamation. All permits for oil and gas operations shall comply with COG Rule Series 1000, as amended. The operator shall provide copies of the commission's drill site reclamation notice to the director at the same time as it is provided to the surface owner.

E. COG regulations for well abandonment.
   1. All oil and gas facilities shall comply with the requirement for well abandonment set forth in COG Rule 319, as amended. The operator shall provide a copy of the approval granted by the commission for the abandonment to the director within thirty days from receiving such approval.
   2. The operator shall provide copies of the commission's plugging and abandonment report to the director at the same time as it is provided to the commission.
   3. The operator shall notify the Loveland Fire Rescue Authority not less than two hours prior to commencing plugging operations.

F. Applications and permits. Copies of all county, state and federal applications and permits that are required for the oil and gas operation shall be provided to the director.

G. Burning of trash. No burning of trash shall occur on the site of any oil and gas operations.

H. Chains. Traction chains on heavy equipment shall be removed before entering a city street.

I. COG regulations for hydraulic fracturing chemical disclosure. All operators shall comply with COG Rule 205.A, as amended. Each operator shall also provide to the Loveland Fire Rescue Authority in hard copy or electronic format the operator's chemical disclosure form that the operator has filed with the chemical disclosure registry under COG Rule 205.A. Such form shall be filed with the director within five days after the form is filed in the chemical disclosure registry.

J. Color. Oil and gas facilities, once development of the site is complete, shall be painted in a uniform, non-contrasting, non-reflective color, to blend with the surrounding landscape and with colors that match the land rather than the sky. The color should be slightly darker than the surrounding landscape.

K. Cultural and historic resources standards. The installation and operation of any oil and gas facility shall not cause significant degradation of cultural or historic resources, of sites eligible as City Landmarks, or the State or National Historic Register, as outlined in Section 15.56.030.

L. Stormwater quality and dust control. All permits for oil and gas operations shall comply with COG rule 805, as amended, plus Chapter 13.20.

M. Electric equipment. The use of electric-powered equipment during production operations shall be required if a provider of electric power agrees at the provider's customary rates, fees and charges to provide electric service to an oil and gas facility and the cost to make the electrical connection is economically practicable. If available, electric service to the oil and gas facility shall be acquired by the operator within the shortest time period reasonably practicable. Temporary use of natural gas or diesel generators may be used until electric service is provided. Electric equipment shall not be required during drilling and well completion operations.

N. Emergency response standards.
   1. In General. Operators agree to take all reasonable measures to assure that oil and gas operations shall not cause an unreasonable risk of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, hazardous material vehicle accidents or spills.
   2. Emergency Preparedness Plan. Each operator with an operation in the city is required to provide to the City its emergency preparedness plan for operations within the City, which shall be in compliance with the applicable provisions of the International Fire Code as adopted in the City Code. The plan shall be filed with the Loveland Fire Rescue Authority and updated on an annual basis. The emergency preparedness plan shall contain at least all of the following information:
      a. The designation of the operator's office group or individual(s) responsible for emergency field operations. An office group or individual(s) designated to handle first response situations, emergency field operations or on-scene incident commands will meet this requirement. A phone number and address of such office group or individual(s) operation shall be required.
      b. A map identifying the location of pipelines, isolation valves and/or a plot plan, sufficient in detail to enable the Loveland Fire Rescue Authority to respond to potential emergencies. The information concerning pipelines and isolation valves shall be kept confidential by the Loveland Fire Rescue Authority, and shall only be disclosed in the event of an emergency or as otherwise required by law.
      c. A provision that any spill outside of the containment area that has the potential to leave the facility or to threaten waters of the state and that is required to be reported to the commission or the commission's director shall be immediately reported to the Loveland Fire Rescue Authority emergency dispatch at 911 and to the director promptly thereafter.
      d. Access or evacuation routes and health care facilities anticipated to be used in the case of an emergency.
      e. A project-specific emergency preparedness plan for any operation that involves drilling or penetrating through known zones of hydrogen sulfide gas.
      f. A provision obligating the operator to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency caused by oil and gas operations and not promptly handled by the operator or its agents.
      g. Detailed information showing that the applicant has adequate personnel, supplies and funding to implement the emergency response plan immediately at all times during construction and operations.

O. Noise mitigation. All permits for oil and gas operations shall comply with COG Rule 802, as amended, plus the following:
   1. The exhaust from all engines, coolers and other mechanized equipment shall be vented up and in a direction away from the closest existing residences.
   2. Additional noise mitigation may be required based on specific site characteristics, including, but not limit to, the following:
      a. Nature and proximity of adjacent development;
      b. Prevailing weather patterns, including wind direction:
      c. Vegetative cover on or adjacent to the site; and
      d. Topography.
   3. The level of required noise mitigation may increase with the proximity of the well and well site to existing residences and platted subdivision lots, and the level of noise emitted by the well site. To the extent feasible and not inconsistent with its operations, operator may be required to use one (1) or more of the following additional noise mitigation measures to mitigate noise impacts:

a. Acoustically insulated housing or cover enclosures on motors, engines and compressors;
b. Vegetative screens consisting of trees and shrubs;
c. Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
d. Noise mitigation plan identifying and limiting hours of maximum noise emissions, type, and frequency, and level of noise to be emitted and proposed mitigation measures; and
e. Lowering the level of pumps or tank batteries.

P. Fencing. After the drilling, well completion and interim reclamation operations are completed, the operator shall install permanent perimeter fencing six (6) feet in height around the entire perimeter of the production operations site, including gates at all access points. Such gates shall be locked when employees of the operators are not present on the site. Such fencing and gates shall be solid, opaque and consist of masonry, stucco, steel or other similar materials. The director may allow chain link fencing if solid and opaque fencing creates a threat to public safety or interferes with emergency or operations access to the production site.

Q. Flammable material. All land within twenty five feet of any tank, pit or other structure containing flammable or combustible materials shall be kept free of dry weeds, grass or rubbish.

R. Land disturbance standards. The following mitigation measures shall be used to achieve compatibility and reduce land use impacts:
1. Pad dimensions for a well shall be the minimum size necessary to accommodate operational needs while minimizing surface disturbance.
2. Oil and gas operations shall use structures and surface equipment of the minimal size necessary to satisfy present and future operational needs.
3. Oil and gas operations shall be located in a manner that minimizes the amount of cut and fill.
4. To the maximum extent feasible, oil and gas operations shall use and share existing infrastructure, minimize the installation of new facilities and avoid additional disturbance to lands in a manner that reduces the introduction of significant new land use impacts to the environment, landowners and natural resources.
5. Landscaping plans shall include drought tolerant species that are native and less desirable to wildlife and suitable for the climate and soil conditions of the area. The operator shall submit to the city a temporary irrigation plan and implement said plan, once approved by the city, for the first two years after the plant material has been planted. If it is practicable to provide a permanent irrigation system, the operator shall submit an irrigation plan for permanent watering and the operator shall provide a performance guarantee for such landscaping that is acceptable to the director. Produced water may not be used for landscaping purposes.
6. The application shall include an analysis of the existing vegetation on the site to establish a baseline for re-vegetation upon temporary or final reclamation or abandonment of the operations. The analysis shall include a written description of the species, character and density of existing vegetation on the site and a summary of the potential impacts to vegetation as a result of the proposed operations. The application shall include any commission-required interim and final reclamation procedures and any measures developed from a consultation with current planning regarding site specific re-vegetation plan recommendations.

S. Landscaping. When an oil and gas operation site is less than one hundred feet from a public street, a Type D Bufferyard shall be required between the oil and gas operation and the public street in accordance with the City of Loveland Site Development Performance Standards and Guidelines as adopted in Chapter 18.47.

T. Lighting. All permits for oil and gas operations shall comply with COG Rule 803, as amended, plus the following:
1. Except during drilling, completion or other operational activities requiring additional

lighting, down-lighting shall be required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture; and

2. A lighting plan shall be developed to establish compliance with this provision. The lighting plan shall indicate the location of all outdoor lighting on the site and on any structures, and include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures.

U. Maintenance of machinery. Routine field maintenance of vehicles and mobile machinery shall not be performed within three hundred feet of any water body.

V. Mud tracking. An operator shall take all practical measures to ensure that the operator's vehicles do not track mud or leave debris on city streets. Any such mud or debris left on city streets by an operator's operation shall be promptly cleaned up by the operator.

W. Reclamation plan. The application shall include any interim and final reclamation requirements required by the COG regulations.

X. Recordation of flowlines. The legal description of all flowlines, including transmission and gathering systems, shall be filed with the director and recorded with the Larimer County Clerk and Recorder within thirty days of completion of construction. Abandonment of any flowlines shall be filed with the director and recorded with the Larimer County Clerk and Recorder within thirty days after abandonment.

Y. Removal of debris. When oil and gas operations become operational, all construction-related debris shall be removed from the site for proper disposal. The site shall be maintained free of debris and excess materials at all times during operation. Materials shall not be buried on-site.

Z. Removal of equipment. All equipment used for drilling, re-drilling, maintenance and other oil and gas operations shall be removed from the site within thirty days of completion of the work. Permanent storage of equipment on well pad sites shall be prohibited.

AA. Signs. A sign permit shall be obtained for all signs at the oil and gas facility or otherwise associated with the oil and gas operations in accordance with Chapter 18.50 except such permit shall not be required for those signs required by the COG regulations or this chapter.

BB. Spills. Chemical spills and releases shall be reported in accordance with applicable state and federal laws, including, without limitation, the COG regulations, the Emergency Planning and Community Right to Know Act, the Comprehensive Environmental Response Compensation and Liability Act, the Oil and Pollution Act, and the Clean Water Act, as applicable. If a spill or release impacts or threatens to impact a water well, the operator shall comply with existing COG regulations concerning reporting and notification of spills, and the spill or release shall also be reported to the director within twenty-four (24) hours of the operator becoming aware of the spill or release.

CC. Temporary access roads. Temporary access roads associated with oil and gas operations shall be reclaimed and re-vegetated to the original state in accordance with COG Rule Series 1000.

DD. Development standards for street, electric, water/wastewater, and stormwater infrastructure. All permits for oil and gas operations shall comply with the development standards for street, electric, water/wastewater and stormwater infrastructure set forth in Chapter 16.24.

EE. Transportation and circulation. All applicants shall include descriptions of all proposed access routes for equipment, water, sand, waste fluids, waste solids, mixed waste and all other material to be hauled on the city's streets. The submittal shall also include the estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles, and any other information required by the city engineer. In addition to any other bonding or indemnification requirements of the city as may be reasonably imposed, all applicants shall provide the city with a policy of insurance in an amount determined by the city engineer to be sufficient to protect the city against any damages that may occur to the city's streets, roads or rights-of-way as a result of any weight stresses or spillage of hauled materials including, without limitation, water, sand, waste fluids, waste

solids and mixed wastes.

FF. Water supply. The operator shall identify on the site plan its primary source(s) for water used in both the drilling and well completion phases of operation. In addition, if requested by the city's water and power department director, the applicant's source(s) and amounts of water used in the city shall be documented and a record of it shall be provided to the city. The disposal of water used on site shall also be reported to the water and power department director if requested to include the operator's anticipated haul routes and the approximate number of vehicles needed to supply and dispose of the water. When operationally feasible, the operator shall minimize adverse impacts caused by the delivery of water to the operation site by truck. If available and commercially viable, the operator shall make a service line connection to a domestic water supplier who is willing to provide such water at the same rates, fees and charges and provided that the amount of the water that can be supplied by that provider can be done so without delay or negative impact to the operator's drilling and well completion operations. When operationally feasible, the operator may alternatively purchase non-potable water from any other sources and transfer that water through ditches or other waterways and/or through above or below ground lines.

GG. Weed control. The applicant shall be responsible for ongoing weed control at oil and gas operations sites, pipelines and along access roads during construction and operations, until abandonment and final reclamation is completed pursuant to commission rules. Control of weeds shall comply with the standards in Chapter 7.18.

HH. Well abandonment. The operator shall comply with the COG regulations regarding well abandonment. Upon plugging and abandonment of a well, the operator shall provide the director with surveyed coordinates of the abandoned well and shall leave onsite a physical marker of the well location.

II. Federal and state regulations. The operator shall comply with all applicable federal and state regulations including, without limitation, the OGC act and the COG regulations.

JJ. Building permits. A building permit shall be obtained for all structures as required by the International Fire Code and/or International Building Code as adopted in the City Code.

KK. Floodplains. All surface oil and gas operations within the city's floodway and flood fringe districts, as these districts are defined and established in Chapter 18.45, shall be conducted, to the extent allowed under COG regulations, in accordance with all applicable COG regulations, including, without limitation, COG Rules 603.k. and 1204. In addition, if the operator's oil and gas operations will involve any development or structures regulated under the city's Floodplain Building Code in Chapter 15.14, the operator shall also obtain a floodplain development permit before beginning such regulated operations.

LL. Trash and recycling enclosures. All applications for oil and gas operations shall comply with the requirements contained in Chapter 7.16, to the maximum extent feasible.

MM. Representations. The approved project development plan shall be subject to all conditions and commitments of record, including verbal representations made by the applicant on the record of any hearing or review process and in the application file, including without limitation compliance with all approved mitigation plans.

NN. Seismic operations. The operator shall provide at least a fifteen day advance notice to the director and the Loveland Rural Fire Authority whenever seismic activity will be conducted within the city.

OO. Access roads. All private roads used to access the tank battery or the wellhead shall, at a minimum, be:

1. A graded gravel roadway at least twenty feet wide with a minimum unobstructed overhead clearance of thirteen feet six inches, having a prepared subgrade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally

accepted engineering sampling and testing procedures approved by the city engineer. The aggregate material, at a minimum, shall meet the requirements for a Class 6, Aggregate Base Course as specified in the Colorado Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.

2. Grades shall be established so as to provide drainage from the roadway surface and shall be constructed to allow for cross-drainage to waterway (i.e. roadside swells, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of culvert pipes shall be subject to approval by the city engineer.

PP. Visual impacts.

1. To the maximum extent practicable, oil and gas facilities shall be:
   a. Located away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings, and other landmarks;
   b. Located to avoid crossing hills or ridges;
   c. Located to avoid the removal of trees; and
   d. Located at the base of slopes to provide a background of topography and/or natural cover.
2. Access roads shall be aligned to follow existing grades and minimize cuts and fills.
3. One (1) or more of the landscaping practices may be required on a site specific bases:
   (a) Establishment and proper maintenance of adequate ground cover, shrubs and trees;
   (b) Shaping cuts and fills to appear as natural forms;
   (c) Cutting rock areas to create irregular forms; and
   (d) Designing the facility to utilize natural screens.

QQ. COG regulations for odor. All oil and gas operations shall comply with COG Rule 805.

RR. COG regulations for abandonment of pipelines. Any pipelines abandoned in place shall comply with COG Rule 1103 and the operator's notice to the commission of such abandonment shall be promptly filed thereafter by the applicant with the director.

SS. Temporary Housing. Temporary housing shall be prohibited on any oil and gas operations site, including, without limitation, trailers, modular homes and recreational vehicles, except for the temporary housing customarily provided and required during twenty-four hour drilling, well completion and flowback operations.

18.77.065 Enhanced standards for administrative review process.

All applications considered in the administrative review process and all oil and gas operations approved under this process shall be subject to and comply with the following standards and requirements, as applicable, in addition to the standards and requirements in Section 18.77.060. The operator shall designate these standards and requirements, to the extent applicable, as agreed upon best management practices on any application the operator files with the commission.

A. Setbacks. All oil and gas facilities shall comply with the setback distances set forth in Table A below or such greater distances as may be required by the commission. Setback distances shall be measured from the closest edge of any equipment included in the definition of oil and gas facility in Section 18.77.025 to the nearest part of the nearest feature associated with the sensitive area as described in Column C in Table A. For the purpose of measuring the setback from any sensitive area that does not have a defined property or boundary line, the director shall establish the boundary line for measurement purposes.

Table A – Setbacks for oil and gas facilities

Column A	Column B	Column C
Sensitive Area	Setback Distance (ft.)	Setback to be measured to the following nearest feature of sensitive area:
Building	500	Wall or corner of the building

Column A	Column B	Column C
Public road, major above-ground utility facility, or railroad tracks	200	Right-of-way or easement property line
Property on which the oil and gas facility is located	200	Property line
Lease area on which the oil and gas facility is located	200	Property line
Natural area or wetland	500	Property line
Property managed by the city's parks and recreation department, any city park, or property subject to a conservation easement managed by a public or non-profit entity	500	Property line of property or easement
Surface water body	500	Operating high-water line
FEMA floodway zoning district	500	Boundary line as shown by the Flood Insurance Rate Map (FIRM) revised to reflect a Letter of Map Revision effective May 24, 2010, published by the FEMA
Domestic or commercial water well	500	Center of wellhead
Outdoor assembly area	1,000	Property line
High occupancy building	1,000	Wall or corner of the building

Once the setbacks for a well permitted under the administrative review process have been approved and established, the director shall submit to the commission a site plan showing the exact location of those setbacks for the permitted well.

B. Commission mitigation regulations. All oil and gas operations shall comply with the mitigation measures required under Commission Rule 604.c, as amended.

C. Bufferyards. The bufferyards set forth in Table B below, shall be established once the well is in production around the entire perimeter of the oil and gas production site, excluding vehicular access points, and maintained until the site has been restored in accordance with the final reclamation plan approved by the city and the commission. Bufferyards shall not be required during drilling and well completion operations. The use of xeriscape plant types shall be used unless a permanent irrigation system is provided by the operator. A temporary irrigation system shall be provided, maintained and operated for xeriscape plant types for a period of two years from planting.

Table B - Bufferyards			
Base Standard (plants per 100 linear feet)	**Optional Width (feet)**	**Plant Multiplier**	**Option: add 6 foot opaque masonry wall**
5 canopy trees 6 evergreen trees 4 large shrubs	150 170 190 210 230 250	1.00 0.90 0.80 0.70 0.60 0.50	.85

D. Air quality standards. Air emissions from oil and gas facilities shall be in compliance with the permit and control provisions of the Environmental Protection Agency, Air Quality Control Commission and Colorado Oil and Gas Conservation Commission. In addition, the operator of the oil and gas facility agrees to employ the following enhanced standards for air quality mitigation.
   1. General duty to minimize emissions. All continuously operated equipment, including but not limited to, storage vessels and dehydrators shall route vapors to a capture and control device with at least a ninety-eight percent destruction efficiency. Operators shall submit to the director test data of like equipment or manufacturer's data demonstrating the control device can meet the destruction efficiency. Any combustion device, auto ignition system, recorder, vapor recovery device or other equipment used to meet the destruction efficiency shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instruction and operating manuals.
   2. Combustion devices. All flares shall be designed and operated as follows:
      a. The combustion devices shall be designed and operated in a matter that will ensure it complies with 40 Code of Federal Regulations ("CFR") § 60.18 (General control device and work practice requirements);
      b. The combustion device, during production operations, shall be operated with a pilot flame present at all times vapors may be routed to it. Presence of a pilot flame shall be continuously monitored and recorded; and
      c. Combustion devices shall be equipped with automatic flame ignition systems in the event the pilot flame is extinguished.
   3. Fugitive emissions. The operator shall develop and follow a leak detection and repair plan to minimize emissions from fugitive components. The plan will be submitted to the director for incorporation into the permit.
   4. Pneumatic controllers. The operator shall use only no- or low-bleed pneumatic controllers, where such controllers are available for the proposed application. High-bleed pneumatic controllers may be used where air is the motive gas for operation of the controller and valve.
   5. Well completion practices. For each well completion operation, the operator shall minimize emissions from the operation as set forth below:
      a. For the duration of flowback, route the recovered gas to the sales pipeline once the well has enough gas to safely operate the separator, or like device, and liquid control valves;
      b. If flow and gathering lines are not available to comply with Subsection (a) above, the operator shall capture the recovered gas to a completion combustion device, equipped with a continuous ignition system, to oxidize the recovered gas stream except in conditions that may result in a fire hazard or explosion, or where high heat emissions from the completion device may negatively impact a sensitive area or nearby structure;
      c. Operators shall have a general duty to safely maximize resource recovery and minimize releases to the atmosphere during flowback; and

d. Operators shall maintain a log for each well completion operation. The log shall be completed in accordance with the methods outlined in the Environmental Protection Agency's Code of Federal Regulations, specifically 40 CFR Part 60, Subpart OOOO.

6. Well maintenance and blowdowns. The operator shall utilize best management practices during well maintenance and blowdowns to minimize or eliminate venting emissions.
7. Capture of produced gas from wells. Gas produced during normal production shall be captured, to the maximum extent feasible, and not flared or vented, except in situations where flaring or venting is required to ensure that associated natural gas can be safely disposed of in emergency shutdown situations.
8. Rod-packing maintenance. Operators shall replace rod-packing from reciprocating compressors located at facilities approved after April 15, 2013, every twenty-six thousand hours of operation or thirty-six months, whichever occurs first.
9. Monitoring compliance and reporting. Operators shall submit to the director an annual report providing the following information concerning the operator's oil and gas operations as related to air emissions:
   a. Dates when the operator or its agent inspected its oil and gas facilities under its leak detection and repair plan;
   b. A record of the expected and actual air emissions measured at the facilities;
   c. The operator's emissions data collected during well completion activities;
   d. Dates and duration when operator conducted well maintenance activities to minimize air emissions;
   e. If venting occurred at any time during the reporting period, an explanation as to why best management practices could not have been used to prevent such venting; and
   f. Dates when reciprocating compressor rod-packing is replaced.

E. Pipelines. Any newly constructed or substantially modified pipelines on site shall meet the following requirements:
1. Flowlines, gathering lines and transmission lines shall be sited at a minimum of fifty feet away from residential and non-residential buildings, as well as the high-water mark of any surface water body. This distance shall be measured from the nearest edge of the pipeline. Pipelines and gathering lines that pass within one hundred fifty feet of residential or non-residential building or the high water mark of any surface water body shall incorporate leak detection, secondary containment or other mitigation, as appropriate;
2. To the maximum extent feasible, pipelines shall be aligned with established roads in order to minimize surface impacts and reduce habitat fragmentation and disturbance;
3. To the maximum extent feasible, operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts; and
4. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank and riparian areas.

F. Sound Limitations. All oil and gas facilities shall comply with the sound limitation standards set forth in Chapter 7.32 after development of the well is complete, meaning while the well is in production. A noise mitigation study shall be submitted with the application to demonstrate compliance with said code chapter. If necessary to comply with said chapter, a noise screen shall be constructed along the edge of the oil and gas facility between the facility and existing residential development or land zoned for future residential development.

18.77.070 Application requirements.

All applications submitted to current planning shall contain the information required for a COG permit and any additional information required by the city's "Oil and Gas Development Application Submittal Checklist" approved by the city manager.

18.77.075 Variances.

A. Variance Request. In both the planning commission review and administrative review processes, an applicant may request a variance from any provision of this chapter. A request for a variance under this section may be included in the applicant's application and shall be processed, reviewed and granted, granted with conditions or denied in accordance with and as part of the planning commission review process or the administrative review process, as applicable. The variance provisions of Chapter 18.60 shall not be applicable to a variance request under this chapter.

B. Grounds for Variance. A variance from the application of any provision in this chapter shall be granted on the basis of one or more of the following grounds:

1. The provision is in operational conflict with the OGC act or the COG regulations, meaning the application of the provision would have the effect of materially impeding or destroying a state interest as expressed in the COG act or the COG regulations.
2. There is no technology commercially available at a reasonable cost to conduct the proposed oil and gas operations in compliance with the provision and granting a variance from the operation of the provision will not have an adverse effect on the public health, safety or welfare or on the environment.
3. Protection of the public health, safety and welfare and of the environment would be enhanced by an alternative approach not contemplated by the provision.
4. Application of the provision will constitute a regulatory taking of property without just compensation by the city under Article II, Section 3 of the Colorado Constitution.
5. Application of the provision is impractical or would create an undue or unnecessary hardship because of unique physical circumstances or conditions existing on or near the site of the oil and gas operations, which may include, without limitation, topographical conditions, shape or dimension of the operation site, inadequate public infrastructure to the site, or close proximity of occupied buildings.

18.77.080 Transfer of permits.

Oil and gas permits may be assigned to another operator only with the prior written consent of the director and upon a showing to the director that the new operator can and will comply with all conditions of the transferred permit and with all of the applicable provisions of this chapter. The existing operator shall assign the permit to the new operator on a form provided by the city and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this chapter.

18.77.082 Expiration of permits.

An oil and gas permit issued under this chapter shall expire and be null and void if drilling operations on the permitted well are not commenced within two years after the date the permit is issued, unless before the expiration date the applicant requests in writing and the director approves an extension of such permit not to exceed one year. To approve any such extension, the director must find that the applicant has an existing and valid permit from the commission for the subject oil and gas operations and that the proposed oil and gas operations approved under the city's permit continue to be in substantial compliance with the city's permit and the applicable provisions of this chapter.

18.77.085 Other applicable code provisions.

In addition to the provisions of this chapter, all oil and gas operations conducted within the city shall comply with all applicable provisions of the following chapters: 3.16, Sales and Use Tax; 7.12, Nuisances - Unsanitary Conditions; 7.16, Solid Waste Collection and Recycling; 7.18, Weed Control; 7.26, Accumulations of Waste Materials; 7.30, Graffiti; 7.36, Fire Protection; 10.04, Traffic

Regulations; 10.20, Parking; 12.16, Use of City Rights-of-Way; 12.28, Prohibited Uses of Streets and Other Public Places; 13.18, Stormwater Management; 13.20, Stormwater Quality; 15.08, Building Code; 15.12, Property Maintenance Code; 15.14, Floodplain Building Code; 15.16, Mechanical Code; 15.24, Electrical Code; 15.28, Fire Code, 16.38, Capital Expansion Fees; 16.41, Adequate Community Facilities; 16.42, Street Maintenance Fee; 18.45, Floodplain Regulations; 18.50, Signs; 13.04, Water Service; 13.06, Cross Connection Control; and 19.06, Irrigation.

18.77.090 Emergency response costs.

The operator shall reimburse the Loveland Fire Rescue Authority for any emergency response costs incurred by the Authority in connection with fire, explosion or hazardous materials at the well or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by mistake of the Authority or in response to solely a medical emergency.

18.77.095 Application and inspection fees.

Council may establish by resolution fees to be collected at the time an application is filed with current planning for the city's reasonable costs in processing applications under this chapter and for fees thereafter imposed for the city's reasonable costs to conduct inspections to ensure compliance with this chapter. Fees established for inspections shall be nondiscriminatory to only cover the city's reasonable costs to inspect and monitor for road damage and for compliance with the city's fire codes, building codes and the conditions of any permit issued under this chapter. However, such inspection fees shall not be based on any costs the city might incur to conduct inspections or monitoring of oil and gas operations with regard to matters that are subject to rule, regulation, order or permit condition administered by the commission.

18.77.100 Capital expansion fees.

Oil and gas operations within the city shall be subject to the capital expansion fees established under Chapter 18.38. Council may adopt and set such fees by resolution. Any such fees adopted, shall be paid by the operator to the city at the time of issuance of an oil and gas permit under this chapter.

18.77.105 Reimbursement for consultant costs.

If the city contracts with an outside consultant to review and advise the city concerning any applicant's application or in connection with any applicant's hearing conducted under this chapter, the applicant shall reimburse the city for the city's reasonable costs incurred with that consultant. No permit shall be issued and no suspended permit shall be reinstated until the applicant reimburses the city in full for any such costs.

18.77.110 Adequate transportation facilities.

All applications submitted and all permits issued under this chapter shall be subject to all of the applicable adequate community facilities requirements of Chapter 16.41 as they relate solely to the transportation facilities required in Section 16.41.110.

18.77.115 Insurance and performance security.

A. Insurance. Every operator granted a permit under this chapter shall procure and maintain throughout the duration of the operator's oil and gas operations a policy of comprehensive general liability insurance, or a self-insurance program approved by the Colorado Insurance Commission, insuring the operator and naming the city as an additional insured, against any liability for personal injury, bodily injury or death arising out of the operator's permitted operations, with coverage of at least one million dollars per occurrence. Unless the operator is self-insured, insurance required by this Subsection A. shall be with companies qualified to do business in the State of Colorado and may provide for a deductible as the operator deems

reasonable, but in no event greater than ten thousand dollars. The operator shall be responsible for payment of any deductible. No such policy shall be subject to cancellation or reduction in coverage limits or other modification except after thirty days prior written notice to the city. The operator shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal the operator changes to "occurrence," the operator shall carry a twelve month tail. The operator shall not do or permit to be done anything that shall invalidate the policies. In addition, the insurance required by this Subsection A. shall cover any and all damages, claims or suits arising out of the actual, alleged or threatened discharge, disbursal, seepage, migration, release or escape of pollutants, and shall not exclude from coverage any liability or expense arising out of or related to any form of pollution, whether intentional or otherwise. Further, the policies required by this Subsection A. shall be deemed to be for the mutual and joint benefit and protection of the operator and the city and shall provide that although the city is named as additional insured, the city shall nevertheless be entitled to recover under said policies for any loss occasioned to the city or its officers, employees or agents by reason of negligence of the operator or of its officers, employees, agents, subcontractors or business invitees and such policies shall be written as primary policies not contributing to or in excess of any insurance coverage the city may carry. Prior to the issuance of the operator's permit, the operator shall furnish to the city certificates of insurance evidencing the insurance coverage required herein. In addition, the operator shall, upon request by the city and not less than thirty days prior to the expiration of any such insurance coverage, provide the city with a certificate of insurance evidencing either new or continuing coverage in accordance with the requirements of this section.

B. Performance Security for Road Damage. Prior to the issuance of a permit to an applicant, the applicant shall provide the city with a twenty-five thousand dollar performance security for each well that is permitted while the well is in operation in the form of an irrevocable letter of credit or equivalent financial security acceptable to the director to cover the city's costs to repair any damages to the city's public rights-of-way caused by the operator's use of said rights-of-way. In the event this security is insufficient to cover the city's costs to repair any such damages, the operator shall be liable to the city for those additional costs and the city may pursue a civil action against the operator to recover those costs as provided in Section 18.77.125.C. Reclamation and other activities and operations which fall under the COG regulations are exempted from this performance security coverage.

18.77.120 Inspections, right to enter, and enforcement.

A. Inspections. All oil and gas operations and facilities may be inspected by the city's duly appointed inspectors at reasonable times to determine compliance with the applicable provisions of this chapter and all other applicable provisions in this Code. However, the city's inspections shall be limited to the inspection of those matters directly enforceable by the city under this Chapter 18.77 as provided in Subsection C. of this section. In the event an inspection is desired by the city relating to a matter not directly enforceable by the city under this chapter, the city shall contact the commission to request that it conduct the inspection and take appropriate enforcement action.

B. Right to enter. Notwithstanding any other provision in this Code to the contrary, for the purpose of implementing and enforcing the provisions of this chapter and the other applicable provisions of this Code, the city's inspectors shall have the right to enter upon the private property of a permitted operator after reasonable notification to the operator's designated agent, in order to provide the operator with the opportunity to be present during such inspection. Such notice shall not be required in the event of an emergency that threatens the public's health or safety. By accepting an oil and gas permit under this chapter, the operator grants its consent to this right to enter.

C. Enforcement. The city's enforcement of the provisions of this Chapter 18.77 and of the conditions included in permits issued under this chapter shall be limited to those provisions and conditions that are not in operational conflict with state law or COG regulations and that are enforced by the commission, except when the provision or condition is an enhanced standard imposed and agreed to by the applicant through the administrative review process or agreed to by the applicant in the planning commission review process.

D. Designated agent. The applicant shall include in its application the telephone number and email address of its designated agent and at least one back-up designated agent who can be reached twenty-four hours a day, seven days a week for the purpose of being notified of any proposed city inspection under this section or in case of an emergency. The applicant shall notify the city in writing of any change in the primary or back-up designated agent or their contact information.

18.77.125 Violations, suspension and revocation of permits, civil actions and penalties.

A. Violations. It shall be unlawful and a misdemeanor offense under this chapter for any person to do any of the following:
   1. Conduct any oil and gas operation within the city without a validly issued permit;
   2. Violate any enforceable condition of a permit; or
   3. Violate any applicable and enforceable provision of this chapter and code.

B. Suspension and revocation. If at any time the director has reasonable grounds to believe than an operator is in violation of any enforceable provision of this chapter or code, the director may suspend the operator's permit. The director shall give the operator's designated agent written notice of the suspension and, upon receiving such notice, the operator shall immediately cease all operations under the permit, except those reasonably required to protect the public's health and safety. The director's written notice shall state with specificity the operator's violation(s). The suspension shall continue in effect until the director determines that the violation(s) has been satisfactorily corrected. At any time during the suspension, the operator may appeal the director's action to council by filing with the City Clerk a written notice of appeal stating with specificity the operator's grounds for appeal. Within thirty days of the City Clerk's receipt of that notice, a public hearing shall be held before council. The hearing shall be conducted as a quasi-judicial proceeding with the operator having the burden of proof and with the director defending the suspension of the permit. After hearing and receiving evidence and testimony from the operator, from the director and from other city staff and consultants, and after receiving public comment, council may revoke the permit, terminate the suspension of the permit or take such other action as it deems appropriate under the circumstances taking into consideration and balancing the protection of the public's health, safety and welfare and the operator's rights under this chapter and state law to conduct its oil and gas operations. Within twenty five days after the hearing, the Council shall adopt its written findings and conclusion supporting its decision. The Council's written findings and conclusions shall constitute the Council's final decision that may be appealed to the Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

C. Civil actions. In addition to any other legal remedies provided under this chapter to enforce violations of this chapter, the city may commence a civil action against an operator committing any such violations in any court of competent jurisdiction and request any remedy available under the law or in equity to enforce the provisions of this chapter, to collect any damages suffered by the city as the result of any violation and to recover any fees, reimbursements and other charges owed to the city under this chapter and code. If the city prevails in any such civil action, the operator shall be liable to the city for all of the city's reasonable attorney's fees, expert witness costs and all other costs incurred in that action.

D. Penalties. A violation of any enforceable provision of this chapter shall constitute a misdemeanor offense punishable as provided in Section 1.12.010. A person committing such offense shall be

guilty of a separate offense for each and every day, or a portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly.

18.77.130 Conflicting provisions.

In the event of any conflict between any provision of this chapter and any other provision of this Code, the provision of this chapter shall control.

Chapter 18.78

OVERLAY ZONING DISTRICTS FOR DEVELOPMENT SETBACKS FROM EXISTING OIL AND GAS FACILITIES

Sections:

18.78.010 Purpose.

The purpose of this chapter is to establish zoning overlay districts in the vicinity of existing oil and gas facilities in order to allow certain land uses within these zoning overlay districts that are compatible with the industrial nature of oil and gas facilities, but yet are protective of the public's health, safety and welfare. Nothing in this chapter is intended to regulate the location of an oil and gas facility, but only to regulate the use of land proposed to be developed for other uses and purposes.

18.78.020 Definitions.

The following words, terms and phases shall have the meanings set forth below, unless the context requires otherwise:

"Critical zone" shall mean all land and water surface area less than two hundred feet from an oil and gas facility, as measured in accordance with Section 18.78.050.

"High occupancy building zone" shall mean all land and water surface area five hundred feet or greater but one thousand feet or less from an oil and gas facility, as measured in accordance with Section 18.78.050.

"Oil and gas facility" shall have the meaning given to this term in Section 18.77.025 and shall include, without limitation, operating, shut-in and abandoned wells. However, it shall not include an abandoned well that has been demonstrated, to the satisfaction of the development services director, will not, as a matter of law, be reopened or reentered in the future for any type of oil and gas operation without the city's prior written consent.

"Restricted zone" shall mean all land and water surface area two hundred feet or greater but less than five hundred feet from an oil and gas facility, as measured in accordance with Section 18.78.050.

18.78.030 Establishment of zoning overlay districts.

There are hereby created and established in the city as zoning overlay districts the critical zone, the restricted zone, and the high occupancy building zone.

18.78.040 Applicability.

Notwithstanding the land uses allowed by the underlying zoning districts established in this title for any land located in the critical zone, restricted zone, or high occupancy building zone, development of such land shall be subject to and shall comply with the applicable zoning restrictions set forth in this chapter.

18.78.050 Zoning overlay district boundaries.

The boundaries of the zoning overlay districts established in Section 18.78.030 shall be measured from the closest edge of any oil and gas facility.

18.78.060 Land use restrictions within zoning overlay districts.

A. In the critical zone land uses shall be limited to any of the following:
   1. Essential underground public utility facilities; and
   2. Undeveloped and restricted open space designed and operated to discourage access and use by natural persons, but this shall not include "recreational open space" as defined in Chapter 18.04 and any of the uses allowed in the public park zoning district under Chapter 18.32, unless it is an open lands/natural area that is undeveloped and designed and operated to discourage access and use by natural persons.

B. In the restricted zone land uses shall be limited to any of the following, provided no outdoor assembly area (as defined in Section 18.77.025.II), building, or parking lot is located within the restricted zone and the use is approved in accordance with the provisions in Chapter 18.40 for uses permitted by special review.
   1. Airports and heliports;
   2. Attended recycling collection facility;
   3. Commercial mineral deposit;
   4. Composting facility;
   5. Contractor's storage yard;
   6. Essential public utility uses, facilities, services and structures;
   7. Heavy industrial uses;
   8. Landfill area;
   9. Landscaping;
   10. Personal wireless service facilities;
   11. Plant nursery;
   12. Public service facility;
   13. Recyclable materials processing;
   14. Resource extraction, process and sales;
   15. Self-service storage facility;
   16. Street;
   17. Truck terminal;
   18. Unattended recycling collection facility;
   19. Vehicle rentals of heavy equipment, large trucks and trailers;
   20. Vehicle rentals of cars, light trucks and light equipment;
   21. Vehicle sales and leasing of cars and light trucks; and
   22. Vehicle sales and leasing of farm equipment, mobile homes, recreational vehicles, large trucks and boats with outdoor storage;

   These land uses shall be permitted if approved as a special review under this Subsection B. notwithstanding the fact that the underlying zoning or approved development plan governing the subject property may prohibit such approved land use.

C. In the high occupancy building zone all land uses authorized for the affected land by the land's underlying zoning district as provided in this title shall be allowed subject to the requirements of that zoning district, except that high occupancy buildings and outdoor assembly areas shall not be allowed within this zoning overlay district.

18.78.070 Variances.

A. An owner of any real property subject to the requirements and limitations of this chapter may request a variance from those requirements and limitations using the variance procedures set out in Chapter 18.60. The grounds for such variance shall be those set out in Chapter 18.60 to the extent applicable. However, any variance approved under this subsection must be in compliance with the underlying zoning or approved development plan governing the subject property.

B. An owner may also request a variance from any of the requirements of this chapter on the basis of the existence of a vested right under Chapter 18.72 or Colorado law or on the grounds that

application of Chapter 18.78 would constitute a regulatory taking under Article II, Section 3 of the Colorado Constitution. A variance request under this subsection shall be made to council by filing with the city's current planning division a written variance request stating all the facts and law the owner is relying on for the variance. A quasi-judicial hearing before council to consider the variance request shall be scheduled and held not less than thirty days but not more than sixty days after filing of the owner's written variance request. Notice of the hearing shall be provided in accordance with all applicable requirements of Chapter 18.05. At the conclusion of the hearing, council may grant, grant with conditions, or deny the variance request. In so doing, council shall adopt its written findings and conclusions within thirty days of its decision at the hearing. However, any variance approved under this subsection must be in compliance with the underlying zoning or approved development plan governing the subject property. Council's decision may be appealed to the District Court for Larimer County under Rule 106(a)(4) of the Colorado Rules of Civil Procedure by the applicant, by any person receiving mailed notice of the hearing, or by any other person considered a "party in interest" under Section 18.80.020.

Chapter 18.80

APPEALS

Sections:

18.80.010 Purpose.

This chapter shall govern the procedures for appeals from any final decision made under Title 16 or Title 18.

18.80.020 Definitions.

As used in this chapter:

"Appellant" shall mean a party-in-interest who has filed a notice of appeal under the provisions of this Chapter.

"De novo hearing" shall mean a new public hearing at which new and additional evidence may be presented.

"Effective date of the final decision", as it pertains to a city staff decision maker's or director's final decision, shall mean the date the city staff decision maker or director mails his or her written decision to the affected applicant and to any other party-in-interest to whom the written decision is required by this title to be mailed. As this phrase pertains to the zoning board of adjustment or the planning commission, it shall mean the date on which the board or commission adopts its written findings and conclusions.

"Evidence" shall mean documentary, electronic or testimonial evidence relevant to any application that was the subject of a final decision under the provisions of Title 16 or Title 18, presented at a hearing to support or refute a particular proposition or conclusion. Evidence shall not include argument as to how information offered as evidence should be viewed or interpreted.

"Notice of appeal" shall mean an appellant's written request for an appeal of a final decision submitted in the form required by Section 18.80.060.

"Party-in-interest", as it pertains to an appeal under this chapter of a final decision by a city staff decision maker or the director, shall mean: the applicant; any person required in Title 16 or this Title 18 to be mailed the city staff decision maker's or director's written final decision; two or more planning commission members; or two or more council members. As this term pertains to an appeal under this chapter of a final decision by the zoning board of adjustment or the planning commission, it shall mean: the applicant, the director, any person required in Title 16 or this Title 18 to be mailed notice of the zoning board of adjustment or planning commission's public hearing; any person who provided written or verbal testimony at the zoning board of adjustment or planning commission's public hearing (other than a city employee who was providing written or verbal testimony in his or her capacity as a city employee); or two or more council members. For an appeal of a final plat for a major subdivision or a final development plan, only the applicant shall be considered a party-in-interest with standing to appeal.

"Record" shall mean all relevant documents reviewed by a previous board, commission or city staff decision maker, and any transcript or written record of any such previous hearing.

"Zoning board of adjustment" shall mean the city zoning board of adjustment established pursuant to Section 18.60.010.

18.80.030 Appeal of final decision permitted -- Effect of appeal -- Grounds for appeal.

A. An appeal of a final decision may be filed pursuant to Sections 18.80.040 and 18.80.050. Upon the filing of an appeal, any application process with the city pertaining to the subject matter being appealed shall be suspended while the appeal is pending. Any action taken in reliance upon any decision of a board, commission or other city staff decision maker that is subject to appeal under the provisions of this chapter shall be totally at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the city shall not be liable for any damages arising from any such action taken during said period of time.

B. Except for appeals by members of council, the permissible grounds for appeal shall be limited to allegations that the board, commission or other city staff decision maker committed one or more of the following errors:
   1. Failure to properly interpret and apply relevant provisions of the Code or other law; or
   2. Failure to conduct a fair hearing in that:
      a. The board, commission or other city staff decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;
      b. The board, commission or other city staff decision maker considered evidence relevant to its findings which was substantially false or grossly misleading; or
      c. The board, commission or other city staff decision maker improperly failed to receive all relevant evidence offered by the appellant.

C. Appeals filed by members of council need not include specific grounds for appeal, but shall include a general description of the issues to be considered on appeal. Council members who file an appeal shall not participate in deciding the appeal.

18.80.035 Review of notice of appeal by city attorney.

Within seven days of the date of the filing of the notice of appeal, the notice shall be reviewed by the city attorney for any obvious defects in form or substance. A notice of appeal which fails to conform to the requirements of Section 18.80.030 shall be deemed deficient. The city attorney shall notify the appellant in writing of any such deficiency, which notice shall be mailed no more than seven days from the date of the filing of the notice of appeal. The appellant shall have seven days from the date of mailing of the notice of deficiency to cure such deficiency. If the deficiency is cured, the date the revised notice of appeal is received shall be considered the date of the filing of the notice of appeal. If the appellant does not file a revised notice of appeal within said time period, the appeal shall be deemed to be dismissed.

18.80.040 Appeal of staff decision maker or director's final decision.

A. A party-in-interest may appeal any final decision by the director or other staff decision maker to the planning commission.

B. To appeal a staff decision maker or director's final decision to the planning commission, a party-in-interest must file a notice of appeal with the current planning division within ten days of the effective date of the final decision. Failure of a party-in-interest to timely file a notice of appeal under this section shall result in the dismissal of that appeal.

C. When a party-in-interest timely files a notice of appeal under this section, the current planning division shall schedule a public hearing for the appeal to be heard by the planning commission not less than thirty or more than sixty days of the filing of the notice of appeal unless a longer period of time is agreed to by the appellant. Public notice of the hearing shall be given as

required in Section 16.16.070, except the notice requirements imposed on the applicant in Section 16.16.070 shall be the responsibility of the current planning division unless the applicant is an appellant. The owner of the property associated with the appeal shall allow posting of one or more signs as needed on the subject property.

D. The planning commission shall conduct the appeal hearing as a de novo hearing and shall apply the standards set forth in the Code applicable to the matter being appealed. After conducting the hearing, the planning commission may uphold, reverse or modify the final decision being appealed. The planning commission shall adopt at the public hearing or within thirty days of the public hearing its written findings and conclusions concerning the appeal.

18.80.050 Appeal of zoning board of adjustment or planning commission's final decision.

A. A party-in-interest may appeal any final decision by the zoning board of adjustment or the planning commission to council. An appeal of a decision made by the zoning board of adjustment hearing officer, shall follow the procedures set forth in Section 18.60.060.

B. To appeal a final decision by the zoning board of adjustment or planning commission to council, a party-in-interest must file a notice of appeal with the current planning division within ten days of the effective date of the final decision. Failure of a party-in-interest to timely file a notice of appeal under this section shall result in dismissal of that appeal.

C. When a party-in-interest timely files a notice of appeal under this section, the current planning division shall schedule a public hearing for the appeal to be heard by council not less than thirty or more than sixty days of the filing of the notice of appeal unless a longer period of time is agreed to by the appellant. Public notice of the hearing shall be given as required in Section 16.16.070, except the notice requirements imposed on the applicant in Section 16.16.070 shall be the responsibility of the current planning division unless the applicant is an appellant. The property owner of the property associated with the appeal shall allow posting of one or more signs as needed on the subject property.

D. Council shall conduct the appeal hearing as a de novo hearing, and shall apply the standards set forth in the Code applicable to the matter being appealed. After conducting the hearing, council may uphold, reverse or modify the final decision being appealed. Council may also remand the appeal to the zoning board of adjustment or the planning commission with directions for the zoning board of adjustment or planning commission's further consideration of the matter. If council upholds, reverses or modifies a final decision made by the zoning board of adjustment or the planning commission, council shall adopt at the public hearing or within thirty days of the public hearing its written findings and conclusions. Council's written findings and conclusions shall be considered the council's final decision for purposes of any appeal of council's decision to the Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

18.80.060 Notice of appeal requirements.

The notice of appeal required to be filed under this chapter shall include all of the following information:

A. A description of the final decision being appealed.

B. The date of the final decision being appealed.

C. The name, address, telephone number and relationship of each appellant to the subject of the final decision being appealed including a statement for each appellant as to the appellant's qualification for being considered a party-in-interest under this chapter.

D. For all appeals, except those filed by members of council, a description the grounds for the appeal of the final decision, including specific allegations of error as required in Section 18.80.030.B. For notices of appeal filed by members of council, the notice must contain the general description of issues to be considered on appeal as required by Section 18.80.030.C.

E. In the case of an appeal by more than one appellant, the name, address and telephone number of one such appellant who shall be authorized to receive, on behalf of all appellants, any notice required to be mailed by the city to the appellants under the provisions of Section 18.80.040 or Section 18.80.050.

18.80.070 Cost of appeal

In all appeals under this chapter except those filed by two or more members of the planning commission or those filed by two or more members of the council, the appellant shall be charged a fee for the cost of the appeal as such fee is established by council pursuant to Section 3.04.025. Council may establish a fee for each level of appeal.

18.80.080 Record on appeal

The record provided to the planning commission or council for appeals filed under this chapter shall include a record of any previous proceedings before a board, commission or other city staff decision maker, including without limitation, all exhibits, writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the board, commission or other city staff decision maker at any previous proceedings. A video recording of the zoning board of adjustment hearing or planning commission hearing is not required as part of the record on appeal provided summary minutes of such hearings are included as part of the record.

18.80.090 Procedure at hearing

A. At the appeal hearing, the presentation of argument regarding the appeal shall be made in the following order, subject to the discretion of the chairperson or mayor relating to limitations in time and scope, or allowances accommodating adequate presentation of evidence or opportunity for rebuttal:
   1. Explanation of the nature of the appeal by city staff;
   2. Appellant's presentation of evidence, testimony and argument in support of the appeal;
   3. Presentation of evidence, testimony and argument of the applicant if the applicant is not the appellant; or, if the applicant is the appellant, presentation of evidence, testimony and argument by any city staff member or other party-in-interest in opposition to the appeal.
   4. Public comment;
   5. Rebuttal presentation by the appellant; and
   6. Motion, discussion and vote by the board, commission, or council.

B. No person making a presentation or providing testimony at an appeal hearing shall be subject to cross-examination except that members of the planning commission or council and the city attorney may at any time make inquiries for the purpose of eliciting information and for the purpose of clarifying information presented.

C. In the event of multiple appeals involving the same subject matter considered by the planning commission or council, the chairperson or mayor, in his or her discretion, may modify the procedure contained in Subsection A. above so as to expedite the hearing of such appeals.

D. Council shall consider an appeal based upon evidence submitted at the public hearing, the record on appeal, the relevant provisions of the Code and Charter, and the grounds for appeal cited in the notice of appeal. Grounds for appeal raised for the first time at the public hearing, and therefore not raised in the notice of appeal, shall not be considered by council in deciding the appeal.

End Title 18

Title 19

WATER RIGHTS

Chapters:

Chapter 19.04

WATER RIGHTS

Sections:

19.04.010 Definitions.

A. As used in this chapter, all words and phrases shall be interpreted and defined in accordance with Section 16.08.010 and Subsection B. of this section. In the event of a conflict, Subsection B. of this section shall control.

B. As used in this chapter:

"Department" means the city's water and power department.

"Director" means the director of the city's water and power department or that person's designee.

"Water right" shall include, without limitation, units in the Colorado-Big Thompson Project, notwithstanding the fact that each unit does not represent an ownership in the Colorado-Big Thompson Project, but rather represents a contractual right to use a proportionate share of the water allocated to the Northern Colorado Water Conservancy District under the 1938 Repayment Contract between the United States Bureau of Reclamation and the Northern Colorado Water Conservancy District.

19.04.015 Water bank.

The city has established a water bank for the purpose of facilitating transfers of water rights to the city in satisfaction of the city's water rights requirements. In exchange for the transfer of water rights to the city in accordance with Section 19.04.017A.1., the city shall issue water bank credit in the city's water bank in the form of a holding receipt for use in accordance with the terms and conditions set forth in the water bank agreement, the holding receipt, and this chapter. Water bank credit, as

represented by the holding receipt, may be transferred, in whole or part, to a third party upon the third party's execution of an assumption of obligations agreement in a form acceptable to the city attorney. Any water bank credit transferred on or after April 1, 2002 in violation of this section shall be deemed void.

19.04.016 Water bank agreement.

The Loveland utilities commission, in consultation with the city attorney, shall approve the form of the water bank agreement.

19.04.017 Acquiring water bank credit.

A. Credit in the city's water bank may be acquired by either of the following methods:
   1. By transferring to the city, by good and sufficient conveyance, grant, assignment, or decree, ownership of water rights acceptable to the city. Applications to transfer water rights to the city shall be filed with the department. The applicant shall pay all expenses incurred in order to transfer ownership of the water rights to the city, unless otherwise agreed between the city and the applicant. In exchange for such transfer, the applicant shall receive credit in the city's water bank. Ownership of the water rights must be fully vested in the city, and all other applicable requirements set forth in this chapter must be satisfied, before water bank credit will be issued.
   2. By acquiring credit in the city's water bank from a water bank account holder. Upon an applicant's request, the city shall make available a list of water bank account holders who have informed the city that they are willing to sell water bank credit. The purchase price of such water bank credit shall be determined by the parties without further involvement of the city.

B. Credit in the city's water bank may not be acquired from the city by cash purchase on or after January 1, 2006.

19.04.018 Value of water bank credit.

A. The value of water bank credit received in exchange for water rights transferred to the city shall be determined at the time such water bank credit is applied to satisfy the city's water rights requirements.

B. The current value of ditch water rights shall be as follows:

Ditch/Ditch Company	**Value**	
	With Payment of the Native Raw Water Storage Fee	**Without Payment of the Native Raw Water Storage Fee**
Barnes	3.32 acre-feet of water per inch	0.86 acre-feet of water per inch
Big Thompson Ditch & Manufacturing Company	186.57 acre-feet of water per share	70.90 acre-feet of water per share
Buckingham Irrigation Company (George Rist Ditch)	6.36 acre-feet of water per share	0.38 acre-feet of water per share
Chubbuck Ditch	2.94 acre-feet of water per inch	0.41 acre-feet of water per inch
Louden Irrigating Canal and Reservoir Company	12.17 acre-feet of water per share	2.43 acre-feet of water per share
South Side Ditch Company	4.55 acre-feet of	1.46 acre-feet of water

	water per share	per share

The values set forth in the table above represent the historical average yield of each ditch as stated in Spronk Water Engineers Raw Water Supply Yield Analysis Update dated January 2012. These values are subject to change at any time by ordinance of council. The value of water bank credit received in exchange for transferring to the city ditch water rights not set forth in the table above shall be determined by council by resolution on a case-by-case basis at the time such water bank credit is applied to satisfy the city's water rights requirements. The native raw water storage fee applicable to each ditch or ditch company is set forth in Section 19.04.045.

C. The current value of Colorado-Big Thompson Project units shall be one acre-foot per unit.

19.04.020 Water rights required for development.

A. Residential development.

1. Land zoned R1e, R1, R2, R3e, or R3 after June 5, 1984 and developed for residential uses and land zoned PUD, MAC, or E and developed for residential uses shall not receive final approval for development, nor shall construction or development be allowed on any such land, nor shall water service be furnished to any such land, until the city has received by grant or transfer the perpetual right to use the total amount of divertible water rights, in acre feet of water, as determined by the following formula:

   Total water rights due (in acre-feet) = (1.6 x net lot acreage) + (1.4 x acreage of that portion of each residential lot which is greater than 15,000 square feet) + (0.23 x number of dwelling units)

   Water rights required under this Subsection A. shall be paid prior to approval of the final plat by the director of development services. Notwithstanding anything herein to the contrary, water rights required under this Subsection A. may not be paid prior to acceptance of a complete application for final plat by the director of development services.

2. The applicant shall have a credit toward the requirements set forth in this Subsection A. for water rights previously furnished in conjunction with annexation or zoning.

B. Nonresidential development.

1. Any lot or tract zoned PUD, MAC, or E, if the developed use will be non-residential, and any lot or tract zoned Be, B, I, or PP shall not be entitled to receive water service or a building permit for any construction on the lot or tract until the city has received by a good and sufficient conveyance, grant, assignment, or decree the perpetual right to use the acre feet of water required by the following schedule:

Water Meter Size	Acre-feet Required
¾"	1
1"	4
1½"	8
2"	13
3"	26
4"	40
6"	80
8"	128
10"	184
12"	273

Notwithstanding anything herein to the contrary, water rights required under this Subsection B. may not be paid prior to the building official's acceptance of a complete application for building permit.

2. The applicant shall have a credit toward the requirements set forth in the schedule for water rights previously furnished in conjunction with annexation or zoning.
3. Where property has been subdivided at or after the time of the furnishing of water rights, the water rights furnished shall be prorated among the parcels of the subdivision based upon the respective land areas. Water rights furnished to fulfill the requirements of this Subsection B. in connection with other water meters previously granted on the same tract or larger tract, as the case may be, shall not be prorated.
4. Whenever a nonresidential water meter is abandoned or reduced in size, a credit shall be established in the city's water bank for the difference between the required water rights for the existing water meter and the required water rights for the new water meter, if any. Said credit shall be eligible for use only to fulfill water rights requirements arising on the property served by the original water meter, unless otherwise approved by council. Any unused credit remaining after ten years from the date the credit is created shall be canceled, and the owner thereof shall have no further claim to said credit. Upon application to council made prior to the expiration date, council may, for good cause shown, extend the expiration date as it sees fit.

C. Mixed-use buildings. Water rights applicable to mixed-use buildings shall be paid prior to issuance of the building permit. For the purposes of this Subsection C., "mixed-use buildings" shall mean those buildings containing both residential and nonresidential uses. Notwithstanding anything herein to the contrary, water rights required under this Subsection C. may not be paid prior to the building official's acceptance of a complete application for building permit.

D. Dedicated irrigation meters. Water rights applicable to dedicated irrigation meters are set forth in Chapter 19.06.

E. Transfers required by this section and Chapter 19.06 are summarized in the following table:

Use	Final Plat	Building Permit	Meter Activation
R1e, R1, R2, R3e, R3, Residential development within a PUD, MAC, or E	Total water rights as determined by 19.04.020A. Credit given for water rights paid at annexation or zoning.	None.	None.
Be, B, I, PP Nonresidential development within a PUD, MAC, or E	None.	Total water rights as determined by 19.04.020B. Credit given for water rights paid at annexation or zoning.	None.
Mixed-use buildings	None.	Total water rights as determined by 19.04.020A. and B.	None.
Dedicated irrigation meters	None.	None.	Total water rights as determined by Chapter 19.06.

19.04.021 Exceptions to water rights requirements.

A. Certain conditions may warrant exceptions to the water rights requirements set forth in Section 19.04.020A. Such exceptions may be allowed at the discretion of city staff for the following reasons:
   1. Water rights will not be required for areas which are legally served by other domestic water sources or water providers.
   2. Water rights requirements may be waived or modified by development or special agreements as approved by council when deemed in the best interest of the city.
   3. Subdivisions which include both an area where (i) water rights were furnished previously in conjunction with prior city annexation and zoning requirements, or where the property is subject to the provisions described in Section 19.04.022, and (ii) an area where the current water rights requirements apply, pursuant to Section 19.04.020A. or B., shall be given a credit of two or three acre-feet per acre, as appropriate, on the area subject to prior city annexation or zoning requirements to apply toward the current requirement for the entire area being platted. For this calculation, the applicant shall furnish, with the application, the area of the proposed subdivision which was subject to prior city annexation and zoning requirements. If the credit is larger than the total quantity needed under the current requirements for the requested approval, the requirement shall be deemed to have been met for the entire platted area, and no further credit shall exist.
   4. For any land designated as an outlot in an approved final development plan of a planned unit development, water rights shall not be required for that outlot so long as the outlot is approved for a use that will not require connection to the city's potable water distribution system. In the event, however, that the outlot is duly approved by the city for a use that will require connection to the city's potable water distribution system or the outlot is redesignated, in accordance with the City Code, as a lot or tract, the water rights requirements of Section 19.04.020A. and B., if applicable to the outlot, lot, or tract must be satisfied prior to such approval or redesignation.

B. If, at any time, city water service is requested for all or any portion of such land which has been exempted in part or in whole from water rights requirements in this, the applicant for city water service shall transfer to the city water rights in an amount equal to that which would be required, at the time such service is requested, in connection with annexation, zoning, and development or issuance of a building permit for a parcel of land of the same size for which water service is sought.

19.04.022 Calculation of water previously furnished to the city.

A. The following rules shall be applied to determine the amount of raw water previously furnished in conjunction with prior city annexation and zoning requirements. In such areas, the requirements of Section 19.04.020A. and B. shall not apply, except as provided in this section.
   1. All land annexed to the city between December 5, 1978, and November 1, 1982, except such land as was zoned DR developing resource district on November 1, 1982, shall be deemed to have furnished to the city three acre-feet of water per acre, unless the utility commission determines otherwise based upon competent evidence. No additional water rights will be required, nor any excess credit given except as provided in Section 19.04.021A.5.
   2. All land annexed to the city prior to December 5, 1978, except land zoned DR, developing resource district on that date, shall be deemed to have furnished to the city two acre feet of water per acre, unless the utility commission determines otherwise, based upon competent evidence. No additional water rights will be required, nor any excess credit given except as provided in Section 19.04.021A.5.
   3. All land annexed to the city and zoned R1e, R1, R2, R3e, or R3 between November 1, 1982 and June 5, 1984 shall be deemed to have furnished to the city three acre feet of water per acre, unless the utility commission determines otherwise, based upon competent evidence.

No additional water rights will be required, nor any excess credit given except as provided in Section 19.04.021A.5.

4. All land zoned Be, B, or I after November 1, 1982 or zoned R1e, R1, R2, R3e or R3 after June 5, 1984 but not yet included in a final subdivision plat or final development plan, shall be deemed to have furnished to the city one acre-foot of water per acre unless the utility commission determines otherwise, based upon competent evidence.
5. All land zoned R1e, R1, R2, R3e, or R3 and platted between June 5, 1984 and October 5, 1998 shall be deemed to have furnished to the city water rights as calculated by the following formula unless the utility commission determines otherwise, based upon competent evidence.

   Total acre-feet required = (1.54 x net acres) + (0.154 x # dwelling units).

   All land zoned R1e, R1, R2, R3e, R3, or PUD with residential uses and platted between October 5, 1998 and November 16, 1999, shall be deemed to have furnished to the city water rights are calculated by the following formula unless the utility commission determines otherwise, based upon competent evidence.

   Total acre-feet required = (1.54 x net acres) + (0.154 x # dwelling units) + (2.0 x greenbelt areas).

   All land with a tap dedicated to irrigation purposes only with Be, B, I or PUD with commercial or industrial use zoning between October 5, 1998 and November 16, 1999 and not subject to the provisions of Section 19.04.022A.1. or 2. shall be deemed to have furnished to the city two acre-feet of water per acre unless the utility commission determines otherwise, based upon competent evidence.

19.04.023 Water rights for service outside the city limits.

A. Water rights are required for outside city water service. For nonresidential uses, the quantity of water rights required shall be determined in accordance with Section 19.04.020B. (calculated in the same manner as if the property to be served were located inside the city). For residential uses, the quantity of water rights required shall be determined as the lesser of the quantity specified in Section 19.04.020B. or Section 19.04.020A. (calculated in the same manner as if the property to be served were located inside the city). For irrigation use only, the quantity of water rights required shall be determined in accordance with Section 19.06.040B. or Section 19.050.050, as applicable (calculated in the same manner as if the property to be served were located inside the city).

B. Water rights required for outside city water service shall be due at the time of application for outside city water service. Any outside city customer who has received a city water meter prior to December 1, 2012 but has not paid water rights to the city shall be required to provide water rights to the city upon the earlier of the following to occur to the property receiving city water service: (i) annexation; (ii) subdivision; (iii) "redevelopment," as defined in the Site Development Performance Standards and Guidelines; (iv) change in meter classification (residential, nonresidential, or irrigation) (v) change in meter size; or (vi) installation of additional meters. Notwithstanding anything herein to the contrary, water rights shall not be due upon any of the following to occur to the property receiving city water service: (i) minor changes to the property that do not rise to the level of "redevelopment," such as roof replacements, or basement finishes that do not increase the gross floor area of a building or structure by at least twenty-five percent over the gross floor area existing as of February 1, 1988; (ii) the addition of outbuildings that do not require a change in meter size or additional meters; or (iii) the addition of a fire hydrant.

19.04.040 Satisfying water rights requirements.

To satisfy the city's water rights requirements, the applicant must apply water bank credit in an amount sufficient to satisfy the city's water rights requirements. A minimum of fifty percent of every

transaction to satisfy such requirement must include water bank credits received in exchange for Colorado-Big Thompson Project units transferred to the city or water bank credits acquired from the city by cash purchase, or by paying the cash-in-lieu price ("50% Rule"). If the acre-feet requirement resulting from the 50% Rule results in a fractional requirement of less than a one-half acre-foot, it may be rounded down to the nearest acre-foot.

19.04.041 Cash-in-lieu price.

The cash-in-lieu price shall be equal to the market price of one Colorado-Big Thompson Project unit as recognized by resolution of the Loveland utilities commission, divided by the yield (in acre-feet) of one Colorado-Big Thompson Project unit as set forth in Section 19.04.018B., with the resulting quotient multiplied by 1.05. Said fee shall be calculated in accordance with the resolution in effect at the time such payment is due.

19.04.045 Native raw water storage fee.

A. When credit in the city's water bank received in exchange for the transfer of ditch water rights to the city is applied to satisfy the city's water rights requirements, it shall be subject to the native raw water storage fee unless exempted under Subsection B. or C. below. Said fee shall be calculated and due at the time such water bank credit is applied to satisfy the city's water rights requirements as provided in Sections 13.04.245C. and 19.04.020. The current native raw water storage fee applicable to each ditch or ditch company shall be as follows:

Ditch / Ditch Company	**Native Raw Water Storage Fee Per Acre-Foot**
Barnes Ditch	$5,750
Big Thompson Ditch & Manufacturing Company	$3,530
Buckingham Irrigation Company (George Rist Ditch)	$7,400
Chubbuck Ditch	$7,400
Louden Irrigating Canal and Reservoir Company	$6,850
South Side Ditch Company	$6,770

The native raw water storage fees set forth in the table above are taken from the Raw Water Master Plan. These values are subject to change at any time by ordinance of council. The native raw water storage fee applicable to water bank credit received in exchange for transferring to the city ditch water rights not set forth in the table above shall be determined by council by resolution on a case-by-case basis at the time such water bank credit is applied to satisfy the city's water rights requirements. The native raw water storage fee shall not apply to water bank credits received in exchange for the transfer of Colorado-Big Thompson Project units to the city or water bank credits acquired from the city by cash payment or to payments of the cash-in-lieu price.

B. When credit in the city's water bank received in exchange for the transfer of ditch water rights to the city on or before July 20, 1995 is applied to satisfy the city's water rights requirements, it shall not be subject to the native raw water storage fee, notwithstanding the provisions of Subsection A. above.

C. When water bank credit is applied to satisfy the city's water rights requirements, the person applying the credit may choose not to pay the native raw water storage fee set forth above, in which case the value of the credit shall be decreased in accordance with the table set forth in Section 19.04.018B.

19.04.050 Escrow of water rights or cash in lieu of water rights.

A. If requested by the developer of the land for which water rights are owed, the water rights or cash in lieu of water rights may be conveyed into an escrow held by the city clerk to be released to the city upon approval of the final plat for residential development or upon issuance of the building permit for non-residential development, and if the final plat or building permit is denied to be returned to the developer upon such denial. The escrow shall be governed by the terms of an escrow agreement between the city and the developer. In the event the developer has requested an escrow of all or any portion of a cash in lieu of water rights payment for residential development, the escrow agreement shall provide that the cash in lieu payment will be held in escrow for a period not to exceed forty-five days following council approval to the final plat.

B. Where the cash in lieu payment is subject to an escrow agreement, the final plat approval shall be expressly conditioned upon payment of the fee within the forty-five-day period following final plat approval. In the event the cash in lieu payment is not paid within said forty-five-day period, the final plat approval shall be void and of no force or effect. During the forty-five-day period prior to receipt of the cash in lieu payment, the final plat shall not be recorded with the Larimer County Clerk and Recorder.

19.04.070 Water rights appurtenant to land.

At the time land is annexed to the city or application for final development is made to the city, the owner shall, by a good and sufficient conveyance, grant, assignment, or decree, transfer to the city all water rights appurtenant to the land being annexed; provided, however, that in no event shall the owner be required to transfer water rights in excess of the water rights requirements imposed upon annexation and development; and provided further, that acceptability of specific water rights shall be subject to council approval.

19.04.080 Requirements for acceptance of ditch water.

A. Applications to transfer ditch water rights to the city shall be filed with the department. No ditch water rights shall be accepted by the city unless first approved by the Loveland utilities commission. Said approval shall not be given without satisfaction of each of the following requirements:
   1. Evidence of the applicant’s ownership of the ditch water rights in a form satisfactory to the city attorney;
   2. A water bank agreement executed by the applicant and, if applicable, other documentation, such as a statement of historical use and dry-up covenant, in a form approved by the city attorney; and
   3. A finding by the Loveland utilities commission that it is in the city’s best interests to accept the ditch water rights.

B. The Loveland utilities commission may place conditions or restrictions on the city’s acceptance of the ditch water rights or the applicant’s use of the corresponding water bank credit as necessary to protect the city’s interests. Applicants who do not wish to transfer their ditch water rights to the city subject to such conditions or restrictions may withdraw their application prior to execution of the water bank agreement by the city.

C. As used herein, “ditch water rights” shall refer to and mean water rights from the following ditches or ditch companies commonly referred to as: Big Thompson Ditch & Manufacturing Company; Buckingham Irrigation Company (George Rist Ditch); Louden Irrigating Canal and Reservoir Company; and South Side Ditch Company.

19.04.085 Other water rights.

The city may accept water rights other than Colorado-Big Thompson Project units and those ditch water rights listed in Section 19.04.080C. upon such terms and conditions as are approved by council by resolution.

19.04.090 Vested rights concerning water rights owed.

The water rights owed by an applicant for a development for which the applicant has obtained and possesses a vested right to undertake and compete the development pursuant to C.R.S. § 24-68-101 *et seq.* as implemented by Chapter 18.72, shall be calculated in accordance with the water rights provisions in effect on the date applicant's right to develop was vested in accordance with Chapter 18.72.

Chapter 19.06

IRRIGATION

Sections:

19.06.010 Definitions.

A. As used in this chapter, all words and phrases shall be interpreted and defined in accordance with Section 16.08.010 and Subsection B of this section. In the event of a conflict, Subsection B. of this section shall control.

B. As used in this chapter:

"Dedicated irrigation meter" means a meter installed for the sole purpose of providing water for irrigation. For the purposes of Section 19.06.050, the phrase "dedicated irrigation meter" shall mean a single dedicated irrigation meters or sets of interconnected dedicated irrigation meters.

"Hydrozone" means a portion of the landscaped area having plants with similar water needs. Typical plant lists for each hydrozone are set forth in the Site Development Performance Standards and Guidelines at Appendix A. The city recognizes four hydrozones: high water need; moderate water need; low water need; and very low water need (no irrigation required).

"Water budget" means the maximum amount of water an irrigator is allotted per year to irrigate a specific landscaped area through a dedicated irrigation meter or set of interconnected dedicated irrigation meters.

19.06.020 Irrigation with non-city water.

Areas to be irrigated with water from other municipal or quasi-municipal sources shall not require the payment of any water rights to the city.

19.06.030 Irrigation with raw water.

A. Areas to be irrigated with raw water, including well water, shall not require the payment of any water rights to the city, provided all of the following conditions are met:
   1. The owner provides written documentation in the form of water court decrees or water shares evidencing the fact that there are adequate water rights to serve the proposed irrigation system, and in the event a homeowners association is to be responsible for the maintenance of the areas to be irrigated with raw water, evidence that the homeowners association has or will have the right to use the water for such purposes.
   2. The owner applies to, and obtains approval from, the director of the water and power department or the director's designee for the use of raw water irrigation.
   3. The city receives documentation, verified by a professional engineer, certifying that the irrigation system has been designed to prevent the possibility of connection of such system to the city's treated water system.
   4. The following statement appears on the plat of the area to be irrigated with raw water, or if the plan for such irrigation is not presented in conjunction with a plat, the following

statement is included in a recorded instrument with a surveyed legal description of the area to be irrigated:

"A portion of the land area depicted on this plat or legally described in this instrument is approved by the City of Loveland for irrigation using raw water from private sources. The Loveland Municipal Code contains requirements regulating the irrigation of such area(s) and prohibits the use of treated, potable city water being used for such irrigation. The city's permission to irrigate with raw water does not constitute any assurance by the city that there is either adequate raw water or adequate water rights available to the land to properly irrigate such area(s) or that the raw water irrigation system has been adequately designed to properly irrigate such area(s). The city has no obligation to provide any water to irrigate such area(s)."

5. The irrigated area is conspicuously posted with signs stating that raw water is being used for irrigation. Such signs and their locations shall be subject to the approval of the director of water and power or the director's designee, and no sign permits shall be required for the same.

B. If, at any time, treated city water service is requested for all or any portion of an area formerly irrigated with raw water for which water rights have not been paid, the applicant for such service shall transfer to the city water rights in an amount equal to the water rights requirement in existence at the time of such application.

C. If the owner of an area irrigated with treated city water desires to convert to raw water irrigation, the owner may apply to do so upon the same terms and conditions as set forth in this section. The owner shall file a recorded instrument or correction plat with the notation set forth in Section 19.06.030A.4. The owner shall be granted a credit in the city's water bank for water previously transferred for such area. Said credit shall be described in acre-feet of water. Storage fees applicable to said credit shall be considered paid in full. In addition, the owner may request a return of system impact fees in accordance with Section 13.04.032.

19.06.040 Irrigation with treated city water.

A. Areas to be irrigated with treated city water by use of a residential or nonresidential meter shall be required to provide water rights as set forth in Section 19.04.020.

B. Except as provided in Section 19.06.050, areas to be irrigated with treated city water by use of a dedicated irrigation meter shall be required to provide three acre-feet of water for each acre of irrigated area.

19.06.050 Irrigation subject to Hydrozone water budget.

A. The purpose of this program is to protect the city's water resources by encouraging the design, installation, and maintenance of water-efficient landscapes in which plantings are grouped by hydrozone and are subject to a water budget. For information regarding water-efficient landscape requirements, see the city's performance standards and design guidelines for the development and redevelopment of property currently in effect.

B. Participation in the program is voluntary. Irrigators must meet the requirements of the city's performance standards and design guidelines for the development and redevelopment of property in effect at the time the irrigator elects to participate in the program, and demonstrate a twenty-five percent reduction in water use from traditional bluegrass landscapes as set forth in Subsection F.1. below. Irrigators who do so shall be entitled to a reduced water rights requirement as set forth in Subsection E. below and may incur lower system impact fees resulting from reduced meter sizes necessary to irrigate their landscapes.

C. **Hydrozone agreement required**. All participants in the program who join the program on or after July 1, 2017 shall execute a Hydrozone Agreement signed by the director. The agreement must be executed prior to the issuance of an irrigation tap or retrofit of existing irrigation meter. Such agreement will describe the requirements of the Hydrozone program, including the water

rights payments that will be required if the water budget is exceeded for three consecutive years under the provisions of this subsection 19.06.050. If the participant is a common interest community or special taxing district (such as a homeowners' association (HOA) or special district), the Hydrozone Agreement shall require disclosure of certain Hydrozone program terms and conditions within the common interest community agreement, HOA covenant, or other relevant real estate disclosure to members or owners of such common interest community or special taxing district. The Hydrozone Agreement must specifically reference the legal descriptions of land involved in the Hydrozone program, and the City shall record the agreement with the Larimer County Clerk and Recorder. The obligations under the agreement will run with the land and carry forward to all new owners, including homeowners' associations or special districts or any other legal entity in ownership. It is the responsibility of the current owner to advise any new owners, including new members of the common interest community, if applicable, about the Hydrozone program and the potential monetary penalties for exceeding the water budget for a particular year and for the water rights payments that may be required for exceeding the water budget for three consecutive years.

D. **Soil Amendments**. Every participant must install soil amendments appropriate to the particular hydrozone landscape plans and the native soils of the site, unless such soil amendments are deemed unnecessary based on soil testing results or the informed opinion of a professional engineer, licensed landscape architect, or other qualified professional, such as, but not limited to, a certified professional agronomist (CPAg), a certified horticulturist, or a Colorado State University Certified Master Gardener. Prior to the issuance of a hydrozone irrigation tap, a participant must execute and submit to the city a soil amendment affidavit, in a form approved by the director, describing the soil amendments installed to each area of the landscape or attesting to an informed opinion or soil testing results that soil amendments were unnecessary for the particular landscape or areas of the landscape.

E. Areas to be irrigated with treated city water by use of a dedicated hydrozone irrigation meter subject to a water budget shall be required to provide the following water rights, which are calculated based on the maximum gallons per square foot per year required by each hydrozone:

Hydrozone	Maximum Gallons Used Per Square Foot Per Year	Acre-feet of Water Due Per Acre
High water need	20	3
Moderate water need	12	1.8
Low water need	3.6	0.6
Very low water need	0	0

Note: the above requirements for moderate and low water need hydrozones may vary from the irrigation requirements identified in the city's performance standards and design guidelines for moderate and low water plant irrigation needs.

F. **Hydrozone Water budget**.

1. The city will calculate the water budget based on the maximum gallons to be used per square foot per year by each applicable hydrozone irrigated through a dedicated irrigation meter in accordance with the table set forth in Subsection E. If the calculation does not demonstrate a twenty-five percent reduction in water use from the three acre-feet per acre standard of traditional bluegrass landscapes, the irrigator may not participate in the program and must pay the water rights set forth in Section 19.06.040.
2. An irrigator may obtain an increase in his or her annual water budget by providing additional water rights to the city, if approved by the director, and if such increased annual water budget will remain at or below a twenty-five percent reduction in water use from traditional bluegrass landscapes. Such additional water rights may be provided through application of water bank credit or paying the cash-in-lieu price pro rata per additional acre-foot of water provided to the city. The revised annual water budget will be calculated in accordance with

the formula in Section 19.06.050.E, and the parties of interest shall execute an amendment to the Hydrozone agreement to be recorded by the City with the Larimer County Clerk and Recorder.

3. Failure to meet annual water budget.
   a. Irrigators who exceed their annual water budget shall pay the following surcharge:

Water Consumed	Surcharge
0% to 100% of annual budget	No surcharge
101% to 150% of annual budget	1 x base irrigation rate
151% to 200% of annual budget	2 x base irrigation rate
201% + of annual budget	4 x base irrigation rate

   b. Irrigators who exceed their annual water budget by an amount more than five percent (5%) of the total annual water budget in three consecutive years shall be required to provide full water rights according to the following formula:

      (water rights required pursuant to Section 19.06.040) – (water rights previously paid using the water budget calculation set forth in 19.06.050)

      Water rights due pursuant to this section shall be paid within sixty days of the date of invoice, unless alternative arrangements for payment have been approved by the director. Any unpaid amounts may be subject to lien in accordance with Section 13.04.290 or collected in any other manner permitted by law.
   c. Irrigators may voluntarily elect to leave the program by providing a full water rights payment as calculated above.
   d. The amount owed as an annual surcharge for exceeding the water budget in a particular year may be paid towards satisfying the water rights payment if an irrigator desires to voluntarily leave the hydrozone program after that particular year, or becomes ineligible for the program as a result of exceeding the water budget for three consecutive years. Surcharges from previous years cannot apply towards satisfying a required water rights payment under this subsection.

G. **Establishment period and replacing or redesigning hydrozone landscapes**.

1. The city recognizes that new landscapes require more water when they are initially being established. Therefore, the first three years after hydrozone meter activation will be a grace period not subject to the surcharge set forth in subsection 3.a., nor shall such irrigation count toward the three years provided for in subsection 3.b. The three-year grace period shall be calculated as follows:
   a. If meter activation is before August 1: the grace period shall run for the then-current calendar year plus the next two calendar years.
   b. If meter activation is after August 1: the grace period shall run for the then-current calendar year plus the next three calendar years.
2. Irrigators who already participate in the program but who will be replacing or redesigning a landscape may apply for a one-year exemption period, to be approved by the director, that will not be subject to the surcharge set forth in Subsection 2.a., and will not count as one of the three consecutive years which could trigger a full water rights payment per Subsection 2.b. The application for a one-year exemption period for replaced or redesigned landscape must include a detailed description of the proposed replaced or redesigned landscape, receipts for soil amendments and/or new plantings, photographs, and/or other extrinsic evidence that justifies a one-year exemption period. Irrigation of any redesigned or replaced landscape must not exceed the original annual water budget, or additional water rights may be due. Such exemption period must be requested before July 1 of the particular year for which a landscape will be replaced or redesigned.

H. An irrigator that has previously provided the full water rights requirement for a traditional irrigation meter that chooses to retrofit its irrigation meter by redesigning its landscapes to meet the requirements of this section and the city's performance standards and design guidelines for the development and redevelopment of property then in effect shall be entitled to the following credit and refund:
   1. Credit in the city's water bank equal to the difference between the water rights paid and the water rights due under Subsection F. Said credit shall be described in acre-feet of water. Storage fees applicable to said credit shall be considered paid in full.
   2. Refund of system impact fees as set forth in Section 13.04.033.

I. The director may approve a variance from the requirements of this section 19.06.050 if circumstances exist to justify such a variance, such as, but not limited to, unforeseen documented difficulties in establishing a hydrozone landscape, sustained drought conditions, or other documented hardship in installing and maintaining a hydrozone landscape and/or irrigation system. (Ord. 6117 § 1, 2017)

19.06.060 Dedicated irrigation meter capacity.

A. Irrigation systems utilizing dedicated irrigation meters shall be designed based on the available flow through the meter at the project site, but shall not exceed the flows set forth in the following table:

Meter Size	Maximum Continuous Design Flow (If Available)
¾ inch	15 gallons per minute
1 inch	25 gallons per minute

For meters larger than one inch, the irrigation system designer shall be responsible for verifying minimum system pressures occurring seasonally and throughout the day (especially during peak demand periods).

19.06.065 Irrigation booster pumps prohibited.

The installation or operation of an irrigation booster pump in water service lines that are directly fed by the city's water distribution system is prohibited. Notwithstanding anything herein to the contrary, any such irrigation booster pumps installed prior to June 5, 2012 may continue in operation without violating this section, but may not be replaced.

19.06.070 Water rights due prior to activation of dedicated irrigation meter.

Water rights required for dedicated irrigation meters shall be due prior to activation of the meter, or first meter if in a set of interconnected meters, but may not be paid prior to approval of the final plat by the director of development services.

----------End of Title 19 ----------

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
1	6	6	1881	Herd Law (repealed by Ord. 35)
2	6	6	1881	Concerning License (repealed by Ord 15)
3	6	7	1881	Protection of Trees and Public Safety
4	6	7	1881	Disorderly Conduct
5	6	7	1881	Concerning Streets
6	6	7	1881	Concerning dogs (repealed by Ord. 51)
7	9	8	1881	Peddlers, Shows, etc.
8	6	13	1882	Concerning Prison Labor (repealed by Ord. 170)
9	6	13	1882	Fire Limits (repealed by Ord. 240)
10	12	4	1882	Concerning Sidewalks (repealed by Ord. 40)
11	12	4	1882	Houses of Prostitution
Amend 2	12	20	1882	License – Amends Ord. 2
12	5	7	1883	Preserve Purity of water in Ditches
13	12	3	1883	Concerning Gambling
14	3	28	1884	Appropriation Bill
15	4	15	1884	Intoxication Liquors (repealed by Ord. 17)
Amend 4	4	5	1884	Drunks – Amends Ord. 4
16	4	15	1884	Licensing of Games (repealed by Ord. 79)
17	4	30	1885	Annual Appropriation Bill
18	4	30	1885	Saloon License
19	9	22	1885	Issuing Bonds, Artesian Wells
20	9	22	1885	Special Appropriation $7,000 for Artesian Well
21				Not used
22	4	13	1886	Intoxicating Liquors (repealed by Ord. 28b)
23	4	13	1886	To create indebtedness, 2nd Bonds Series
24	12	8	1886	Licensing G.S.L. to lay Track, Greeley Salt Lake & Pacific Railway)
25	12	8	1886	Cleanliness of Stables, Vaults, etc
No #	3	1	1887	Annual Appropriation Bill for 1887
27	3	19	1887	Establishing Department of Water Works
28a	4	2	1887	3rd Bond Series Waterworks
28b	4	13	1887	Sale & Gift of Intoxicating Liquors (repealed by Ord. 39)
29	4	22	1887	Sale of Liquor by Druggist
30	7	11	1887	Issue of Bonds Waterworks
Amend 28	9	24	1889	Repeals section 2 of Ord. 28b Intoxicating Liquors
31	9	24	1890	Pollution of Big Thompson River
Amend 7	2	12	1889	Amends Ord. 7, Peddlers, Shows, etc.
Amend 27	4	8	1890	Amends Ord. 27 Establishing Waterworks
32	4	14	1891	Stallions
33	2	17	1892	Boisterous Conduct
34	3	1	1892	Appropriation Bill
35	6	7	1892	Animals in Corporation
Amend 9	6	7	1892	Fire Limits
Amend 10	3	1	1892	Concerning Sidewalks
36	3	8	1893	Contagious Disease
37	4	19	1893	Use of Steam Engine in City

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
38	4	19	1893	Boarding Moving Trains
Amend 27	5	2	1893	Issue of Bonds Waterworks
39	5	23	1893	Sale of Liquor (repealed by Ord. 44)
40	7	11	1893	Concerning Sidewalks (repealed by Ord. 148)
41	3	6	1894	Concerning Fire Dept.
42	4	5	1894	Binding Book for ordinances
44	4	10	1895	Selling and gift of Liquor
45	5	7	1895	Contagious Disease
46	7	9	1895	Riding or driving on sidewalks
47	7	9	1895	Relating to vagrants
48	4	17	1896	Selling and gift of Liquor (repealed by Ord. 54)
49	7	7	1896	Privileges granted to Phone Com.
50	8	11	1896	Annual Appropriation Bill
51	8	11	1896	Concerning dogs (repealed by Ord. 145)
52	11	20	1896	Curfew
53	3	29	1897	Annual Appropriation Bill
54	4	12	1897	Selling and gift of Liquor
55	4	20	1897	Amend 7-Peddlars, Shows, etc…
56	5	19	1897	Amend 7-Peddlars, Shows, etc…
57	11	22	1897	Water Bonds
58	2	3	1898	Operation of trains in City
59	3	21	1898	Appropriation Bill
60	4	7	1898	Annual Appropriation
61	4	12	1899	Selling of Liquor (repealed Ord. 78)
62	4	12	1899	Concerning Games
63	7	24	1899	Relating to Water Works (repealed Ord. 242)
64				Not used
65				Not used
66	6	25	1900	Concerning Firearms
67	9	14	1900	Water for Sugar Beet Factory
68	1	2	1901	Delivery of Water to J.R. McKinney
69	1	21	1901	Right of Water C&SRR to Sugar Factory
70	1	21	1901	Keeping of Animals in the City
71	2	9	1901	Electric Light Plant
72	3	30	1901	Appropriation Bill
73	6	6	1901	Water Bonds
74	6	11	1901	Right of way for water pipes
75	6	27	1901	Defining system for Water Works
76	7	18	1901	Disposal of merchandise by means of Chance
Amend 7	8	6	1901	Peddlers, Shows, etc.
77	3	19	1902	Appropriation Bill
78	4	10	1902	Selling of Liquor
79	4	10	1902	Billiard Halls and Bowling Alleys
80	4	18	1902	Salaries
81	5	6	1902	Posting of Bills (repealed by Ord. 108)
82	10	24	1902	Authorizing Construction of Sewer

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
83	10	28	1902	Amending Ord. No. 7
84	11	4	1902	Relating to sewer
85	1	6	1903	Sanitary Sewer District
86	2	23	1903	Sanitary Sewer District
87	3	10	1903	Sanitary Sewer District
88	3	10	1903	Construction of Sewer in Dist. No. 1
89	3	12	1903	Construction of Sewer in Dist. No. 2
90	3	23	1903	Annual Appropriation
91	4	14	1903	Telephone Com Right of Way (repealed by Ord. 106)
92	4	14	1903	Sewer Taps
93	4	20	1903	Selling of Liquor (repealed by Ord. 78 and Ord. 100)
94	5	19	1903	Relating to sewer
95	6	17	1903	Granting Electric Light Franchise
96	6	17	1903	Submitting to Property Electors the Question of selling City Property
97	7	15	1903	Assessments for Sewers
98	8	4	1903	Loveland Building Association
99	9	15	1903	Assessments for Sewer Dist. No 1 and 2
100	11	4	1903	Liquor Nuisances
101	11	4	1903	Loitering in Public Places
102	11	4	1903	Spitting on Sidewalk
103	1	14	1904	Feeding and dipping animals
104	2	9	1904	Changing names of Streets
105	3	9	1904	Appropriation Bill
106	6	7	1904	Phone Exchange Grant
107	8	2	1904	Grant to Northern RCO
Amend 27	10	4	1904	Establishing Water Works
108	2	21	1905	Posting of Bills
109	2	21	1905	Defining City Wards (repealed by Ord. 197)
110	2	21	1905	Compensation of City Officials
111	2	28	1905	Concerning Duties of City Officials
112	2	28	1905	Question to Voters to Acquire Land for Parks
113	2	28	1905	Bonding City for parks
114	4	6	1905	Appropriation Bill
115	4	11	1905	Maintaining Stock for Breeding Purposes
Amend 35	6	6	1905	Animals in Corporation
116	8	1	1905	Issuing of Bonds
Amend 108	11	7	1905	Posting of Bills
Amend 27	11	7	1905	Establishing Waterworks
117	12	5	1905	Relating to Building Permits
Amend 9	3	6	1906	Fire Limits
118	3	20	1906	Appropriation Bill
119	7	3	1906	Granting Franchise of Operation of Gas
120	7	3	1906	Establishing Sanitary Sewer Dist 5,6 and 7
121	8	20	1906	Construction of Sanitary Sewer Dist No. 5
122	8	20	1906	Construction of Sanitary Sewer Dist No. 6
123	8	20	1906	Construction of Sanitary Sewer Dist. No. 7

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
124	10	16	1906	Opening Streets and Alleys in Mountain View Addition
125	10	16	1906	Assessments for Sanitary Sewer Dist No. 5
126	10	16	1906	Assessments for Sanitary Sewer Dist No. 6
127	10	16	1906	Assessments for Sanitary Sewer Dist No. 7
128	10	16	1906	Construction of Sanitary Sewer No. 8
129	11	21	1906	License of Electric Wiring
Amend 27	10	16	1906	Establishing Waterworks
130	1	27	1907	Concerning boxing, Dog Fights, Etc.
Amend 7	2	9	1907	Peddlers, Shows, Etc.
Amend 108	2	19	1907	Posting of Bills
131	2	19	1907	Election Question
132	2	19	1907	Election question Bonding City to Purchase Park Land
133	2	19	1907	Assessments to Construct Sanitary Sewer No. 8
134	3	25	1907	Appropriation Bill
135	5	21	1907	Auctioneer's License
136	5	21	1907	Concerning Liquor
137	6	18	1907	Speed and Use of Autos (repealed by Ord. 184)
138	7	2	1907	Street Curbing
Amend 51	7	2	1907	Concerning Dogs
Amend 27	7	16	1907	Water works
139	9	3	1907	Streets
Amend 110	9	3	1907	Compensation of City Officials
Amend 9	12	17	1907	Fire Limits
Amend 94	1	7	1908	Sanitary Sewers
Amend 117	3	17	1908	Relating to Building Permits
140	3	17	1908	Annual Appropriation
141	4	7	1908	Prohibit Foul from Running at large
142	4	7	1908	Licensing Draymen Etc (repealed by Ord. 234)
Amend 129	4	7	1908	Electrical Wiring
Amend 51	8	4	1908	Concerning Dogs
Amend 94	1	19	1909	Sanitary Sewer
143	3	2	1909	Construction of Sanitary Sewer No. 9
144	3	2	1909	Annual Appropriation
145	6	15	1909	Dogs
146	6	15	1909	Lawn Sprinkling (repealed by Ord. 242)
147	6	15	1909	Assessment for Sanitary Sewer No. 9
148	8	3	1909	Sidewalk Curb and Gutter
149	3	1	1910	Licensing and Numbers for Autos
150	3	29	1910	Appropriation Bill
Amend 108	12	6	1910	Bill Posting
151	12	6	1910	Amusements
152	3	7	1911	Annual Appropriation
153	6	20	1911	Concerning Travel on Streets (repealed by Ord. 184)
Amend 137	6	20	1911	Speed and Use of Autos
Amend 151	8	1	1911	Amusements
154	9	5	1911	Concerning Initiative and Referendum

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
155	9	19	1911	Refunding Bonds
Amend 108	9	19	1911	Posting of Bills
156	11	21	1911	Refunding Bonds
157	3	5	1912	Annual Appropriation
158	5	21	1912	Concerning Sanitary Work
159	7	2	1912	Concerning Weeds
160	3	4	1913	Annual Appropriation
161	3	4	1913	Construction of Sewer
Amend 139	6	17	1913	Streets
162	7	1	1913	Assessments Sewer No. 10
163	10	7	1913	Public Health
164	1	6	1914	Removal of Snow
165	3	3	1914	Annual Appropriation
166	4	20	1914	Concerning Clairvoyance
Amend 151	4	21	1914	Concerning Shows
167	7	10	1914	Concerning Special Election Light
168	7	21	1914	Ordering Construction of Sewer No. 11
169	3	3	1914	Assessment Against Sewer No. 11
170	11	17	1914	Concerning Sale of Mdse.
171	1	5	1915	Appropriating $6,000.00 for Light
172	2	16	1915	Annual Appropriation
173	2	16	1915	Submitting to Vote $79,000.00 Bonds
174	8	17	1915	Relating to Public Dances
175	3	21	1916	Annual Appropriation
176	5	16	1916	Providing for Issuance of $79,000.00
177	8	15	1916	Ordering Construction of Sewer No. 12
178	2	20	1917	Annual Appropriation
179	3	6	1917	Submitting $83,000.00 Bonds April 3, 1917
Amend 110	3	6	1917	Compensation of Officers
180	5	1	1917	Issuance of $83,000.00 Bonds
181	5	1	1917	Irrigation Ditches
182	10	2	1917	Assessment Against Sewer No. 12
183	3	5	1918	Annual Appropriation
184	8	6	1918	Operation of Automobiles
185	3	18	1919	Annual Appropriation
Amend 110	3	4	1919	Compensation of City Officers
185 a	7	1	1919	Operation of Trailway Trains
186	10	7	1919	Cemeteries
187	11	4	1919	Railroad Rights of H.A. Baker
188	12	16	1919	Construction of Sewer No. 13
189	12	16	1919	Construction of Sewer No. 14
190	3	16	1920	Annual Appropriation
191	7	6	1920	Assessment for Sewer No. 13
192	6	15	1920	Assessment for Sewer No. 14
193	9	7	1920	Dry Cleaning Establishments
194	12	21	1920	Repealing Ord No. 193 Dry cleaning Establishments

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
195	3	21	1921	Submitting to Voters $45,000.00 bonds
196	3	1	1921	Annual Appropriation 1921
197	3	1	1921	Defining City Wards
198	4	5	1921	Construction Sewer No. 15
199	7	5	1921	For Issue of Bonds Repealing No. 180
200	9	6	1921	Assessment for Sewer No. 15
201	12	20	1921	construction of Storm Sewer No. 1
202	3	7	1922	Construction of Paving Dist No. 1
203	3	21	1922	Annual Appropriation 1922
204	6	20	1922	Assessments Storm Sewer Dist 1
205	6	20	1922	Privies, Vaults and Cesspools
206	7	5	1922	Light and Power Plant (amended by Ord. 221)
207	10	3	1922	Transporting Articles, or things on streets
208	10	3	1922	Concerning Bees
209	11	7	1922	Issuance of Coupon Bonds $50,000.00
210	12	5	1922	Approving cost of pavement No. 1
211	2	20	1923	Storm Sewer Dist No. 2
212	2	20	1923	Storm Sewer Dist No. 3
213	2	20	1923	Paving Dist. No. 3
214	3	6	1923	Acquiring Land for Public Parks
215	3	6	1923	Indebtedness for Public Parks
Amend 146	3	6	1923	Lawn Sprinkling (repealed by Ord. 242)
216	3	20	1923	Annual Appropriation Bill 1923
217	4	3	1923	Food and Dairy Products (Section 8 amended by Ord. 245)
218	5	1	1923	Paving Dist. No. 2
219	7	3	1923	Issuing Bonds for Water Extension
220	7	17	1923	Cost of Storm Sewer No. 3
221	8	7	1923	Light and Power Amendments (amends Ord. 206; amended by Ord. 227)
222	8	21	1923	Cost of Storm Sewer No. 2
223	10	6	1923	Construction of Sanitary Sewer No. 16
224	11	20	1923	Approving cost of Paving Dist. No. 3
225	3	4	1924	Creating paving Dist No. 2 (Cleveland)
226	3	18	1924	Annual Appropriation Bill 1924
227	4	15	1924	Light and Power Amendments
228	4	15	1924	Awnings
229	6	17	1924	Construction of Sanitary Sewer No. 17
230	7	1	1924	Cost of paving Dist. No. 2 (Lincoln)
Amend 110	9	2	1924	Compensation of City Officials
231	8	5	1924	Assessments Sanitary Sewer No. 16
232	9	16	1924	Annual Appropriation Bill 1925
233	12	6	1924	Assessment of Sanitary Sewer No. 17
234	2	3	1925	Repealing 142 Licensing Draymen Etc….
235	2	3	1925	Assessments Cleveland Ave Paving
236	2	17	1925	City Water Bonds
237	3	17	1925	Electric Light Rates

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
238	5	5	1925	Compensation of Officers (amends Ord. 110)
239	5	5	1925	Dogs (amends Ord. 145)
240	12	1	1925	Fire Limits
241	1	19	1926	Annual Appropriation Bill 1926
242	1	19	1926	Water Ordinances
243	6	15	1926	Traffic
244	7	6	1926	Sanitary Sewer District 18
245	10	5	1926	Amending Ordinance 217: Food and Dairy Products
246	1	4	1927	Annual Appropriation Bill 1927
247	1	18	1927	Assessments Sanitary Sewer Dist 18
248	2	15	1927	Public Dances and repealing other dance ordinances
249	5	17	1927	Amend Ord 135 Auctioneer License
250	8	2	1927	Weeds
251	1	17	1928	Annual Appropriation Bill 1928
252	2	21	1928	Creating paving Dist No. 4
253	3	23	1928	Creating Sanitary Sewer Dist No. 19
254	3	7	1928	Assessment for Paving Dist No. 4
255	3	7	1928	Assessment for Sanitary Sewer no. 19
256	12	4	1928	Water Rates and Amending 242
257	2	19	1929	Appropriation Ord 1929
258	3	15	1929	Municipal Hospital
259	6	4	1929	Regulating Traffic
260	11	5	1929	Granting Public Service Company Right-of-way
260-A	10	15	1929	Regulating Traffic
261	11	19	1929	Rive Apparatus and Right of Way
262	12	18	1929	Deposit of Funds
263	12	18	1929	Annual Appropriation Bill
264	2	18	1930	Public Service Franchise
265	4	1	1930	Moving Buildings
267	5	6	1930	Billiard halls
268	8	19	1930	Miniature Golf Courses
269	12	2	1930	Annual Appropriation Bill
270	6	2	1931	First Regulations of Building and Zoning in Loveland (repealed by Ord. 281)
271	7	7	1931	Food and Dairy Products
272	8	4	1931	Garbage
273	9	15	1931	Plumbers and Plumbing
274	10	20	1931	Repealing 7;16;18;29;30;32;45;52;62;80;81;91;136
275	11	17	1931	Amending Water Ordinance 242
276	11	17	1931	Annual Appropriation Bill
277	12	1	1931	Repealing Ord 100;138 Sec3 of 185
278	1	5	1932	Amending Sec 3 of Ord 135
279	1	5	1932	Amending Ord 151
280	1	5	1932	Dog License Ord 239
281	4	19	1932	Repealing Ord 270: Zoning & Building
282	5	17	1932	Trucking

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
283	6	7	1932	Amending rule 6 Sec 7 Ord #242
284	6	7	1932	Amending Zoning 281: Portion Finleys Addition & Orig
285	7	5	1932	Transporting Ashes Trash
286	8	2	1932	Amending Ord 186: Cemeteries
287	8	2	1932	Amend Water Ord 242
288	9	6	1932	Amend Ord 111 City Officials
289	10	18	1932	Amending 285 Transportation Ashes & Trash
290	12	6	1932	Shows Theatres Etc. (amends Ord. 151)
291	12	6	1932	Annual Appropriation Bill
292	1	3	1933	Amending Ord 110 City Clerk
293	1	3	1933	City Officers duties each
294	4	3	1933	Amend Sec 5 Ord 111 City Treasurer
295	6	6	1933	Amending Ord 242 Water
296	8	15	1933	Amending 273: Plumbers & Plumbing
297	9	5	1933	Amending Ord 242 Water Ord
298	9	19	1933	Agreement with the Great Western Sugar Co.
299	10	3	1933	Malt Vinous Spirituous
300	7	1	1933	Water Refunding Bonds
301	10	17	1933	Traffic Bonds
302	12	5	1933	Annual Appropriation Bill
303	12	5	1933	Secondhand Stores
304	12	5	1933	Grant Agreement City and USA
305	6	5	1934	Amends Zoning Ord. 281 Jefferson Place & Ackelbein Addition
306	6	19	1934	Amending Water Rights Ord. 242
307	7	3	1934	Amending Cemetery (amends Ord. 186)
308	9	18	1934	Depositories City Funds
309	10	16	1934	Operations of Auto
309-A	11	6	1934	Vacating South Logan Ave
310	12	18	1934	Annual Appropriation Ordinance
311	6	4	1935	Billiard & Pool Parlors (amends Ord. 79)
312	9	17	1935	Electrical Rates
313	11	19	1935	Annual Appropriation Bill
314	2	1	1939	$33,000.00 Bond Issue, Waterworks
315	2	18	1936	Amending Dog 280
316	5	19	1936	Regulating & Licensing Curb Pumps
317	6	2	1936	Hand Bills
318	10	20	1936	Burning Leaves, Rubbish, Washing Cars on Sts.
319	12	1	1936	Annual Appropriation Bill
320	2	2	1937	Traffic Ordinance
321	6	1	1937	Amend Zoning Ord. 281 : Warnock Addition & Highlands Park Add
322	11	2	1937	Amend Zoning Ord. 281: Kilburns West Side
323	11	16	1937	Annual Appropriation Bill
324	12	21	1937	Amend Zoning Ord. 281: Loveland Heights Add
325	2	1	1938	Creating Sanitary Sewer Dist No. 20
326	3	1	1938	Amend Zoning Ord. 281: Mountain View Add
327	4	19	1938	Amend Zoning : Ord. 281 Finleys Add

Disposition of Ordinances 1 - 1000

Ord #	2nd Reading Date			Ordinance Description
328	4	19	1938	Northern Colorado Water Conservancy District
329	4	19	1938	Alley Paving Dist No. 5
330	7	5	1938	Sanitary Sewer District #20
331	3	1	1938	Sanitary Sewer District #21
332	8	2	1938	Assessment of paving District NO. 5
333	8	2	1938	Amend Zoning Ord. 281: Park Place Addition
334	9	20	1938	Fireworks Ordinance
335	11	13	1938	Circus & Shows
336	12	6	1938	Annual Appropriation Bill
337	2	21	1939	Sanitary Sewer District #22
338	3	21	1939	Loveland Community Building
339	4	4	1939	Assessment for Sanitary Sewer No. 21
340	4	4	1939	Amending Ordinance #312 Electric Rates
341	6	7	1939	Sale of Lots 3 & 4 Block 4 Loveland Heights
342	6	7	1939	Amend Section 3 of Ordinance 281: Zoning
343	6	7	1939	Pertaining to Fires
344	6	20	1939	Amending Section 3 of Zoning Ordinance 281
345	6	20	1939	Billiard Halls and Bowling Alleys
346	9	1	1939	Alley Paving No. 5
347	8	15	1939	Amending Loveland Community Building Ord. 338
348	8	15	1939	Assessment of Sanitary Sewer No. 22
349	9	5	1939	Refunding $267,000.00 Bonds
350	9	21	1939	Pinball Machines
351	10	3	1939	Amending Section 2 of Art. 5 of Ord. 320: Traffic
352	10	3	1939	Amend Ord. 316: Curb Pumps
353	11	7	1939	Amend Loveland Community Building No 338
354	11	7	1939	Amend Fire Ordinance
355	11	21	1939	Annual Appropriation Bill 1940
356	11	21	1939	Amending Traffic Ordinance
357	12	5	1939	Vacating Alley Ordinance 320
358	1	16	1940	Creating Sanitary Sewer No. 23
359	2	20	1940	Loafing in Beer Parlors
360	2	20	1940	Assessment for Alley Pavement #6
361	4	16	1940	Defining Nuisances
362	5	7	1940	Creating Curb and Gutter Dist. No. 1
363	6	4	1940	Keeping of Animals
364	6	18	1940	Assessment for Sanitary Sewer Dist. #23
365	6	18	1940	Creating Alley Paving #7
366	9	17	1940	$70,000.00 Water Bonds
367	11	19	1940	Alley Paving No. 7
368	11	19	1940	Annual Appropriation Bill 1941
369	9	2	1941	Secondhand Stores and Junk Dealers
370	10	7	1941	Curb & Gutter
371	10	21	1941	City Scales
372	11	18	1941	Billiard Halls and Bowling Alleys (amends Ord. 345)
373	12	16	1941	Disorderly Conduct

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Ord #	2nd Reading Date			Ordinance Description
374	12	16	1941	Annual Appropriation Bill 1942
375	2	3	1942	Municipal Defense
376	2	3	1942	Disorderly Conduct
377	7	7	1942	Amend Ord 242: Water
378	7	21	1942	Amend Ord 320: Traffic
379	9	15	1942	Amend Ord 242: Water
380	11	17	1942	Civilian Defense
381	12	1	1942	Annual Appropriation Bill 1943
382	2	2	1943	Amend 242: Water
383	11	16	1943	Annual Appropriation Bill 1944
384	3	21	1944	Appropriating Funds in Payment for Land
385	10	3	1944	Protection of Public Health
386	11	21	1944	Annual Appropriation Bill 1945
387	4	17	1945	Granting Colo & Southern Railway: Spur Track
388	4	21	1945	Amending Traffic Ordinance 320
389	10	16	1945	Amend Zoning Ord. 281: Turney Briggs Add
390	10	16	1945	Creating a City Museum
391	11	6	1945	Amend 338: Loveland Community Building
392	12	4	1945	Annual Appropriation Bill 1946
393	1	3	1946	Amend Zoning Ord. 281: Ballard Place Add
394	2	19	1946	Amend Zoning Ord. 281: Kilburns Westside
395	4	2	1946	Amend Zoning Ord. 281: Riley Bell Add
396	5	7	1946	Creating Improvement Dist #24
397	5	7	1946	Sanitary Sewer Dist No. 25
398	5	21	1946	Regulating Sales of Liquor
399	5	8	1946	Amend Zoning Ord. 281: Highlands Park Add
400	5	21	1946	Electric Light Rates (amends Ord. 312)
401	8	20	1946	Sidewalks, Curbs & Gutters (amends Ord. 148)
402	10	1	1946	Amend Zoning Ord. 281: Clearview Add
403	10	1	1946	Assessments of Sanitary Sewer No. 25
404	11	19	1946	Fixing Charges for use of Sewer
405	12	3	1946	Annual Appropriation Bill 1947
406	1	21	1941	Amend Traffic Ord. 320
407	1	21	1947	Amend Zoning Ord. 281: Original Town
408	3	4	1947	Amend Water Ord. 242
409	4	1	1947	Vacating Alley Ordinance #320
410	5	6	1947	Loveland Airport
411	5	20	1947	Amend Traffic Ord. 320
412	7	1	1947	Assessment of Sanitary Sewer No. 24
413	8	19	1947	Annexation of Deines Add
414	10	7	1947	Contract Indebtedness for Hospital
415	10	21	1947	Amend Zoning Ord. 281 define Residence A & B
416	12	16	1947	Annual Appropriation Bill 1948
417	3	2	1948	Amend Traffic Ord. 320
418	4	20	1948	Amend 158: Sanitary Work
419	5	4	1948	Parking Meter

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Ord #	2nd Reading Date			Ordinance Description
420	9	21	1948	Annexation: West 7th St. Property
421	9	21	1948	Cynthia Addition
422	9	21	1948	Garbage (amends Ord. 272)
423	9	21	1948	Amend Zoning Ord. 281: Turney Briggs Add
424	10	5	1948	Vacating Alley: Moon Add
425	10	19	1948	Vacating Alley: Martin Add
426	11	2	1948	Marmac Add
427	11	2	1948	Natural Gas
428	12	7	1948	Adams Add
429	12	7	1948	Stoner Add
430	12	21	1948	Hospital Bonds Issuing $95,000
431	12	21	1948	Electric Light Bonds $110,000.00
432	12	21	1948	Annual Appropriation Bill 1949
433	1	4	1949	North End Addition
434	1	4	1949	Flint & Williamson Add
435	1	4	1949	Cornett Add
436	2	15	1949	Adams Second Add
437	2	15	1949	Taxicab
438	4	5	1949	Amend Zoning Ord. 281: North End Add
439	5	3	1949	Annexation Glantz Add
440	5	3	1949	Annexation Rose Edwards Add
441	8	2	1949	Annexation St. Louis Add.
442	8	2	1949	Traffic Amendment (amends Ord. 320)
443	9	6	1949	Conveying Real Estate to USA
444	9	20	1949	Pin Ball machines (amends Ord. 350)
445	10	4	1949	Amend Zoning Ord. 281: St. Louis Add
446	12	6	1949	Annual Appropriation Bill 1950
447	12	6	1949	Sanitary Sewer Dist No. 26
448	12	6	1949	Williamson Add
449	12	20	1949	Photography
450	1	3	1950	Amend Zoning Ord. 281: North End
451	3	7	1950	Amend Zoning Ord. 281 : Williamson Add
452	3	21	1950	Creating Sanitary Sewer No. 27
453	4	4	1950	Amend Zoning Ord. 281: Finley Add
454	4	4	1950	Vacating Alley
455	4	4	1950	Amend Traffic Ord. 320
456	4	4	1950	Amend Dog Ord. 315
457	5	2	1950	Assessments Sanitary Sewer No. 26
458	5	2	1950	Vacating Alley
459	5	2	1950	Industrial District
460	5	2	1950	Bank Deposits (Amends Ord. 308)
461	5	2	1950	Amend Zoning Ord. 281: North end
462	6	6	1950	Amend Zoning Ord. 281: Rists Add
463	6	20	1950	Amend Zoning : Allow multiple dwellings in residence C except for cabin count , camp tourist count, trailer camp trailer count on motel
464	6	20	1950	Stoner Second Add

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Ord #	2nd Reading Date			Ordinance Description
465	6	20	1950	Amend Zoning Ord. 281: Loveland Industrial Add
466	7	18	1950	Assessment Sanitary Sewer Dist. No. 27
467	7	18	1950	Vacating Sts: Kirkview Add
468	9	19	1950	Sanitary Sewer No. 28
469	12	5	1950	Annual Appropriation Bill 1951
470	2	6	1951	Lebsack Add
471	5	15	1951	Great Western Sugar Co. Sanitary Sewer
472	6	19	1951	Social Security Systems
473	7	3	1951	Assessments Sanitary Sewer No. 28
474	8	7	1951	Hearstone Add
475	8	21	1951	Hillmer Add
476	10	16	1951	Amend Zoning Ord. 281: Hearthstone
477	10	16	1951	Salary: City Officers (amends Section 2 & 3 Ord. 110)
478	11	20	1951	Mason Add
479	11	20	1951	Hillcrest Add
480	12	4	1951	Annual Appropriation Bill 1952
481	12	4	1951	Amend Zoning Ord. 281: por. Original town & Warnock Add.
482	1	2	1952	Lake Loveland Add
483	1	15	1952	Amend Zoning Ord. 281: Finleys Add
484	2	5	1952	Webster Add
485	2	5	1952	Amend Zoning Ord. 281: Mason Add
486	2	20	1952	Amend Zoning Ord. 281: St. Louis Add
486-A	4	1	1952	Amend Zoning Ord. 281: Webster Add
487	4	15	1952	Amend Traffic Ord 320
488	4	15	1952	Vacating Street: Tomlinson Sub.
489	4	15	1952	Amend Zoning Ord. 281: Finley's Add
490	5	20	1952	North Loveland General Improvement District
491	6	3	1952	Sanitary Sewer District No. 29
492	6	3	1952	Amend Zoning Ord. 281: Tomlinson Sub.
493	6	3	1952	Vacating Alley: Kuykendall Add
494	8	19	1952	Election on North Loveland Imp. District
495	8	19	1952	Amend Zoning Ord. 281: McKee
496	8	19	1952	Vacating Alley: Flecher Amend Add
497	9	2	1952	Garrett Add
498	10	21	1952	Amend Zoning Ord. 281: Rists Add
499	10	21	1952	Water Works Bond Issue $200,000.00
500	11	18	1952	North Lov. Gen. Imp. Dist.
501	12	16	1952	Annual Appropriation Bill 1953
502	12	16	1952	Vacating Streets & Alleys: Hillcrest Add
503	12	16	1952	Amend Zoning Ord. 281: Rists Add
504	2	3	1953	Northwest Add
505	4	7	1953	Sanitary Sewer Dist No. 30
506	4	7	1953	Amend Zoning Ord. 281: Northwest Add
507	4	21	1953	Boyd Add
508	4	21	1953	Vacating Alley: Kuykendall Add
509	5	5	1953	California Add

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Ord #	2nd Reading Date			Ordinance Description
510	6	16	1953	Amend Zoning Ord. 281: Boyd Add
511	9	1	1953	Assessments Sanitary Sewer No. 29
512	9	15	1953	Amend Zoning Ord. 281: Orchard Park
513	12	1	1953	Annual Appropriation Bill 1954
514	12	1	1953	Assessments Sanitary Sewer No. 30
515	2	2	1954	Guthrie Add
516	3	2	1954	Aldon Add
517	3	2	1954	Amend Water Ord 242
518	3	2	1954	Cesspools Cisterns, Etc
519	3	2	1954	Ice Boxes, Etc
520	4	6	1954	Amend Water Ord 242
521	4	20	1954	Original Loch-Mount Add
522	5	4	1954	Amend Zoning Ord. 281: Aldon Add
523	6	1	1954	Water Add
524	6	15	1954	Franklin Add
525	7	6	1954	Bilmar Add
526	7	6	1954	Amend Zoning Ord. 281: Rose Edwards
527	7	6	1954	Loveland Lake Ord. repealed by Ord. 577
528	7	20	1954	Loch-Mount Add
529	8	17	1954	Vacating Sts & Alleys: Geise-Harris Subd.
530	8	17	1954	Uniform Building Code
531	8	17	1954	Amend Section 3 Zoning Ord. 281: Water Add
532	8	17	1954	Amend Section 3 Zoning Ord. 281: Franklin Add
533	9	7	1954	Amend Section 3 Zoning Ord. 281: Original town
534	9	21	1954	Burkhardt Add
535	9	21	1954	Amend Section 3 Zoning Ord. 281: Loch-Mount Add
536	10	5	1954	Amend Section 3 Zoning Ord. 281:. Warnock Add Northeast Add.
537	10	5	1954	Establish Recreation Coordinating Committee
538	10	19	1954	Amend Section 3 Zoning Ord. 281: Westside Add
539	11	16	1954	Amend Section 3 Zoning Ord. 281: Burkhardt Add
540	11	16	1954	Repeal Ord 390: Creating City Museum
541	12	7	1954	Annual Appropriation Bill 1955
542	12	7	1954	Vacations Sts & Alleys Blocks 2 & 3 Geise-Harris Add.
543	12	7	1954	Vacating a portion of West 11th St at Roosevelt – Northstone Add.
544	2	15	1955	Meadow View Add
545	3	1	1955	$175,000.00 Water Bonds
546	3	15	1955	Amend Zoning Ord. 281 Sec 3 por. Turney Briggs Add & Lakeside Add
547	4	5	1955	Pawn Brokers License
548	4	19	1955	Annexation of Lakecrest Add
549	4	19	1955	Amend Traffic Ord
550	5	17	1955	Amend Ord 248 Ord. 281: Dance License
551	6	7	1955	Vacating Alley: Ackelbein Add
552	7	19	1955	Amend Zoning Ord. 281: Lakecrest Add.
553	8	2	1955	Annexation Glen Arbor Add
554	8	2	1955	Amend Zoning Ord. 281:Younie's Add

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Ord #	2nd Reading Date			Ordinance Description
555	9	6	1955	Election : $200,00.00 Public Library
556	9	20	1955	Amend Zoning Ord. 281: Prtl Aldon Add
557	9	20	1955	Relating to streets (Burning leaves and washing cars)
558	9	20	1955	Amend Zoning Ord. 281: Glen Arbor Add
559	10	4	1955	Amend. Zoning Ord. 281 (certain acc. Uses and bldg. in Residential Dist. Amend Sec 2 and sub-para. 6 of Sec. 11
560	11	1	1955	Annexation : Original Hall Top Add
561	12	6	1955	Annual Appropriation Bill 1956
562	1	3	1956	Amend. Ord. 343 Prevention of Fires (Prohibiting unattended gasoline pumps)
563	1	3	1956	Annexation: Hill Top Add
564	1	17	1956	Vacating a por. Of an Easement in Kuykendall Add.
565	2	7	1956	Rezoning: 801 Colorado Ave
566	2	21	1956	Amend Zoning Ord. 281: Hill Top Add
567	4	3	1956	Annexation: St. Johns Add
568	4	3	1956	Rezoning 735, 743, 745 Lincoln 230 E 8th and 1032 Lincoln
569	4	3	1956	Zoning Lebeck Sub. Of Cherry Hill Add. & North End Add.
570	6	19	1956	Amend Zoning Ord. 281: St. John's Add.
571	7	3	1956	Rezoning Recommendations of hearings of Board of Adj.
572	8	21	1956	Rezoning: 1306, 1314, 1344, 1352 Lincoln
573	9	18	1956	Rezoning 1100 Block Garfield, 240 w. 12th, 135 W. 11th, 910, 920, 930, 940, 950 Harrison
				704, 720, 726, 730, 740,748, 760 Franklin 709-711 Roosevelt
574	12	4	1956	Annual Appropriation Bill 1957
575	2	19	1956	Vacating a portion of Truman Ave in St. John Add.
576	2	19	1956	Annexation: Pulliam Add
577	3	5	1956	Lake Loveland: repealing Ord 527
578	3	19	1956	Rezoning: 750 Lincoln
579	3	19	1956	Amending Section 6 and sub-para 1 of Section A of Zoning Ordinance #281
				(uses permitted in Residence A district)
580	4	2	1956	Amend Zoning Ord. 281: Pulliam Add
581	4	16	1956	Annexation: North Lake Add
582	5	7	1956	Amend Zoning Ord. 281: 315 E. 7th St.
583	5	21	1956	Annexation: Baker Add
584	5	21	1956	Annexation: Steiner Add
585	5	21	1956	Amending Sec. 3 Ord. 281 rezoning Grandview Sub. Of North End Add. From "B" -"A"
586	7	2	1956	Amending Sec. 3 of Ord. 281 rezoning 1204 Lincoln from Residence "B" to residence "C" (Lot 4 Block 1 McKee Add).
587	7	16	1956	Amending Section 3 of Ord. 281 rezoning Lots 9 & 10 Kilburn Add. (503, 509, 515, & 529 Grant Ave) From "B" to "C". Also, lots 13 to 24, Block 3, Rists Add. (502, 504, 520 & 526 Grant Ave) From "B" to "C" and also lots 13 to 18, Block 4, Rists Add.(428, 436, 446 Grant Ave) from "B" to "C".
588	10	1	1956	Amending Sec. 3 of Ord. #281 (Zoning Ord.) zoning 1140 Lincoln (Lots 25, 26, 27, McKee Add.) from residence "B" to Business "D".
589	11	19	1956	Annexation Sprenger Add

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Ord #	2nd Reading Date			Ordinance Description
590	11	19	1956	Shaffer Add
591	12	3	1956	Annual Appropriation Bill 1958
592	12	3	1956	Annexation: Ru-Art Add
593	12	3	1956	Annexation: Harlow Add
594	12	17	1956	Vacating a portion of Lake Drive & an Easement in Lakecrest Add.
595	12	17	1956	Amend. Schedule "C" of Sec. 8 of Ord. #520 "Establishing a Water Dept. and rules and regulations governing water rates and privileges in relation to the Water Works System".
596	1	21	1958	Zoning Sprenger Add., Shaffer Add., and Rezoning the part of Loveland Heights Add. Known as 1125, 1135, 1141 Lincoln Ave. from Residence "B" to Business "D".
597	2	4	1958	Annexation Original Albrecht-Binder Add
598	2	4	1958	Amend Zoning of Lots 1 & 9 & N. 100 ft. of Lot 10, Harlow Add. To "Business D", & rest to "Residence A"; Ru-Art Add. to "Residence A" except Korky's Kourt, which shall be "Business D", and Lot 3, Block 5 Ru-Art Add. will be "Residence B".
599	3	4	1958	Annexation: Jackson Add
600	3	4	1958	Amending Water Rates (Inside City limits)
601	3	18	1958	Annexation: Jacobson Add
602	4	1	1958	Regulating Traffic Amending #487—no left turn an 4th & Lincoln
603	5	6	1958	Zoning Ord. 281: Jackson Add
604	5	20	1958	Zoning Ord. 281: Jacobson Add
605	6	17	1958	Rezoning 1259 Lincoln from Residence "B" to Business "D", and 875 Lincoln from Residence "C" to Business "D".
606	6	17	1958	Regulation & Licensing Trailer Courts
607	7	15	1958	Annexation: First Albrecht-Binder Add
608	8	19	1958	Purchase of water & terms NCWCD
609	8	19	1958	Amending Zoning of 1203 & 1213 Lincoln from "res. A" to "Bus D"
610	9	2	1958	Annexation of "Valente Add" to City – Zoned Business "D".
611	9	16	1958	Sustenance allowance to Police Officials
612	11	4	1958	Rezoning 1244 Lincoln from Residence "B" to "Business D".
613	11	18	1958	Municipal Court; Jury Commissioner; Jury
614	11	18	1958	Annual Appropriation Bill 1959
615	12	2	1958	Annexation: Mayfair Add
616	12	16	1958	Annexation: Albrecht-Binder Add
617	12	16	1958	Annexation DR Pulliam First Add
618	2	3	1959	Annexation Meadow Lark Add
619	2	3	1959	Amend Zoning Ord. 281 Albrecht-Binder zoned "Residence C" and Mayfair Add. Zoned as "Residence A".
620	2	17	1959	Amend Zoning at 205 W 4th & 337 Garfield from "Residence C" to "Business D".
621	3	17	1959	Annexation: Westmount Acres
622	3	17	1959	Rezoning Lots 11, 12, 13 & 14, Block 6 from Replat of Blocks 3,4,5 and 6 of Hillcrest Add. From Res "A" to Res "B"
623	4	21	1959	Bicycle License Application and fee

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Ord #	2nd Reading Date			Ordinance Description
624	5	19	1959	Concerning Revenue & Relating to sale of Malt, Vinous, and Spirituous Liquors & Imposing an Occupational Tax for sale of.
625	6	2	1959	Annexation: Broadmoor Heights
626	6	2	1959	Zoning: Westmount Acres
627	7	7	1959	City Wards Repealing Ord 197
628	7	21	1959	Rezoning 444, 436, 430, 422, & 406 East 6th & 405 E 5th from Residence "C" to Business "D".
629	8	4	1959	Annexation: Silver Lake First Add
630	9	1	1959	Annexation: Lake View Add
631	9	1	1959	Annexation: Bray First Add
632	10	6	1959	Amend Zoning Ord. 281 pertaining to Yards and Area
633	10	20	1959	Zoning: Lake View Residence "A"
634	11	3	1959	Annexation: Romar Add
635	11	3	1959	Annexation: Bray Second Add
636	11	17	1959	Annual Appropriation Bill 1960
637	12	15	1959	Zoning: Bray First and Second Add
638	1	5	1960	Annexation: Ripley
639	1	5	1960	Zoning: Romar
640	1	5	1960	Vacating prtn St. in Glen Arbor Add
641	1	5	1960	Establishing North Lake Park
642	1	19	1960	Annexation: Birkley Add
643	2	2	1960	Annexation: Bray Add
644	2	2	1960	Annexation: Sprenger Add
645	2	2	1960	Annexation: Valley View Add
646	2	16	1960	Zoning Ord. 281: Ripley Add Res. "C"
647	3	1	1960	Annexation: First Fairgrounds Add
648	3	1	1960	Zoning Ord. 281: Birkley Add Res"A"
649	3	15	1960	Amend Sec 3 of Ord. #419- Est. a parking Meter Zone
650	3	15	1960	Zoning Ord. 281: East Sprenger Add Res"A"
651	3	15	1960	Zoning Ord. 281: Bray Res "A"
652	3	15	1960	Zoning Ord. 281: Valley View Add, Res "A"
653	3	15	1960	Amending Rules 2 & 29 of Sec. 7 Ord. 242 – Water Tap Costs
654	3	15	1960	Amend Sec 11: re: Sewer Taps
655	3	15	1960	Amend Ord #404, Sewer charge rates and classifications
656	4	5	1960	Amend Ord 129: Licensing of Electricians
657	4	5	1960	Annexation: Highway Add.
658	4	19	1960	Annexation: Dralloc Add
659	5	17	1960	Zoning Ord. 281 Lots 7 & 8, Block 1, Green Add. As "Business D"
660	5	17	1960	Zoning Ord. 281: Highway Add Business "D"
661	6	7	1960	Annexation: Second Fairgrounds Add
662	6	7	1960	Annexation: Bonnie Brae Add
663	6	7	1960	Zoning Ord. 281; Dralloc Add Business "E"
664	7	19	1960	Amend Sec 2 Ord #419, Parking Meter Zone and establishing a Parking Meter Fund.
665	7	19	1960	Lease Option land for vehicle parking
666	8	2	1960	Zoning Ord. 281: Bonnie Brae Add; Residence "A"

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Ord #	2nd Reading Date			Ordinance Description
667	9	6	1960	Annexation: Herald's First Add
668	9	20	1960	Amend Sec 11, Ord #419-Parking Meter Zones & Fund, etc.
669	9	20	1960	Annexation: Locust Park Apts.
670	11	15	1960	Adopting Municipal Code
486-A	4	1	1960	Amend Zoning Ord. 281: 740, 748, 760 Franklin; 709-711 Roosevelt from Res "C" to Bus "D"
671	11	1	1960	Amends Section 2 of 665, lease-option for vehicle parking (special)
672	11	1	1960	Zoning Ord. 281 Birkley Add (Repealed by 1353)
673	11	15	1960	Annual Appropriation (Special)
674	11	15	1960	Zoning Ord. 281 Locust Park (Repealed by 1353)
675	11	15	1960	Zoning Ord. 281 Broadmoor Heights Add (Repealed by 1353)
676	11	15	1960	Zoning Ord. 281 Herald's 1st Add (Repealed by 1353)
677	12	6	1960	Approves annexation 1st South Industrial Add
678	12	6	1960	Approves annexation Blystone Addition
679	12	6	1960	Approves annexation West Industrial Add
680	12	20	1960	Adds § 7 to 673, appropriation (Special)
681	12	20	1960	Amends § 2 of 671, lease-option for vehicle parking
682	12	20	1960	Annexation Appleby Add
683	12	20	1960	Zoning Ord. 281 1st Fairgrounds (Repealed by 1353)
684	12	20	1960	Zoning Ord. 281 2nd Fairgrounds (Repealed by 1353)
685	12	20	1960	Approves annexation Mechalke Add
686	1	3	1961	Approves annexation Arbee Add
687	1	3	1961	Amends code § 30.8-2, dog license fee (Repealed by 2043)
688	1	3	1961	Zoning Ord. 281 Romar Add (Repealed by 1353)
689	1	3	1961	Zoning Ord. 281 Warnock Add
690	1	17	1961	Zoning Ord. 281 First South Industrial Add (Repealed by 1353)
691	1	17	1961	Zoning Ord. 281 West Industrial Add (Repealed by 1353)
692	1	17	1961	Zoning Ord. 281 Blystone Add (Repealed by 1353)
693	2	7	1961	Zoning Ord. 281 Appleby Add (Repealed by 1353)
694	2	7	1961	Zoning Ord. 281 Mechalke Add (Repealed by 1353)
695	2	7	1961	Approves annexation Stephenson Add
696	2	7	1961	Amends code §§ 13.4, 13.7, 13.17, 13.18, 13.19 and 13.20, water rates (13.04)
697	2	21	1961	Approves annexation Sunset Acres 1st Add
698	2	21	1961	Zoning Ord. 281 Arbee Add (Repealed by 1353)
699	2	21	1961	Amends code § 20.29, construction of sidewalks, curbs and gutters Repealed by 1351)
700	3	7	1961	Adds code §§ 12.11-6 and 12.11-7, electric rates (Repealed by 1776)
701	4	4	1961	Amends code § 4.3, officers' and employees' salaries (Not codified)
702	4	4	1961	Zoning Ord. 281 Stephenson Add (Repealed by 1353)
703	4	4	1961	Approves annexation Silver Lake 2nd Add
704	4	4	1961	Zoning Ord. 281 Silver Lake 2nd Add (Repealed by 1353)
705	4	4	1961	Zoning Ord. 281 Sunset Acres 1st Add (Repealed by 1353)
706	4	18	1961	Approves annexation 2nd South Industrial Add
707	4	18	1961	Amends code §§ 14.7 and 14.9, sewer tapping and connections (13.08)

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Ord #	2nd Reading Date			Ordinance Description
708	5	2	1961	Submits vote to electors (Special)
709	5	2	1961	Amends code § 15.12-3, motorboat license (12.40)
710	5	16	1961	Amends code § 22.3, fire zones (Amended and superseded by 1234)
711	5	16	1961	Zoning Ord. 281 classification of certain property (Repealed by 1353)
712	6	6	1961	Approves annexation Conger 2nd Add
713	6	6	1961	Zoning Ord. 281 2nd South Industrial Add (Repealed by 1353)
714	6	6	1961	Alley vacation (Special)
715	6	6	1961	Amends code §§ 13.4 and 13.12, water service (13.04)
716	6	6	1961	Amends code § 20.29, sidewalk, curb and gutter construction (12.20)
717	6	13	1961	Amends code § 4.10, first sentence, city collector (Repealed by 1351)
718	6	20	1961	Approves annexation Albrecht-Binder 2nd Add
719	6	20	1961	Approves annexation 3rd South Industrial Add
720	6	20	1961	Approves annexation Buckners 1st Add
721	6	20	1961	Adds code § 27.15, trash haulers (Repealed by 1539)
722	6	20	1961	Amends code §§ 27.6-2 and 27.6-4, auctions and auctioneers (Repealed by 4513)
723	6	20	1961	Amends code § 4.5-3 and 4.9, deputy and assistant city clerks and city employees (Repealed by 1377)
724	7	18	1961	Amends code § 22.11, building, plumbing, electrical and heating permits (Amended and superseded by 1234)
725	8	1	1961	Amends code § 3.2, wards (1.24)
726	8	1	1961	Amends code § 4.5, city clerk (Repealed by 1377)
727	8	1	1961	Amends code § 4.5-3, deputy and assistant city clerks (Repealed by 1377)
728	8	1	1961	Zoning Ord. 281 3rd South Industrial Add (Repealed by 1353)
729	8	1	1961	Zoning Ord. 281 Albrecht-Binder 2nd Add (Repealed by 1353)
730	8	1	1961	Zoning Ord. 281 Buckners 1st Add (Repealed by 1353)
731	8	15	1961	Authorizes bonds issued for sewer improvements (Special)
732	8	15	1961	Approves annexation Sunset Acres 2nd Add
733	8	15	1961	Adds code § 27.16, milk distributors (Repealed by 1539)
734	8	15	1961	Zoning Ord. 281 Conger 2nd Add (Repealed by 1353)
735	9	5	1961	Amends code § 28.12, costs of weed removal (Repealed by 4273)
736	9	19	1961	Street vacation (Special)
737	9	19	1961	Zoning Ord. 281 Sunset Acres 2nd Add (Repealed by 1353)
738	10	3	1961	Accepts bids for sewer improvement revenue bonds (Special)
739	10	17	1961	Annual Appropriation (Special)
740	11	7	1961	Waterworks improvement bonds (Special)
741	11	21	1961	Approves annexation Sunset Acres 3rd Add
742	11	21	1961	Amends code § 13.19 Schedule "B", water rates (13.04)
743	11	21	1961	Amends code § 14.4, sewer connections, privies and cesspools (13.08)
744	12	5	1961	Approves annexation Silver Lake 3rd Add
745	12	5	1961	Approves annexation Elm Add
746	12	5	1961	Right-of-way vacation (Special)
747	12	5	1961	Amends code § 13.5, service connection fees (13.04)
748	1	2	1962	Water use contract (Special)

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Ord #	2nd Reading Date			Ordinance Description
749	1	2	1962	Zoning Ord. 281 Kuykendall Add (Repealed by 1353)
750	1	2	1962	Zoning Ord. 281 Silver Lake 3rd Add (Repealed by 1353)
751	1	2	1962	Zoning Ord. 281 Sunset Acres 3rd Add (Repealed by 1353)
752	1	2	1962	Vacation of easements
753	1	16	1962	Zoning Ord. 281 Elm Add (Repealed by 1353)
754	2	6	1962	Amends 727, assistant city clerk's bond (Repealed by 1377)
755	4	3	1962	Adds code § 30.9-1, damage to persons or property by dogs (6.12)
756	4	3	1962	Approves annexation Sunset Acres 4th Add
757	4	17	1962	Approves annexation Sherri Mar 1st Add
758	4	17	1962	Approves annexation Silver Lake 4th Addn
759	4	17	1962	Adds code § 31.10-1, parking limitations (Repealed by 959)
760	4	17	1962	Utility Easement vacation (Special)
761	5	1	1962	Adds code § 17.5, public parks improvement fund (3.08)
762	5	1	1962	Adds code § 6.12, capital improvement fund (3.08)
763	5	1	1962	Special election (Special)
764	5	15	1962	Zoning Ord. 281 Sunset Acres 4th Add (Repealed by 1353)
765	6	5	1962	Easement vacation (Special)
766	6	5	1962	Zoning Ord. 281 Silver Lake 4th Add (Repealed by 1353)
767	6	19	1962	Zoning Ord. 281 Sherri Mar 1st Add (Repealed by 1353)
768	6	19	1962	Approves annexation Brymar 1st Add
769	6	19	1962	Approves annexation Benson Add
770	6	19	1962	Approves annexation Loveland Country Club 1st Add
771	6	19	1962	Amends code § 15.12-3, motorboat license (Repealed by 3062)
772	8	7	1962	Approves annexation Silver Lake 5th Add
773	8	7	1962	Zoning Ord. 281Brymar 1st Add (Repealed by 1353)
774	8	7	1962	Zoning Ord. 281 Loveland Country Club Add (Repealed by 1353)
775	8	21	1962	Zoning Benson Add (Repealed by 1353)
776	8	21	1962	Amends code § 13.6, water connections outside city (13.04)
777	8	21	1962	Approves annexation Sherri Mar 2nd
778	8	21	1962	Zoning Ord. 281Lots 1-8, Blk 48 Finley's Add (Repealed by 1353)
779	8	21	1962	Zoning Ord. 281Parts of Kilburn's West Side Add (Repealed by 1353)
780	8	21	1962	Zoning Ord. 281 (Repealed by 1353)
781	8	21	1962	Zoning Ord. 281 Part of Locust Park Add (Repealed by 1353)
782	9	4	1962	Zoning Ord. 281 Parts of Kilburn's West Side Add(Repealed by 1353)
783	9	4	1962	Amends code § 31.9, parking meter zones (Repealed by 812)
784	9	18	1962	Zoning Ord. 281 Silver Lake 5th Add (Repealed by 1353)
785	10	2	1962	Approves annexation Lindquist No. 1 Add
786	10	2	1962	Approves annexation Sunset Acres 5th Add
787	10	2	1962	Zoning Ord. 281 (Repealed by 1353)
788	10	2	1962	Zoning Ord. 281 Parts of Highland Park Add (Repealed by 1353)
789	10	2	1962	Amends § 3(a) of 487, traffic (Repealed by 1351)
790	10	2	1962	Amends § 1 of 669, parking meter fund (Repealed by 1351)
791	10	16	1962	Adds code § 16.1-1, cemetery hours (12.56)
792	10	16	1962	Zoning classification of certain property (Repealed by 1353)

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Ord #	2nd Reading Date			Ordinance Description
793	11	20	1962	Approves annexation Swartz Add
794	11	20	1962	Zoning Ord. 281 Sunset Acres 5th Add (Special)
795	12	4	1962	Annual Appropriation
796	12	4	1962	Zoning Ord. 281 Parts of Lake Park Add(Repealed by 1353)
797	12	4	1962	Adds §§ 30.8-5A, 30.8-5B and 30.8-9 to code, dogs at large and rabid dogs,
				repeals code §§ 30.9 and 30.10 (Repealed by 2043)
798	12	18	1962	Zoning Ord. 281Swartz Add (Repealed by 1353)
799	12	18	1962	Zoning Ord. 281 Lots 1-8, Blk 48 Findley's Add(Repealed by 1353)
800	12	18	1962	Zoning Ord. 281 Parts of Everett's Add(Repealed by 1353)
801	12	18	1962	Zoning Ord. 281 Lindquist No. 1 Addn(Repealed by 1353)
802	1	2	1963	Amends code § 14.7, sewer tapping (13.08)
803	1	2	1963	Amends code § 13.5, water connections in city (13.04)
804	1	2	1963	Zoning Ord. 281 Blk 18&19 Sherri Mar Add (Repealed by 1353)
805	1	2	1963	Adds § 27-14 to code, peddlers, solicitors, fortunetellers, sellers of publications
				and sidewalk artists (Repealed by 1539)
806	1	15	1963	Street vacation (Special)
807	1	15	1963	Alley vacation (Special)
808	2	5	1963	Amends code §§ 4.11-1 and 4.11-7, accounting department (Repealed by 1351)
809	2	19	1963	Adds (g) to code § 27.13-3, amends code § 27.13-8, adds (j) to code § 27.13-9, trailer
				courts (Repealed by 1539)
810	2	19	1963	Easement vacation (Special)
811	4	2	1963	Amends code §§ 22.2, 22.6, 22.8, 23.1 and 23.2, adds §§ 22.16 and 23.6, technical codes
				(Amended and superseded by 1234)
812	4	2	1963	Amends code § 31.1, repeals §§ 31.3 -- 31.15, adds §§ 31.3 -- 31.12, traffic (10.20)
813	3	19	1963	Amends code § 20.26 subpara's. (b), (d), and (h) -- (l), adds (m) and (n) to § 20.26,
				street naming and numbering (12.08)
814	3	19	1963	Zoning Ord. 281Lots 1-10,Blk 2, Loveland Heights Add (Repealed by 1353)
815	4	2	1963	Zoning Ord. 281Lots 104,Blk 8, Zone "E" (Repealed by 1353)
816	4	2	1963	Approves annexation Long's View Terr
817	4	16	1963	Street vacation (Special)
818	5	7	1963	Amends code § 20.27, trees and shrubs in parking (12.32)
819	5	21	1963	Approves annexation Sunset Acres 6th Add
820	5	21	1963	Approves annexation Brymar 2nd Add
821	5	21	1963	Approves annexation Sygemik Add
822	5	21	1963	Easement vacation Utility
823	5	21	1963	Zoning Ord. 281 Tract 2 Silver Lake Add(Repealed by 1353)
824	5	21	1963	Zoning Ord. 281 Parts of Capital Hill 2nd Add (Repealed by 1353)
825	5	21	1963	Zoning Ord. 281 Long's View Terr Add (Repealed by 1353)
826	6	4	1963	Amends code § 12.12(2), lighting fixtures (13.12)
827	6	4	1963	Adds § 8.7 to code, policemen's pension fund (Repealed by 1729)

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Ord #	2nd Reading Date			Ordinance Description
828	6	18	1963	Zoning Ord. 281 (Repealed by 1353)
829	6	18	1963	General obligation water bonds (Special)
830	7	2	1963	Special election (Special)
831	7	2	1963	Approves annexation Long's View Terr 1st Add
832	7	2	1963	Zoning Ord. 281 Sunset Acres 6th Add (Repealed by 1353)
833	7	16	1963	General obligation water bonds (Special)
834	8	6	1963	Zoning Ord. 281 Brymar 2nd Add (Repealed by 1353)
835	8	6	1963	Zoning Ord. 281 Sygemik Add (Repealed by 1353)
836	8	6	1963	Zoning Ord. 281 (Repealed by 1353)
837	8	6	1963	Approves annexation Prull Add
838	8	20	1963	Approves annexation Silver Lake Sixth Add
839	8	20	1963	Approves annexation Silver Lake Heights Add
840	8	20	1963	Approves annexation Sweetheart Acres Add
841	8	20	1963	Approves annexation Brymar Third Add
842	8	20	1963	Zoning Ord. 281 Long's View Terr First Add(Repealed by 1353)
843	9	3	1963	Approves annexation Loch Lon Add
844	9	3	1963	Adds § 9.5 to 281, agricultural districts (Repealed by 1353)
845	9	3	1963	Easement vacation Utility
846	9	3	1963	Submits questions to voters Nov election – Library Bonds; Police & Fire Bldg Bonds
847	9	17	1963	Form of candidate nomination petitions (Special)
848	9	17	1963	Zoning Ord. 281 (Repealed by 1353)
849	10	1	1963	Zoning Ord. 281 (Repealed by 1353)
850	10	1	1963	Alley vacation (Special)
851	10	15	1963	Alley vacation (Special)
852	10	15	1963	Amends code § 27.4-4, unlawful acts in premises where games are played (Repealed by 1539)
853	11	5	1963	Zoning Ord. 281Silver Lake Sixth Add (Repealed by 1353)
854	11	5	1963	Zoning Ord. 281 Silver Lake Heights Add (Repealed by 1353)
855	11	19	1963	Zoning Ord. 281 (Repealed by 1353)
856	12	3	1963	Amends code § 23.3, fire prevention code permits (Repealed by 1234)
857	12	3	1963	Appropriation (Special)
858	12	17	1963	Organizes general improvement district (Special)
859	12	17	1963	Zoning Ord. 281 (Repealed by 1353)
860	1	7	1964	Amends code §§ 12.4 -- 12.6, adds § 12.6(1), electric service bills (Repealed by 3137)
861	1	7	1964	Zoning classification of certain property (Repealed by 1353)
862	1	7	1964	Amends code § 4.5, city clerk (Repealed by 1377)
863	1	21	1964	Approves annexation (Special)
864	1	21	1964	Approves annexation (Special)
865	2	18	1964	Submits question of bond issuance to voters (Special)
866	3	3	1964	Zoning classification of certain property (Repealed by 1353)
867	3	17	1964	Approves annexation (Special)
868	4	7	1964	Approves annexation (Special)
869	4	7	1964	Zoning classification of certain property (Repealed by 1353)

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Ord #	2nd Reading Date			Ordinance Description
870	4	7	1964	Zoning classification of certain property (Repealed by 1353, 1362)
871	4	21	1964	Approves annexation (Special)
872	5	5	1964	Bond issuance (Special)
873	5	5	1964	Zoning classification of certain property (Repealed by 1353)
874	5	5	1964	Zoning classification of certain property (Repealed by 1353)
875	5	19	1964	General obligation bonds (Special)
876	5	19	1964	Zoning classification of certain property (Repealed by 1353)
877	5	19	1964	Plan of administrative organization (2.08, 2.20, 2.24, 2.32 -- 2.44, 2.52, 2.60, 2.64, 2.68)
878	5	19	1964	Zoning classification of certain property (Repealed by 1353)
879	5	19	1964	Easement vacation (Special)
880	6	2	1964	Zoning classification of certain property (Repealed by 1353)
881	6	2	1964	Approves annexation (Special)
882	6	2	1964	Amends code § 31.10-1, all day parking (Repealed by 959)
883	7	7	1964	Zoning classification of certain property (Repealed by 1353)
884	7	7	1964	Adds § 17.6 to code, enforcement of park commission rules (Repealed by 1336)
885	7	21	1964	Approves annexation (Special)
886	7	21	1964	Zoning classification of certain property (Repealed by 1353)
887	7	21	1964	Zoning classification of certain property (Repealed by 1353)
888	8	4	1964	Approves annexation (Special)
889	8	4	1964	Zoning classification of certain property (Repealed by 1353)
891	9	1	1964	Adds §§ 4.3-1, 4.3-2 and 4.3-3 to code, pay grades and pay administration rules (Repealed by 1800, 1997, 3017)
892	9	1	1964	Creates sanitary sewer district No. 31 (Special)
893	9	15	1964	Zoning classification of certain property (Repealed by 1353)
894	9	15	1964	Zoning classification of certain property (Repealed by 1353)
895	9	15	1964	Zoning classification of certain property (Repealed by 1353)
896	10	6	1964	Approves annexation (Special)
897	10	20	1964	Traffic regulations pertaining to state highway system (Special)
898	11	17	1964	Appropriation (Special)
899	11	17	1964	Rezone (Repealed by 1353)
900	11	17	1964	Zoning classification of certain property (Repealed by 1353)
901	12	1	1964	Creates sanitary sewer district No. 32 (Special)
902	1	5	1965	Approves annexation (Special)
903	1	5	1965	Street, alley and tract vacation (Special)
904	1	5	1965	Assessment for sanitary sewer construction (Special)
905	1	19	1965	Rezone (Repealed by 1353)
906	2	2	1965	Amends code § 20.29, sidewalk, curb and gutter construction (12.20)
907	2	16	1965	Zoning Ord. 281 Lebo's First Add (Repealed by 1353)
908	3	2	1965	Amends code § 31.3, one-way streets and alleys (Repealed by 927)
909	3	2	1965	Amends code § 12.11-7, industrial light and power rates (Repealed by 1464)
910	3	16	1965	Bond issuance Sewer Refunding
911	4	6	1965	Bond issuance Sewer Refunding

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Ord #	2nd Reading Date			Ordinance Description
912	4	20	1965	Approves annexation Loch Lon Second Add
913	4	20	1965	Easement vacation Utility
914	5	4	1965	Assessment for sanitary sewer construction
915	5	4	1965	Rezone (Repealed by 1353)
916	5	18	1965	Amends code §§ 12.4, 12.5 and 12.6-1, adds § 12.14, repeals §§ 12.1 and 12.2, electric service, billing and yard lights (13.12)
917	6	1	1965	Zoning classification of certain property (Repealed by 1353)
918	6	1	1965	Rezone (Repealed by 1353)
919			1965	Approves annexation First Baptist Church Add
920	6	15	1965	Creates sanitary sewer district No. 33 (Special)
921	7	20	1965	Approves annexation Country Club Second Add
922	8	3	1965	Submits question to voters to amend Ch 31.3 One Way St
923	8	17	1965	Alley vacation (Special)
924	9	7	1965	Street vacation (Special)
925	9	7	1965	Zoning Ord. 281Country Club Second Add (Repealed by 1353)
926	9	7	1965	Amends code § 16.5, cemetery perpetual care (12.52)
927	9	22	1965	Repeals 908 which amends code § 31.3, reinstates two-way streets (Repealed)
928	10	19	1965	Adds § 4-C to Zoning Ord. 281, residence estate area (Repealed by 1353)
929	11	2	1965	Assessment for sanitary sewer construction (Special)
930	11	16	1965	Annual Appropriation 1966
931				Amends code §§ 3.1, 3.4 and 3.5 and adds § 3.1-1, council; amends § 10.4, fire equipment, §§ 16.6 and 16.7, cemetery, §§ 21.1-1 and 21.1-7, § 21.2-5, museum board and § 22.1, building official; repeals code §§ 3.3, 5.3, 5.5, 8.1 -- 8.6, 10.1, 10.3, 10.12, 11.2, 11.8, 12.2, 13.1 -- 13.3, 14.1 -- 14.3, 20.1, 21.1-1 -- 21.1-4 and 30.8-4 (2.04, 2.16)
932	12	7	1965	Amends §§ 18.1, 18.2, 18.5 and 18.10, repeals §§ 18.3 and 18.4, airport and aircraft (Repealed by 3069)
933	1	4	1966	Amends code § 15.5, repeals § 15.1, recreation commission (Repealed by 3482)
934	2	1	1966	Amends code § 4.3-1, pay grades (Repealed by 3017)
935	2	15	1966	Approves annexation Loch Lon 3rd Add
936	4	5	1966	Rezone (Repealed by 1353)
937	4	19	1966	Zoning Ord. 281 Loch Lon 3rd Add (Repealed by 1353)
938	6	7	1966	Approves annexation McKee Meadows First Add
939	6	7	1966	Amends code § 3.2, wards (1.24)
940	6	7	1966	Rezone (Repealed by 1353)
941	6	21	1966	Approves annexation Sherri Mar Third Add
942	6	21	1966	Rezone (Repealed by 1353)
943	7	5	1966	Utility Easement vacation
944	7	19	1966	Approves annexation Park Hill First Add
945	7	19	1966	Zoning classification of certain property (Repealed by 1353)

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Ord #	2nd Reading Date			Ordinance Description
946	7	19	1966	Approves annexation Hile First Add
947	8	2	1966	Utility Easement vacation
948	8	2	1966	Zoning Ord. 281 Sherri Mar Third Add (Repealed by 1353)
949	9	8	1966	Zoning classification of certain property (Repealed by 1353)
950	9	8	1966	Amends code §§ 31.1, 31.2, 31.10 and 31.13; amends § 17.18(a) and adds § 11-1(15) to model traffic code; repeals code §§ 31.3 -- 31.8, 31.10-1 and 31.11, traffic (Repealed by 4228)
951	10	20	1966	Amends code § 24.2, planning commission (Repealed by 3950)
952	11	22	1966	Adds § 28.13 to code, rubbish collection and disposal (Repealed by 3783)
953	12	6	1966	Annual Appropriation 1967
954	12	20	1966	Amends code § 4.3-3, hours and rates of pay for employees (Repealed by 1997)
955	1	3	1967	Approves annexation Cherry Hills Fourth Add
956	1	17	1967	Zoning Ord. 281 Park Hill First Add (Repealed by 1353)
957	2	7	1967	Creates sanitary sewer district No. 34 (Special)
958	5	2	1967	Creates general improvement district No. 1 (Special)
959	5	16	1967	Amends code §§ 31.1, 31.2, 31.10 and 31.13; amends § 17-18(a) and adds § 11-1(15) to model traffic code; repeals code §§ 31.3 -- 31.8, 31.10-1 and 31.11, traffic (Repealed by 4228)
960	5	16	1967	Amends code § 24.1; adds §§ 24.2-1, 24.2-2 and 24.2-3; amends §§ 24.3 -- 24.3-7, 24.4, 24.4-2, 24.5-4, 24.6, 24.6-l(a), (e) and (f); adds § 24.6-l(g); amends §§ 24.6-3 and 24.6-5; adds § 24.6-6(g)and (h); amends §§ 24.6-3 and 24.6-5; repeals § 24.6-8(g); amends § 24.8-1 and § 24.8-2; adds § 24.9-l(c); amends § 24.10(j) and (k); adds §§ 24.10(l) and 24.11, planning and subdivisions (Title 16)
961	5	16	1967	Traffic regulations for certain state highways (Special)
962	6	6	1967	Assessment for sanitary sewer construction (Special)
963	6	20	1967	Approves annexation Sierra Vista Add
964	7	5	1967	Approves annexation Del Mar Add
965	7	18	1967	Submits question to voters (Special)
966	7	18	1967	Adds §§ 8.8-1 -- 8.8-5 to code, abandoned vehicles and property (Repealed by 3423)
967	8	1	1967	Amends code §§ 4.3-1 and 4.3-2, pay grades and schedule (Repealed by 1800, 3017)
968	8	1	1967	Approves annexation Taft Avenue Add
969	9	5	1967	Zoning Ord. 281 (Repealed by 1353)
970	9	19	1967	Zoning Ord. 281 (Repealed 353)
971	10	3	1967	Excludes certain property from general improvement district No. 1 (Special)
972	10	3	1967	Street vacation (Special)
973	10	17	1967	Approves annexation (Special)
974	10	17	1967	Rezone (Repealed by 1353)
975	10	17	1967	Approves annexation (Special)
976	11	7	1967	Appropriation (Special)
977	11	7	1967	Amends code § 4.3-1, greenskeeper foreman pay grade (Repealed by 3017)
978	11	21	1967	Annexation (Special)

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Ord #	2nd Reading Date			Ordinance Description
979	11	21	1967	Annexation (Special)
980	11	21	1967	Annexation (Special)
981	11	21	1967	Annexation (Special)
982	11	21	1967	Zoning Ord. 281 (Repealed by 1353)
983	11	21	1967	Zoning Ord. 281 (Repealed by 1353)
984	12	5	1967	Amends code § 27.4-4, unlawful acts in premises where games are played (Repealed by 1539)
985	12	19	1967	Amends code § 23.1 and fire code §§ 16.104(e) and 16.1016(a), adds § 16.1013(i) – (m), fire code and cargo and tank trucks (Repealed by 1234)
986	12	19	1967	Cable distribution system installation permit (13.16)
987	12	19	1967	Amends code § 4.3-1, warehouse foreman position established (Repealed by 3017)
988	12	19	1967	Zoning Ord. 281 (Repealed by 1353)
989	12	19	1967	Zoning Ord. 281 (Repealed by 1353)
990	12	19	1967	Zoning Ord. 281 (Repealed by 1353)
991	12	19	1967	Zoning Ord. 281 (Repealed by 1353)
992	4	2	1968	Rezone (Repealed by 1353)
993	5	21	1968	Amends code § 27.4-4, unlawful acts in places where games are played (Repealed by 1539)
994	6	4	1968	Amends code § 13.18, adds § 13.18-1, water rates (13.04)
995	6	18	1968	Amends code §§ 14.7 and 14.12, sewer tapping fees and rates (13.08)
996	7	2	1968	Repeals code §§ 21.1-5 -- 21.1-14, public buildings (Repealed)
997	7	2	1968	Adds § 13.4.1; amends § 13.5, 13.10, 13.11, 13.12, 13.13, 13.15, 13.16, 13.16-1 and 13.19; adds §§ 13.12.1 and 13.15.1, water rates and fees (13.04)
998	7	16	1968	Adds Chapter 33 to code, sound limitations (7.32)
999	8	6	1968	Approves annexation (Special)
1000	8	20	1968	Approves annexation (Special)

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Ord #	2nd Reading Date			Ordinance Description
1001	8	20	1968	Approves annexation Silver Lake Eighth Addition
1002	9	17	1968	Approves annexation Golf Course Addition
1003	9	17	1968	Approves annexation Third Fairgrounds Addition
1004	9	17	1968	Zoning regulations (18.04 -- 18.12, 18.16 -- 18.40, 18.48 -- 18.68)
1005	10	15	1968	Approves annexation Loma Vista First Addition
1006	10	15	1968	Alley vacation (Special)
1007	11	5	1968	Annual Appropriation (Special)
1008	11	5	1968	Approves annexation Birch Addition
1009	11	5	1968	Approves annexation Catalpa Addition
1010	11	5	1968	Approves annexation Sycamore Addition
1011	11	19	1968	Zoning classification of Loma Vista 1st Addition
1012	11	19	1968	Amends Ord. 1004 § 12.1(1), adds § 12.1(6) and (7) to Ord. 1004, uses permitted by special review (Repealed by 3617)
1013	12	3	1968	Approves annexation Cherry Hills Fifth Addition
1014	12	17	1968	Approves annexation Silver Lake Ninth Addition
1015	12	17	1968	Rezone (Special)
1016	12	17	1968	Zoning classification of Birch Addition
1017	12	17	1968	Zoning classification of Cherry Hills Fifth Addition
1018	1	7	1969	Rezone (Special)
1019	1	7	1969	Zoning classification of Sycamore Addition
1020	1	7	1969	Amends Ord. 1004 § 12.1(2), uses permitted by special review (Repealed by 3617)
1021	1	21	1969	Zoning classification of Silver Lake 9th Addition
1022	2	18	1969	Rezone (Special)
1023	2	18	1969	Zoning classification of Silver Lake 7th Addition
1024	2	18	1969	Zoning classification of Silver Lake 8th Addition
1025	2	18	1969	Zoning classification of Loch Lon 4th Addition
1026	2	18	1969	Amends §§ 14.7 and 20.35 of Ord. 1004, adds §§ 4.2(5), 5.2(6), and 12.2(10) to Ord. 1004, zoning (18.04 -- 18.12, 18.40, 18.48)
1027	3	4	1969	Street name change (Special)
1028	3	18	1969	Adds §§ 6.2(4), 7.2(5) and 12.2(11) to Ord. 1004, amends §§ 6.9, 7.1(4) and 7.9 of Ord. 1004, zoning (18.16, 18.20, 18.40)
1029	3	18	1969	Amends code § 29.10, intoxication and open display of liquor (9.32)
1030	3	18	1969	Amends code § 29.2, discharging firearms and weapons (9.52)
1031	4	1	1969	Approves annexation Park Hill Second Addition
1032	4	1	1969	Amends § 14.5(6) of Ord. 1004, off-street parking (18.48)
1033	4	1	1969	Amends code § 4.12, police department (Repealed by 1337)
1034	4	1	1969	Adds § 20.36 to code, obstruction of sidewalks (Repealed by 4113)
1035	4	1	1969	Adds Chapter 34 to code, sales tax (Repealed by 3094)
1036	4	15	1969	Zoning classification of Park Hill Second Addition
1037	4	15	1969	Approves annexation Juniper Addition
1038	4	15	1969	Amends §§ 8.2 and 14.7 of Ord. 1004, adds § 20.36 to Ord. 1004, zoning (18.04, 18.24, 18.48)
1039	5	6	1969	Amends code § 27.4-4, unlawful acts in amusement places (Repealed by 1539)
1040	5	6	1969	Amends § 16.1013(m) of the Fire Prevention Code, deliveries of fuel (Repealed by 1234)

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Ord #	2nd Reading Date			Ordinance Description
1041	5	20	1969	Zoning classification of Juniper Addition
1042	5	20	1969	Rezone (Special)
1043	5	20	1969	Adds § 23.7 to code, gasoline dispensing service stations (Repealed by 1234)
1044	6	17	1969	Approves annexation Dille Addition
1045	7	1	1969	Adds § 31.4 to code, no right turn on red signal (Repealed by 1636)
1046	7	15	1969	Adds § 29.28 to code, use of and dumping trash in ditches and canals (12.36)
1047	8	5	1969	Zoning classification of Dille Addition
1048	8	5	1969	Contract for water use (Special)
1049	8	19	1969	Amends code § 24.8-1, subdivision exceptions (16.32)
1050	9	2	1969	Adds § 31.3 to code, one-way streets (Repealed by 3443)
1051	9	2	1969	Adds § 4.26-1 to code, hospital advisory board abolished (Not codified)
1052	9	16	1969	Adds § 27.17 to code, cigarette tax and sale (3.24)
1053	10	21	1969	Amends code §§ 24.2-3(d)(2)(b), 24.4, 24.7-4, 24.11-1, 24.11-3, 24.11-4, 24.11-5 and 24.11-8; adds §§ 24.3-9, 24.4-4(i), and 24.9-3, annexations and subdivisions (Title 16)
1054	10	21	1969	Approves annexation Park Hill Third Addition
1055	10	21	1969	Mayor's and council's salaries (Special)
1056	10	21	1969	Amends code §§ 4.3-1 and 4.3-2, pay grades and schedule (Repealed by 3017)
1057	10	21	1969	Amends code § 14.12, sewer rental charges (13.08)
1058	10	21	1969	Amends code § 27.17-5, cigarette vending machine lessor's license (3.24)
1059	11	4	1969	Approves annexation Loch Lon Fifth Addition
1060	11	18	1969	Approves annexation Silver Lake Tenth Addition
1061	11	18	1969	Adds code § 34.4-8, amends code § 34.5-6, sales tax (Repealed by 3094)
1062	12	2	1969	Amends third para. of code § 4.3-3, overtime pay (Repealed by 1997)
1063	12	2	1969	Appropriation (Special)
1064	12	2	1969	Adds § 11.16 to code, sale of substances releasing toxic vapors (9.40)
1065	12	2	1969	Zoning classification of Park Hill 3rd Addition
1066	12	2	1969	Zoning classification of Loch Lon 5th Addition
1067	12	2	1969	Zoning classification of Silver Lake 10th Addition
1068	12	16	1969	Approves annexation Cherry Hills Sixth Addition
1069	12	16	1969	Zoning classification of Cherry Hills 6th Addition
1070	12	16	1969	Adds § 11.16 to code, burning combustible refuse (7.36)
1071	1	6	1970	Lease-option to certain land for recreation purposes (Special)
1072	1	6	1970	Amends code §§ 27.8-2 and 27.8-3, photographer's license and bond (Repealed by 1539)
1073	1	6	1970	Amends code § 27.17-10, cigarette tax stamp discount (3.24)
1074	1	6	1970	Adds § 4.32 to code, human relations commission (Repealed by 4574)
1075	1	6	1970	Repeals and reenacts code Chapter 9, municipal court (1.28)
1076	1	20	1970	Amends §§ 2 and 6-1 of code Chapter 34, adds § 6-3 to Chapter 34, sales tax (Repealed by 3094)
1077	2	17	70	Adds § 29.29 to code, loitering around schools (9.28)
1078	3	17	1970	Amends code §§ 12.4 -- 12.6-1, 13.4 and 13.18-1, adds §§ 13.18-2 and 13.18-3, electric and water rates (13.04)
1079	3	17	1970	Rezone (Special)

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Ord #	2nd Reading Date			Ordinance Description
1080	4	7	1970	Amends code §§ 6.7 and 6.11, repeals § 6.10, deposits, investments and annual audits (3.04)
1081	4	7	1970	Repeals code § 29.11, vagrancy (Repealer)
1082	4	7	1970	Amends Ord. 1004 § 14.4-5, signs (Repealed by 3609)
1083	4	7	1970	Amends code § 15.12-6, interference with irrigation works (Repealed by 3062)
1084	4	7	1970	Amends code § 20.26, naming and numbering of streets (12.08)
1085	4	7	1970	Amends code §§ 28.13-3 and 28.13-5, rubbish collection and disposal service fee payment (Repealed by 3783)
1086	4	7	1970	Adds § 29.10 to code, intoxication and open display of liquor (9.36)
1087	4	7	1970	Adds subsection 4 to code Chapter 31 amending § 5-2 of Model Traffic Code, careless driving (Not codified)
1088	5	5	1970	Approves annexation Loch Lon Sixth Addition
1089	5	5	1970	Zoning classification of Loch Lon Sixth Addition
1090	5	5	1970	Amends code § 20.29, sidewalk, curb and gutter construction (12.20)
1091	5	19	1970	Creates sanitary sewer district No. 35 (Repealed by 1131)
1092	5	19	1970	Amends code § 4.3-1, pay grades (Repealed by 3017)
1093	5	19	1970	Amends code § 4.32, human relations commission (Repealed by 4574)
1094	5	19	1970	Adds § 29.20 to code, sale and distribution of pyrotechnic displays (Repealed by 3070)
1095	6	2	1970	Amends code § 17.6, hours of use of public parks (Repealed by 1336)
1096	6	2	1970	Amends code § 20.29-3(3), width of sidewalks, curbs and gutters (Repealed by 1914)
1097	6	16	1970	Adds (7) to § 5.2 of Ord. 1004, zoning (18.12)
1098	6	16	1970	Easement vacation (Special)
1099	7	7	1970	Amends code § 14.16, industrial wastes and drainage (Repealed by 2055)
1100	7	21	1970	Approves annexation Country Club Third Addion
1101	7	21	1970	Zoning classification of Country Club Third Addion
1102	7	21	1970	Approves annexation Loch Lon Seventh Addition
1103	7	21	1970	Zoning classification of Loch Lon Seventh Addition
1104	7	21	1970	Approves annexation Hagerman First Addition
1105	7	21	1970	Approves annexation Sunset Acres Eleventh Addition
1106	7	21	1970	Approves annexation Ward Addition
1107	7	21	1970	Rezone (Special)
1108	8	4	1970	Amends code § 4-3.1, pay grades (Repealed by 3017)
1109	8	4	1970	Amends code § 20.21, depositing litter in public places (12.28)
1110	8	4	1970	Amends code § 20.36, obstruction of sidewalks (Repealed by 4113)
1111	8	18	1970	Zoning classification of Hagerman First Addition
1112	8	18	1970	Zoning classification of Sunset Acres Eleventh Addition
1113	8	18	1970	Zoning classification of Ward Addition
1114	9	1	1970	Approves annexation Cherry Hills Seventh Addition
1115	9	1	1970	Approves annexation McKee Meadow Second Addition
1116	9	1	1970	Street vacation (Special)

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Ord #	2nd Reading Date			Ordinance Description
1117	9	15	1970	Amends §§ 4.7, 6.3, 7.3, 7.8, 12.2(1), 12.2(5)(c), 12.2(7)(c), 18.2, 20.7, 20.28, and 20.36 of Ord. 1004, adds (6) to § 4.2 (5) and (6) to § 6.2, (6) to § 7.2, (e) to § 12.2(7), and (12) to § 12.2 of Ord. 1004 and adds §§ 20.37 -- 20.39 to Ord. 1004, zoning (18.04, 18.08, 18.16, 18.20, 18.40, 18.64)
1118	10	6	1970	Zoning classification of Cherry Hills 7th Addition
1119	10	6	1970	Zoning classification of McKee Meadows 2nd Addition
1120	10	20	1970	Approves annexation Loch Lo Eighth Addition
1121	10	20	1970	Zoning classification of Lakemont Subivision of Benson Addition
1122	10	20	1970	Amends code § 29.10, intoxication and open display of liquor (9.36)
1123	11	3	1970	Appropriation (Special)
1124	11	3	1970	Amends code §§ 4.3-1 and 4.3-2, pay grades and schedules (Repealed by 3017)
1125	11	17	1970	Alley vacation (Special)
1126	11	17	1970	Approves annexation Heritage Village First Addition
1127	11	17	1970	Zoning classification of Loch Lon Eighth Addition
1128	11	17	1970	Amends § 12.2(7)(b) and (c) of Ord. 1004, zoning (Repealed by 3617)
1129	11	17	1970	Amends code §§ 24.6-6(g) and 24.8-3, annexation and subdivisions (Title 16)
1130	12	1	1970	Transfer of funds (Special)
1131	12	15	1970	Creates sanitary sewer district No. 35, repeals Ord. 1091 (Special)
1132	12	15	1970	Rezone (Special)
1133	12	15	1970	Street name change (Special)
1134	12	15	1970	Transfer of funds (Special)
1135	12	15	1970	Zoning classification of Heritage Village First Addition
1136	12	15	1970	Approves annexation Heritage Village Second Addition
1137	12	15	1970	Approves annexation Mariana Village First Addition
1138	1	19	1971	Street name change (Special)
1139	1	19	1971	Zoning classification of Heritage Village Second Addition
1140	1	19	1971	Approves annexation Heritage Village Third Addition
1141	1	19	1971	Zoning classification of Mariana Village First Addition
1142	2	16	1971	Zoning classification of Heritage Village Third Addition
1143	2	16	1971	Amends code § 4.3-1, pay grades (Repealed by 3017)
1144	2	16	1971	Approves annexation Sherri Mar Fourth Addition
1145	2	16	1971	Street vacation (Special)
1146	3	16	1971	Approves annexation Loch Lon Ninth Addition
1147	3	16	1971	Approves annexation Loch Lon Tenth Addition
1148	3	16	1971	Approves annexation Spruce Addition
1149	3	16	1971	Amends code §§ 12.3, 12.7, 12.11, 12.11-6, 12.11-7, 12.12(1) and 12.12(4); adds §§ 12.7-1, 12.7-2, 12.7-3, 12.11-1, 12.11-2(a) and 12.12(7), electric service rates and regulations (13.12)
1150	4	6	1971	Zoning classification of Sherri Mar 4th Addition
1151	4	20	1971	Zoning classification of Loch Lon Ninth Addition
1152	4	20	1971	Zoning classification of Loch Lon Tenth Addition
1153	4	20	1971	Zoning classification of Spruce Addition
1154	4	20	1971	Amends § 20.10 of Ord. 1004, zoning (18.04)

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Ord #	2nd Reading Date			Ordinance Description
1155	5	4	1971	Amends code § 20.27, trees; repeals § 20.28, dead or dangerous trees (12.32)
1156	5	4	1971	Adds § 20.37 to code, parking in residential areas (Repealed by 1596)
1157	6	1	1971	Conveyance to city's interest in certain property (Special)
1158	6	15	1971	Amends code § 3.2, wards (1.24)
1159	7	6	1971	Assessment for construction of sanitary sewer (Special)
1160	7	6	1971	Amends code § 27.4-2, license fees for amusement places (Repealed by 1539)
1161	7	6	1971	Adds § 30.6-1 to code, cats at large (Repealed by 2043)
1162	7	6	1971	Amends code § 30.8-7, impoundment of dogs (Repealed by 2043)
1163	8	3	1971	Approves annexation Ridgeview First Addition
1164	8	3	1971	Contract for water use (Special)
1165	8	17	1971	Rezone (Special)
1166	9	7	1971	Zoning classification of Ridgeview First Addition
1167	9	21	1971	Amends code §§ 24.2-3(d)(2)(b) and 24.4; adds § 24.4-4, annexations and subdivisions (Title 16)
1168	9	21	1971	Alley vacation (Special)
1169	10	19	1971	Mayor's and council's salary (Special)
1170	10	19	1971	Amends Ord. 1004 § 12.1(1) -- (5), adds § 12.1(8) to Ord. 1004, uses permitted by special review (Repealed by 3617)
1171	11	2	1971	Approves annexation McKee Meadows Fourth Addition
1172	11	16	1971	Approves annexation Allard First Addition
1173	11	16	1971	Approves annexation Cherry Hills Eighth Addition
1174	11	16	1971	Approves annexation Cherry Hills Ninth Addition
1175	11	16	1971	Zoning classification of McKee Meadows Fourth Addition
1176	11	16	1971	Adds § 18.3 to Ord. 1004, limitation on zoning map change (18.64)
1177	12	7	1971	Appropriation (Special)
1178	12	21	1971	Rezone (Special)
1179	12	21	1971	Approves annexation Peace Reformed Church Addition
1180	12	21	1971	Zoning classification of Allard First Addition
1181	12	21	1971	Zoning classification of Cherry Hills Eighth Addition
1182	12	21	1971	Zoning classification of Cherry Hills Ninth Addition
1183	12	21	1971	Transfer of funds (Special)
1184	12	21	1971	Transfer of funds (Special)
1185	12	21	1971	Transfer of funds (Special)
1186	12	21	1971	Transfer of funds (Special)
1187	12	21	1971	Amends code § 27.17-5, cigarette retailers and wholesalers license fee (3.24)
1188	12	21	1971	Amends code §§ 4-1 -- 4-3, sales tax (Repealed by 3094)
1189	1	4	1972	Street vacation (Special)
1190	1	4	1972	Amends code § 9.12-2, qualifications of jurors (1.28)
1191	1	18	1972	Zoning classification of Peace Reformed Chruch Addititon
1192	1	18	1972	Amends code §§ 4.3-1 and 4.3-2, pay grades and schedules (Repealed by 3017)
1193	2	15	1972	Amends code § 24.3(c), annexation filing fees (Title 16)
1194	2	15	1972	Approves annexation Lakeside Terrace First Addition
1195	2	15	1972	Approves annexation Henrikson Addition

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Ord #	2nd Reading Date			Ordinance Description
1196	3	7	1972	Approves annexation McKee Meadows Third Addition
1197	3	21	1972	Amends code §§ 13.5, 14.7, 14.7-1 and 14.12, adds § 13.22, water and sewer connections and fees (13.04, 13.08)
1198	3	21	1972	Adds (7) to § 4.2 and (7) to § 7.2 of Ord. 1004, zoning (18.08, 18.20)
1199	3	21	1972	Amends code § 28.13-3, rubbish collection and disposal service charge payment (Repealed by 3783)
1200	3	21	1972	Amends code §§ 24.9-3(c) and (d), dedication of water rights upon annexation of land (Title 16)
1201	3	21	1972	Zoning classification of Lakeside Terrace First Addition
1202	3	21	1972	Zoning classification of Henrikson Addition
1203	4	4	1972	Amends code § 22.10, building permits (Amended and superseded by Ord. 1234)
1204	4	4	1972	Approves property lease (Special)
1205	4	4	1972	Approves airport lease (Special)
1206	4	4	1972	Street vacation (Special)
1207	4	4	1972	Approves annexation Ridgeview Second Addition
1208	4	4	1972	Zoning classification of McKee Meadows Third Addition
1209	4	4	1972	Rezone (Special)
1210	4	18	1972	Easement vacation (Special)
1211	5	2	1972	Zoning classification of Ridgeview Second Addition
1212	5	2	1972	Amends code §§ 3.1 and 3.4, city council (2.04)
1213	5	2	1972	Alley vacation (Special)
1214	5	16	1972	Amends code § 24.2-3(a) -- (d) and (f); adds § 24.2-3 (g); amends code §§ 24.3, 24.3-2 -- 24.3-9, 24.4, 24.4-1, 24.4-5, 24.5-3, 24.6, 24.6-l(a) and 24.8-3, annexations and subdivisions (Title 16)
1215	5	16	1972	Golf course lease (Special)
1216	5	16	1972	Approves annexation Ivanhoe Addition
1217	6	20	1972	Amends code § 14.9, sewer main taps (13.08)
1218	6	20	1972	Adds § 17.8 to code, restriction of horses and automobiles in parks (Repealed by 1336)
1219	6	20	1972	Zoning classification of Ivanhoe Addition
1220	6	20	1972	Approves annexation Ellis Addition
1221	7	5	1972	Easement vacation (Special)
1222	7	5	1972	Franchise (Special)
1223	7	18	1972	Zoning classification of Ellis Addition
1224	7	18	1972	Approves annexation Loma Vista Second Addition
1225	7	18	1972	Street vacation (Special)
1226	7	18	1972	Street name change (Special)
1227	8	1	1972	Approves annexation West Eighth Street Addition
1228	8	15	1972	Approves lease (Special)
1229	8	15	1972	Rezone (Special)
1230	8	15	1972	Zoning classification of Loma Vista Second Addition
1231	8	15	1972	Approves annexation Hirsch Addition
1232	9	19	1972	Zoning classification of Hirsch Addition
1233	10	3	1972	Adds (7) to § 6.2 of Ord. 1004, zoning (18.16)

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Ord #	2nd Reading Date			Ordinance Description
1234	10	3	1972	Amends code Ch. 22, building regulations, repeals Ch. 23, fire prevention code (15.04, 15.24, 15.28)
1235	10	3	1972	Approves annexation Ridgeview South Addition
1236	10	3	1972	Alley vacation (Special)
1237	10	17	1972	Amends code §§ 33.1, 33.2-1, 33.2-2 and 33.3 -- 33.6, sound limitations (7.32)
1238	11	7	1972	Approves annexation Mariana Village Second Addition
1239	11	7	1972	Appropriation (Special)
1240	11	7	1972	Amends code §§ 4.3-1 and 4.3-2, pay grades and schedules (Repealed by 3017)
1241	11	7	1972	Zoning classification of Ridgeview South Addition
1242	11	21	1972	Zoning classification of Mariana Village Second Addition
1243	11	21	1972	Amends code § 20.27-2(2), tree planting (12.32)
1244	11	21	1972	Alley vacation (Special)
1245	11	21	1972	Dedication of streets and courts (Special)
1246	12	5	1972	Special election (Special)
1247	12	5	1972	Transfer of funds (Special)
1248	12	5	1972	Transfer of funds (Special)
1249	12	19	1972	Approves annexation Ridgeview Third Addition
1250	12	19	1972	Amends code § 33.3, sound limitations (7.32)
1251	12	19	1972	Contract for water use (Special)
1252	12	19	1972	Approves annexation Loch Lon Eleventh Addition
1253	12	19	1972	Adopts and amends Model Traffic Code, amends code § 31.1 (Repealed by 1636)
1254	12	19	1972	Housing code (15.12)
1255	1	2	1973	Approves annexation Ellis Second Addition
1256	1	2	1973	Street vacation (Special)
1257	1	2	1973	Zoning classification of Ridgeview Third Addition
1258	1	2	1973	Creates revenue sharing fund No. 28 (Special)
1259	1	16	1973	Approves annexation Lakeside Terrace Second Addition
1260	1	16	1973	Zoning classification of Loch Lon Eleventh Addition
1261	2	6	1973	Approves annexation Cooper Addition
1262	2	6	1973	Amends code § 5.1, council meetings (2.12)
1263	2	6	1973	Amends code §§ 24.2-3(d)(2)(b)(1) and 24.4, adds § 24.2-4, planning commission and preliminary maps (Title 16)
1264	2	6	1973	Amends code § 4.3-1, pay grades (Repealed by 3017)
1265	2	6	1973	Adds (1) and (2) to code § 22.8-3, liquefied petroleum gases and flammable liquids (15.28)
1266	2	6	1973	Zoning classification of Ellis Second Addition
1267	2	6	1973	Amends code § 13.5, water service connection fees (13.04)
1268	2	20	1973	Zoning classification of Cooper Addition
1269	2	20	1973	Zoning classification of Lakeside Terrace Second Addition
1270	3	6	1973	Amends code §§ 24.2-3(d)(2) (b)(2) and 24.6, annexation and subdivision maps (Title 16)
1271	3	20	1973	Approves annexation Willowbriar Addition
1272	3	20	1973	Amends code § 24.6-l(e), subdivision dedication forms (Title 16)

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Ord #	2nd Reading Date			Ordinance Description
1273	3	20	1973	Approves annexation Wards Second Addition
1274	3	20	1973	Approves lease (Special)
1275	3	20	1973	Amends code §§ 22.8-4(2)(b), service stations (Repealed by 1981)
1276	4	3	1973	Amends §§ 4.1, 4.2(4), 5.1, 5.2(3), 5.7, 6.1, 6.3, 6.4, 6.7, 7.1, 7.2(2), 7.3, 7.4, 8.1 -- 8.4, 9.1, 9.2, 10.1, 11.2, 12.1(1) and (2), 12.2(5)(c) and 20.28 of Ord. 1004; adds §§ 4.2(7) and (8), 5.3(8) and (9), 6.2(2)(6), 6.2(8) -- (16), 7.2(8) -- (16), 8.5, 8.6, 9.5, 9.6, 10.3, 11.6, 20.40 and 20.41 to Ord. 1004; repeals § 11.1(7) of Ord. 1004, zoning (18.04 -- 18.12, 18.16 -- 18.40)
1277	4	3	1973	Amends §§ 6.9, 7.9, 20.6 and 20.11 of Ord. 1004, zoning (18.04)
1278	4	3	1973	Rezone (Special)
1279	4	3	1973	Rezone (Special)
1280	4	3	1973	Rezone (Special)
1281	4	3	1973	Zoning classification of certain property (Special)
1282	4	3	1973	Approves annexation Northwest Nine Addition
1283	4	17	1973	Zoning classification of certain property Wards Second Addition
1284	4	17	1973	Amends code § 24.6-l(e), dedication forms (Title 16)
1285	5	17	1973	Zoning classification of Northwest Nine Addition
1286	5	15	1973	Approves annexation Silver Glen Addition
1287	5	15	1973	Amends code §§ 13.5 and 13.5-3, water service connection fees (13.04)
1288	5	15	1973	Amends code §§ 21.2-1 and 21.2-2, museum board (Repealed by 4428)
1289	6	5	1973	Zoning certain property Silver Glen Addition
1290	6	19	1973	Amends code § 24.2-3(c), subdivisions (Title 16)
1291	6	19	1973	Property vacation (Special)
1292	6	19	1973	Rezone (Special)
1293	6	19	1973	Repeals code §§ 27.17-1 -- 27.17-24 (Repealer)
1294	6	19	1973	Approves annexation Sherri Mar Fifth Addition
1295	7	3	1973	Approves annexation Woodmere Addition
1296	7	17	1973	Approves annexation Shamrock Addition
1297	7	17	1973	Zoning certain property Woodmere Addition
1298	7	17	1973	Amends code Chapter 3.2, boundaries (1.24)
1299	7	17	1973	Amends code § 24.2-3(g), subdivisions (Title 16)
1300	8	7	1973	Zoning certain property Shamrock Addition
1301	8	7	1973	Zoning certain property Sherri Mar Fifth Addition
1302	8	21	1973	Approves annexation Cottonwood Addition
1303	8	21	1973	Approves annexation Orchards Addition
1304	8	21	1973	Approves annexation Ponderosa Addition
1305	8	21	1973	Amends code §§ 24.6-3 and 24.6-5, subdivisions (Title 16)
1306	8	21	1973	Adds code § 29.29, trespassing (9.44)
1307	9	4	1973	Approves annexation Nicoll Addition
1308	9	4	1973	Zoning certain property Cottonwood Addition
1309	9	4	1973	Substitutes code § 29.8(1), (2), (3) and (4), disorderly conduct (9.32)
1310	9	4	1973	Adds code § 29.10, display of alcoholic beverages (9.36)
1311	9	18	1973	Zoning classification of Nicoll Addition
1312	9	18	1973	Zoning classification of Orchards Addition
1313	9	18	1973	Zoning classification of Ponderosa Addition

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Ord #	2nd Reading Date			Ordinance Description
1314	9	18	1973	Approves annexation American Addition
1315	10	16	1973	Zoning classification of American Addition
1316	10	16	1973	Approves annexation Good Samaritan Addition
1317	11	6	1973	Appropriation 1974 (Special)
1318	11	6	1973	Amends code § 4.3-1 & 4.3-2, salaries (Repealed by 3017)
1319	11	20	1973	Zoning classification of certain property Good Samaritan
1320	12	18	1973	Adds code § 4.33, pension plan (2.70)
1321	12	18	1973	Building materials, motor and vehicle tax (Repealed by 3094)
1322	12	18	1973	Transfer of funds (Special)
1323	12	18	1973	Transfer of funds (Special)
1324	12	18	1973	Property lease renewal 60 ft Railraod Ave
1325	12	18	1973	Amends code § 24.7-3, subdivisions (Title 16)
1326	1	2	1974	Amends Ord. 1004 § 14.2, home occupations (18.48)
1327	1	2	1974	Water allotment contract NCWD
1328	1	2	1974	Easement vacation Lots 4-9 Block 24
1329	1	2	1974	Property lease Mobil Oil Railroad & 8th St
1330	1	2	1974	Repeals code Chapter 19, municipal defense (Repealer)
1331	1	2	1974	Repeals code Chapter 31.13, traffic penalties (Repealer)
1332	1	2	1974	Amends code Chapter 29.20, fireworks (Repealed by 3070)
1333	1	2	1974	Amends code Chapter 4 §§ 4, 5-1 and 7, changes official title wording Police Magistrate (2.20, 2.24)
1334	1	2	1974	Amends code Chapter 2.2, corporate limits (1.20)
1335	1	2	1974	Amends code Chapter 2.1, incorporation (1.04) COL inc 4-14-1881
1336	1	2	1974	Repeals code §§ 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.11 and Chapter 17, enacts code §§ 15.1 -- 15.8, amends code §§ 15.12 -- 15.12-5, recreation commission (2.60)
1337	1	2	1974	Repeals code §§ 4.9 -- 4.16, enacts code §§ 4.9 -- 4.16-4, administration and personnel (2.20, 2.32)
1338	1	2	1974	Amends code § 29.15, obscene materials (9.16)
1339	1	2	1974	Adds code Chapter 36, right of entry for inspection (1.08)
1340	1	2	1974	Amends code § 29.9, indecent exposure (9.16)
1341	1	2	1974	Repeals and reenacts code § 30.10, damage to person or property by animals (Repealed by 2043)
1342	1	2	1974	Amends code § 16.1, cemeteries (12.52)
1343	1	2	1974	Amends code § 20.26(b), naming streets (12.08)
1344	1	2	1974	Repeals code § 11.1 and 11.1-1; adds § 11.10, powers of city physician (7.04)
1345	1	2	1974	Amends code § 20.23, tire restrictions on streets (12.28)
1346	1	2	1974	Amends code § 29.4, aiding prisoner to escape (9.04)
1347	1	2	1974	Repeals and reenacts code Chapter 22 except repeals and replaces code Ch. 22.2-14, building (Repealed by 1636)
1348	1	2	1974	Repeals § 2 of Ord. 723 (Repealer) city employees Appointment and removal
1349	1	2	1974	Amends code § 6.4 by adding sentence, supplemental appropriations (3.04)
1350	1	2	1974	Amends code § 27.13-11, refuse disposal (Repealed by 1539)
1351	1	2	1974	Repeals code §§ 9.4, 21.2-5 and 29.18; repeals Ords. 669, 717, 789, 790 and 808 (Repealer)

Ord #	2nd Reading Date			Ordinance Description
1352	1	2	1974	Amends code § 30.l2, poisoning domestic animals (Repealed by 2043)
1353	1	2	1974	Repeals Ords. 281, 305, 321, 322, 324, 326, 327, 333, 342, 344, 389, 393, 394, 395, 399, 402, 407, 413, 415, 420, 421, 423, 426, 428, 429, 434, 435, 436, 438, 439, 440, 445, 450, 451, 453, 461, 462, 463, 464, 465, 470, 475, 476, 481, 483, 485, 486, 486-A, 489, 492, 495, 497, 498, 503, 506, 509, 510, 512, 515, 522, 526, 531, 532, 533, 535, 536, 538, 539, 544, 546, 552, 554, 556, 558, 559, 565, 566, 568, 569, 570, 571, 572, 573, 578, 579, 580, 582, 585, 586, 587, 588, 596, 598, 603, 604, 605, 609, 610, 612, 619, 620, 626, 628, 632, 633, 637, 639, 646, 648, 650, 651, 652, 659, 660, 663, 666, 672, 674, 675, 676, 683, 684, 688, 689, 690, 691, 692, 693, 694, 698, 702, 704, 705, 711, 713, 728, 729, 730, 734, 737, 749, 750, 751, 753, 764, 766, 767, 773, 774, 775, 778, 779, 780, 781, 782, 784, 787, 788, 792, 796, 798, 799, 800, 801, 804, 814, 815, 823, 824, 825, 828, 832, 834, 835, 836, 842, 844, 848, 849, 853, 854, 855, 859, 861, 866, 869, 870, 873, 874, 876, 878, 880, 883, 886, 887, 889, 890, 893, 894, 895, 899, 900, 905, 907, 915, 917, 918, 925, 928, 936, 937, 940, 942, 945, 948, 949, 956, 969, 970, 974, 982, 983, 988, 989, 990, 991 and 992 (Repealer) all related to zoning
1354	1	2	1974	Repeals prior code §§ 27.12-6, 27.12-7 and 27.12-8 Taxicab Driver's(Repealer)
1355	1	2	1974	Amends prior code §§ 22.1 and 22.2-1, buildings (15.04)
1356	1	2	1974	Amends prior code § 20.27-5(1), dead or dangerous trees and shrubs (12.32)
1357	1	15	1974	Street vacation Maple Dr and 20th St Stephenson Addition (Special)
1358	1	15	1974	Land lease Big Thompson Mill & Elevator
1359	1	15	1974	Approves annexation Ridgeview Fourth Addition
1360	2	5	1974	Approves annexation Windermere First Addition
1361	2	5	1974	Amends § 19.1(4) of Ord. 1004, zoning (18.68)
1362	2	5	1974	Amends Ord. 1353 and prior code §§ 29.9, 29.15-l(a), 36.1, 4.13, 4.14-3-1, 4.16-2 and 16.1, right of entry for inspections; repeals Ords. 439, 622 and 870 (1.08, 2.44, 9.16, 12.52)
1363	2	5	1974	Amends prior code § 27.1, sale of beer (Repealed by 1539)
1364	2	19	1974	Zoning classification of Ridgeview Fourth Addition
1365	2	19	1974	Zoning classification of Windemere First Addition
1366	2	19	1974	Amends prior code § 4.3-1, job classifications and pay grades (Repealed by 3017)
1367	2	19	1974	Amends prior code § 30.2, keeping animals (Repealed by 2043)
1368	3	5	1974	Adds prior code § 22.3-1(1), building code (Not codified)
1369	3	5	1974	Repeals and replaces prior code Ch. 11.10, and enacts new Ch. 11.1, health and food regulations (7.04, 7.08)
1370	3	19	1974	Amends § 2 of Ord. 1253, traffic (Repealed by 1636)
1371	4	2	1974	Amends prior code § 4.3-1, job classifications (Repealed by 3017)
1372	4	16	1974	Amends prior code §§ 12.11 -- 12.11-2 and 12.11-5 -- 12.11-7, electric rates; repeals prior code §§ 12.11-3 and 12.11-4 (Repealed by 1776)
1373	4	16	1974	Amends prior code §§ 34.6-1 and 35.4, taxes (Repealed by 3094)
1374	5	7	1974	Approves annexation Hospital Addition
1375	5	7	1974	Approves annexation Gailbraith Addition

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Ord #	2nd Reading Date			Ordinance Description
1376	5	7	1974	Adds prior code Ch. 4.35, building advisory committee (Repealed by 1956)
1377	5	7	1974	Repeals Ords. 723, 726, 727, 754 and 862 (Repealer)
1378	5	21	1974	Amends code Chapter 6 by adding §§ 6.12 through 6.12-6, tax refund elderly persons (Repealed by 3009)
1379	5	21	1974	Repeals and re-enacts prior code § 22.8-3(1), gas storage (15.20)
1380	5	21	1974	Rezone Hospital Addition (Special)
1381	5	21	1974	Rezone Galbraith Addition (Special)
1382	6	4	1974	Rezone Multiple Additions (Special)
1383	6	4	1974	Repeals § 9 of Ord. 1253, repeals and re-enacts code § 31.14 Model Traffic Code (Repealed by 1636)
1384	6	18	1974	Amends code § 24.2-3(a), subdivision data (Title 16)
1385	7	2	1974	Amends §§ 2.1, 2.3, 16.7, 17.2, 17.3, 18.1, 18.2, 18.3, 20.25 of Ord. 1004, adds §§ 15.5 and 20.42 to Ord. 1004, zoning (18.04, 18.56, 18.60, 18.64)
1386	7	2	1974	Amends first paragraph of § 12.2(5) of Ord. 1004, zoning (Repealed by 3617)
1387	7	2	1974	Adds prior code § 13.15-2, bypass of water meter for fire protection (13.04)
1388	7	16	1974	Amends prior code § 28.13-1, adds prior code § 28.14, 28.14-1 and 28.14-2, rubbish and junk (7.26)
1389	9	3	1974	Adds paragraph to prior code § 24.3, annexing or subdividing procedure (Title 16)
1390	9	3	1974	Adds (11) to § 4.2, (11) to § 5.2, (18) to § 6.2, (18) to § 7.2 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20)
1391	9	3	1974	Adds (10) to § 4.2, (10) to § 5.2, (17) to § 6.2, (17) to § 7.2, (27) to § 8.1, (17) to § 9.1 and (g) to § 14.2-3 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20, 18.24, 18.28, 18.48)
1392	9	3	1974	Adds § XXIV, §§ 24.1 and 24.2, developing resource district, to Ord. 1004, zoning (18.38)
1393	9	17	1974	Lease of certain property to Jim Devine (Special)
1394	10	1	1974	Rezone Silver Lake 8 Additiom (Special)
1395	10	1	1974	Amends §§ 4.8, 5.8, 6.9 and 7.9 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20)
1396	10	1	1974	Amends prior code § 33.1, sound prohibitions, adds § 2(c) to Ord. 1253, traffic, repeals § 33.2-2 (7.32)
1397	10	15	1974	Annexation Loveland Business Plaza First Addition
1398	11	5	1974	Annual appropriation, 1975 (Special)
1399	11	5	1974	Amends prior code §§ 4.3-1, 4.3-2, pay grade and range schedules (Repealed by 3017)
1400	11	19	1974	Approves annexation Seven Lakes South Addition
1401	11	19	1974	Rezone Loveland Business Plaza 1 (Special)
1402	11	19	1974	Amends §§ 9.5(6) and 12.2(3)(c) of Ord. 1004, zoning (18.28, 18.40)
1403	11	19	1974	Amends § 14.5(6) of Ord. 1004, zoning (18.48)
1404	12	3	1974	Rezone Sherri Mar 1st Addition (Special)
1405	12	3	1974	Amends § 14.5(5) of Ord. 1004, zoning (18.48)
1406	12	3	1974	Utility easement vacation Galbraith Addition (Special)
1407	12	17	1974	Transfer of funds Vehicle Maintenance (Special)
1408	12	17	1974	Transfer of funds Public Parks (Special)
1409	1	7	1975	Rezone Seven Lakes South Addition (Special)

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Ord #	2nd Reading Date			Ordinance Description
1410	1	21	1975	Annexation Lemon Addition
1411	1	21	1975	Water allotment contract NCWD (Special)
1412	2	14	1975	Code adoption; adoption of Model Traffic Code, 1971 revision, Technical Plumbing Code, 1972 edition, Uniform Building Code Volume 1, 1970 edition, Uniform Building Code, Volume 3, Housing, 1970 edition, Uniform Building Code Volume 2, Mechanical Code, 1970 edition, National Electrical Code, 1971 edition, Fire Prevention Code, 1970 edition, Life Safety Code for Safety to Life from Fire in Buildings and Structures, 1970 edition; amendments to Loveland Municipal Code and codes adopted by reference; adds § 1.12.010, penalty clause; amends various penalty clauses throughout the Loveland Municipal Code; adds §§ 1.04.020, 1.04.030, 1.04.040 and 1.04.050, general provisions (1.01, 1.04, 1.12, 1.28, 2.52, 2.56, 3.04, 3.16, 5.04, 9.20, 9.28, 9.32, 12.32, 12.36, 13.04, 13.16, 15.04, 15.12, 15.16, 15.28, Title 16, 18.68)
1413	3	4	1975	Amends § 12.2(1) of Ord. 1004, zoning (Repealed by 3617)
1414	3	4	1975	Amends §§ 4.2(6), 5.2(4), 6.2(3), 7.2(3), 8.2(3) and 12.2(5) of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20, 18.24, 18.40)
1415	4	1	1975	Annexation Rocky Mountain Plaza First Addition
1416	4	1	1975	Annexation Thompson Valley Estates First Addition
1417	4	1	1975	Amends § 3.28.040 and § 3.28.050, tax refunds for elderly (3.28)
1418	4	1	1975	Amends § 7.24.020, rubbish collection (Repealed by 3783)
1419	4	1	1975	Amends § 13.08.080, sewer connections (13.08)
1420	4	15	1975	Amends Title 15, buildings and construction (15.04, 15.24, 15.28)
1421	4	15	1975	Rezone (Special)
1422	4	15	1975	Rezone (Special)
1423	4	15	1975	Amends § 16.28.090B, land area for school and recreation use (Title 16)
1424	5	20	1975	Amends § 1.24.040, wards and precincts (1.24)
1425	5	20	1975	Amends § 3.04.070, depositories for moneys and funds (3.04)
1426	6	3	1975	Approves annexation Cottonwood Green First Addition
1427	6	3	1975	Development and acquisition of electric power and energy (Special)
1428	6	3	1975	Amends § 15.28.020A(r), hours of truck deliveries (Repealed by 1636)
1429	6	3	1975	Authorizes building lease (Special)
1430	6	3	1975	Authorizes building lease (Special)
1431	6	3	1975	Authorizes real estate exchange (Special)
1432	6	3	1975	Authorizes real estate exchange (Special)
1433	6	3	1975	Ratifies resolutions passed earlier (Special)
1434	6	17	1975	Rezone (Special)
1435	6	17	1975	Approves annexation Silver Lake Eleventh Addition
1436	6	17	1975	Amends §§ 16.04.020, 16.28.020, 16.36.010A and 16.36.010B, future streets (Title 16)
1437	6	17	1975	Amends § 16.36.030, A, B, E and F, water rights on annexed land (Title 16)
1438	7	1	1975	Amends §§ 15.32.020A and 15.32.030A, self-service stations (Repealed by 1981)
1439	7	15	1975	Rezone (Special)
1440	7	15	1975	Authorizes agreement with Platte River Authority (Special)
1441	7	15	1975	Amends § 14.28.110, flammable liquid storage (15.28)

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Ord #	2nd Reading Date			Ordinance Description
1442	7	15	1975	Amends §§ 16.40.010, 16.40.030, 16.40.040, 16.40.060 and 16.40.110, subdivisions (Title 16)
1443	7	15	1975	Authorizes water allotment contract (Special)
1444	8	5	1975	Amends §§ 18.04.160, 18.08.020K, 18.12.020K, 18.16.020R, 18.20.020R, and adds a section to Ch. 18.04, zoning (18.04, 18.08, 18.12, 18.16, 18.20)
1445	8	5	1975	Adds §§ 13.04.051, 13.08.081, 15.04.035, 16.28.061, flood control (13.04, 16.28)
1446	8	5	1975	Amends Ch. 7.26, waste material (Repealed by 4275)
1447	8	19	1975	Amends § 16.24.150, final maps (Title 16)
1448	8	19	1975	Adds § 2.44.110, alarm systems (2.44)
1449	9	16	1975	Annexation Summit Addition
1450	10	7	1975	Amends Ch. 13.16, cable television systems (Repealed by 1982)
1451	10	17	1975	Rezone (Special)
1452	10	17	1975	Amends §§ 16.04.020 and 16.28.020, subdivisions (Title 16)
1453	11	4	1975	Annual appropriation ordinance (Special)
1454	11	4	1975	Amends §§ 2.68.030 and 2.68.040, salaries (Repealed by 3017)
1455	11	4	1975	Amends § 7.24.030, refuse collection fee (Repealed by 3783)
1456	11	4	1975	Amends §§ 18.24.020 and 18.28.020, zoning (18.28)
1457	11	4	1975	Rezone (Special)
1458	11	4	1975	Open public meetings and public official financial disclosure ordinance (Not codified)
1459	11	18	1975	Amends §§ 16.12.010, 16.12.080, 16.16.050A, 16.20.040, 16.24.010, 16.24.180D, 16.32.030, 16.40.030, 16.40.040, 16.40.050, 16.40.080, 16.40.090, 16.40.100, 16.40.110, 16.40.130 and 16.40.140 and Ch. 16.32, subdivisions (Title 16)
1460	11	18	1975	Adds § 18.40.040, zoning (Repealed by 3617)
1461	11	18	1975	Amends §§ 16.24.060, 16.24.070 and 16.24.160G, subdivisions (Title 16)
1462	12	2	1975	Approves annexation Echols First Addition
1463	12	2	1975	Rezone (Special)
1464	12	2	1975	Amends §§ 13.12.140, 13.12.150, 13.12.160, 13.12.170 and 13.12.180, electrical rates; repeals § 13.12.190 (Repealed by 1776)
1465	12	16	1975	Rezone (Special)
1466	12	16	1975	Approves annexation Echols Second Addition
1467	12	16	1975	Approves lease (Special)
1468	12	16	1975	Repeals and reenacts Ch. 10.04, traffic (Not codified)
1469	12	16	1975	Amends § 9.36.020, liquor (9.36)
1470	12	16	1975	Amends § 15.36.020, fire zone 1 (Repealed by 1981)
1471	12	16	1975	Amends § 15.28.090, storage of liquefied petroleum gas (Repealed by 1636)
1472	12	16	1975	Transfers funds (Special)
1473	12	16	1975	Creates wastewater construction fund (Special)
1474	1	6	1976	Approves annexation Lebo's Second Addition
1475	1	6	1976	Adds Ch. 3.29, utility refund program for elderly (Repealed by 4465)
1476	1	6	1976	Amends §§ 13.04.040, 13.04.050 and 13.04.240, water service (13.04)
1477	1	6	1976	Adds § 12.24.035, removal of snow and ice from sidewalks (12.24)
1478	1	6	1976	Rezone (Special)
1479	1	20	1976	Approves annexation Buckners Second Addition

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Ord #	2nd Reading Date			Ordinance Description
1480	1	20	1976	Approves annexation Warren Terrace First Addition
1481	1	20	1976	Zones newly annexed territory Echols Second Addition
1482	1	20	1976	Zones newly annexed territory Lebo's Second Addition
1483	1	20	1976	Amends § 2.68.030, salaries (Repealed by 3017)
1484	1	20	1976	Amends § 13.04.030B, water service, and § 13.08.040B, sewer service (13.04, 13.08)
1485	1	20	1976	Adds Ch. 2.14, public officials' financial disclosure and open public meetings (2.14)
1486	2	17	1976	Zones newly annexed territory Buckners Second Addition
1487	2	17	1976	Zones newly annexed territory Warren Terrace First Addition
1488	2	17	1976	Adds C to § 13.04.050, water service (Repealed by 1659)
1489	3	2	1976	Rezone (Special)
1490	3	2	1976	Easement vacation (Special)
1491	3	2	1976	Amends § 18.48.070, zoning (18.48)
1492	3	2	1976	Adds § 18.40.050, zoning (Repealed by 3617)
1493	3	2	1976	Approves annexation Fairway West First Addition
1494	3	2	1976	Approves annexation Windemere Second Addition
1495	3	16	1976	Amends § 15.24.020, electrical code (Repealed by 1636)
1496	3	16	1976	Amends § 9.32.010G, disorderly conduct (9.32)
1497	4	6	1976	Amends § 12.28.110, barbed wire fences (12.28)
1498	4	6	1976	Adds M to § 15.08.020, building (Repealed by 1636)
1499	4	6	1976	Zones newly annexed territory Windemere Second Addition
1500	4	20	1976	Zones newly annexed territory Fairway West First Addition
1501	5	4	1976	Rezone (Special)
1502	5	4	1976	Amends § 18.40.030 E(l), minimum area for unit development (Repealed by 3617)
1503	5	4	1976	Street, utility and easement vacation (Special)
1504	5	4	1976	Approves annexation Covenant Church Addition
1505	5	4	1976	Utility easement vacation (Special)
1506	5	18	1976	Approves annexation South Loveland Industrial Park Addition
1507	5	18	1976	Amends §§ 15.36.010, 15.36.020 and 15.36.030, fire zones (Repealed by 1981)
1508	5	18	1976	Amends § 13.12.070, location of electric meters (Repealed by 1776)
1509	5	18	1976	Zones newly annexed property Covenant Church Addition
1510	6	1	1976	Utility easement vacation (Special)
1511	6	1	1976	Utility easement vacation (Special)
1512	6	15	1976	Five-year lease of property (Special)
1513	7	6	1976	Amends § 18.48.070, zoning (18.48)
1514	7	6	1976	Alley vacation (Special)
1515	7	20	1976	Approves annexation Loch Lon Twelfth Addition
1516	8	3	1976	Zones newly annexed property Loch Lon Twelfth Addition
1517	8	3	1976	Amends § 13.04.240, water rates and development fees (13.04)
1518	8	3	1976	Amends § 18.40.040, zoning (Repealed by 3617)
1519	8	17	1976	Approves annexation Oak Addition
1520	8	17	1976	Adds (C) to § 16.40.030, subdivision improvements (Title 16)
1521	8	17	1976	Zones newly annexed property South Loveland Industrial Park

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Ord #	2nd Reading Date			Ordinance Description
1522	8	17	1976	Approves annexation Silver Lake Twelfth Addition
1523	9	7	1976	Zones newly annexed property Silver Lake Twelfth Addition
1524	9	21	1976	Zones newly annexed property Oak Addition
1525	10	5	1976	Amends §§ 3.20.030, 3.20.040, subsections A, B and C of 3.20.050, and adds Chs. 5.64 and 5.68, liquor regulations (3.20, 5.32, 5.36)
1526	10	19	1976	Alley vacation (Special)
1527	11	2	1976	1977 budget (Special)
1528	11	2	1976	Amends § 13.04.040, subsections A and B of §§ 13.04.050, and 13.04.240, water rates (13.04)
1529	11	2	1976	Amends § 13.12.150, subsections A and B of §§ 13.12.160, 13.12.170 and subsections A and B of § 13.12.180, electrical service (Repealed by 1776)
1530	11	2	1976	Easement vacation (Special)
1531	11	16	1976	Approves annexation Loma Vista Third Addition
1532	11	16	1976	Amends §§ 2.68.030, 2.68.035 and 2.68.040, pay rates (Repealed by 3017)
1533	12	7	1976	Approves annexation Happiness Plaza Addition
1534	12	7	1976	Zones newly annexed property Loma Vista Third Addition
1535	12	7	1976	Easement vacation (Special)
1536	12	7	1976	Amends subsections B and C of §§ 13.08.040, 13.08.100, subsections A, O and P of § 13.08.150, adds §§ 13.08.041, 13.08.101, 13.08.102 and subsection U of § 13.08.150, sewers (13.08)
1537	12	7	1976	Adds subsection N to § 15.08.020, building code (Repealed by 1636)
1538	12	21	1976	Rezone (Special)
1539	12	21	1976	Amends subsection F of § 5.04.010, §§ 5.04.020, 5.04.060, 5.08.020, repeals and replaces § 5.08.040, Chs. 5.12, 5.16, 5.20, 5.28, repeals § 5.08.050, Chs. 5.32, 5.36, 5.40, 5.44, 5.48, 5.52, 5.56, 5.60, renumbers Chs. 5.64 and 5.68 to 5.32 and 5.36, business licenses (5.04, 5.32, 5.36)
1540	12	21	1976	Approves annexation Willowbriar II Addition
1541	12	21	1976	Zones newly annexed property Happiness Plaza
1542	12	21	1976	Alley vacation (Special)
1543	12	21	1976	Appropriation (Special)
1544	1	4	1977	Approves annexation Kinney First Addition
1545	1	18	1977	Annexation Downing First Addition
1546	1	18	1977	Zones newly annexed property Willowbriar II Addition
1547	1	18	1977	Easement (Special)
1548	1	18	1977	Zoning (Special)
1549	2	1	1977	Approves annexation Kinney Second Addition
1550	2	15	1977	Approves annexation Derby Hill Addition
1551	2	15	1977	Zones newly annexed property Downing First Addition
1552	2	15	1977	Easement vacation (Special)
1553	2	15	1977	Authorizes baseball facility construction agreement (Special)
1554	3	1	1977	Amends § 2.70.030, retirement plan funding (2.70)
1555	3	1	1977	Zones newly annexed property (Special)
1556	3	1	1977	Easement vacation (Special)
1557	3	15	1977	Easement vacation (Special)
1558	3	15	1977	Easement vacation (Special)
1559	3	15	1977	Alley vacation (Special)

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Ord #	2nd Reading Date			Ordinance Description
1560	3	15	1977	Amends § 2.68.030, pay grades (Repealed by 3017)
1561	4	5	1977	Rezone (Special)
1562	4	5	1977	Zones newly annexed property Derby Hill Addition
1563	4	5	1977	Amends § 13.08.100(B); repeals § 13.08.100(C), sewer rental (13.08)
1564	4	19	1977	Approves annexation Westlake Addition
1565	5	3	1977	Approves annexation Ridgeview Fifth Addition
1566	5	3	1977	Special improvement district (Special)
1567	5	17	1977	Repeals and reenacts § 13.04.230, water services (13.04)
1568	5	17	1977	Amends § 12.48.110, aircraft (12.48)
1569	5	17	1977	Easement vacation (Special)
1570	5	17	1977	Easement vacation (Special)
1571	5	17	1977	Zones newly annexed property Ridgeview 5th Addition
1572	5	17	1977	Zones newly annexed property Westlake Addition
1573	5	17	1977	Lease agreement (Special)
1574	6	7	1977	Easement vacation (Special)
1575	6	7	1977	Rezone (Special)
1576	6	7	1977	Adds to § 16.28.090, subdivisions (Title 16)
1577	6	7	1977	Annexation Lewis Addition
1578	6	7	1977	Alley vacation (Special)
1579	6	21	1977	Zones newly annexed property Lewis Addition
1580	6	21	1977	Rezone (Special)
1581	7	5	1977	Street vacation (Special)
1582	7	5	1977	Annexation Centennial School Addition
1583	7	5	1977	Zones newly annexed property (Special)
1584	7	5	1977	Property exchange (Special)
1585	7	19	1977	Repeals and reenacts § 10.04.030 and adds §§ 10.04.026 -- 10.04.029 and 10.04.031 -- 10.04.036, model traffic code (Repealed by 1636)
1586	8	2	1977	Approves annexation Loch Haven Addition
1587	8	2	1977	Approves annexation Park Lane Addition
1588	8	2	1977	Approves annexation Windemere Third Addition
1589	8	2	1977	Utility easement vacation (Special)
1590	8	2	1977	Rezone (Special)
1591	8	2	1977	Alley vacation (Special)
1592	8	2	1977	Repeals Ch. 5.16, photographers' licensing (Repealer)
1593	8	16	1977	Approves annexation Ridgewood Addition
1594	8	16	1977	Zones newly annexed property Loch Haven Addition
1595	8	16	1977	Utility easement vacation (Special)
1596	8	16	1977	Repeals and reenacts § 10.20.040, parking (10.20)
1597	9	6	1977	Annexation Cherry Hills Tenth Addition
1598	9	6	1977	Approves annexation Zodiac Addition
1599	9	6	1977	Zones newly annexed property Park Lane Addition
1600	9	6	1977	Zones newly annexed property Ridgewood Addition
1601	9	6	1977	Rezone (Special)
1602	9	6	1977	Repeals and reenacts § 2.14.010, public disclosure (2.14)
1603	9	6	1977	Amends § 3.04.070, municipal depositories (3.04)
1604	9	6	1977	Amends § 7.16.040, weed removal (Repealed by 4273)

Ord #	2nd Reading Date			Ordinance Description
1605	9	20	1977	Zones newly annexed property Cherry Hills Tenth Addition
1606	9	20	1977	Zones newly annexed property Windemere Third Addition
1607	9	20	1977	Zones newly annexed property Zodiac Addition
1608	9	20	1977	Amends subsections B(4), B(5), and B(6) of § 13.08.100, sewer rental charges (13.08)
1609	9	20	1977	Adds § 13.04.055 and subsection D to § 13.08.040, water and sewer service connections (13.04, 13.08)
1610	9	20	1977	Adds subsection E to § 16.28.090, subdivision design (Title 16)
1611	10	4	1977	Approves annexation Sylmar First Addition
1612	10	4	1977	Street vacation (Special)
1613	10	4	1977	Property lease authorization (Special)
1614	10	18	1977	Approves annexation Westview Addition
1615	10	18	1977	Approves annexation Happiness Plaza Second Addition
1616	10	18	1977	Approves annexation Sylmar Second Addition
1617	10	18	1977	Lease of land (Special)
1618	11	1	1977	Appropriation (Special)
1619	11	1	1977	Amends §§ 2.68.030, 2.68.035 and 2.68.040, pay grade for city personnel (2.68)
1620	11	1	1977	Amends §§ 13.12.150B, 13.12.160B, C and D, and 13.12.180B and D, electricity rates (Repealed by 1776)
1621	11	1	1977	Zones newly annexed property Sylmar First Addition
1622	11	1	1977	Zones newly annexed property Westview Addition
1623	11	15	1977	Zones newly annexed property Happiness Plaza Second Addition
1624	11	15	1977	Zones newly annexed property Sylmar Second Addition
1625	11	15	1977	Rezone (Special)
1626	12	6	1977	Approves annexation Pauleeann Addition
1627	12	6	1977	Approves annexation Grosboll Addition
1628	12	20	1977	Amends §§ 18.04.010, 18.04.030, 18.04.040, 18.04.060, 18.04.190, 18.04.200, 18.04.210, 18.04.260, 18.04.280, 18.04.290, 18.04.300, 18.04.340, 18.04.360, 18.04.420, 18.08.020K, 18.08.030, 18.08.050, 18.08.060, 18.08.070, 18.08.080, 18.12.020K, 18.12.030, 18.12.050, 18.12.070, 18.12.080, 18.16.020E, 18.16.030, 18.16.040, 18.16.070, 18.16.090, 18.20.020F, 18.20.030, 18.20.040, 18.20.070, 18.20.090, 18.24.010, 18.24.020,18.24.030, 18.24.040, 18.24.050, 18.24.060, 18.28.020R, 18.28.030, 18.28.040, 18.28.050, 18.28.060, 18.36.020A and C, 18.36.050, 18.36.060, 18.48.010B, 18.48.040B2 and E, 18.48.050, 18.52.040, 18.60.030, 18.68.030A and Ch. 18.40; adds §§ 18.04.112, 18.04.123, 18.04.178, 18.04.216, 18.04.218, 18.04.308, 18.04.341, 18.04.348, 18.04.356, 18.04.358, 18.08.020L, 18.08.090, 18.12.020L, 18.12.090, 18.16.100, 18.16.110, 18.20.020S, 18.20.100, 18.20.110, 18.24.070, 18.28.020 U and V, 18.28.070, 18.48.020E6, 18.64.040, Chs. 18.13, 18.41, 18.42, 18.43, 18.45 and 18.46; repeals §§ 18.04.200, 18.04.430, 18.48.060, 18.52.050, and Chs. 18.32 and 18.44, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.40, 18.42, 18.43, 18.45, 18.46, 18.48, 18.52, 18.60, 18.64, 18.68)
1629	12	20	1977	Wastewater interceptor construction fund (Special)

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Ord #	2nd Reading Date			Ordinance Description
1630	12	20	1977	Transfer of funds (Special)
1631	12	20	1977	Annexation Rogers Addition
1632	12	20	1977	Zones newly annexed land Pauleeann Addition
1633	1	3	1978	Street vacation (Special)
1634	1	3	1978	Street vacation (Special)
1635	1	3	1978	Annexation Rolling Knolls Estates First Addition
1636	1	3	1978	Repeals and replaces §§ 1.01.020, secondary codes, 10.04.010, 10.04.020, 10.04.050, 10.04.060 and 10.04.070, traffic code, 15.08.010, 15.08.020, 15.12.020, 15.12.030, 15.16.010, 15.16.020, 15.20.010, 15.20.020, 15.24.010, 15.24.020, 15.28.010, 15.28.020, 15.28.070, 15.44.010, 15.48.010, 15.48.020, 15.52.010 and 15.52.020, building and construction codes; adds §§ 15.04.036 and 15.04.200, buildings and construction; amends §§ 15.04.040, 15.04.180, 15.16.050, 15.20.040, 15.20.060, 15.24.040 and 15.24.060, building and construction codes; repeals Ch. 10.16 and §§ 10.04.025, 10.04.026, 10.04.027, 10.04.028, 10.04.029, 10.04.030, 10.04.031, 10.04.032, 10.04.033, 10.04.034, 10.04.035, 10.04.036, 10.04.040, 10.20.010, 10.20.020, 15.16.060, 15.20.070, 15.24.070 and 15.28.090 (15.04, 15.24)
1637	1	17	1978	Zones newly annexed land Gorsboll Addition
1638	1	17	1978	Zones newly annexed land Rogers Addition
1639	1	17	1978	Amends § 6.12.090, impoundment of dogs (Repealed by 2043)
1640	1	17	1978	Amends § 15.04.060, building permits (15.04)
1641	2	7	1978	Approves annexation Galbraith Second Addition
1642	2	21	1978	Zoning classification of Galbraith Second Addition
1643	2	21	1978	Zoning classification of Rolling Knolls Estates First Addition
1644	2	21	1978	Easement vacation (Special)
1645	3	7	1978	Annexation Sunny Acres Addition
1646	3	7	1978	Rezone (Special)
1647	3	7	1978	Rezone (Special)
1648	3	7	1978	Adds subsection D to § 13.04.055, water connections (13.04)
1649	3	21	1978	Annexation Colony Townhomes Addition
1650	3	21	1978	Zoning classification of Sunny Acres Addition
1651	4	4	1978	Approves annexation Somerset Park Addition
1652	4	4	1978	Approves annexation Sunny Acres Second Addition
1653	4	4	1978	Approves annexation Loch Lon Thirteenth Addition
1654	4	4	1978	Approves annexation Rolling Knolls Estates Second Addition
1655	4	18	1978	Approves annexation Orchards Skyline First Addition
1656	4	18	1978	Zoning classification of Colony Townhomes Addition
1657	4	18	1978	Zoning classification of Rolling Hills Estates Second Addition
1658	4	18	1978	Amends § 18.20.070, zoning (18.20)
1659	4	18	1978	Amends §§ 13.04.010, 13.04.030, 13.04.055, 13.04.060, 13.04.090, 13.04.190, 13.04.200, 13.08.030, 13.08.040 and 15.04.060, water and sewer connections (13.04, 13.08, 15.04)
1660	5	2	1978	Approves annexation Ponds Addition
1661	5	2	1978	Approves annexation Sweetbriar Addition
1662	5	2	1978	Zones newly annexed territory Somerset Park Addition

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Ord #	2nd Reading Date			Ordinance Description
1663	5	16	1978	Zones newly annexed territory Loch Lon Thirteenth Addition
1664	5	16	1978	Rezone (Special)
1665	5	16	1978	Zones newly annexed territory Orchards Skyline First Addition
1666	5	16	1978	Zones newly annexed territory (Special)
1667	5	16	1978	Zones newly annexed territory Ponds Addition
1668	5	16	1978	Approves annexation Sylman Third Addition
1669	5	16	1978	Easement vacation (Special)
1670	6	6	1978	Zones newly annexed territory (Special)
1671	6	6	1978	Rezone (Special)
1672	6	6	1978	Rezone (Special)
1673	6	6	1978	Approves annexation Eagle Heights Addition
1674	6	6	1978	Annexation 287 Ltd. Addition
1675	6	6	1978	Approves annexation Orchards Skyline Second Addition
1676	6	20	1978	Approves annexation Highland Knolls Addition
1677	6	20	1978	Approves annexation Orchard Estates Addition
1678	6	20	1978	Approves annexation Stamp Addition
1679	6	20	1978	Zones newly annexed territory287 LTD Addition
1680	6	20	1978	Zones newly annexed territory Eagle Heights Addition
1681	6	20	1978	Zones newly annexed territory Orchards Skyline Second Addition
1682	6	20	1978	Street vacation (Special)
1683	6	20	1978	Street vacation (Special)
1684	6	20	1978	Easement vacation (Special)
1685	6	20	1978	Repeals § 15.24.020, electric service (Repealer)
1686	7	5	1978	Zones newly annexed territory Sylmar Third Addition
1687	7	5	1978	Zones newly annexed territory Orchards Estates Addition
1688	7	5	1978	Zones newly annexed territory Stamp Addition
1689	7	5	1978	Easement vacation (Special)
1690	7	5	1978	Adds Ch. 15.10, energy code (Repealed by 3686)
1691	7	18	1978	Annexation Pand M Properties Addition
1692	7	18	1978	Approves annexation Cattail Lake Addition
1693	7	18	1978	Approves annexation Chaney-Rice Addition
1694	7	18	1978	Zones newly annexed territory Highland Knolls Addition
1695	7	18	1978	Adds § 12.40.110, recreational development fee; amends § 16.28.090, designation of municipal use areas (Title 16)
1696	8	1	1978	Utility easement vacation (Special)
1697	8	1	1978	Amends § 2.60.080; repeals and replaces § 16.08.010; repeals § 16.08.020, planning commission (2.60, Title 16)
1698	8	1	1978	Rezone (Special)
1699	8	1	1978	Rezone (Special)
1700	8	1	1978	Rezone (Special)
1701	8	1	1978	Rezone (Special)
1702	8	1	1978	Zones newly annexed territory P & M Properties Addition
1703	8	1	1978	Zones newly annexed territory Cattail Lake Addition
1704	8	1	1978	Zones newly annexed territory Chaney-Rice Addition
1705	8	1	1978	Approves annexation Stephens Addition
1706	8	15	1978	Rezone (Special)

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Ord #	2nd Reading Date			Ordinance Description
1707	8	15	1978	Adds Ch. 2.50, department of planning and community development; amends the titles of various municipal departments without enumeration of specific chapters and sections; repeals and replaces Ch. 2.48, department of public works and utilities (2.48, 2.50)
1708	9	5	1978	Adds Ch. 15.14, floodplain building code (15.14)
1709	9	5	1978	Amends § 16.28.061, flood protection (Title 16)
1710	9	5	1978	Amends Ch. 18.45, floodplain regulations (18.45)
1711	9	5	1978	Adds §§ 16.08.085, 16.08.095, 16.12.015, 16.12.025, 16.12.110, 16.12.120, 16.16.070, 16.24.015 and 16.24.160; amends §§ 2.60.090, 16.04.020, 16.08.030, 16.08.040, 16.08.050, 16.08.060, 16.08.070, 16.08.090 16.08.100, 16.08.110, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.070, 16.12.080, 16.16.010, 16.16.020, 16.16.030, 16.16.040, 16.16.050, 16.20.030, 16.24.010, 16.24.030, 16.24.180, 16.28.010, 16.28.020, 16.28.030, 16.28.040, 16.28.090, 16.32.010, 16.32.020, 16.32.030 and 16.32.040, subdivisions (Title 16)
1712	9	5	1978	Lease of property near Ft. Collins-Loveland Airport (Special)
1713	9	5	1978	Amends § 13.08.190(c), sewers (Repealed by 2055)
1714	9	19	1978	Approves annexation Hirsh Second Addition
1715	9	19	1978	Annexation Stephens Addition
1716	10	3	1978	Utility easement (Special)
1717	10	3	1978	Zones newly annexed territory Hirsch Second Addition
1718	10	3	1978	Utility easement vacation (Special)
1720	10	17	1978	Annexation Jerold Addition
1721	10	17	1978	Street vacation (Special)
1722	11	7	1978	Drainage area vacation (Special)
1723	11	21	1978	Approves annexation Ridgeview North Addition
1724	11	21	1978	Zones newly annexed territory Wards Third Addition
1725	11	21	1978	Zones newly annexed territory Jerold Addition
1726	11	21	1978	Application and contract with Northern Colorado Water Conservancy District (Special)
1727	11	21	1978	Amends § 7.24.030, rubbish collection fee assessment (Repealed by 3783)
1728	11	21	1978	Amends (E) of § 13.08.040, sewer tap fees (13.08)
1729	11	21	1978	Adds § 2.70.100, police benefit program; repeals § 2.44.030 (2.70)
1730	11	21	1978	Special election (Special)
1731	11	21	1978	Authorizes real estate exchange (Special)
1732	11	21	1978	Amends § 16.40.010, subdivision improvements (Title 16)
1733	12	5	1978	1979 budget appropriation (Special)
1734	12	5	1978	Adds (G) to § 16.36.030; amends (A), (C) and (D) of § 16.36.030; water rights in annexed territory (Title 16)
1735	12	5	1978	Amends § 2.70.020, employee retirement plan (2.70)
1736	12	5	1978	Approves annexation Daniel-Lee Addition
1737	12	19	1978	Zones newly annexed territory Ridgeview North Addition
1738	12	19	1978	Zones newly annexed territory Ridgeview North Addition
1739	12	19	1978	Adds § 16.28.015 and (I) to § 18.46.010; amends § 16.40.100, subdivision improvements (Title 16, 18.46)
1740	12	19	1978	Amends § 15.04.160, building numbering (Repealed by 3842)

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Ord #	2nd Reading Date			Ordinance Description
1741	12	19	1978	Amends §§ 2.68.030, 2.68.070, 2.68.090, 2.68.100, 2.68.120, 2.68.140 and 2.68.160; repeals §§ 2.68.050, 2.68.110, 2.68.130, 2.68.170, 2.68.190 and 2.68.200; repeals and reenacts §§ 2.68.035 and 2.68.150, employee pay plan (Repealed by 1997)
1742	12	19	1978	Transfer of funds (Special)
1743	1	2	1979	Amends (C) of § 16.36.030, water rights in annexed territory (Title 16)
1744	1	2	1978	Easement vacation (Special)
1745	1	2	1979	Adds (C) to § 18.16.110, (C) to § 18.20.110; adds § 18.36.070, zoning (18.16, 18.20, 18.36)
1746	1	2	1979	Amends §§ 13.12.140, 13.12.150(B), electric rates (Repealed by 1776)
1747	1	2	1979	Easement vacation (Special)
1748	2	6	1979	Approves annexation Oskamp Addition
1749	2	6	1979	Amends § 13.04.240, water rates (13.04)
1750	2	20	1979	Approves annexation Crusade Christian Church Addition
1751	2	20	1979	Rezone (Special)
1752	2	20	1979	Rezone (Special)
1753	2	20	1979	Rezone (Special)
1754	2	20	1979	Annexation Crescent Addition
1755	2	20	1979	Approves annexation Commodore Hills Addition
1756	2	20	1979	Approves annexation Wards Industrial Park Addition
1757	3	6	1979	Approves annexation Big Thompson Farms Addition
1758	3	6	1979	Zoning classification of Oskamp Addition
1759	3	6	1979	Street vacation (Special)
1760	3	6	1979	Zoning classification of Crescent Addition
1761	3	6	1979	Zoning classification of Commodore Hills Addition
1762	3	6	1979	Approves annexation Johnson Estates First Addition
1763	3	6	1979	Annexation Burd Addition
1764	3	20	1979	Adds Ch. 3.30, telephone utility business and occupation tax (3.30)
1765	3	20	1979	Rezone (Special)
1766	3	20	1979	Zoning classification of Crusade Christian Church Addition
1767	3	20	1979	Alley vacation (Special)
1768	3	20	1979	Annexation Happiness Plaza Third Addition
1769	4	3	1979	Zoning classification of Big Thompson Farms Addition
1770	4	3	1979	Zoning classification ofJohnson Estates First Addition
1771	4	3	1979	Easement vacation (Special)
1772	4	3	1979	Zoning classification of Wards Industrial Park Addition
1773	4	3	1979	Zoning classification of Burd Addition
1774	4	3	1979	Zoning classification of Happiness Plaza Third Addition
1775	4	3	1979	Creates downtown development authority (Special)
1776	4	3	1979	Repeals and reenacts §§ 13.12.060, 13.12.070, 13.12.080, 13.12.090, 13.12.140, 13.12.150, 13.12.160, 13.12.170, 13.12.180 and 13.12.190; adds § 13.12.195; amends §§ 13.12.020, 13.12.120 and 13.12.230, electricity; repeals §§ 13.12.210, 13.12.220 and 13.12.240 (13.12)
1777	4	17	1979	Annexation Fourth South Industrial Addition
1778	4	17	1979	Utility easement vacation (Special)

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Ord #	2nd Reading Date			Ordinance Description
1779	5	1	1979	Adds §§ 13.12.045 and 13.12.135, plant investment fees (Repealed by 3480)
1780	5	15	1979	Zones newly annexed territory (Special)
1781	5	15	1979	Utility easement vacation (Special)
1782	5	15	1979	Amends § 18.40.020(B) (1), zoning (Repealed by 3617)
1783	6	5	1979	Annexation Winona First Addition
1784	6	5	1979	Annexation Golf Course Second Addition
1785	6	5	1979	Alley vacation (Special)
1786	6	5	1979	Annexation Emerson Addition
1787	6	19	1979	Repeals and replaces §§ 13.16.010 and 13.16.020; repeals §§ 13.16.030 -- 13.16.080, 13.16.100 and 13.16.110, CATV franchises (13.16)
1788	6	19	1979	Amends § 13.08.041, industrial cost recovery (Repealed by 3315)
1789	6	19	1979	Rezone (Special)
1790	7	3	1979	Annexation Ackelbein Second Addition
1791	7	3	1979	Zoning of newly annexed property Golf Course Second Addition
1792	7	3	1979	Zoning of newly annexed property Emerson Addition
1793	7	3	1979	Zoning of newly annexed property Winona First Addition
1794	7	3	1979	Rezone (Special)
1795	7	3	1979	Easement vacation (Special)
1796	7	17	1979	Approves annexation Centennial Park Addition
1797	7	17	1979	Rezone (Special)
1798	7	17	1979	Approves annexation Crest Addition
1799	7	17	1979	Property vacation (Special)
1800	7	17	1979	Repeals § 2.68.040 (Repealer)
1801	7	17	1979	Amends §§ 12.48.020, 12.48.040 and 12.48.090; repeals §§ 2.60.140 and 12.48.030 (2.60)
1802	7	17	1979	Amends § 7.16.040, weeds (Repealed by 4273)
1803	7	17	1979	Amends § 13.04.190, water meter requirements (13.04)
1804	8	7	1979	Vacation (Special)
1805	8	7	1979	Vacation (Special)
1806	8	7	1979	Zones newly annexed property Ackelbein Second Addition
1807	8	7	1979	Zones newly annexed property Centennial Park Addition
1808	9	4	1979	Authorizes issuance of electric revenue bonds (Special)
1809	8	21	1979	Zones newly annexed property Crest Addition
1810	8	4	1979	Amends § 13.12.045, billing procedure (Repealed by 3480)
1811	9	4	1979	Approves annexation Ridgeview Sixth Addition
1812	9	4	1979	Approves annexation Daniel-Lee Second Addition
1813	9	18	1979	Amends §§ 13.04.030, 13.04.060 and 13.08.040, water service fees (13.04, 13.08)
1814	10	2	1979	Rezone (Special)
1815	10	2	1979	Rezone (Special)
1816	10	2	1979	Rezone (Special)
1817	10	2	1979	Vacation (Special)
1818	10	2	1979	Amends subsection A of § 2.68.070, subsection B of § 2.16.150 and §§ 2.68.030, 2.68.090 and 2.68.180, salaries for city employees (Repealed by 1997)

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Ord #	2nd Reading Date			Ordinance Description
1819	10	16	1979	Rezone (Special)
1820	10	16	1979	Approves annexation Sugarloaf Estates First Addition
1821	10	16	1979	Annual appropriation for 1980 fiscal year (Special)
1822	10	16	1979	Amends § 7.24.030, refuse collection service (Repealed by 3783)
1823	11	6	1979	Annexation Water Second Addition
1824	11	6	1979	Rezone (Special)
1825	11	6	1979	Approves lease (Special)
1826	12	4	1979	Adds subsection C to § 16.40.100, subdivisions (Repealed by 1914)
1827	12	4	1979	Adds subsection H to § 16.36.030, subdivisions (Title 16)
1828	12	4	1979	Amends subsections C and D of § 13.04.030 and B and C of § 13.08.040, water plant investment fee (13.04, 13.08)
1829	12	4	1979	Zones certain property Sugarloaf Estates First Addition
1830	12	4	1979	Annexation Fairway West Second Addition
1831	12	18	1979	Rezone (Special)
1832	12	18	1979	Rezone (Special)
1833	12	18	1979	Zones certain property Water Second Addition
1834	12	18	1979	Utility easement vacation (Special)
1835	12	18	1979	Annexation Winona Second Addition
1836	12	18	1979	Authorizes application for contract for water use (Special)
1837	12	18	1979	Appropriation (Special)
1838	1	2	1980	Rezone (Special)
1839	1	2	1980	Utility easement vacation (Special)
1840	1	2	1980	Annexation Sugarloaf Estates Second Addition
1841	1	2	1980	Rezone (Special)
1842	1	2	1980	Adds §§ 13.04.035, 13.08.045 and 13.12.136, utility expansion funds (13.04, 13.08, 13.12)
1843	1	15	1980	Annexation Branden Addition
1844	1	15	1980	Rezone (Special)
1845	1	15	1980	Rezone (Special)
1846	2	5	1980	Adds subsection D to § 18.36.020, zoning (18.36)
1847	2	5	1980	Adds subsection S to § 18.16.020, zoning (18.16)
1848	2	5	1980	Zones recently annexed territory Winona Second Addition
1849	2	5	1980	Zones recently annexed territory Branden Addition
1850	2	19	1980	Zones recently annexed territory Fairgrounds Third Addition
1851	2	19	1980	Zones recently annexed territory Sugarloaf Estates Second Addition
1852	2	19	1980	Easement vacation (Special)
1853	2	19	1980	Grants CATV franchise (Special)
1854	2	19	1980	Amends § 9.28.060, loitering (Repealed by 3539)
1855	2	19	1980	Authorizes establishment of plan regarding wages, social security reporting and payment plans for sickness, retirement (Special)
1856	3	4	1980	Zones recently annexed territory Fairway West Second Addition
1857	3	4	1980	Easement vacation (Special)
1858	3	4	1980	Approves annexation Branden Sedond Addition
1859	3	4	1980	Approves annexation Winona Third Addition
1860	3	4	1980	Adds Ch. 9.42, drug paraphernalia (9.42)
1861	3	18	1980	Adds § 13.04.050, water service line maintenance (13.04)

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Ord #	2nd Reading Date			Ordinance Description
1862	3	18	1980	Platte River Power Authority contract (Special)
1863	3	18	1980	Rezone (Special)
1864	3	18	1980	Zones recently annexed territory Winona Third Addition
1865	3	18	1980	Approves annexation Blackbird Knolls Addition
1866	4	1	1980	Adds subsection C to § 13.04.190; amends § 13.04.240, water rates (13.04)
1867	4	1	1980	Amends § 13.08.100 and 13.08.101, water rates (13.08)
1868	4	1	1980	Adopts supplementary budget, authorizes expenditure of funds (Special)
1869	4	1	1980	Zones recently annexed territory (Special)
1870	4	1	1980	Rezone (Special)
1871	4	1	1980	Approves annexation Meadowlark Second Addition
1872	4	1	1980	Approves annexation Herald Square Addition
1873	4	1	1980	Approves annexation Dairy Delite Addition
1874	4	1	1980	Easement vacation (Special)
1875	4	15	1980	Zones recently annexed property Meadowlark Second Addition
1876	4	15	1980	Zones recently annexed property Meadowlark Second Addition
1877	5	6	1980	Annexation Cedar View Addition
1878	5	6	1980	Zones recently annexed property (Special)
1879	5	6	1980	Annexation (Special)
1880	5	20	1980	Adds subsection M to § 18.08.020, subsection M to § 18.12.020, subsection L to § 18.13.030, subsection T to § 18.16.020, subsection T to § 18.20.020 and §§ 18.04.212 and 18.40.025, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.40)
1881	5	20	1980	Zones recently annexed property Dairy Delite Addition
1882	5	20	1980	Property vacation (Special)
1883	5	20	1980	Zones recently annexed property Cedar View Addition
1884	5	20	1980	Annexation Anderson Farm Addition
1885	5	20	1980	Annexation Centennial Shores
1886	5	20	1980	Adds subsection D to § 15.28.020, Uniform Fire Code (Repealed by 4347)
1887	5	20	1980	Bond issue (Special)
1888	5	20	1980	Authorizes lease of office space (Special)
1889	6	3	1980	Property vacation (Special)
1890	6	3	1980	Zones recently annexed property Metric Motors Addition
1891	6	3	1980	Adds § 9.36.030, open display of vinous, spirituous liquors and malt beverages (9.36)
1892	6	17	1980	Zones recently annexed property Anderson Farm Addition
1893	6	17	1980	Creates L.I.D. No. 1980-1 (Special)
1894	6	17	1980	Deletes and replaces §§ 15.04.036 and 15.04.080, inspection and issuance of certificates of occupancy (15.04)
1895	7	1	1980	Amends § 2.60.170, human relations commission (Repealed by 4574)
1896	7	1	1980	Property vacation (Special)
1897	7	1	1980	Zones recently annexed property Centennial Shores Addition
1898	7	1	1980	Annexation Anderson Farm Second Addition
1899	7	15	1980	Adds § 13.04.310; amends § 13.04.190; deletes language from § 13.04.200, water meters (13.04)
1900	7	15	1980	Bonds issuance (Special)
1901	7	15	1980	Land conveyance (Special)

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Ord #	2nd Reading Date			Ordinance Description
1902	7	15	1980	Authorization of lease (Special)
1903	8	5	1980	Zones recently annexed property (Special)
1904	8	5	1980	Annexation Rogers Second Addition
1905	8	19	1980	Annexation Arbor Meadows Addition
1906	9	2	1980	Annexation Famleco Addition
1907	9	2	1980	Zones recently annexed property Arbor Meadows Addition
1908	9	16	1980	Zones recently annexed property Rogers Second Addition
1909	9	16	1980	Rezone (Special)
1910	9	16	1980	Rezone (Special)
1911	10	7	1980	Annexation Shamrock West Addition
1912	10	7	1980	Zones recently annexed property Famleco Addition
1913	10	7	1980	Annexation Cobblestone Addition
1914	10	21	1980	Adds subsection C to § 12.04.010 and T to § 16.04.020; amends §§ 12.20.010, 12.20.060, 16.28.015, 16.40.010 and 16.40.130; deletes §§ 12.20.050, 12.20.070, 12.20.080, 12.20.090, subsections C, D, E, F, G, H, I, J, K and L of § 16.28.020, §§ 16.40.090, 16.40.100, 16.40.110 and 16.40.120, development standards and specifications (12.04, 12.20, Title 16)
1915	10	21	1980	Annual appropriation for 1981 fiscal year (Special)
1916	10	21	1980	Amends § 2.68.030, pay rates for city employees (Repealed by 3017)
1917	10	21	1980	Amends § 7.24.030, rubbish collection fees (Repealed by 3783)
1918	10	21	1980	Amends subsection B of §§ 13.12.150, 13.12.160, 13.12.170 and 13.12.195, electrical rates (Repealed by 3480)
1919	10	21	1980	Rezone (Special)
1920	10	21	1980	Easement vacation (Special)
1921	10	21	1980	Annexation North Lands Addition
1922	10	21	1980	Annexation Creekside First Addition
1923	10	21	1980	Zones recently annexed property Creekside First Addition
1924	10	21	1980	Rezone (Special)
1925	10	21	1980	Zones recently annexed property (Special)
1926	11	4	180	Easement vacation (Special)
1927	11	4	1980	Annexation Denver Avenue 1st Addition
1928	11	18	1980	Annexation Denver Avenue 2nd Addition
1929	11	18	1980	Zones recently annexed property Cobblestone Addition
1930	11	18	1980	Zones recently annexed property Northlands Addition
1931	11	18	1980	Amends § 9.04.010, resisting an officer (9.04)
1932	12	2	1980	Adds § 18.04.127, subsection U to §§ 18.16.020 and 18.20.020, subsection N to § 18.24.020 and subsection W to § 18.28.020, zoning (18.04, 18.16, 18.20, 18.24, 18.28)
1933	12	2	1980	Easement vacation (Special)
1934	12	2	1980	Adds subsections G, H, I and J to § 18.36.010, §§ 18.36.025, 18.36.080 and 18.46.030; amends §§ 18.36.010, 18.36.020, 18.36.060, 18.46.010 and 18.46.020, zoning (18.36, 18.46)
1935	12	2	1980	Zones recently annexed property (Special)
1936	12	2	1980	Annexation Valley Substation Addition
1937	12	2	1980	Adds §§ 2.60.015, 2.60.016 and 2.60.017, boards and commissions (2.60)

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Ord #	2nd Reading Date			Ordinance Description
1938	12	16	1980	Amends subsections C and D of § 13.04.030 and subsections B and C of § 13.08.040, plant investment fees (13.04, 13.08)
1939	12	16	1980	Amends §§ 13.04.240, 13.08.100 and 13.08.101, water and sewer rates and charges (13.04, 13.08)
1940	12	16	1980	Amends subsection B of §§ 13.12.150, 13.12.160, 13.12.170 and 13.12.195, electric rates (Repealed by 3480)
1941	12	16	1980	Authorizes transfer of funds (Special)
1942	12	16	1980	Adds §§ 2.60.180 and 2.60.190, water board (Repealed by 4409)
1943	12	16	1980	Amends subsection G of § 16.24.160 and subdivision 3 of subsection A of § 18.40.020, letter certification (16.24, 18.40)
1944	12	16	1980	Amends §§ 2.60.030 and 2.60.040, museum board (Repealed by 4428)
1945	12	16	1980	Zones recently annexed property Denver Avenue 2nd Addition
1946	1	6	1981	Zones recently annexed property Valley Substation Addition
1947	1	6	1981	Dissolves Lakecrest Sanitary Sewer General Improvement District (Special)
1948	2	17	1981	Application for water use contract (Special)
1949	3	3	1981	Street vacation (Special)
1950	3	17	1981	Annexation Shadow Hills First Addition
1951	4	7	1981	Amends § 16.32.040A, subdivisions (Title 16)
1952	4	7	1981	Confirms and renames subdivision and special review plats (Special)
1953	4	7	1981	Zones recently annexed property Shadow Hills First Addition
1954	4	7	1981	Annexation Shadow Hills Second Addition
1955	4	7	1981	Zones recently annexed property Shadow Hills Second Addition
1956	4	7	1981	Adds §§ 2.60.200, 2.60.210, 2.60.220 and 15.04.155; amends § 15.04.150, construction advisory board; repeals Ch. 2.74 (2.60, 15.04)
1957	4	7	1981	Annexation Seven Lakes North Addition
1958	4	7	1981	Rezone (Special)
1959	4	21	1981	Approves and confirms assessment roll (Special)
1960	4	21	1981	Annexation Emerald Park Addition
1961	4	21	1981	Temporary utility fee modification (Special)
1962	5	5	1981	Amends § 13.08.110, sewer system (13.08)
1963	5	5	1981	Easement vacation (Special)
1964	5	5	1981	Easement vacation (Special)
1965	5	19	1981	Zones recently annexed property Emerald Park Addition
1966	5	19	1981	Provides for exclusion of certain property from general improvement district No. 1 (Special)
1967	6	2	1981	Special bond election (Special)
1968	5	19	1981	Approves and authorizes issuance of Series 1981 bonds (Special)
1969	5	19	1981	Zones recently annexed property Seven Lakes North Addition
1970	6	2	1981	Easement vacation (Special)
1971	6	2	1981	Amends § 2.12.070, council meetings (Repealed by 4505)
1972	6	2	1981	Adds §§ 13.12.174, 13.12.175 and 13.12.176, electricity (Repealed by 3480)
1973	6	2	1981	Adds subsection C to § 7.40.020; amends subsection B of § 7.40.020, fireworks (Repealed by 3070)
1974	6	2	1981	Election to amend §§ 3.16.010, 3.16.020, 3.16.050, 3.16.060, 3.16.070, 3.16.080, 3.16.090 and 3.24.030, revenue and finance (Defeated)
1975	6	2	1981	Rezone (Special)

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Ord #	2nd Reading Date			Ordinance Description
1976	6	2	1981	Easement vacation (Special)
1977	6	16	1981	Easement vacation (Special)
1978	6	16	1981	Annexation Windsong Addition
1979	7	7	1981	Zones recently annexed property Anderson Farms First Subdivision
1980	7	7	1981	Zones recently annexed property Windsong Addition
1981	7	21	1981	Adds §§ 15.10.035, 15.28.150 and 15.44.030; amends Ch. 15.08, §§ 15.04.020, 15.04.040, 15.04.100, 15.04.190, 15.10.020, 15.10.040, 15.12.020, 15.16.010, 15.16.020, 15.20.010, 15.28.010, 15.28.020, 15.28.080 and 15.48.010, buildings and construction; repeals subsections B, C, D, E, G and I of § 1.01.020, portion of § 15.04.030, §§ 15.04.080, 15.04.110, 15.04.130, 15.16.040, 15.20.020F, 15.20.080, 15.28.020 A(r), and portion of § 15.48.020B and Chs. 15.32 and 15.36 (15.04, 15.28)
1982	8	4	1981	Adds § 2.60.230, boards and commissions; repeals §§ 13.16.020 and 13.16.090 (2.60)
1983	8	4	1981	Amends § 13.12.180, electricity (13.12)
1984	8	4	1981	Zones recently annexed property
1985	8	4	1981	Easement vacation (Special)
1986	8	18	1981	Adds §§ 2.40.025 and 2.40.026, division of administrative services (Repealed by 2072)
1987	9	1	1981	Extends modification of fees set forth in §§ 13.04.030, 13.08.040 and 13.12.135 (Repealed by 1990)
1988	9	15	1981	Amends Ch. 7.32, sound limitations; amends § 9.28.010, disturbing the peace; amends § 10.04.0200, traffic code (7.32, 9.28)
1989	9	15	1981	Adds Ch. 9.46, handbills; repeals § 9.44.050 (9.46)
1990	10	6	1981	Amends §§ 13.04.030 and 13.08.040, utilities; repeals Ord. 1987 (13.04, 13.08)
1991	10	20	1981	Bonds issuance (Special)
1992	11	3	1981	Annexation Madison Addition
1993	11	3	1981	Annexation Jefferson Addition
1994	11	3	1981	Zones recently annexed territory Jefferson Addition
1995	11	3	1981	Alley vacation (Special)
1996	11	3	1981	1982 appropriations (Special)
1997	11	3	1981	Amends § 2.68.080, city employee salaries; repeals §§ 2.68.060, 2.68.070, 2.68.080, 2.68.090, 2.68.100, 2.68.120, 2.68.140, 2.68.150, 2.68.160 and 2.68.180 (Not codified)
1998	11	3	1981	Amends § 13.12.135, electricity (Repealed by 3480)
1999	11	3	1981	Amends § 15.08.020E, building code (Repealed by 4348)
2000	11	17	1981	Annexation Vanguard-Famleco First Addition

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Ord #	2nd Reading Date			Ordinance Description
2001	11	17	1981	Zones recently annexed property (Special)
2002	11	17	1981	Adds §§ 18.16.020R and 18.20.020R, zoning (18.16, 18.20)
2003	12	1	1981	Amends § 7.24.030, rubbish (Repealed by 3783)
2004	12	1	1981	Amends §§ 13.12.150B, 13.12.170B, 13.12.180, 13.12.190A and 13.12.195A, electric rates (13.12)
2005	12	1	1981	Amends §§ 13.04.240, 13.08.100 and 13.08.101, water rates and sewer rental charges (13.04, 13.08)
2006	12	1	1981	Issuance of bond anticipation notes (Special)
2007	12	1	1981	Salaries for city manager and city attorney (Special)
2008	12	1	1981	Annexation Vanguard-Famleco Second Addition
2009	12	1	1981	Zones recently annexed property (Special)
2010	12	1	1981	Amends § 18.45.030B and C, zoning (18.45)
2011	12	1	1981	Annexation Mariana First Addition
2012	12	1	1981	Amends § 18.04.410 and Ch. 18.41, zoning (18.04)
2013	12	1	1981	Adds § 18.41.080, zoning (Repealed by 3896)
2014	12	15	1981	Annexation Vanguard-Famleco Third Addition
2015	12	15	1981	Zones recently annexed property (Special)
2016	12	15	1981	Annexation Garfield Height Addition
2017	12	15	1981	Zones recently annexed property (Special)
2018	12	15	1981	Zones recently annexed property (Special)
2019	12	15	1981	Annexation Mariana Second Addition
2020	12	15	1981	Zones recently annexed property (Special)
2021	12	15	1981	Adds to §§ 18.08.040, 18.12.040, 18.13.050, 18.16.040 and 18.20.040; amends § 16.12.015A5, subdivisions and zoning; repeals §§ 18.08.020K, 18.08.090C, 18.12.020K, 18.12.090D, 18.13.030K, 18.13.110C, 18.16.020R, 18.16.110C, 18.20.020R and 18.20.110C (Title 16, 18.08, 18.12, 18.13, 18.16, 18.20)
2022	12	15	1981	Adds to § 2.60.040; amends §§ 2.60.080 and 2.60.230, bonds and commissions; repeals §§ 2.60.050 and 2.60.110 (2.60)
2023	12	15	1981	Rezone (Special)
2024	2	2	1982	Amends § 2.60.080, planning commission (2.60)
2025	2	16	1982	Adds subsection L to § 15.08.020, building code (Repealed by 4348)
2026	2	16	1982	Lease agreement (Special)
2027	3	2	1982	Adds to § 7.36.010, fire protection (7.36)
2028	3	16	1982	Utility easement vacation (Special)
2029	4	6	1982	Amends § 12.20.020, sidewalk construction (12.20)
2030	4	20	1982	Street and utility easement vacation (Special)
2031	4	20	1982	Amends part of § 2.60.170, library board (Repealed by 4574)
2032	4	20	1982	Adds § 12.44.040, parks (12.44)
2033	4	20	1982	Repeals § 9.24.010 (Repealer)
2034	4	20	1982	Adds subsection H to § 18.38.020, zoning (18.38)
2035	4	20	1982	Bond issue (Special)
2036	5	4	1982	Adds subsection C to § 15.28.110, fire code (15.28)
2037	5	18	1982	Adds § 2.60.240, handicapped advisory commission (2.60)
2038	5	18	1982	Adds § 16.36.031, subdivision improvements (Title 16)
2039	6	1	1982	Rezone (Special)

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Ord #	2nd Reading Date			Ordinance Description
2040	6	1	1982	Amends § 13.08.101B1, sewer rates (13.08)
2041	6	1	1982	Adds subsections P and Q to § 10.04.020, subdivisions (Repealed by 3059)
2042	6	1	1982	Adds § 2.60.250, golf advisory board (2.60)
2043	6	1	1982	Repeals and reenacts Chs. 6.04, 6.08 and 6.12; repeals § 18.48.030, animals (Repealed by 4229)
2044	6	15	1982	Rezone (Special)
2045	7	6	1982	Street and easement vacation (Special)
2046	7	20	1982	Street and easement vacation (Special)
2047	7	20	1982	Annexation Mariana Third Addition
2048	7	20	1982	Zones newly annexed territory (Special)
2049	8	3	1982	Intergovernmental agreement for lease of police computer system (Special)
2050	8	17	1982	Adds §§ 18.16.020(V), 18.20.020(V), 18.24.010(V), and 18.28.010(R); amends §§ 18.16.030(A), 18.20.030(A), 18.24.070 and 18.28.070, zoning (18.16, 18.20, 18.24, 18.28)
2051	9	7	1982	License for storage structure in north recreation area (Special)
2052	9	21	1982	Lease of heavy equipment (Special)
2053	9	21	1982	Rezone (Special)
2054	10	19	1982	Sale of park lands (Special)
2055	10	19	1982	Adds Ch. 13.10; repeals §§ 13.08.140 and 13.08.260, wastewater systems (Repealed by 3783)
2056	11	2	1982	1983 appropriations (Special)
2057	11	2	1982	Amends § 2.60.250, golf advisory board (2.60)
2058	11	2	1982	Authorizes addendum to pump station agreement (Special)
2059	11	2	1982	Amends §§ 13.12.150(B), 13.12.160(B) and 13.12.170 (B), electric rates (Repealed by 3480)
2060	11	2	1982	Amends §§ 13.04.240(A) -- (D), 13.08.100(A) -- (E), and 13.08.101(A) and (B), water and sewer rates (13.04, 13.08)
2061	11	16	1982	Adds § 2.24.025, city manager (Repealed by 3779)
2062	11	16	1982	Amends § 9.60.010, concealed weapons permit (9.60)
2063	11	16	1982	Amends § 2.60.060, museum board (Repealed by 4428)
2064	11	16	1982	Adds §§ 13.04.036, 13.04.245, 16.36.030(I) and 16.36.035; amends §§ 16.36.030(A), 16.36.030(C) and 16.36.030(F), raw water rights (13.04, Title 16)
2065	11	16	1982	Amends certain sections of Title 16, subdivisions (Title 16)
2066	12	7	1982	Amends § 2.68.030, salaries of city employees (Repealed by 3017)
2067	12	7	1982	Amends §§ 13.04.030(C) -- (F) and (I) and 13.08.040(B), plant investment fees (13.04, 13.08)
2068	12	7	1982	Lease-purchase agreement for certain vehicles (Special)
2069	12	21	1982	Compensation and fringe benefits for city manager and city attorney (Special)
2070	12	21	1982	Amends § 1 of Ord. 2056, appropriations (Special)
2071	12	21	1982	Amends § 16.36.031(C), subdivisions (Title 16)

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Ord #	2nd Reading Date			Ordinance Description
2072	12	21	1982	Adds § 2.32.020 and Ch. 2.49; amends §§ 2.48.010, 2.68.030E, 2.40.010, 2.40.020 and Ch. 2.50; repeals §§ 2.40.025 -- 2.40.040, 2.48.020 -- 2.48.050, 2.50.020 and 2.50.030, city departments and administration (2.32, 2.40, 2.48, 2.49, 2.50)
2073	1	4	1983	Authorizes city manager to expend funds for 1983 (Special)
2074	1	18	1983	Amends §§ 13.12.080 and 13.12.090, installation of electrical systems (13.12)
2075	2	1	1983	Adds to §§ 13.04.080 and 13.08.080, water and sewer systems (13.04, 13.08)
2076	2	1	1983	Cul-de-sac vacation (Special)
2077	2	2	1983	Cul-de-sac vacation (Special)
2078	2	15	1983	Amends § 15.24.010, electrical code (15.24)
2079	3	1	1983	Amends subsections C and E of § 2.68.030, employee pay plan (Repealed by 3017)
2080	3	15	1983	Rezone (Special)
2081	3	15	1983	Rezone (Special)
2082	3	15	1983	Amends §§ 13.04.270, 13.04.280, 13.12.040 and 13.12.050, utilities (Repealed by 3137)
2083	4	19	1983	Adds §§ 2.70.091 and 2.70.092, pension plan (2.70)
2084	5	3	1983	Easement vacation (Special)
2085	5	3	1983	Amends § 7.24.020B, rubbish (Repealed by 3783)
2086	5	17	1983	Amends § 7.16.050, refuse and trash (Repealed by 4273)
2087	5	17	1983	Adds §§ 5.12.010C, 5.12.012 and 5.12.015; amends §§ 5.12.010, 5.12.020, 5.12.030, 5.12.040 and 5.12.060, vendors and peddlers (Repealed by 4513)
2088	6	7	1983	Street vacation (Special)
2089	6	7	1983	Amends § 12.48.110, airports (12.48)
2090	6	7	1983	Adopts comprehensive disaster plan (2.72)
2091	6	7	1983	Easement vacations (Special)
2092	6	21	1983	Airport authority (Not codified)
2093	6	21	1983	Benefits of police retirement plan (Repealed by 3444)
2094	6	21	1983	Lease-purchase of certain equipment (Special)
2095	6	21	1983	Adds to § 2.68.030B, salaries and pay grades (Repealed by 3017)
2096	7	5	1983	Adds § 12.28.045 and 18.48.040A5, signs (18.48)
2097	7	5	1983	Adds §§ 9.36.040, 9.36.050 and 9.36.060; amends § 9.36.030, liquor consumption and sale (9.36)
2098	7	5	1983	Adds § 12.28.035, special events (12.28)
2099	7	5	1983	Adds to § 2.68.030C and E, salaries and pay grades (Repealed by 3017)
2100-2999			1983	*Numbers not used*
3000	7	5	1983	Street vacation (Special)

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Ord #	2nd Reading Date			Ordinance Description
3001	7	5	1983	Rezone Seven Lakes South Addition
3002	7	5	1983	Street vacation Eagle Drive Somerset park Addition
3003	7	5	1983	Rezone Anderson Farm Addition
3004	7	5	1983	Annexation East First Street Business Park Addition
3005	7	5	1983	Zones East First Street Business Park Addition
3006	7	19	1983	Bonds issuance and sale
3007	7	19	1983	Easement vacation The Aspens
3008	7	19	1983	Rezone Arbors Meadows 1st
3009	8	2	1983	Amends §§ 3.29.010(B), 3.29.020, 3.29.030, 3.29.040(D) and 3.29.050; repeals Ch. 3.28, tax refunds (Repealed by 4465)
3010	8	16	1983	Rezone Seven lakes South Addition
3011	8	16	1983	Easement vacation Seven Lakes Village
3012	8	16	1983	Street and easement vacations Woodmere 4th Subd
3013	9	20	1983	Easement vacation Cherry Hills 10th
3014	9	20	1983	Bonds issuance Health Tech Bldg
3015	10	18	1983	Street and easement vacations Allendale Subd
3016	11	1	1983	Easement vacation South Loveland Industrial park
3017	11	1	1983	Salaries and pay grades; repeals § 2.68.030 (Repealed by 3101)
3018	11	1	1983	Annual appropriation for 1984 fiscal year
3019	11	1	1983	Authorizes expenditure of funds by city manager (Repealed by 3939)
3020	11	15	1983	Amends §§ 13.12.150(B), 13.12.160(B), 13.12.170(B) and the first sentence of § 13.12.140; deletes subsection (A) of § 13.12.180, electric rates (Repealed by 3480)
3021	11	15	1983	Adds to introductory paragraph of § 13.04.030 and subsection (J) to § 13.04.030; amends first line of § 13.04.036, rates set forth in §§ 13.04.240, 13.08.100 and 13.08.101(A) and (B), and amends § 16.36.030(C), water and sewer rates, fees, and charges (13.04, 13.08, Title 16)
3022	11	15	1983	Lease-purchase of certain equipment telephone equipment
3023	12	6	1983	Lease of heavy equipment
3024	12	6	1983	Rezone Hearthstone Addition
3025	12	6	1983	Annexation Franklin Green Addition
3026	12	6	1983	Zones Franklin Green Addition
3027	12	6	1983	Annexation Mill Second Addition
3028	12	6	1983	Zones Mill Second Addition
3029	12	20	1983	Easement vacation Devers Subd
3030	12	20	1983	Amends § 9.36.010, soliciting sale of drinks (9.36)
3031	12	20	1983	Lease of Fort CollinsLoveland Airport
3032	12	20	1983	Amends § 1 of Ord. 3018, annual appropriation
3033	12	20	1983	Adds §§ 7.24.035 and 7.24.036; amends §§ 7.24.020(A) and 7.24.050, rubbish (Repealed by 3783)
3034	12	20	1983	Bonds issuance
3035	12	20	1983	Rezone Windsong Addition
3036	12	20	1983	Alley vacation
3037	12	20	1983	Compensation and fringe benefits for city manager and city attorney
3038	12	20	1984	Street and alley vacations Hearthstone and Northwest Additions
3039	1	3	1984	Annexation Loveland Technological Center Addition
3040	1	3	1984	Zones Loveland Technological Center Addition

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Ord #	2nd Reading Date			Ordinance Description
3041	1	3	1984	Deletes § 9.16.020, hotel rooms (Repealed)
3042	1	3	1984	Adds § 6.04.061, poisoning animals (Repealed by 4229)
3043	1	3	1984	Street vacation Willowbriar II Addition
3044	1	3	1984	Rezone Willowbriar II Addition
3045	1	3	1984	Adds Ch. 16.38, service cost recovery system (Title 16)
3046	2	7	1984	Easement vacation Creekside 1st
3047	2	7	1984	Annexation Creekside Second Addition
3048	2	7	1984	Zoning Creekside Second Addition
3049	2	21	1984	Adds language to § 13.12.135(B), electricity rates (Repealed by 3480)
3050	3	13	1984	Easement vacation Mariana Farms PUD
3051	3	13	1984	Adds § 1.12.020, fines and penalties (1.12)
3052	3	13	1984	Amends Pay Plan (Not codified)
3053	3	13	1984	Amends § 2.60.040, boards and commissions (Repealed by 4428)
3054	4	3	1984	Lease of certain equipment
3055	4	3	1984	Lease of golfcart storage
3056	4	3	1984	Amends § 13.04.250, water service (13.04)
3057	4	3	1984	Adds §§ 13.04.275 and 13.04.276, water service (Repealed by 4395)
3058	4	3	1984	Easement vacation Anderson Farm 1st Subdivision
3059	4	17	1984	Adds subsections P and Q to § 10.04.020; repeals Ord. 2041, traffic code (Repealed by 4212)
3060	4	17	1984	Grants easement Ft. Collins - Loveland Water District
3061	4	17	1984	Grants easement - State of Colorado
3062	4	17	1984	Amends § 12.40.020; repeals §§ 12.40.010 and 12.40.030 -- 12.40.100, recreational facilities (Repealed by 3572)
3063	4	17	1984	Rezone Sugarloaf Estates 2nd Addition
3064	4	17	1984	Annexation Evergreen Addition
3065	4	17	1984	Zones Evergreen Addition
3066	4	17	1984	Annexation Old Stage Coach Road Addition
3067	4	17	1984	Zones Old Stage Coach Road Addition
3068	5	1	1984	Easement vacation Silver Glen Addition
3069	5	1	1984	Repeals §§ 12.48.020 and 12.48.040 -- 12.48.100 (Repealed) Airport
3070	5	1	1984	Amends § 15.28.020(G); repeals Ch. 7.40, fireworks (Repealed by 4347)
3071	5	1	1984	Adds §§ 13.12.095 and 13.12.125; amends §§ 13.12.070, 13.12.090, 13.12.045, 13.12.140, 13.12.230(A) and 13.12.230(D); repeals § 13.12.230(A), electricity (13.12)
3072	5	1	1984	Adds Ch. 10.06, regulation of motor vehicles and traffic (Repealed by 3168)
3073	5	1	1984	Rezone Oskamp 1st Addition
3074	5	1	1984	Rezone Rogers 2nd Addition
3075	5	1	1984	Rezone Willowbriar 2nd
3076	5	15	1984	Annexation Mountain States Addition
3077	5	15	1984	Zones Mountain States Addition
3078	5	15	1984	Bonds issuance Wastewater
3079	5	15	1984	Annexation Allendale Plaza Addition
3080	5	15	1984	Zones Allendale Plaza Addition
3081	5	15	1984	Easement vacation Locust Park 2nd Addition

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Ord #	2nd Reading Date			Ordinance Description
3082	6	5	1984	Amends subsection A of and adds subsection J to § 16.36.030, subdivisions (Title 16)
3083	6	5	1984	Amends § 2 of Ord. 3017, salaries and pay plan (Not codified)
3084	6	16	1984	Issuance of Industrial Development Revenue Bonds
3085	7	3	1984	Easement vacation Sweetbriar Addition
3086	7	3	1984	Rezone Big Thompson Farms Addition
3087	7	3	1984	Rezone St. Louis Addition
3088	7	3	1984	Amends § 3 of Ord. 1775, downtown development authority
3089	7	17	1984	Easement vacation Durango Subdivision
3090	8	7	1984	Amends § 2(E) of Ord. 3017, salaries and pay plan (Not codified)
3091	8	7	1984	Amends § 15.04.010, Ch. 15.08, §§ 15.10.020, 15.10.035(A)(2), 15.12.020, 15.16.010, 15.16.020(A), 15.16.030, 15.16.050, 15.20.010, 15.20.020, 15.20.060, 15.24.010, 15.24.060, 15.24.090, 15.28.010, 15.28.020, 15.48.010 and 15.52.010, uniform codes; repeals Ch. 9.08 (15.04, 15.24)
3092	8	7	1984	Rezone Creekside 2nd
3093	8	7	1984	Easement vacation Creekside 1st
3094	8	7	1984	Repeals and replaces Ch. 3.16, sales and use tax; repeals Ch. 3.24 (3.16)
3095	8	21	1984	Amends §§ 16.24.170 and 18.40.030(C); repeals §§ 16.24.160 and 18.40.020(A) (3), subdivisions and zoning (Title 16, 18.40)
3096	8	21	1984	Amends §§ 18.13.050, 18.16.040 and 18.20.040; repeals language in §§ 18.08.040 and 18.12.040, zoning (18.13, 18.16, 18.20)
3097	9	18	1984	Adds §§ 13.12.155, 13.12.171 and 13.12.235; amends §§ 13.12.135, 13.12.140, 13.12.150, 13.12.160, 13.12.170, 13.12.190, 13.12.195 and 13.12.200; repeals § 13.12.180, electricity (13.12)
3098	9	18	1984	Grants easement Palmer Garden
3099	9	18	1984	Annexation Mineral Addition
3100	11	6	1984	Includes lands in the municipal subdistrict, Northern Colorado Water Conservancy district
3101	11	6	1984	Salaries and pay grades; repeals Ord. 3017 (Repealed by 3225)
3102	11	6	1984	Annual appropriation for 1985 fiscal year
3103	11	20	1984	Adds §§ 18.24.010(W) and 18.28.010(S); repeals §§ 18.24.020(G) and 18.28.020(R), zoning (18.24, 18.28)
3104	11	20	1984	Amends Unit Development Procedures, Standards and Guidelines
3105	11	20	1984	Bond issuance Industrial Developing Revenue
3106	11	20	1984	Easement vacation (Repealed by 3130) 287 LTD
3107	11	20	1984	Rezone Suncreek 287 LTD.
3108	11	20	1984	Annexation Wheeler Addition
3109	11	20	1984	Zones Wheeler Addition
3110	12	4	1984	Annexation Kings Corner Addition (Repealed by 3115)
3111	12	4	1984	Zones Kings Corner Addition (Repealed by 3116)
3112	12	4	1984	Amends §§ 13.04.240, 13.08.100 and 13.08.101(A) and (B), water rates and sewer rental charges (Repealed by 3117)
3113	12	4	1984	Annexation Centennial Shores Second Addition (Repealed by 3118)
3114	12	4	1984	Zones Centennial Shores Second Addition (Repealed by 3119)
3115	12	18	1984	Annexation Kings Corner Addition; repeals Ord. 3110
3116	12	18	1984	Zones Kings Corner Addition

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Ord #	2nd Reading Date			Ordinance Description
3117	12	18	1984	Amends §§ 13.04.240, 13.08.100 and 13.08.101(A) and (B), water rates and sewer rental charges (13.04, 13.08)
3118	12	18	1984	Annexation Centennial Shores Second Addition (Repealed by 3118)
3119	12	18	1984	Zones Centennial Shores Second Addition
3120	12	18	1984	Amends subsection H of Ord. 3101, salaries and pay grades
3121	12	18	1984	Compensation and fringe benefits for city manager and city attorney
3122	1	2	1985	Utility easement vacation Northwest Nine Subd
3123	1	2	1985	Bond issuance
3124	1	2	1985	Amends § 2.60.070, library board (Repealed by 4381)
3125	1	15	1985	Grants easement Golf Course 2nd
3126	1	15	1985	Rezone Ridgeview North Addition
3127	2	5	1985	Easement vacation Northwest Nine Subd
3128	2	19	1985	Easement vacation
3129	2	19	1985	Lease-purchase agreement
3130	3	5	1985	Easement vacation; repeals Ord. 3106 287 LTD
3131	3	19	1985	Annexation Happiness Plaza Fourth Addition
3132	3	19	1985	Zones Happiness Plaza Fourth Addition
3133	3	19	1985	Annexation Namaqua Hills Addition
3134	3	19	1985	Zones Namaqua Hills Addition
3135	3	19	1985	Annexation Koldeway Insustrial Addition
3136	3	19	1985	Zones Koldeway Insustrial Addition
3137	4	2	1985	Adds new Ch. 13.02; amends § 13.12.060; repeals §§ 13.04.270, 13.04.280, 13.04.300, 13.12.030, 13.12.040 and 13.12.050, utility billing (13.02, 13.12)
3138	4	2	1985	Amends subsections (C)(1), (2) and (3) of § 13.04.030, subsections B(l) and B(2) of § 13.08.040, utility billing (13.04, 13.08)
3139	4	16	1985	Amends subsection 2(E) of Ord. 3101, salaries and pay grade
3140	4	16	1985	Supplemental appropriation Adult Athletic Field
3141	4	16	1985	Annexation Brownview First Addition
3142	4	16	1985	Zoning Brownview First Addition
3143	4	16	1985	Easement vacation South Loveland Industrial park
3144	4	16	1985	Easement vacation Happiness Plaza 2 & 4 Additions
3145	4	16	1985	Rezone Loch Low 13th
3146	4	16	1985	Bond issuance Water
3147	5	7	1985	Rezone Big Thompson Farms Addition
3148	5	7	1985	Alley vacation Thomlinson Subd
3149	5	7	1985	Annexation Boyd Lake First Addition
3150	5	7	1985	Zones Boyd Lake First Addition
3151	5	7	1985	Annexation Messon Addition
3152	5	7	1985	Zones Messon Addition
3153	5	7	1985	Bond issuance Electric Revenue Bonds
3154	5	21	1985	Annexation Boyd Lake North First Addition
3155	5	21	1985	Zones Boyd Lake North First Addition
3156	5	21	1985	Annexation Hadley Addition
3157	5	21	1985	Zones Hadley Addition
3158	5	21	1985	Rezone Sylmar 3rd
3159	5	21	1985	Alley vacation Sweetheard Acres
3160	5	21	1985	Alley vacation Boyd Addition

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Ord #	2nd Reading Date			Ordinance Description
3161	5	21	1985	Easement vacation Northwest Nine Subd
3162			1985	Easement vacation Lakeside Terrace
3163			1985	Rezone Creekside 2nd Addition
3164	5	21	1985	Amends §§ 18.24.010, 18.24.020 and 18.28.010; repeals § 18.24.020(H), zoning (18.24, 18.28)
3165	5	21	1985	Adds § 2.12.015, council meetings (2.12)
3166	5	21	1985	General obligation water refunding bonds
3167	5	21	1985	Adds subsection R to § 10.04.020, traffic code (Repealed by 4212)
3168	5	21	1985	Adds subsection S to § 10.04.040, traffic code; repeals § 10.06.010 (Repealed by 4212)
3169	5	21	1985	Adds §§ 13.12.091, 13.12.096 and 13.12.098; repeals §§ 13.12.090 and 13.12.095, electricity (13.12)
3170	5	21	1985	Adds §§ 2.60.260 and 2.60.270, boards and commissions (2.60)
3171	6	4	1985	Annexation Franklin Green Addition
3172	6	4	1985	Zones Franklin Green Addition
3173	6	4	1985	Easement vacation Sunny Acres Addition
3174	6	4	1985	Easement vacation Woodmere Addition
3175	6	4	1985	Annexation Silver Lake 13th Addition
3176	6	4	1985	Zones Silver Lake 13th Addition
3177	6	4	1985	Street vacation Sylmar 3rd Subd
3178	6	4	1985	Amends Ord. 3153, bond issuance Electric Revenue
3179	6	18	1985	Easement vacation Sugarloaf Estates
3180	6	18	1985	Rezone Big Thompson Farms Addition
3181	6	18	1985	Issues industrial revenue bonds
3182	7	2	1985	Rezone Everitt Additon
3183	7	2	1985	Amends §§ 9.36.030 and 9.36.050 A, intoxication (9.36)
3184	7	2	1985	Amends § 13.04.030 (F), water rates (13.04)
3185	7	2	1985	Adds Ch. 7.40, smoking in public places (7.40)
3186	8	6	1985	Amends § 15.08.020 (T), Uniform Building Code (Repealed by 4348)
3187	8	6	1985	Amends § 13.08.010, sewer connections (13.08)
3188	8	6	1985	Annexation Shade Tree Park First Addition
3189	8	6	1985	Zones Shade Tree Park First Addition
3190	8	6	1985	Annexation Westview Second Addition
3191	8	6	1985	Zones Westview Second Addition
3192	8	6	1985	Rezone Crestview 2nd Subd
3193	8	6	1985	Vacation Crestview Subd
3194	8	20	1985	Annexation Evanbrier First Addition
3195	8	20	1985	Zones Evanbrier First Addition
3196	8	20	1985	Annexation Shade Tree Park Second Addition
3197	8	20	1985	Zones Shade Tree Park Second Addition
3198	8	20	1985	Rezone Silver Glen Addition
3199	8	20	1985	Amends § 18.40.020 (A)(2), Use by Special Review (Repealed by 3617)
3200	8	20	1985	Adds §§ 18.24.010 (Y) and 18.28.010 (U), zoning (18.24, 18.28)
3201	8	20	1985	Amends §§ 5.36.010, Colorado Beer and Liquor Code; repeals § 5.36.020 (5.36)
3202	9	3	1985	Annexation Shade Tree Park Third Addition
3203	9	3	1985	Zones Shade Tree Park Third Addition

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Ord #	2nd Reading Date			Ordinance Description
3204	9	3	1985	Rezone 287 LTD Sun Creek Subd
3205	9	3	1985	Adds § 6.12.085; amends § 6.12.080, dogs (Repealed by 4229)
3206	9	17	1985	Annexation Shade Tree Park Fourth Addition
3207	9	17	1985	Zones Shade Tree Park Fourth Addition
3208	9	17	1985	Adds Ch. 12.30; amends §§ 12.28.030 and 12.28.035, street (12.28, 12.30)
3209	9	17	1985	Amends Ch. 12.16, excavations (12.16)
3210	9	17	1985	Adds §§ 18.08.020 (N) and 18.12.020 (N), zoning (18.08, 18.12)
3211	10	1	1985	Vacation California 1st Subd
3212	10	1	1985	Vacation West Industrial Addition
3213	10	1	1985	Rezone Loveland Heights Addition
3214	10	1	1985	Adds Ch. 12.60, art in public places (12.60)
3215	10	1	1985	Adds § 2.60.260, visual arts commission (Repealed by 3227)
3216	10	15	1985	Vacation Happiness Plaza 3rd
3217	10	15	1985	Vacation Silver Glen Addition
3218	11	5	1985	Annexation Emerald Park Second Addition
3219	11	5	1985	Zones Emerald Park Second Addition
3220	11	5	1985	Zones Creekside 1st Addition
3221	11	5	1985	Adds § 9.04.030, obstructing justice (9.04)
3222	11	5	1985	Adds §§ 3.16.020 E, 3.16.070 K and L, 3.16.092 and 3.16.094; amends § 3.16.020 B, sales and use tax (3.16)
3223	11	5	1985	Easement vacation Meadow lark 2nd Addition
3224	11	5	1985	Easement vacation Evergreen Addition
3225	11	19	1985	Salaries and pay grades; repeals Ord. 3101 (Repealed by 3346)
3226	11	19	1985	Alley vacation
3227	11	19	1985	Adds § 2.60.280, visual arts commission; repeals Ord. 3215 (2.60)
3228	11	19	1985	Easement vacation Creekside 1st Addition
3229	12	3	1985	Rezone Big Thompson Farms Addition
3230	12	3	1985	Beneficial water use for Northern Colorado Water Conservation District
3231	12	3	1985	Annual appropriation for 1986 fiscal year
3232	12	3	1985	Annexation Ridgeview North Second Addition
3233	12	3	1985	Rezone Ridgeview North Fourth Subd
3234	12	3	1985	Rezone Ridgeview North Second Addition
3235	12	17	1985	Annexation Civic Center Addition
3236	12	17	1985	Rezone Civic Center Addition
3237	12	17	1985	Street and alley vacation
3238	12	17	1985	Annexation Browns Corner Addition
3239	12	17	1985	Zoning Browns Corner Addition
3240	12	17	1985	Compensation and fringe benefits for city manager and city attorney
3241	1	7	1986	Alley Vacation Cooper Addition
3242	1	7	1986	Authorizes the exchange of certain real property
3243	1	7	1986	Annexation Llama First Addition
3244	1	7	1986	Zones Llama First Addition
3245	1	7	1986	Annexation Boyd Lake Industrial Park First Addition
3246	1	7	1986	Zones Boyd Lake Industrial Park First Addition
3247	1	7	1986	Annexation Loomis Addition
3248	1	7	1986	Zones Loomis Addition

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Ord #	2nd Reading Date			Ordinance Description
3249	1	21	1986	Annexation Llama Second Addition
3250	1	21	1986	Zones Llama Second Addition
3251	1	21	1986	Annexation Boyd Lake Industrial Park Second Addition
3252	1	21	1986	Zones Boyd Lake Industrial Park Second Addition
3253	2	4	1986	Annexation North Taft First Addition
3254	2	4	1986	Zones North Taft First Addition
3255	2	4	1986	Rezone Anderson Farm 3rd Subd
3256	2	18	1986	Annexation North Taft Second Addition
3257	2	18	1986	Zones newly annexed territory
3258	2	18	1986	Annexation Dry Creek Addition
3259	2	18	1986	Zones newly annexed territory
3260	2	18	1986	Rezone Brown's Corner Addition
3261	2	18	1986	Rezone Shade Tree park 3rd & 4th Additions
3262	3	18	1986	Easement vacation The Village PUD
3263	3	18	1986	Adds § 16.16.031, preliminary subdivision maps (Title 16)
3264	3	18	1986	Annexation Allard 2nd Addition
3265	3	18	1986	Zones Allard 2nd Addition
3266	3	18	1986	Adds § 2.60.290, city beautification board (Repealed by 3627)
3267	4	15	1986	Adds § 2.68.040, employee benefit fund (2.68)
3268	4	15	1986	Amends §§ 2.70.092 and 2.70.110, police retirement plan (2.70)
3269	4	15	1986	Authorizes a lease-purchase agreement
3270	5	6	1986	Rezone Sprenger Subd
3271	5	6	1986	Rezone Everett's Addition
3272	5	20	1986	Annexation West Side Ambulance/Service Center Addition
3273	5	20	1986	Zones West Side Ambulance/Service Center Addition
3274	5	20	1986	Easement vacation Creekside 1st Addition
3275	6	3	1986	Annexation Ryan Gulch First Addition
3276	6	3	1986	Zones Ryan Gulch First Addition
3277	6	3	1986	Easement vacation Ponds Addition
3278	6	3	1986	Subdivision vacation Maple Subdivision
3279	6	3	1986	Street vacation Harrisburg Avenue Loveland Business Plaza 1st
3280	6	3	1986	Easement vacation Stephenson Subd
3281	6	3	1986	Amends § 18.48.040(E), zoning (Repealed by 3609)
3282	6	3	1986	Amends § 18.12.020(J), zoning (18.12)
3283	6	16	1986	Annexation Barnstorm First Addition
3284	6	16	1986	Zones Barnstorm First Addition (Repealed by 3292)
3285	6	16	1986	Amends §§ 13.12.091 and 13.12.096, electricity (Repealed by 3295)
3286	6	16	1986	Amends first sentence of § 7.24.030, rubbish (Repealed by 3296)
3287	6	16	1986	Appropriation (Repealed by 3297) Mosquito Control
3288	6	16	1986	Amends pay plan (Repealed by 3298)
3289	6	16	1986	AnnexationWindemere IV Addition (Repealed by 3299)
3290	6	16	1986	Zones Windemere IV Addition (Repealed by 3300)
3291	7	1	1986	Annexation Barnstorm First Addition; repeals Ord. 3283
3292	7	1	1986	Zones Barnstorm First Addition; repeals Ord. 3284
3293	7	15	1986	Annexation Barnstorm Second Addition
3294	7	15	1986	Zones Barnstorm Second Addition
3295	7	1	1986	Amends §§ 13.12.091 and 13.12.096; repeals Ord. 3285, electricity (13.12)

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Ord #	2nd Reading Date			Ordinance Description
3296	7	1	1986	Amends first sentence of § 7.24.030; repeals Ord. 3286, rubbish (Repealed by 3783)
3297	7	1	1986	Appropriation; repeals Ord. 3287 Mosquito Control
3298	7	1	1986	Amends pay plan; repeals Ord. 3288
3299	7	1	1986	Annexation Windemere IV Addition; repeals Ord. 3289
3300	7	1	1986	Zones Windemere IV Addition; repeals Ord. 3290
3301	7	1	1986	Zones Creekside 1st Addition
3302	7	1	1986	Street vacation Golf Course 2nd and Cherry Hills 5th
3303	7	1	1986	Rezone golf course 2nd Addition
3304	7	1	1986	Alley vacation Damke & Hanks Additions
3305	7	15	1986	Annexation Carothers Addition
3306	7	15	1986	Zones Carothers Addition
3307	7	15	1986	Annexation Creekside Third Addition
3308	7	15	1986	Zones Creekside Third Addition
3309	7	15	1986	Alley vacation Ackelbein Additon
3310	7	15	1986	Easement vacation Woodmere 4th and 5th Subd
3311	7	15	1986	Rezone Big Thompson Farms Addition
3312	8	5	1986	Issuance of industrial revenue bonds
3313	8	5	1986	Tabled
3314	8	5	1986	Amends Ord. 2092, airport authority (Not codified)
3315	8	5	1986	Amends subsection (C)(1) -- (C)(3) of § 13.04.030, (A) -- (D) of § 13.04.240, (B)(1) and (B)(2) of § 13.08.040, and §§ 13.08.100 and 13.08.101; repeals § 13.08.041, utilities (13.04, 13.08)
3316	8	5	1986	Easement vacation Meadow Lark 2nd Addition
3317	8	19	1986	Alley vacation McKee Heights and Lincoln Place Additions
3318	8	19	1986	Lot and easement vacation Chaney Rice Addition
3319	9	16	1986	Adds subsection S to § 10.04.020, backing of vehicles (Repealed by 4212)
3320	9	16	1986	Amends § 13.12.110, tampering with electric meters (Repealed by 3480)
3321	9	16	1986	Bond issuance
3322	9	16	1986	Rezone North Taft 1st & 2nd Addition
3323	9	16	1986	Annexation Loveland/Fort Collins Limited Partnership Addition
3324	9	16	1986	Zones Loveland/Fort Collins Limited Partnership Addition
3325	10	7	1986	Easement vacation Cetennial Shores Addition
3326	10	7	1986	Amends (E)(1) of § 16.38.020, collection of capital expansion fees (Title 16)
3327	10	7	1986	Amends language of Ords. 1988, 3167, 3168 and 3183 (Not codified)
3328	10	7	1986	Adds §§ 13.04.032, 13.08.042, 13.12.137 and 16.38.022, credit for utility plant improvement fees (13.04, 13.08, Title 16)
3329	10	7	1986	Annexation Myers Group Partnership No. 949 Addition
3330	10	7	1986	Zones Myers Group Partnership No. 949 Addition
3331	10	7	1986	Annexation Willowplace 1st Addition
3332	10	7	1986	Zones Willowplace 1st Addition
3333	11	4	1986	Alley vacation Lincoln Place Addition
3334	11	4	1986	Easement vacation Cetennial Shores 2nd Addition

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Ord #	2nd Reading Date			Ordinance Description
3335	11	4	1986	Adds § 15.04.032, amends §§ 15.08.010, 15.08.020, 15.10.020, 15.12.020, 15.16.010, 15.20.010, 15.24.010, 15.24.090, 15.28.010, 15.28.020 (D), 15.44.010, 15.48.010 and 15.52.010, and repeals § 1.01.020, uniform codes (15.04, 15.24)
3336	11	4	1986	Annexation Ron Thomas Addition
3337	11	4	1986	Zones Ron Thomas Addition
3338	11	4	1986	Amends § 9.36.020, open display of alcoholic beverages (9.36)
3339	11	4	1986	Amends § 9.32.010 (F), disorderly conduct (9.32)
3340	11	4	1986	Amends § 9.48.010, trespassing on private or public property (9.48)
3341	11	4	1986	Budget appropriation Service center
3342	11	4	1986	Budget appropriation Risk management
3343	11	4	1986	Budget appropriation Warehouse Operations Fund
3344	11	4	1986	Budget appropriation Vehivle Mtnc
3345	11	4	1986	Annual appropriation for 1987 fiscal year
3346	11	4	1986	Salaries and pay grades; repeals Ord. 3225 (Repealed by 3464)
3347	11	18	1986	Amends § 18.42.010, off street parking (18.42)
3348	11	18	1986	Adds § 18.40.015, special review uses (Repealed by 3617)
3349	11	18	1986	Amends § 18.04.212 (B), group care faciliites (18.04)
3350	11	18	1986	Annexation Longview-Midway 1st Addition
3351	11	18	1986	Zones Longview-Midway 1st Addition
3352	12	9	1986	Annexation East Loveland Industrial Addition
3353	12	9	1986	Zones East Loveland Industrial Addition
3354	11	18	1986	Rezone Big Thompson Farms Addition
3355	11	18	1986	Rezone Big Thompson Farms Addition
3356	11	18	1986	Rezone Mariana 3rd Addition
3357	11	18	1986	Rezone Marianna Farms 4th Addition
3358	11	18	1986	Annexation Nugent Addition
3359	11	18	1986	Zones Nugent Addition
3360	12	9	1986	Amends first sentence of § 7.24.030, rubbish collection fees and charges (Repealed by 3783)
3361	12	9	1986	Repeals § 16.36.030 (J)(5), water rights (Title 16)
3362	12	9	1986	Annexation Longview-Midway 2nd Addition
3363	12	9	1986	Zones Longview-Midway 2nd Addition
3364	12	16	1986	Annexation Max Moore Addition
3365	12	16	1986	Zones Max Moore Addition
3366	1	6	1987	Annexation Longview-Midway 3rd Addition
3367	1	6	1987	Zones Longview-Midway 3rd Addition
3368	1	6	1987	Adds § 1.12.030, failure to obey summons or notice (1.12)
3369	1	6	1987	Amends § 10.04.020, Model Traffic Code (Repealed by 4212)
3370	1	6	1987	Amends subsections (A)(2) and (A)(3) of §§ 13.12.175 and 13.12.176, electric power rates (Repealed by 3480)
3371	1	6	1987	Adds § 13.12.180, surcharge on electric rates for newly annexed areas (Repealed by 3480)
3372	1	6	1987	Zones Everett's Addition
3373	1	6	1987	Annexation Fogle Addition
3374	1	6	1987	Zones Fogle Addition
3375	1	6	1987	Annexation Messon 2nd Addition
3376	1	6	1987	Zones Messon 2nd Addition

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Ord #	2nd Reading Date			Ordinance Description
3377	1	6	1987	Adds §§ 16.38.025, 16.38.026 and 16.38.027, and amends § 16.38.020 (A)(2) and (5), capital expansion fees for industrial development (Title 16)
3378	1	20	1987	Annexation Longview- Midway 4th Addition
3379	1	20	1987	Zones Longview- Midway 4th Addition
3380	1	20	1987	Annexation Airpark North Addition
3381	1	20	1987	Zones Airpark North Addition
3382	1	20	1987	Amends § 13.04.245 (B), excess use water surcharge (13.04)
3383	1	20	1987	Adds § 18.04.375, zoning (18.04)
3384	1	20	1987	Amends § 2.60.240, handicapped advisory committee (2.60)
3385	1	20	1987	Amends § 2.60.010, appointments of members of boards and commissions (2.60)
3386	1	20	1987	Amends § 18.60.010 (A), zoning (18.60)
3387	1	20	1987	Annexation Thornburg/Hamilton Addition
3388	1	20	1987	Zones Thornburg/Hamilton Addition
3389	2	3	1987	Amends first sentence of § 12.48.110, aircraft operation (12.48)
3390	2	3	1987	Zones Northlands Addition
3391	2	17	1987	Adds § 13.04.245 (D)(4) and (5), water service (13.04)
3392	2	17	1987	Compensation and fringe benefits for city attorney (Not codified)
3393	2	17	1987	Amends § 2.60.180, water board (Repealed by 4409)
3394	3	3	1987	Annexation Rocky Mountain Plaza 2nd Addition
3395	3	3	1987	Zones Rocky Mountain Plaza 2nd Addition
3396	3	3	1987	Adds § 2.04.015, elections (2.04)
3397	3	17	1987	Annexation Sherri-Mar 6th Addition
3398	3	17	1987	ZonesSherri-Mar 6th Addition
3399	4	7	1987	Annexation Imperial Ridge 1st Addition
3400	4	7	1987	Zones Imperial Ridge 1st Addition
3401	4	7	1987	Compensation and fringe benefits for city manager (Not codified)
3402	4	7	1987	Easement vacation South Loveland Industrial Park
3403	4	7	1987	Rezone Sugarloaf Estates East Subd
3404	4	21	1987	Street vacation Taft Avenue Allard 2nd Addition
3405	4	21	1987	Compensation and fringe benefits for municipal judge (Not codified)
3406	4	21	1987	Elects to include lands in the Northern Colorado Water Conservancy District (Not codified)
3407	4	21	1987	Supplementary appropriation 1: Rollover
3408	4	21	1987	Supplementary appropriation 2: Hafield/Chilson Recreation Senior Cntr
3409	4	21	1987	Supplementary appropriation 3: Various
3410	4	21	1987	Amends § (2)(D) of Ord. 3346, salaries and pay grades
3411	5	5	1987	Street vacation Lakemont Subd Benson Addition
3412	5	5	1987	Authorizes issuance of health care facility refunding revenue bonds
3413	5	19	1987	Alley vacation Kilburn West Side Addition
3414	5	19	1987	Alley vacation Original Town
3415	5	19	1987	Annexation Centennial Park 2nd Addition
3416	5	19	1987	Zones Centennial Park 2nd Addition
3417	5	19	1987	Amends § 6.12.010, dogs (6.12)
3418	6	2	1987	Amends § 15.24.090, electrical wiring permit fees (15.24)
3419	6	2	1987	Amends Ord. 3346, salaries and pay grades

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Ord #	2nd Reading Date			Ordinance Description
3420	6	2	1987	Adds Ch. 13.18; amends §§ 3.29.010 and 13.02.010, stormwater management (13.02, 13.18)
3421	6	15	1987	Adds § 18.24.010(Z); amends §§ 18.24.030 and 18.24.070(A), zoning (18.24)
3422	6	15	1987	Amends unit development procedures, standards and guidelines (Not codified)
3423	6	15	1987	Adds Ch. 10.28, removal, storage and disposal of abandoned and illegally parked motor vehicles; repeals Ch. 7.28 (10.28)
3424	6	15	1987	Annexation Capital Pond Addition
3425	6	15	1987	Zones Capital Pond Addition
3426	7	7	1987	Amends § 7.36.010, fire protection (7.36)
3427	7	7	1987	Adds subsections (D) and (E) to § 15.28.110, Uniform Fire Code (15.28)
3428	7	7	1987	Zones Max Moore Addition
3429	7	7	1987	Approves fairground lease agreement
3430	7	7	1987	Amends § (2)(D) of Ord. 3346, salaries and pay grades
3431	7	7	1987	Rezone Brownview 1st Addition
3432	7	7	1987	Annexation Great Western 1st Addition
3433	7	7	1987	Zones Great Western 1st Addition
3434	7	21	1987	Amends §§ 2.32.010, 2.32.020, 2.50.010 and 13.12.010, electric department (2.32, 2.50, 13.12)
3435	7	21	1987	Creates 29th Street special improvement district
3436	8	4	1987	Amends §§ 13.04.290 and 13.08.110, utilities (13.04, 13.08)
3437	8	18	1987	Adds Ch. 7.28, removal and disposal of abandoned property other than motor vehicles (7.28)
3438	8	18	1987	Street vacation Garfield Avenue Derby Addition
3439	9	1	1987	Adds §§ 18.04.340.5, 18.24.010(AA) and 18.28.010 (V), zoning (18.04, 18.21, 18.28)
3440	9	1	1987	Amends § 18.45.020, zoning Floodplain Regulations (18.45)
3441	9	1	1987	Adds §§ 15.14.005, 15.14.020(X) through (AJ), 15.14.040(D), 15.14.050(B)(4) and (5), 15.14.072 and 15.14.074; amends §§ 15.14.010, 15.14.020 (introductory sentence and subsections (I), (P), (Q), (R) and (V)), 15.14.060 and 15.14.070(A) and (B), floodplain building code (15.14)
3442	9	1	1987	Street vacation Duffield Avenue
3443	9	1	1987	Repeals Ch. 10.12 (Repealer)
3444	9	1	1987	Repeals § 2.70.110 (Repealer)
3445	9	15	1987	Utility easement vacation Summerset Park Addition
3446	9	15	1987	Access easement vacation Loveland Country Club 4th Subd
3447	9	15	1987	Creates West Railroad Avenue and Second Street Southwest special improvement district
3448	10	6	1987	Annexation Hach Addition
3449	10	6	1987	Zones Hach Addition
3450	10	6	1987	Annexation Collins Plating Addition
3451	10	6	1987	Zones Collins Plating Addition
3452	10	6	1987	Compensation of city council members (Not codified)
3453	10	6	1987	Street vacation Lake drive Lake Park Addition
3454	10	20	1987	Annexation Loveland Lumber 1st Addition

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Ord #	2nd Reading Date			Ordinance Description
3455	10	20	1987	Zones Loveland Lumber 1st Addition
3456	10	20	1987	Amends § 2, subsection D, Schedule IV of Ord. 3346, salaries and pay grades
3457	10	20	1987	Compensation and fringe benefits for city manager
3458	10	20	1987	Amends § 13.18.110, storm-water management (13.18)
3459	10	20	1987	Amends Ord. 3435, 29th Street special improvement district
3460	11	3	1987	Alley vacation Stoner, Stoner 2nd and California Additions
3461	11	3	1987	Utility easement vacation Windsong
3462	11	3	1987	Amends § 2.44.110, police alarm systems (2.44)
3463	11	3	1987	Annual appropriation 1988
3464	11	3	1987	Salaries and pay grades; repeals Ord. 3346 (Repealed by 3546)
3465	11	3	1987	Annexation Brookfield Village Addition
3466	11	3	1987	Zones Brookfield Village Addition
3467	11	17	1987	Adds § 18.04.126; amends §§ 18.04.440, 18.08.040, 18.12.040, 18.13.050, 18.16.040 and 18.20.040, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20)
3468	12	1	1987	Amends § 9.60.020, weapons discharge (9.60)
3469	12	1	1987	Adds § 10.04.020(W), vehicles and traffic (Repealed by 4212)
3470	12	1	1987	Adds § 10.04.020(V), motor vehicle safety belts (Repealed by 4212)
3471	12	1	1987	Amends § 10.04.020(F), bicycle licenses (Repealed by 4212)
3472	12	1	1987	Amends § 15.08.020(J), Uniform Building Code (Repealed by 4348)
3473	12	1	1987	Amends § 18.40.025, zoning (Repealed by 3617)
3474	12	1	1987	Rezone Grosboll Addition
3475	12	17	1987	Utility and drainage easement vacation Ridgewood Subd
3476	12	17	1987	Alley vacation Sprenger Addition
3477	12	17	1987	Annexation Willowbriar 3rd Addition
3478	12	17	1987	Zones Willowbriar 3rd Addition
3479	12	17	1987	Rezone Willowbriar II Addition
3480	12	17	1987	Adds § 13.12.131; amends § 2.50.010 and Ch. 13.12, electric department and rates; repeals §§ 13.12.045, 13.12.060, 13.12.110, 13.12.125, 13.12.130, 13.12.135, 13.12.137, 13.12.140, 13.12.150 through 13.12.180, 13.12.195 and 13.12.230 (2.50, 13.12)
3481	1	5	1988	Adds §§ 15.08.020(U) and (V), 18.04.371 and Ch. 18.47; amends §§ 15.04.010, 18.40.020, 18.41.060 and 18.46.010, parks and recreation (15.04, 18.04, 18.40, 18.46, 18.47)
3482	1	5	1988	Adds § 2.60.300, parks and recreation commission; repeals Ch. 2.64 (2.60)
3483	1	5	1988	Compensation and fringe benefits for city manager (Not codified)
3484	1	5	1988	Compensation and fringe benefits for city attorney (Not codified)
3485	1	5	1988	Annexation Buck 1st Addition
3486	1	5	1988	Zones Buck 1st Addition
3487	1	5	1988	Annexation Buck 2nd Addition
3488	1	5	1988	Zones Buck 2nd Addition
3489	2	19	1988	Authorizes lease-purchase agreement
3490	1	20	1988	Amends § 6.04.030, animal disturbances (Repealed by 4229)
3491	2	16	1988	Amends § 16.08.110, subdivisions (Title 16)
3492	2	16	1988	Amends §§ 2.60.080 and 2.60.090, boards and commissions (2.60)

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Ord #	2nd Reading Date			Ordinance Description
3493	2	16	1988	Adds language to § 16.12.120(C), adds §§ 16.16.080, 18.04.040(C) and 18.40.020(A)(3); adds (C) to, amends (B) of and repeals the second sentence from (A) of § 18.64.020; amends §§ 16.08.080(A), 16.16.070, 16.24.010, 18.40.030(E) and 18.60.030(A) and (D); repeals (B) from § 16.08.090, subdivisions and zoning (Title 16, 18.04, 18.40, 18.60, 18.64)
3494	3	1	1988	Easement vacation Sunny Acres 2nd Addition
3495	3	1	1988	Rezone Rogers 2nd Addition
3496	3	1	1988	Easement vacation Rogers 2nd Addition
3497	3	1	1988	Amends §§ 2.60.180 and 2.60.190, boards and commissions (Repealed by 4409)
3498	3	15	1988	Salary and fringe benefits for municipal judge (Not codified)
3499	3	15	1988	Amends (A) of and deletes language from (B) of § 6.12.040, dogs (Repealed by 4229)
3500	4	5	1988	Adds (C) and (D) to § 18.60.010, zoning (18.60)
3501	4	5	1988	Adds Ch. 18.72, Vested property rights zoning (18.72)
3502	4	5	1988	Adds (F) to § 15.20.020, uniform plumbing code (Repealed by 4348)
3503	4	5	1988	Approves improvement costs and assessment roll for 29th Street special improvement district
3504	4	19	1988	Amends § 7.28.020(B), abandoned property (7.28)
3505	4	19	1988	Adds §§ 10.04.020(X) and (Y), traffic code modifications (Repealed by 4212)
3506	4	19	1988	Adds § 13.10.215; amends § 13.10.040 (A)(3), wastewater system (Repealed by 3793)
3507	4	19	1988	Suppl appropriation 1: Rollover
3508	4	19	1988	Annexation Seven Lakes North 2nd Addition
3509	4	19	1988	Zones Seven Lakes North 2nd Addition
3510	4	19	1988	Street vacation Seven Lakes North Addition
3511	4	19	1988	Annexation McCrimmon Addition
3512	4	19	1988	Zones McCrimmon Addition
3513	5	3	1988	Compensation for alternate municipal judge (Not codified)
3514	5	3	1988	Amends § 12.24.030, snow removal (12.24)
3515	5	3	1988	Amends Ord. 3464, pay plan
3516	5	17	1988	Amends § 2.60.170, human relations commission (Repealed by 4574)
3517	5	17	1988	Alley vacation Burdette Addition
3518	5	17	1988	Northern Colorado Water Conservancy District application
3519	6	7	1988	Budget transfer City Fleet
3520	6	7	1988	Annexation Shamrock West 2nd Addition
3521	6	7	1988	Zones Shamrock West 2nd Addition
3522	6	20	1988	Utility and drainage easement vacation Cherry Hills 5th Addition
3523	6	20	1988	Amends §§ 13.04.030 (C)(1), (C)(2) and (C)(3), 13.08.040(B)(1) and (B)(2), water and sewer plant investment fees (13.04, 13.08)
3524	7	5	1988	Amends zoning district boundaries Shamrock West Subdivision
3525	7	19	1988	Adds § 18.40.020(A)(5); amends §§ 18.40.020 (A)(3) and (4) and (B)(1), 18.40.030(C), 18.40.040, 18.40.050 and 18.40.060, zoning (Repealed by 3617)
3526	7	19	1988	Bonus for city manager
3527	7	19	1988	Annexation Sloan Addition

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Ord #	2nd Reading Date			Ordinance Description
3528	7	19	1988	Zones Sloan Addition
3529	8	2	1988	Adds § 15.08.030, building code (Repealed by 3842)
3530	8	2	1988	Amends § 10.04.020(L), traffic code adopted -- modifications (Repealed by 4212)
3531	8	2	1988	Adds § 12.28.120, prohibited uses of streets and other public places (12.28)
3532	8	2	1988	Lease-purchase agreement
3533	8	16	1988	Lease of certain property
3534	8	16	1988	Easement vacation Knollwood Estates Subdivision
3535	8	16	1988	Amends §§ 3.16.110 and 3.16.120, sales and use tax; repeals § 3.16.130 (Repealed by 4263)
3536	9	6	1988	Adds § 18.16.020(X), zoning (18.16)
3537	9	6	1988	Adds §§ 18.08.020(O), 18.12.020(O), 18.13.030 (M), 18.16.020(W) and 18.20.020 (W); amends § 18.04.190, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20)
3538	9	6	1988	Utility and easement vacation Windemere IV Addition
3539	9	6	1988	Amends §§ 9.28.050 and 9.28.070, disturbing the peace -- loitering -- molesting; repeals § 9.28.060 (9.28)
3540	9	6	1988	Budgetary transfer Service Center
3541	9	20	1988	Amends § 13.10.080, wastewater system (Repealed by 3793)
3542	9	20	1988	Easement vacation Dralloc Addition
3543	10	4	1988	Adds § 18.04.122, zoning (18.04)
3544	10	18	1988	Rezone Golf Course 1 & 2 Additions
3545	10	18	1988	Amends § 13.18.080, stormwater management, and § 16.38.020, subdivision of land (13.18, Title 16)
3546	10	18	1988	Salaries and pay grades; repeals Ord. 3464
3547	10	18	1988	Supp Approp No. (Repealed by 3558) Emp trng
3548	10	18	1988	Annual appropriation
3549	11	15	1988	Right-of-way vacation Romar Addition
3550	12	13	1988	Adds § 9.04.040, failure to obey lawful orders issued by fire department members (9.04)
3551	12	13	1988	Adds subsections (Z) and (AA) to § 10.04.020, traffic code amendments (Repealed by 4212)
3552	1	3	1989	Amends § 1 of Ord. 3536 so that it adds subsection (X) rather than (W) to § 18.16.020, zoning (18.16)
3553	1	3	1989	Adds § 13.02.130, tampering with utility meters (13.02)
3554	1	3	1989	Approves certain lease-purchase agreement
3555	1	17	1989	Bond issue for capital improvements Sales and Use Tax
3556	1	17	1989	Adds language to § 6 of Ord. 3535, sales and use tax (3.16)
3557	1	17	1989	SID West Railroad Ave and 2nd St. Southwest costs
3558	2	7	1989	Suppl approp No. 2; employee training & Dev.
3559	2	7	1989	Annexation of Aztec Addition
3560	2	7	1989	Zones Aztec Addition
3561	2	21	1989	Adds subsection W to § 18.28.010, zoning (18.28)
3562	2	21	1989	Right-of-way vacation lakeside Terrace Addition
3563	2	21	1989	Rezone Sugarloaf Estates 1st & 2nd
3564	3	7	1989	Adds (C) and (D) to § 13.02.130, tampering with utility meters (13.02)
3565	3	21	1989	Easement vacation Orchards Addition

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Ord #	2nd Reading Date			Ordinance Description
3566	3	21	1989	Amends unit development procedures, standards and guidelines manual (Not codified)
3567	3	21	1989	Annexation Lakeside Terrace 3rd Addition
3568	3	21	1989	Zones Lakeside Terrace 3rd Addition
3569	3	21	1989	Annexation Centennial Shores 3rd Addition
3570	3	21	1989	Zones Centennial Shores 3rd Addition
3571	3	21	1989	Amends §§ 18.04.090 and 18.04.190, zoning (18.04)
3572	3	21	1989	Repeals and replaces Ch. 12.40, recreational facilities (12.40)
3573	3	21	1989	Repeals Ch. 5.28 (Repealer) Public Dances
3574	4	4	1989	Amends §§ 18.08.070, 18.12.070, 18.13.080, 18.16.070 and 18.20.070, zoning; repeals § 18.52.020(D) (18.08, 18.12, 18.13, 18.16, 18.20, 18.52)
3575	4	4	1989	Amends § 9.42.020, drug paraphernalia (9.42)
3576	4	4	1989	Suppl approp 1: Rollover
3577	4	18	1989	Amends Ord. 3546, pay plan for city employees
3578	4	18	1989	Annexation Kness Addition
3579	4	18	1989	Zones Kness Addition
3580	5	2	1989	Amends § 18.40.050(A), Special review zoning (Repealed by 3617)
3581	5	2	1989	Amends §§ 18.16.050 and 18.20.050, zoning (18.16, 18.20)
3582	5	2	1989	Supp Approp No. 2; various
3583	5	2	1989	Annexation Diamond Shamrock Corner Store #690 Addition
3584	5	2	1989	Zones Diamond Shamrock Corner Store #690 Addition
3585	5	16	1989	Street vacation Big Thompson Industrial Park Addition
3586	5	16	1989	Street and alley vacation Chesebro Buck Addition
3587	5	16	1989	Annexation Sunnyside Park Addition
3588	5	16	1989	Zones Sunnyside Park Addition
3589	6	6	1989	Supp Approp No. 3; Mosquito Control
3590	6	6	1989	Annexation Kennedy Estates Addition
3591	6	6	1989	Zones Kennedy Estates Addition
3592	6	6	1989	Annexation Kness 2nd Addition
3593	6	6	1989	Zones Kness 2nd Addition
3594	6	20	1989	Easement vacation St. Johns Addition
3595	6	20	1989	Amends Section 2(A) of Ord. 3546, salaries and pay grades
3596	6	20	1989	Vacates portions of access and utility easements Glf Course 1st Subd
3597	7	18	1989	Easement vacation Glen Arbor Addition
3598	7	18	1989	Supp Approp No. 4; Walmart improvements
3599	8	1	1989	Adds § 10.04.020 (BB) and (CC), traffic code adopted--modifications (Repealed by 4212)
3600	8	1	1989	Bond issuance Sewer Revenue refunding and Improvement Bonds
3601	8	1	1989	Amends Ch. 1.24, wards and precincts (1.24)
3602	8	15	1989	Supp Approp No. 5; Street overlays
3603	8	15	1989	Amends § 2.12.010, council meetings--ordinances (2.12)
3604	8	15	1989	Creates Double D and Lake Knolls Local Imp Dist No.1989-3
3605	9	5	1989	Adds § 12.44.050, parks (12.44)
3606	9	5	1989	Annexation Windemere V Addition
3607	9	5	1989	Zones Windemere V Addition
3608	9	5	1989	Adds subsection E and amends subsections A, B, C and D of § 13.04.240, water service (13.04)

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Ord #	2nd Reading Date			Ordinance Description
3609	9	5	1989	Adds Ch. 18.50, zoning; repeals § 18.48.020 (18.50)
3610	9	19	1989	Suppl approp No. 6; police radio equipment
3611	9	19	1989	Adds §§ 13.04.030(D) and 13.08.040(F), utilities (13.04, 13.08)
3612	9	19	1989	Amends §§ 9.20.010 and 9.20.020; repeals § 9.20.030, promotion and display of obscene material (9.20)
3613	10	3	1989	Amends § 3 of Ord. 1533, annexation Happiness Plaza 1st Subd
3614	10	17	1989	Annexation Michall Addition
3615	10	17	1989	Zones Michall Addition
3616	11	7	1989	Repeals and replaces Ch. 18.47, zoning (18.47)
3617	11	7	1989	Repeals and replaces Ch. 18.40, zoning (18.40)
3618	11	7	1989	Salaries and pay grades; repeals Ord. 3546 (Repealed by 3696)
3619	11	7	1989	Annual appropriation ordinance for 1990
3620	11	7	1989	Amends Ord. 1222, franchise Public Service Co
3621	11	7	1989	Rezone Allendale PUD 2nd Subd
3622	11	7	1989	Annexation Fairgrounds 4th Addition
3623	11	7	1989	Zones Fairgrounds 4th Addition
3624	11	21	1989	Vacates utility easement Meadow Lark 2nd Addition
3625	11	21	1989	Amends §§ 9.36.020(A), 9.36.030(A) and (B) and 9.36.050(A), liquor consumption and sale (9.36)
3626	12	5	1989	Vacates easement Ridgeview North 4th Subd
3627	12	19	1989	Repeals § 2.60.290, city beautification board (2.60)
3628	12	19	1989	Adds §§ 18.60.040 and 18.60.050; amends §§ 18.60.010 and 18.60.030, zoning board of adjustments (18.60)
3629	12	19	1989	Adds §§ 18.04.020(C), 18.24.020(O), 18.28.020(X), 18.48.080 and 18.56.100; amends §§ 18.24.010(W), 18.28.010(S) and 18.56.060, zoning (18.04, 18.24, 18.28, 18.48, 18.56)
3630	1	2	1990	Adds §§ 18.04.098, 18.04.306, 18.04.309, 18.04.335, 18.04.357.1, 18.04.357.2, 18.04.357.3, 18.04.403, 18.24.020(P) and (Q), 18.28.020(Y) and (Z), 18.36.010(K), 18.36.020(E), 18.48.010(B)(14) and 18.52.050; amends name of Ch. 18.52, zoning (18.04, 18.24, 18.28, 18.36, 18.48, 18.52)
3631	1	2	1990	Adds §§ 18.50.020(14) and 18.50.150(D) and (E), zoning (18.50)
3632	1	2	1990	Repeals § 18.48.020 (E)(6), zoning Home Occupations(18.48)
3633	1	2	1990	Suppl Approp No. 7; purchase of additional electrical power
3634	1	16	1990	Rezone Longview Midway 4th Addition
3635	1	16	1990	Vacates utility easement Knollwood Estates Subd
3636	1	16	1990	Annexation Longs Addition
3637	1	16	1990	Zone Longs Addition
3638	1	16	1990	Vacates right-of-way Longs Addition
3639	2	20	1990	Vacates utility easement Ward Industrial Park Addition
3640	2	20	1990	Authorizes sale of water shares Handy Ditch Company Stock
3641	2	20	1990	Vacates alley Original Town
3642	2	20	1990	Amends § 13.04.250, water service (13.04)
3643	3	13	1990	Vacates portion of utility easement Northwest Nine Subd
3644	3	13	1990	Amends §§ 7.16.040 and 7.16.050, refuse and trash (Repealed by 4273)
3645	3	13	1990	Amends § 10.04.020, traffic code adopted -- modifications (Repealed by 4212)

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Ord #	2nd Reading Date			Ordinance Description
3646	3	13	1990	Supp Approp No. 1; Airport; Youth Empire; 105 W. 5th remodel
3647	3	13	1990	Authorizes rental of surplus water (Repealed by 4706)
3648	3	13	1990	Adds §§ 18.04.125.5, 18.04.211, 18.04.357.4 and 18.52.060; amends §§ 18.24.020, 18.28.020, 18.36.010 and 18.42.010, zoning (18.04, 18.24, 18.28, 18.36, 18.42, 18.52)
3649	3	20	1990	Creates special improvement district and provides for construction and apportionment of assessments
3650	4	14	1990	Rezone Happiness Plaza 1st
3651	4	17	1990	Supp Approp No. 2; Rollover
3652	5	1	1990	Adds §§ 18.04.349.1 and 18.04.349.2. Principal bldg & use (18.04)
3653	5	1	1990	Amends § 18.48.010, zoning (18.48)
3654	5	1	1990	Adds § 18.48.090; amends § 18.48.010B, zoning (18.48)
3655	5	1	1990	Adds § 18.04.357.3; amends §§ 18.13.030, 18.24.010, 18.28.010 and 18.28.020, zoning (18.04, 18.13, 18.24, 18.28)
3656	5	1	1990	Authorizes entering into intergovernmental agreement creating emergency telephone service authority and imposing a monthly charge on telephone service users
3657	5	1	1990	Rezone Emerson 1st Subd
3658	5	1	1990	Rezone Sweetbriar Subd
3659	5	1	1990	Street and alley vacation Kilburn Westside Addition
3660	5	1	1990	Annexation Griesel Addition
3661	5	1	1990	Zoning Griesel Addition
3662	5	1	1990	Rezone Branden Addition
3663	5	1	1990	Street and right-of-way vacation Branden & 2nd Addition and Subd
3664	5	15	1990	Rezone Silver Glen Meadows Subd
3665	5	15	1990	Supp Approp No.3; Curb & gutter; street sweeper; 105 w. 5th Remodel
3666	6	5	1990	Supp Approp No.5; Digger derrick; Benson Park
3667	6	19	1990	Rezone Bronwyn 1st Addition
3668	6	19	1990	Authorizes lease of certain property
3669	6	19	1990	Terminates Fort Collins -- Loveland airport authority
3670	6	19	1990	Authorizes lease of certain property at Ft. Collins-Lovealnd Airport
3671	7	3	1990	Alley vacation Westmount Acres Addition
3672	7	3	1990	Adds § 1.01.085, amendments and corrections (1.01)
3673	7	3	1990	Supp Approp No. 4; airport parking lot, ramp, taxiway
3674	7	17	1990	Rezone Loveland Technological Center Addition
3675	7	17	1990	Vacates utility easement Allendale PUD Subd
3676	7	17	1990	Dedicates certain property public highway
3677	7	17	1990	Adds § 13.12.099, electricity (13.12)
3678	8	7	1990	Vacates utility easement Crestview 2nd subd
3679	8	7	1990	Confirms assessment for special improvement district Orchards Shop
3680	8	7	1990	Amends §§ 12.52.030, 12.52.050 and 12.52.060, cemeteries (12.52)
3681	8	21	1990	Repeals and replaces § 3 of Ord. 1775 Downtown Development Auth
3682	8	21	1990	Amends § 13.10.130, wastewater system (Repealed by 3793)
3683	9	4	1990	Rezone 287 LTD Addition
3684	9	18	1990	Adds § 9.36.025, underage possession and consumption of ethyl alcohol (9.36)

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Ord #	2nd Reading Date			Ordinance Description
3685	9	18	1990	Amends § 12.28.030, obstruction of public right-of-way (Repealed by 4113)
3686	9	18	1990	Adds § 15.24.020 and subsection (C) to § 15.12.030; amends §§ 15.08.010, 15.08.020, 15.12.020, 15.16.010, 15.16.020, 15.20.010, 15.20.020, 15.24.010, 15.28.010, 15.28.020 and 15.48.010; repeals Chs. 15.10, 15.40 and 15.52 and §§ 15.16.030, 15.20.030, 15.20.090, 15.24.030, 15.24.080 and 15.24.090, technical codes (15.24)
3687	9	18	1990	Vacates utility easement Colony Townhomes addition
3688	9	18	1990	Issuance of industrial development revenue bonds
3689	9	18	1990	Authorizes lease of certain property G.W. Grain 975 Madison Addition
3690	10	2	1990	Adds Ch. 15.30, building contractors license and repeals §§ 15.04.180, 15.16.050, 15.20.030, 15.20.060 and 15.24.030 -- 15.24.060 (15.30)
3691	10	16	1990	Amends § 3.20.040, occupation tax (3.20)
3692	10	16	1990	Amends § 5.24.020, license fees (5.24)
3693	10	16	1990	Annexation Macy Addition
3694	10	16	1990	Zoning Macy Addition
3695	11	6	1990	Supp Approp No. 6 Public Safety; Cemeteries; lights at Centennial
3696	11	6	1990	Pay plan for city employees; repeals Ord. 3618 (Repealed by 3778)
3697	11	6	1990	Annual appropriation ordinance for 1991
3698	11	6	1990	Amends § 7.24.030, rubbish fees (Repealed by 3783)
3699	11	6	1990	Airline use and lease agreement Continental Express
3700	11	6	1990	Annexation Ward Industrial Park East 1st Addition
3701	11	6	1990	Zones Ward Industrial Park East 1st Addition
3702	11	20	1990	Adds §§ 18.08.010(E), 18.12.010(E), 18.13.020(F), 18.16.010(G), 18.20.010(G) and 18.24.010(CC); amends §§ 18.08.020(H), 18.12-.020(H), 18.13.030(H), 18.16.020(H) and 18.20-.020(H), public and private schools zoning (18.08, 18.12, 18.13, 18.16, 18.20, 18.24)
3703	11	20	1990	Amends § 18.50.070(D), zoning signs (18.50)
3704	11	20	1990	Vacates utility easement Vista Verde 2nd Subd
3705	11	20	1990	Amends §§ 12.52.010, 12.52.030, 12.52.050, 12.52.060, 12.52.070, 12.52.080 and 12.52.090, cemeteries (12.52)
3706	12	11	1990	Authorizes lease-purchase of certain equipment AS400 computer
3707	12	11	1990	Supp Approp No. 7; electrical power; capital construction
3708	1	8	1991	Adds § 15.28.110(F), storage of combustible liquids (15.28)
3709	1	8	1991	Establishes salary for the alternate municipal judge (Not codified)
3710	1	22	1991	Amends 18.50.050, signs zoning (18.50)
3711	1	22	1991	Amends § 18.50.020(N)(3) and (S)(1), signs zoning (18.50)
3712	1	22	1991	Rezone Brookfield Village; N. Taft 1st; Oskamp; Centennial Hills PUD
3713	2	5	1991	Authorizes lease of certain property for golf Course
3714	2	5	1991	Rezone North Lands Addition
3715	2	5	1991	Supp Approp No. 1; Street; water; wastewater
3716	2	5	1991	Supp Approp No. 2; Pullium Building
3717	2	5	1991	Amends § 1.12.030, appearance at arraignment (1.12)
3718	2	19	1991	Utility and postal easement vacation Derby Addition
3719	2	19	1991	Utility easement vacation Lakeside Terrace Estates PUD
3720	2	19	1991	Amends § 18.38.020(G), Use by Special Review zoning (18.38)
3721	2	19	1991	Amends § 18.04.160, two family dwelling zoning (18.04)
3722	2	19	1991	Vacate and convey easements and real property Hewlett-Packard Co

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Ord #	2nd Reading Date			Ordinance Description
3723	2	19	1991	Northern Colorado Water Conservancy District application
3724	3	5	1991	Amends subsections (B), (C) and (H) of § 2 of Ord. No. 3696, pay plan for city employees
3725	3	5	1991	Adds § 2.60.140; amends § 2.60.015, boards and commissions (2.60)
3726	3	19	1991	Rezone Rocky Mountain Plaza 1st Addition
3727	3	19	1991	Adds wording to § 13.04.030(A); amends §§ 13.04.030(B) and 13.04.090; repeals subsections 13.04-.010(B)(1) and (B)(2), water service (13.04)
3728	3	19	1991	Authorizes sale of certain property 1118 S.W. 23
3729	4	2	1991	Utility easement vacation silver Glen 2nd Subd
3730	4	16	1991	Supp Approp No. 3; Rollover
3731	5	7	1991	Amends subsection (F) of § 2 of Ord. 3696, pay plan for city employees
3732	5	7	1991	Authorizes sale of certain city property ROW Arkins Branch/ Shays Add
3733	5	7	1991	Annexation Vickers Service Station 2347 Addition
3734	5	7	1991	Zones Vickers Service Station 2347 Addition
3735	5	7	1991	Annexation Old Stagecoach Road 2nd Addition
3736	5	7	1991	Zones Old Stagecoach Road 2nd Addition
3737	5	7	1991	Rezone Northlands Addition
3738	5	21	1991	Amends § 2.60.270, local licensing authority (2.60)
3739	5	21	1991	Amends §§ 13.04.190, 13.04.205 and 13.04.240(C), water service (13.04)
3740	5	21	1991	Amends § 13.04.240, water service (13.04)
3741	5	21	1991	Easement vacation Lakeside Terrace Estates
3742	5	21	1991	Rezone Lakeside Terrace Estates PUD
3743	6	4	1991	Amends Ch. 5.32, special events liquor licenses (5.32)
3744	6	4	1991	Authorizes quit claim deed Loch Lon 13th Addition School Dist.
3745	6	4	1991	Alley vacation Shay's Addition
3746	6	4	1991	Street vacation Buchanan Ave/Hwy 287 Kinney 1st Addition
3747	7	9	1991	Amends §§ 7.26.020, 7.26.030, 7.26.040 and 7.26.060; repeals
3748	7	9	1991	Adds § 9.28.080, loitering of minors (9.28)
3749	7	9	1991	Amends § 7.24.036, rubbish (Repealed by 3783)
3750	7	9	1991	Authorizes pilot rubbish recycling program
3751	7	16	1991	Annexation Ferrerro Addition
3752	7	16	1991	Zones Ferrerro Addition
3753	8	6	1991	Street and utility easement vacation Lots 1-8 Creekside 1st Addition
3754	8	6	1991	Easement vacation Ru Art Addition
3755	8	6	1991	Authorizes exchange of certain city property 1704 W. 8th St.
3756	8	6	1991	Supp Approp No. 4; Traffic Light
3757	8	6	1991	Adds §§ 13.12.012, 13.12.014 and 13.12.016, electricity (13.12)
3758	8	6	1991	Alley vacation Davis Subd and Burkhard Addition
3759	8	6	1991	Utility easement vacation Lakeside Terrace 2nd Addition
3760	8	6	1991	Annexation Hamm Estates Addition
3761	8	6	1991	Zones Hamm Estates Addition
3762	8	20	1991	Authorizes lease-purchase of certain equipment Recycle bins
3763	8	20	1991	Rezone Creekside 1st Addition
3764	9	3	1991	Adds §§ 18.04.155 and 18.48.060; adds certain language to §§ 18.08.020, 18.12.020, 18.13.020, 18.16.010 and 18.20.010, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.48) Accessory Dwelling Units
3765	9	3	1991	Amends § 18.52.020, Yard Regulations zoning (18.52)

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Ord #	2nd Reading Date			Ordinance Description
3766	9	3	1991	Amends §§ 16.08.080, 16.08.085 and 16.16.070, subdivisions; amends §§ 18.40.020 and 18.60.050, zoning (Title 16, 18.40, 18.60) ntce req.
3767	9	17	1991	Rezone Big Thompson Farms and Crusade Christian Church Additions
3768	9	17	1991	Amends § 2.04.015, write in candidates elections (2.04)
3769	9	17	1991	Repeals § 9.52.020 (Repealer) Clairvoyancy and fortune telling
3770	10	1	1991	Amends § 2 of Ordinance No. 3696, pay plan for city employees
3771	10	1	1991	Adds subsection EE. to § 10.04.020, traffic code (Repealed by 4212)
3772	10	1	1991	Amends §§ 1 and 4 of Ordinance No. 3483, compensation and fringe benefits for city attorney (Not codified)
3773	10	1	1991	Annexation Imperial Ridge 2nd Addition
3774	10	1	1991	Zones Imperial Ridge 2nd Addition
3775	10	15	1991	Enacts Supp Approp No. 5; various
3776	10	15	1991	Amends §§ 18.50.070, 18.50.100 and 18.50.150; deletes § 18.04.370, zoning (18.50)
3777	10	15	1991	Adds Ch. 6.14, dog and cat licenses (Repealed by 4229)
3778	11	5	1991	Adopts pay plan for city employees; repeals Ordinance No. 3696 (Repealed by 3853)
3779	11	5	1991	Adds § 3.04.025, finance administration; repeals § 2.24.025 (3.04)
3780	11	5	1991	Amends § 3.20.040, levy of occupation tax upon liquor est (3.20)
3781	11	5	1991	Amends § 2.70.030, retirement plan funds (2.70)
3782	11	5	1991	Annual appropriation ordinance for 1992
3783	11	19	1991	Adds §§ 7.16.060 -- 7.16.100, refuse and trash; repeals § 7.16.010 and Chs. 7.20 and 7.24 (Repealed by 4273)
3784	11	19	1991	Alley vacation Hillcrest Addition
3785	11	19	1991	Amends § 18.60.030, variances zoning (18.60)
3786	11	19	1991	Amends §§ 18.68.040(A) and 18.68.050, zoning enforcement (18.68)
3787	11	19	1991	Amends §§ 18.04.123, 18.16.010, 18.16.020, 18.20.010 and 18.20.020, zoning (18.04, 18.16, 18.20) combined use developments
3788	12	3	1991	Amends §§ 18.50.150 and 18.50.170, signs zoning (18.50)
3789	12	17	1991	Vacates portions of certain easements Allendale PUD
3790	12	17	1991	Utility easement vacation Country Club Estates Addition
3791	12	17	1991	Rezone North End Addition
3792	12	17	1991	Authorizes sale of property by city
3793	12	17	1991	Repeals and replaces Ch. 13.10, wastewater system (13.10)
3794	12	17	1991	Annexation Windemere VI Addition
3795	12	17	1991	Zones Windemere VI Addition
3796	1	7	1992	Enacts Supp Approp No. No. 6 construction
3797	1	7	1992	Amends § 2.60.080, planning commission (2.60)
3798	1	21	1992	Authorizes lease-purchase agreements copiers
3799	2	4	1992	Street vacation Good Samaritan Addition
3800	2	4	1992	Authorizes lease-purchase agreement Golf Carts
3801	2	18	1992	Amends Ch. 12.20, sidewalk, curb gutter construction and repair (12.20)
3802	2	18	1992	Annexation Blue Sky Addition
3803	2	18	1992	Zone Blue Sky Addition
3804	2	18	1992	Amends § 9.36.025, liquor consumption and sale (9.36)
3805	3	3	1992	Annexation Village South Addition
3806	3	3	1992	Zone Village South Addition
3807	3	3	1992	Alley vacation Original Town

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Ord #	2nd Reading Date			Ordinance Description
3808	3	3	1992	Utility vacation North Lake 1st Subd
3809	3	3	1992	Amends § 18.48.020, Home occupationszoning (18.48)
3810	3	17	1992	Easement vacation Imperial Ridge 1st Addition
3811	3	17	1992	Utility vacation Cetennial Hills PUD 1st Subd
3812	4	7	1992	R-o-w vacation Larkin's resubdivision of Seven lakes South Addition
3813	4	7	1992	Supplementary budget No. 1; Roll over
3814	4	17	1992	Amends § 13.16.010, cable TV systems (13.16)
3815	4	21	1992	Grant of easement Thompson R2-J School District
3816	5	5	1992	Easement vacation Emerson 2nd Subd
3817	5	5	1992	Right-of-way vacation Lakes Place Subd
3818	5	5	1992	Supp Approp No. 1 Rollover
3819	5	5	1992	Amends § 9.36.025 (G), underage possession and consumption of ethyl alcohol (9.36)
3820	5	19	1992	Street and alley vacation Hearthston and Northwest Additions
3821	5	19	1992	Authorizes lease at Airport
3822	5	19	1992	Supp Approp No. 2; Firestation; Rural fire; Museum
3823	5	19	1992	Amends §§ 12.52.010, 12.44.010, 12.44.020 and 12.44.030, parks and recreation, and §§ 12.52.020, 12.52.050 and 12.52.060, cemetery; repeals §§ 2.52.030--2.52.070 and §§ 12.32.010--12.32.050 (2.52, 12.44, 12.52)
3824	6	2	1992	Easement vacations Woodmere 5th Subd
3825	6	2	1992	Adds subsection (K) to § 15.28.020; amends subsection (G) of § 15.28.020, fireworks (Repealed by 4347)
3826	6	16	1992	Easement vacation Sweetbriar Addition
3827	6	16	1992	Easement vacation Benson Addition
3828	6	16	1992	Rezone Ron Thomas Addition
3829	6	16	1992	R-o-w vacation Brookside Park Subd of North Taft Addition
3830	6	16	1992	Rezone Brookfield Village; N. Taft 1st; Oskamp Additions
3831	6	16	1992	Lease-purchase agreement golf Course Mtnc Equipment
3832	6	16	1992	Adds § 9.04.050, harassment of police dogs and horses (9.04)
3833	6	16	1992	Authorizes transfer of real property
3834	6	16	1992	Lease agreement Airport
3835	7	7	1992	Amends § 2.60.040, museum board (Repealed by 4428)
3836	8	4	1992	Adds §§ 13.04.031, 13.04.033 and 13.08.041; amends §§ 13.04.030, 13.04.032, 13.04.090, 13.04.100, 13.08.030 and 13.08.040, utilities; repeals §§ 13.04.130, 13.04.140 and 13.04.200 (13.04, 13.08)
3837	8	18	1992	Adds § 13.02.071, utility billing (13.02)
3838	8	18	1992	Supp Approp No. 23: Fire Station construction
3839	8	18	1992	Adds § 2.44.120, division of public health and safety services (2.44)
3840	9	1	1992	Zones Windsong Addition
3841	10	15	1992	Adds § 2.60.320, boards and commissions (2.60)
3842	10	27	1992	Adds subsection (C) to § 15.16.020, subsection (G) to § 15.28.110 and § 15.28.125; amends §§ 7.36.020, 15.08.010, 15.08.020, 15.12.020, 15.16.010, 15.20.010, 15.20.020, 15.28.010, 15.28.020 and 15.48.010, buildings and construction; repeals §§ 15.04.160, 15.08.030 and 15.28.120 (7.36, 15.28)
3843	10	6	1992	Lease agreement prop adj Larimer County Landfill
3844	10	6	1992	Supp Approp No. 4; Winona Pool

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Ord #	2nd Reading Date			Ordinance Description
3845	10	6	1992	Adds §§ 1.28.015 and 1.28.060, municipal court; amends §§ 1.12.010, 1.12.020, fines and penalties; 2.20.030, officials of city--employees; 10.04.070(B), 10.28.100, vehicles and traffic; 13.16.010(N)(3), cable TV systems; 15.04.190(B), buildings and construction--general provisions and 18.68.070, zoning (1.12, 1.28, 2.20, 10.28, 13.16, 15.04, 18.68)
3846	10	6	1992	Amends § 3.16.040, sales and use tax (Repealed by 4263)
3847	10	6	1992	Rezone Grosboll 2nd Subd
3848	10	27	1992	Lease-purchase agreement rolloff & track for solid waste trucks
3849	10	27	1992	Amends § 16.36.030, subdivisions CBT Units (Title 16)
3850	11	17	1992	Supp Approp No.4; High School Auditorium; library
3851	11	17	1992	Amends § 2.60.320, boards and commissions (2.60)
3852	11	17	1992	Right-of-way vacation South Colorado Ave Larimer County
3853	11	17	1992	Adopts pay plan for city employees; repeals Ord. 3778 (Repealed by 3941)
3854	11	17	1992	Amends § 2.70.091, pension plan (2.70)
3855	11	17	1992	Amends § 16.38.025, subdivisions (Repealed by 4019) CEF Industrial
3856	11	17	1992	Annual appropriation ordinance for 1993
3857	11	17	1992	Annexation McWhinney Addition
3858	11	17	1992	Zones McWhinney Addition
3859	12	8	1992	Adds subsection FF to § 10.04.020, model traffic code (Repealed by 4212)
3860	12	8	1992	Repeals and replaces § 13.12.012 and repeals §§ 13.12.014 and 13.12.016, electricity (13.12)
3861	12	8	1992	Amends § 2.60.170, human relations commission (Repealed by 4578)
3862	12	8	1992	Adds subsection J to § 3.20.030 and amends § 3.20.040, occupational tax on liquor and beer (3.20)
3863	12	8	1992	Zones McWhinney Addition
3864	12	15	1992	Annexation Recreation Trail System 1st Addition
3865	12	15	1992	Zones Recreation Trail System 1st Addition
3866	1	5	1993	Vacates utility easement Sweetbriar Addition
3867	1	5	1993	Amends § 2.20.030, municipal court judge (2.20)
3868	1	5	1993	Supp Approp No. 5; electrical facilities
3869	1	5	1993	Authorizes lease-purchase of certain equipment copiers
3870	1	5	1993	(A)(6), (B)(4) and (B)(5) of § 18.48.070; repeals subsection (B)(6) of § 18.48.070, zoning (18.48) Fences Hedges and walls
3871	1	5	1993	Rezone Brownview 1st Addition
3872	1	19	1993	Establishes salary for municipal court judge (Not codified)
3873	1	19	1993	Adds Ch. 3.40, passenger facility charges
3874	1	19	1993	Annexation Waterfall Addition
3875	2	2	1993	Zones Waterfall Addition
3876	2	2	1993	Vacates utility easement Lakes Place Subd
3877	2	2	1993	Annexation Recreation Trail System 2nd Addition
3878	2	2	1993	Annexation Recreation Trail System 3rd Addition
3879	2	2	1993	Annexation Recreation Trail System 4th Addition
3880	2	2	1993	Annexation Recreation Trail System 5th Addition
3881	2	2	1993	Annexation Recreation Trail System 6th Addition
3882	2	2	1993	Zones Recreation Trail System 2nd,3rd,4th, 5th, 6th Addition
3883	2	16	1993	Amends § 10.04.010, model traffic code (Repealed by 4212)
3884	3	2	1993	Amends subsection (B)(2) of § 13.08.101, sewer charges (13.08)

Disposition of Ordinances 3001- 4000

Ord #	2nd Reading Date			Ordinance Description
3885	3	2	1993	Supp Approp No. 1; Street Signal and sewer
3886	3	2	1993	Waives development fees for outlet mall project
3887	3	2	1993	Establishes date of election
3888	3	16	1993	Bond issuance Safeway Stores
3889	3	16	1993	Amends § 7.16.070, utility fees and charges (Repealed by 4273)
3890	4	6	1993	Adds § 2.60.340, citizens' budget advisory committee (2.60)
3891	4	6	1993	Supp Approp No. 2; Rollover
3892	4	20	1993	Adds Ch. 7.29, unclaimed intangible property (7.29)
3893	4	20	1993	Easement vacation Seven Lakes North Addition
3894	4	20	1993	Adds § 13.04.240(E) and re-numbers existing 13.04.240 (E) to be F; amends Tables 13.04.240(B) and (C), water rates (13.04)
3895	4	20	1993	Supp Approp No.3; Water rights & golf
3896	5	4	1993	Repeals and replaces Ch. 18.41, unit development requirements and procedures; repeals § 16.32.030 (18.41)
3897	5	4	1993	Amends §§ 18.50.150(C)(2) and (4), nonconforming signs (18.50)
3898	5	18	1993	Rezone Sherri mar 8th Subd
3899	5	18	1993	Amends § 3.12.010, contracts for public improvement (3.12)
3900	5	18	1993	Authorizes lease on Rist Benson Reservoir and purchase of property along the London Ditch
3901	6	1	1993	Vacation Sugarloaf Estates 2nd Subd
3902	6	1	1993	Vacation Loveland Business Plaza 1st Addition
3903	7	6	1993	Amends § 12.36.040, ditches and canals (12.36)
3904	7	6	1993	Amends § 1.28.060(A), municipal court (1.28)
3905	7	6	1993	Adds new definitions to § 13.10.020 and amends § 13.10.020(28) and renumbers; amends § 13.10.030(B)(3), (B)(9) and (E); repeals § 13.10.030(B)(7) and renumbers subsections of § 13.10.030(B), wastewater system (13.10)
3906	7	6	1993	Authorizes long-term lease of twelve lots at the Fort Collins-Loveland airport
3907	7	6	1993	Rezone Boyd Lake North 1st Addition
3908	7	6	1993	Annexation Conger 3rd Addition
3909	7	6	1993	Zones Conger 3rd Addition
3910	7	20	1993	Authorizes long-term lease of property airport
3911	7	20	1993	Authorizes long-term lease of property
3912	7	20	1993	Adds Ch. 9.34, theft; repeals subsection G of § 9.32.010, disorderly conduct (9.32, 9.34)
3913	7	20	1993	Amends § 2.20.020, city attorney (2.20)
3914	7	20	1993	Amends §§ 1.24.020 -- 1.24.050, wards and precincts (1.24)
3915	7	20	1993	Zones Loch Lon 13th Addition
3916	8	3	1993	Street right-of-way vacation South Colorado Avenue in Larimer Cnty
3917	8	17	1993	Zones Vanguard Famleco 1st & 2nd Subd and Olhausen Addition
3918	8	17	1993	Annexation Olhausen Addition
3919	8	17	1993	Zones Olhausen Addition
3920	8	17	1993	Zones Windsong Addition
3921	9	7	1993	Amends §§ 18.72.020(A) and 18.72.030, Vested property rights
3922	9	7	1993	Utility easement vacation South Loveland Industrial Park Addition
3923	9	7	1993	Easements vacation Allendale PUD
3924	9	7	1993	Zones Mariana 3rd Addition

Disposition of Ordinances 3001- 4000

Ord #	2nd Reading Date			Ordinance Description
3925	9	7	1993	Zones newly annexed territory Emerald Park and Emerald Park 2nd Add
3926	9	7	1993	Annexation Seven Lakes North 3rd Addition
3927	9	7	1993	Zones Seven Lakes North 3rd Addition
3928	9	21	1993	Easement vacation country Lake Villa 2nd Replat
3929	9	21	1993	Amends § 7.28.030, disposition of sale proceeds of certain property (7.28)
3930	9	21	1993	Zones Tract H of Big Thompson Farms Addition
3931	10	5	1993	Amends § 7.16.072(D), refuse and trash (Repealed by 4273)
3932	10	5	1993	Amends §§ 16.08.050 and 18.64.020(D), subdivisions and zoning (Title 16, 18.64)
3933	10	5	1993	Zones Seven Lakes North Addition
3934	10	19	1993	Easement vacation Sweetbrair Addition
3935	10	19	1993	Alley vacation Ackelein Addition
3936	10	19	1993	Easement vacation
3937	10	19	1993	Adds § 15.08.020(V), building code (Repealed by 4348)
3938	10	19	1993	City council compensation (Not codified)
3939	10	19	1993	Adds § 2.24.040, city manager; repeals Ord. 3019 (2.24)
3940	11	2	1993	Supp Approp No. 4; various
3941	11	2	1993	Adopts pay plan for city employees; repeals Ord. 3853 (Repealed by 4041)
3942	11	2	1993	Adopts 1994 budget
3943	11	2	1993	Annual appropriation ordinance for 1994
3944	11	2	1993	Annexation Chilson Stroh Farms Addition
3945	11	2	1993	Zones Chilson Stroh Farms Addition
3946	11	2	1993	Waives certain fees for project development Colorado Memory sys
3947	11	16	1993	Rezone Herald Square PUD
3948	11	16	1993	Easement vacation Herald Square Addition
3949	12	7	1993	Fire access lane vacation North lake 1st Subd
3950	12	21	1993	Amends § 2.60.080, planning commission; repeals § 2.60.090 (2.60)
3951	12	21	1993	Rezone Greens Office complex Subd
3952	12	21	1993	Easement vacation Greens Office complex Subd
3953	12	21	1993	Bond issuance Water
3954	12	21	1993	Annexation Lakeside Terrace Estates 2nd Addition
3955	12	21	1993	Zones Lakeside Terrace Estates 2nd Addition
3956	12	21	1993	Annexation Ashford Square Addition
3957	12	21	1993	Zoning Ashford Square Addition
3958	12	21	1993	Rezone Allendale Subd
3959	12	21	1993	Amends §§ 13.08.100(A), (B)(3), (C), (D)(3) and 13.08.107(A) and (B), sewer system charges; repeals subsection E of § 13.08.100 (13.08)
3960	1	4	1994	R-o-w, easement and agreement vacation Fairway west 2nd Addition
3961	1	4	1994	Right-of-way and easement vacation Fairway west 4th Addition
3962	1	4	1994	Easement vacation Mariana Village 1st Addition
3963	1	4	1994	Amends § 2.60.170, human relations commission (Repealed by 4574)
3964	1	4	1994	Amends §§ 9.40.010 and 9.40.020, toxic vapors (9.40)
3965	1	4	1994	Adds § 2.60.018 and amends §§ 2.60.140, 2.60.180 and 2.60.320, boards and commissions (2.60)
3966	1	18	1994	Amends § 2.60.080, boards and commissions (2.60)
3967	1	18	1994	License agreement with Fairway Systems, Inc.
3968	1	18	1994	Alley vacation Loveland Heights Addition

Disposition of Ordinances 3001- 4000

Ord #	2nd Reading Date			Ordinance Description
3969	2	1	1994	Amends § 2.60.180, boards and commissions (Repealed by 4409)
3970	2	15	1994	Easement vacation Woodmere 6th Subd
3971	2	15	1994	Supp Approp No. 1; Youth Empire
3972	2	15	1994	Amends §§ 2.60.040, 2.60.250, 2.60.260 and 2.60.340, boards and commissions (2.60)
3973	2	15	1994	Rezone Emerald Park and Emerald Park 2nd Addition
3974	3	1	1994	Municipal court judge salary
3975	3	1	1994	Adds Ch. 2.58; amends §§ 2.24.010, 2.32.020, 2.36.010, 2.40.010, 2.44.010 and title of Ch. 2.44 and Chs. 2.48, 2.49, 2.50, 2.52 and 2.56; repeals Ch. 2.28, §§ 2.44.080, 2.44.090, 2.44.100, 2.56.020, 2.56.030 and 2.56.040, administrative plan (2.24, 2.32, 2.36, 2.40, 2.44, 2.48, 2.49, 2.50, 2.52, 2.56, 2.58)
3976	3	1	1994	Annexation Brookridge Addition
3977	3	1	1994	Zones Brookridge Addition
3978	3	1	1994	Rezone North Taft 2nd Addition
3979	3	15	1994	Reletters subsections M and N of § 2.14.010 to be N and O and adds new subsection M, financial disclosure and open public meetings (2.14)
3980	3	15	1994	Amends § 2.60.100, boards and commissions (2.60)
3981	3	15	1994	Rezone Orchards PUD
3982	3	15	1994	Amends §§ 2.60.010 and 2.60.015, boards and commissions (2.60)
3983	3	15	1994	Amends §§ 18.40.005, 18.40.010A, 18.40.055B, zoning (18.40)
3984	4	5	1994	Supp Approp No. 2; Rollover
3985	4	5	1994	Supp Approp No. 3; various
3986	4	5	1994	Easement vacation Orchards 6th Subd
3987	4	5	1994	Adds §§ 16.24.190 and 16.24.200; amends § 16.04.020(R), subdivisions (Title 16)
3988	4	19	1994	Supp Approp No. 4; audience chairs for Council Chambers
3989	4	19	1994	Amends § 10.20.040, parking (10.20)
3990	4	19	1994	Authorizes long-term lease of a lot for construction of an aircraft hangar
3991	4	19	1994	R-o-w easement vacation Oskamp Add & 1st Subd & Rogers 5th Add
3992	4	19	1994	Rezone McWhinney Addition
3993	4	19	1994	Annexation Golden South Estates Addition
3994	4	19	1994	Zones Golden South Estates Addition
3995	5	3	1994	Amends § 13.08.101(B)(1), sewage surcharge (13.08)
3996	5	3	1994	Street vacation Rolling Knolls Estates 2nd Addition
3997	5	3	1994	Easement vacation Sumerset Park 5th Subd and Loch Lon 13 Addns
3998	5	3	1994	Easement vacation Happiness Plaza 4th Sub
3999	5	3	1994	Easement vacation Ru Art Addition
4000	9	18	1984	Zones Mineral Addition

Disposition of Ordinances 4001 - 5000

Ord #	2nd Reading Date			Ordinance Description
4001	9	18	1984	Street vacation Northlands Subd
4002	9	18	1984	Vacation Zodiac Addition
4003	10	2	1984	Zones Zodiac Addition territory
4004	10	16	1984	Industrial development revenue bond issuance
4005	10	16	1984	Amends subsection (G) of § 2 of Ord. 3017, salaries and pay grades
4006	6	7	1994	Adds Ch. 9.45, graffiti (9.45)
4007	5	17	1994	Annexation Sugarloaf South
4008	5	17	1994	Zones Sugarloaf South
4009	6	7	1994	Amend Code: Add subsection G to § 16.24.180 and amends § 16.36.030 (A), subdivisions (Title 16)
4010	6	7	1994	Annexation Sun Pointe 2nd
4011	6	7	1994	Zones Sun Pointe 2nd
4012	6	7	1994	Rezone Willowbriar 2nd
4013	6	7	1994	Right-of-way and easement vacation Willowbriar 2nd
4014	6	20	1994	Authorizes long-term lease for the construction of a commercial hangar
4015	7	5	1994	Repeals §§ 12.48.120 and 12.48.130 (Repealed)
4016	6	20	1994	Amends § 2 of Ord. 3958, rezone Allendale Subd
4017	7	5	1994	Adds § 18.48.100, zoning (18.48)
4018	7	5	1994	Amends § 2.60.230, boards and commissions (2.60)
4019	7	5	1994	Amends §§ 16.38.020, 16.38.045, 16.38.050 and 16.38.070(A); repeals §§ 16.38.025, 16.38.026 and 16.38.027, subdivisions (Title 16)
4020	7	5	1994	Rezone Sugarloaf Estates West PUD
4021	7	19	1994	Amend Code § 2.60.360, utility advisory board (Repealed by 4409)
4022	7	19	1994	Amends §§ 13.04.030, 13.08.030 and 13.08.080 (D)(1), utility system and development impact fees (13.04, 13.08, 13.18)
4023	7	19	1994	Annexation CMS 1st
4024	7	19	1994	Zones CMS 1stnewly annexed territory
4025	8	1	1994	Rezone Lincoln Place
4026	8	1	1994	Waives certain development fees CMS Facility
4027	8	1	1994	Amends § 2.04.030, conduct of elections (Repealed by 4505)
4028	9	6	1994	Amends § 7.16.071, refuse collection and disposal fees and charges (Repealed by 4273)
4029	8	16	1994	Suppl budget and approp 5 DARE Program
4030	8	16	1994	Suppl budget and approp 6 North Lake Tennis Court
4031	9	6	1994	Adds § 12.32.155; amends §§ 12.32.130, 12.32.140 and 12.32.150, trees and shrubs (12.32)
4032	10	4	1994	Authorizes long-term lease for construction of aircraft hangar
4033	10	4	1994	Suppl budget and approp 7 Misc
4034	10	18	1994	Amends § 18.60.040, zoning board(18.60)
4035	10	18	1994	Amends § 12.20.070, sidewalk repair (12.20)
4036	10	18	1994	Amends § 12.32.160, site obstruction (12.32)
4037	10	18	1994	Easement vacation Sherri Mar 8th
4038	10	18	1994	Rezone Browvnview 1st
4039	11	1	1994	Amends § 2.40.010, department of administrative services (2.40)
4040	11	1	1994	Approves airport property lease and agreement
4041	11	1	1994	Adopts pay plan for city employees; repeals Ord. 3853 (Repealed by 4126)

Disposition of Ordinances 4001 - 5000

Ord #	2nd Reading Date			Ordinance Description
4042	11	1	1994	Adopts 1995 budget
4043	11	1	1994	Appropriation for 1995 budget
4044	11	1	1994	Amends § 18.41.030, zoning PUD (18.41)
4045	11	1	1994	Annexation Mountain Vista PUD
4046	11	1	1994	Zones Mountain Vista PUD
4047	11	15	1994	Grants franchise to Scripps Howard Cable Company
4048	11	15	1994	Amends Ch.13.16, cable systems (13.16)
4049	11	15	1994	Annexation Orchards Estates 2nd
4050	11	15	1994	Zones Orchards Estates 2nd
4051	12	6	1994	Amends § 2 of Ord. 4021, utility advisory board (Repealed by 4409)
4052	12	6	1994	Rezone
4053	12	20	1994	Amends § 18.68.050(B); repeals § 18.04.240, zoning (18.68)
4054	12	20	1994	Amends § 16.38.020, including table, subdivisions (Title 16)
4055	12	20	1994	Adds § 16.38.055, subdivisions (Title 16)
4056	12	20	1994	Easement vacation Crestview 3rd Subd
4057	12	20	1994	Suppl budget and approp 8: Employee benefits
4058	1	3	1995	Amends § 2.72.010, comprehensive disaster plan (2.72)
4059	1	3	1995	Adds §§ 12.08.045, 12.08.150 -- 12.08.170; amends §§ 12.08.030, 12.08.040, 12.08.050, 12.08.080 -- 12.08.140, naming and numbering of streets (12.08)
4060	1	3	1995	Rezone Larkside Terrace Estates 2nd
4061	1	3	1995	Rezone Rocky Mountain PUD
4062	1	17	1995	Access vacation Ferrerro 1st
4063	1	17	1995	Easement vacation Orchards Estate Addition
4064	1	17	1995	Rezone Emerald Park Addition
4065	1	17	1995	Easement vacation
4066	1	17	1995	Rezone Lakes Place 4 PUD
4067	1	17	1995	Rezone Vanguard-Famleco 2nd Subd
4068	1	17	1995	Municipal court judge (Not codified)
4069	2	7	1995	Easement vacation Capital Hill 2nd Addition
4070	2	7	1995	Rezone Gateway PUD
4071	2	7	1995	Annexations Johnson Estates 16 Addition
4072	2	7	1995	Zones Johnson Estates 16 Addition
4073	2	21	1995	Right-of-way vacation Golden South Estates
4074	2	21	1995	Rezone Windsong 5th
4075	3	7	1995	Real property purchase for park chruch of good shepherd
4076	3	7	1995	Easement vacation Northwest 9 Subd
4077	3	7	1995	Alley vacation Kilburn West side/1st United Methodist ch
4078	3	21	1995	Adds § 2.60.380, boards and commissions (2.60)
4079	3	21	1995	Amends §§ 2.44.010 and 2.44.040, division of public safety (2.44)
4080	3	21	1995	Amends § 2.60.230, boards and commissions (2.60)
4081	3	21	1995	Rezone Meadowbrook Heights
4082	4	4	1995	Suppl budget and approp 1 Reserve Funds
4083	4	4	1995	Suppl budget and approp 2; LEAF
4084	4	18	1995	Suppl budget and approp 3; Land Acquisition
4085	4	18	1995	Adds § 18.52.025 and amends § 18.56.070, zoning (18.52, 18.56)
4086	4	18	1995	Rezone Westwood PUD 3rd

Ord #	2nd Reading Date			Ordinance Description
4087	5	2	1995	Adds § 13.08.075 and amends § 13.04.070, water and sewer service (13.04,
4088	5	2	1995	Creates special improvement district Sanitation
4089	5	16	1995	Adds subsections (L)(3) and (R)(2.5) to § 18.50.020; amends §§ 18.50.050, 18.50.070 and 18.50.170; repeals subsection M of § 18.50.050 and reletters following subsections, zoning (18.50)
4090	5	16	1995	Authorizes agreement to exchange property
4091	6	6	1995	Amends § 2.04.015, elections (2.04)
4092	6	6	1995	Adds § 9.28.015, disturbing the peace (9.28)
4093	6	6	1995	Amends §§ 13.04.032, and 13.08.042, water and sewer service (13.04, 13.08)
4094	6	20	1995	Easement vacation Marianna Butte Subd
4095	7	5	1995	Rezone Macy 1st Subd
4096	6	20	1995	Adds § 16.36.040, creating a native raw water storage fee (Title 16)
4097	6	20	1995	Rezone Hunters /Run PUD
4098	6	22	1995	Suppl budget and approp 5; loveland factory store fee waiver
4099	6	20	1995	Suppl budget and approp 6: Fire Station 1 acq
4100	6	20	1995	Suppl budget and approp 4: amphitheater North Lake Park
4101	7	5	1995	Adds subsection W to § 15.08.020, building code (Repealed by 4348)
4102	7	5	1995	Repeals § 9.46.080 (Repealed)
4103	7	18	1995	Bond issuance Good Samaritan Society Project
4104	7	18	1995	Suppl budget and approp 7; Library Computers
4105	7	18	1995	Amends capital expansion fees table in § 16.38.020, subdivisions (Title 16)
4106	7	18	1995	Adds §§ 18.04.373, 18.08.075, 18.12.075, 18.13.085, 18.16.075, 18.20.075, 18.24.035, 18.28.035, 18.36.045 and Ch. 18.54; repeals and replaces § 18.04.120, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.54)
4107	7	18	1995	Annexation Prairie Earth Addition
4108	7	18	1995	Zones Prairie Earth Addition
4109	7	18	1995	Initiates proceedings to adopt a home rule charter
4110	8	2	1995	Right-of-way vacation Eagle Heights
4111	8	2	1995	Rezone Willowbriar 2nd
4112	8	2	1995	Right-of-way vacation Willowbriar 2
4113	8	15	1995	Repeals and replaces § 12.28.030, prohibited uses of streets and other public places (12.28)
4114	8	15	1995	Suppl budget and approp 8; purchase of Sampson prop
4115	8	15	1995	Amends § 12.08.100, naming and numbering of streets (12.08)
4116	8	15	1995	Amends § 16.38.070(A), subdivisions (Title 16)
4117	8	15	1995	Amends § 16.04.020(R), subdivisions (Title 16)
4118	8	15	1995	Adds §§ 18.24.010(DD), 18.24.080, 18.28.010(Z), 18.28.080, 18.48.020(C)(9); amends §§ 18.04.140, 18.04.151, 18.04.370, 18.24.030, 18.28.020(W), 18.28.030, 18.41.050(E)(2)(b), 18.48.020(D)(1)(a), (c), (d), (f), (g) and (D)(4)(e), 18.60.030(A); repeals § 18.52.020(C) and (D), zoning (18.04, 18.24, 18.28, 18.41, 18.48, 18.52, 18.60)
4119	9	5	1995	Amends § 7.16.040, refuse and trash (Repealed by 4273)
4120	9	5	1995	Amends sign plan component of Gateway PUD

Disposition of Ordinances 4001 - 5000

Ord #	2nd Reading Date			Ordinance Description
4121	9	19	1995	Approves agreement regarding a donation, lease agreement and waiver of certain construction fees
4122	11	7	1995	Easement vacation Happiness Plaza 3rd
4123	10	3	1995	Suppl budget and approp 9; open lands/police overhires
4124	10	17	1995	Amends §§ 12.28.045 and 18.50.050, signs (18.50)
4125	10	17	1995	Easement vacation Browns Corner 1st
4126	11	7	1995	Pay plan for city employees; repeals Ord. 4041 (Repealed by 4224)
4127	11	7	1995	1996 budget
4128	11	7	1995	Appropriation 1996 budget
4129	11	21	1995	Adds Ch. 5.28, pawnbrokers (5.28)
4130	11	21	1995	Rezone 25ts St Office Complex PUD
4131	12	5	1995	Suppl budget and approp 10; Health claims
4132	12	19	1995	Approves cost of improvements made in West First Street sanitary sewer special improvement district
4133	12	19	1995	Rezone Burd 5th Subd PUD
4134	12	19	1995	Adds Ch. 16.39, school land dedication and in-lieu fees (Title 16)
4135	12	19	1995	Adds Ch. 7.50, possession and use of tobacco products by minors (7.50)
4136	1	3	1996	Adds § 2.14.015, public officials' financial disclosure and open public meetings (2.14)
4137	1	3	1996	Annexation Waterford Place 3rd
4138	1	3	1996	Annexation Waterford Place 2nd
4139	1	3	1996	Zones Waterford Place PUD
4140	1	3	1996	Zones Waterford Place 1st
4141	1	3	1996	Zones Waterford Place 2nd
4142	1	16	1996	Authorizes sale and lease of building
4143	1	16	1996	Annexation Church of the Good Shepherd
4144	1	16	1996	Zones Church of the Good Shepherd
4145	1	16	1996	Street vacation Shade Tree park 4th
4146	1	16	1996	Annexation Sharde Tree park 5th
4147	1	16	1996	Zones Shade Tree Park 5th
4148	2	6	1996	Suppl budget and approp 1; Home rule charter expenses
4149	2	6	1996	Amends § 13.04.070, water service (13.04)
4150	2	6	1996	Amends § 13.08.075, sewer system (13.08)
4151	2	20	1996	Amends § 13.02.010(C) and (F), utility billing (13.02)
4152	2	20	1996	Amends §§ 13.04.030(C)(3), (4), (5)a and (8), 13.04.031(B) and 13.04.275, water service (13.04)
4153	2	20	1996	Amends §§ 13.08.040(F)(1), (G), (H) and (L), 13.08.041 (B) and 13.08.010(B)(1), sewer system (13.08)
4154	2	20	1996	Amends § 13.08.080, storm-water management (13.18)
4155	2	20	1996	Amends § 16.08.010, planning commission (Title 16)
4156	2	20	1996	Amends Ch. 13.10, wastewater system (13.10)
4157	2	20	1996	Authorizes acquisition of certain property
4158	2	20	1996	Street vacation Willowbriar 2nd and 3rd
4159	3	5	1996	Easement vacation Windsong 4th
4160	3	5	1996	Amends § 18.52.025, zoning (18.52)
4161	3	19	1996	Approves purchase agreement Samson property
4162	3	19	1996	Amends § 6.12.040(A), dogs (Repealed by 4229)
4163	3	19	1996	Street vacation Sylmar 1st

Disposition of Ordinances 4001 - 5000

Ord #	2nd Reading Date			Ordinance Description
4164	3	19	1996	Zones Sylmar 5th
4165	4	16	1996	Suppl budget and approp 3; Rollover
4166	4	16	1996	Suppl budget and approp Federal drug buy money
4167	4	2	1996	Rezone Evergreen Meadows west 3rd
4168	4	16	1996	Amends §§ 2.60.130, 2.60.280, 2.60.340; repeals § 2.60.150, boards and commissions (2.60)
4169	4	16	1996	Rezone Loveland Business Plaza Addition
4170	4	16	1996	Adds Ch. 16.41, subdivisions (Title 16)
4171				(Denied)
4172				(Denied)
4173	5	7	1996	Approves amendment to lease agreement COL & Chamber
4174	5	7	1996	Suppl budget and approp grounds imp Lincoln Elementary
4175	5	7	1996	Amends § 13.02.090, utility billing (13.02)
4176	5	7	1996	Amends § 13.04.030(F), water service (13.04)
4177	5	7	1996	Rezone Windsong
4178	5	21	1996	Amends annexations and rezones
4179	5	21	1996	Adds § 5.20.030, amusements weapons (Repealed by 4513)
4180	5	21	1996	Authorizes prior redemption and payoff of unmatured bonds
4181	6	17	1996	Suppl budget and approp 7; payoff Refunding and Imp bonds
4182	6	17	1996	Street vacation Windsong 2nd Subd
4183	6	17	1996	Suppl budget and approp 6: Code enforcement
4184	7	2	1996	Street vacation Church of the Good Shepherd
4185	7	2	1996	Adds §§ 18.04.138, 18.04.268, 18.04.373 [18.04.372], 18.04.382, 18.40.020(A)(5), 18.48.010 (C)(5), 18.50.020(B)(2.5), (C)(0.5), (C)(0.75), (I)(4), (L)(4) and (P)(5), 18.50.085, 18.50.100(B)(12), 18.50.130, 18.50.150(A)(8) and 18.52.060(K), (L) and (M); amends §§ 18.04.125.5, 18.04.140, 18.04.150, 18.04.200, 18.04.450, 18.48.070, the index to Ch. 18.50, 18.50.020(A)(1), (A)(3), (B)(3), (M)(3) and (T)(1), 18.50.030(D), 18.50.040(A), 18.50.050(H), (I), (J) and (L), 18.50.070(A), 18.50.080(A), 18.50.100(A) (1), (A)(2)(h)(ii), (B)(2)(h)(ii) [(B)(2)(f)(ii)] and (B)(10), 18.50.150(A)(5), (C)(5) and (E), 18.52.060(C) and 18.60.040; amends and renumbers §§ 18.50.100(A)(3) through (A)(5)(c) to be (A)(3)(a) through (c), 18.50.100(B)(3) through (B)(13) to be (B)(3) through (B)(11); renumbers § 18.40.020(A)(5) to be 18.40.020(A)(6); repeals, replaces and renumbers §§
4186	7	2	1996	Amends § 18.41.050(E)(3)(a) and (E)(4), zoning (18.41)
4187	7	16	1996	Adds § 2.60.400, police department citizen advisory board (2.60)
4188	7	16	1996	Adds § 5.12.010(D), vendors and peddlers (Repealed by 4513)
4189	7	16	1996	Vacation of final subdivision plat Big Thompson Farms 1st
4190				(Denied on second reading)
4191	8	5	1996	Vacation of final subdivision plat Longview midway 4th
4192	8	20	1996	Amends §§ 10.04.010 and 10.04.020, traffic code adopted--amendments (Repealed by 4212)
4193	8	20	1996	Amends §§ 16.39.030(A) and (C) and 16.39.050(A), subdivisions (Title 16)
4194	8	20	1996	Amends § 18.41.050(E)(3)(a), zoning (18.41)
4195	8	20	1996	Annexation Big Thompson Farms 2nd
4196	8	20	1996	Zones Big Thompson Farms 2nd

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Ord #	2nd Reading Date			Ordinance Description
4197	8	20	1996	Adds § 2.60.420, Loveland senior advisory board (2.60)
4198	8	20	1996	Adopts the City of Loveland Handbook for Boards and Commissions
4199	8	20	1996	Vacation of final subdivision plat Blackbird Knolls Addition
4200				(Not approved)
4201	9	3	1996	Repeals and replaces § 3.16.110, sales and use tax (Repealed by 4263)
4202	9	3	1996	Easement vacation Loveland Addition
4203	9	3	1996	Amends Ords. 4074 and 4147 to rezone newly annexed territory
4204	9	17	1996	Amends § 3.16.120, sales and use tax (Repealed by 4263)
4205	10	1	1996	Suppl budget and approp 8: various
4206	10	15	1996	Suppl budget and approp 9; Big Thompson River Corridor Stdy
4207	10	15	1996	Adds subsections (L), (M) and (N) to § 15.28.020, Uniform Fire Code (Repealed by 4347)
4208	10	15	1996	Adds subsections (X), (Y) and (Z) to § 15.08.020, building code (Repealed by 4348)
4209	10	15	1996	Adds § 2.60.440, open lands advisory commission (2.60)
4210	10	15	1996	Amends the City of Loveland Handbook for Boards and Commissions
4211	10	15	1996	Amends § 2.60.280, visual arts commission (2.60)
4212	10	15	1996	Repeals and replaces Ch. 10.04, traffic regulations (Repealed by 4213)
4213	11	5	1996	Repeals and replaces Ch. 10.04, traffic regulations (10.04)
4214	11	5	1996	Amends § 2.60.170, boards and commissions (Repealed by 4574)
4215	11	5	1996	Establishes provisions for an election of the landowners within the Loveland downtown development authority concerning the retention of the authority
4216	11	5	1996	Annexation Daniel Lee 3rd
4217	11	5	1996	Zones Daniel Lee 3rd
4218	11	19	1996	Rezone Windsong
4219	11	19	1996	Adds §§ 18.50.020(B)(5) and (6) and 18.50.075 and amends §§ 18.50.020(P)(1), 18.50.050(A) and 18.50.060(D), zoning (18.50)
4220	11	19	1996	Adds § 18.48.070(C) and amends §§ 18.48.070(A) and (B), zoning (18.48)
4221	11	19	1996	Adds §§ 18.36.010(M) and (N), 18.50.135 and 18.50.070(E) and amends §§ 18.13.100, 18.24.030(A), 18.28.030(A), 18.36.010(H), 18.40.015, 18.40.030(E), (G), (H), and (I) and 18.52.060(C), zoning (18.13, 18.24,
4222	11	19	1996	Drainage and utility easement vacation Silver Lake North
4223	11	19	1996	Drainage and utility easement vacation Shadow Hills Subd
4224	12	3	1996	Pay plan for city employees; repeals Ord. 4126 (Repealed by 4310)
4225	12	3	1996	Adopts 1997 budget
4226	12	3	1996	Annual appropriations for Fiscal year 1997
4227	12	3	1996	Amends § 2.44.110, division of public safety (2.44)
4228	12	17	1996	Repeals and replaces Ch. 10.08, administration of traffic (10.08)
4229	12	17	1996	Repeals and replaces Title 6, animals (6.04, 6.08, 6.12, 6.16, 6.20, 6.24,
4230	12	17	1996	Adds Ch. 13.14, public records (13.14)
4231	1	7	1997	Utility easement vacation west Shore Terrace
4232	12	17	1996	Amends § 1 of Ords. 3992, 4052 and 4070, rezone Gateway PUD
4233	1	7	1997	Amends the City of Loveland Handbook for Boards and Commissions
4234	1	21	1997	Drainage and utility easement vacation Daniel Lee Addition
4235	1	21	1997	Adds Ch. 18.55, personal wireless service facilities (18.55)

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Ord #	2nd Reading Date			Ordinance Description
4236	1	21	1997	Adds §§ 18.08.020(Q), 18.12.020(Q), 18.13.030(O), 18.16.020(Z), 18.20.020(X), 18.24.010(EE), 18.24.020(S), 18.28.010(AA), 18.28.020 (BB), 18.36.010(M) and 18.36.020(F), 18.38.020(I), zoning (18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.38)
4237	2	4	1997	Amends the City of Loveland Handbook for Boards and Commissions
4238	2	4	1997	Adds §§ 18.04.099, 18.04.128, 18.04.217 and 18.04.342 amends § 18.42.010, zoning (18.04, 18.42)
4239	2	4	1997	Amends the title of Ch. 1841 and §§ 18.41.010 and 18.41.040(B) and repeals §§ 18.08.020(F), 18.12.020(D), 18.13.020(D) [18.13.030(D)], 18.16.020(C), 18.20.020(C), 18.24.020(G), 18.28.020(S) and 18.36.020(C), zoning (18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36)
4240	2	4	1997	Supple budget appropriation No. 2 Police
4241	2	18	1997	Amends "Handbook for Boards and Commissions" (Not codified)
4242	2	18	1997	Amends § 10.04.020, traffic regulations (10.04)
4243	2	18	1997	Reappoints municipal court judge, deputy municipal court judge and sets compensation (Not codified)
4244	2	18	1997	Rezone Vanguard-Famleco 6th Subd
4245	3	18	1997	Amends § 2 of Ord. 4199, vacation Blackbird Knolls
4246	3	4	1997	Amends §§ 18.04.030, 18.04.040; amends all zoning districts, zoning (10.04, 12.28, 18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.42, 18.43, 18.46, 18.48, 18.50, 18.55)
4247	3	4	1997	Rezone Marianna Butte
4248	3	18	1997	Supple budget, approp No. 3 Sales and Use tax
4249	3	18	1997	Supplebudget, appropNo. 4 Capital project
4250	3	18	1997	Amends zoning regulations for Westwood Third Subdivision PUD
4251	3	18	1997	Vacation Grosboll 2nd
4252	3	18	1997	Adds §§ 9.28.090 and 9.28.100; amends § 9.28.080, curfew (9.28)
4253	3	18	1997	Repeals §§ 12.28.040 and 12.28.045, flags and signs (12.28)
4254	3	18	1997	Amends §§ 18.50.020, 18.50.030, 18.50.050 and 18.50.070, zoning (18.50)
4255	4	1	1997	Supplementary budget, appropriation No. 5 Land Acq
4256	4	1	1997	Rezone Grosboll 4th
4257	4	15	1997	Suppl budget, appropriation No. 6 Police Enforcemnet
4258	4	15	1997	Annexation Rocky Mountian Village II Addition
4259	4	15	1997	Rezone Rocky Mountain Village PUD
4260	5	6	1997	Adds § 15.24.030; repeals and replaces §§ 15.24.010 and 15.24.020, electrical code (15.24)
4261	5	6	1997	Amends § 10.04.020(T), traffic regulations (10.04)
4262	5	6	1997	Amends §§ 15.28.020(G) and (K) and 15.28.140, fire code (15.28)
4263	5	6	1997	Amends §§ 3.16.010, 3.16.020; repeals §§ 3.16.030 and 3.16.040; amends and renumbers §§ 3.16.050-- 3.16.070 to 3.16.030-- 3.16.050 and adds new §§ 3.16.060 and 3.16.070; repeals and replaces §§ 3.16.080-- 3.16.140 and adds new §§ 3.16.150--3.16.570, sales and use tax (3.16)
4264	5	6	1997	Rezone Shadow Hills Subd
4265	6	17	1997	Amends Ord. 1222, franchise Public Service
4266	5	6	1997	Supplementary budget, appropriation No. 7 Rollover

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Ord #	2nd Reading Date			Ordinance Description
4267	5	20	1997	Amends § 15.08.020(X), building code (Repealed by 4348)
4268	5	20	1997	Amends § 15.28.020(L), fire code (Repealed by 4347)
4269	5	20	1997	Amends § 2.04.010, elections (Repealed by 4505)
4270	6	3	1997	Easement vacation Silver Lake 10
4271	6	17	1997	Adds subsection D to § 7.50.020; amends §§ 7.50.040(B) and 7.50.050(B), possession and use of tobacco products by minors (7.50)
4272	6	17	1997	Easement vacation Sylmar 1st
4273	6	17	1997	Repeals and replaces Ch. 7.16, solid waste collection and recycling (7.16)
4274	6	17	1997	Adds Ch. 7.18, weed control (7.18)
4275	6	17	1997	Repeals and replaces Ch. 7.26, accumulations of waste material (7.26)
4276	7	1	1997	Amends §§ 13.12.010, 13.12.012, 13.12.190 and 13.12.200, electricity (13.12)
4277	7	1	1997	Rezone Loch Mount Addition
4278	7	1	1997	Repeals and replaces Ch. 16.41, Table 2.3, Appx. A, subdivisions (Title 16)
4279	7	1	1997	Amends § 16.38.020, subdivisions (Title 16)
4280	7	1	1997	Rezone Anderson Farms 2nd Addition
4281	7	1	1997	Submission of Charter amendments to registered electors
4282	7	1	1997	Amends Ord. 4270, easement vacation Silver Lake 10
4283	7	15	1997	Amends § 21 in "Handbook for Boards and Commissions" (Not codified)
4284	7	15	1997	Adds §§ 16.41.120-- 16.41.150; amends § 16.41.160, subdivisions (Title 16)
4285	7	15	1997	Rezone Boyd Lake North
4286	8	6	1997	Supplementary budget appropriations 8 land acq
4287	8	6	1997	Supplementary budget appropriations 9 cable equip
4288	8	6	1997	Rezone Seven lakes North
4289	8	6	1997	Easement vacation silver Lake 12
4290	8	19	1997	Amends § 1.12.010, fines and penalties (1.12)
4291	8	19	1997	Amends § 10.04.050(B); adds Ch. 10.32, traffic infractions (10.32)
4292	8	19	1997	Amends § 9.36.025(F); repeals § 9.36.025(H) and reletters (I) and (J) to be (H) and (I), liquor consumption and sale (9.36)
4293	8	19	1997	Rezone Shamrock West Subd
4294	8	19	1997	Easement vacation Johnson Estate 16
4295	8	19	1997	Rezone Kness Addition
4296	9	2	1997	Easement vacation Hapiness Plaza 7th
4297	9	16	1997	Adopts amended Gateway PUD; rezone
4298	11	18	1997	Amends Title 16, subdivision of land (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36, 16.38, 16.40, 16.41)
4299	12	2	1997	Adds Title 17, annexation (17.04)
4300	11	18	1997	Adds Title 19, water rights (19.04)
4301	10	7	1997	Suppl budget and appropriation No. 10 Golf
4302	11	4	1997	Authorizes long-term lease of property at airport
4303	11	4	1997	Authorizes long-term lease of property at airport
4304	11	4	1997	Street vacation Longview Midway 4th
4305	11	18	1997	Authorizes city to enter into agreement with First National Bank for lease-purchase of computer software and equipment for the library
4306	11	18	1997	Suppl budget and approp No. 11 Fore Station 5

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Ord #	2nd Reading Date			Ordinance Description
4307	12	2	1997	Suppl budget and approp No. 12 public imp
4308	12	2	1997	Amends § 18.41.050(E)(3)(a), zoning (18.41)
4309	12	2	1997	Amends preliminary development plan relating to Mountain Vista PUD addition
4310	12	2	1997	Adopts pay plan for city employees; repeals Ord. 4224
4311	12	2	1997	Adopts 1998 budget
4312	12	2	1997	Annual appropriations for FY 1998
4313	1	6	1998	Rezone Vanguard-Famleco 8th
4314	2	17	1998	Suppl budget and approp No. 1 Parks Shop
4315	2	17	1998	Adds Ch. 16.39, school land dedication and in-lieu fees (16.39)
4316	3	3	1998	Establishes wireless communications access charge
4317	3	3	1998	Vacates certain planning conditions adopted by Ord. 1905 for Arbor Meadows Addition annexation
4318	3	3	1998	Amends certain zoning district boundary Arbor Meadows
4319	3	3	1998	Vacates utility, drainage irrigation easement Suncreek 11
4320	3	17	1998	Adds §§ 16.41.120-- 16.41.150; amends § 16.08.010, community facilities (16.08, 16.41)
4321	4	7	1998	Suppl budget and appropriation No. 2 Rollover
4322	4	7	1998	Supplementary budget approp No. 3Public Safety Comoputer
4323	4	21	1998	Authorizes long term lease Airport
4324	4	21	1998	Authorizes long term lease Airport
4325	4	21	1998	Amends § 13.10.205, wastewater discharge (13.10)
4326	4	21	1998	Repeals and replaces § 13.10.111, wastewater discharge (13.10)
4327	4	21	1998	Suppl budget and approp No. 5 Capital project
4328	4	21	1998	Access easement vacation Creekside 4th
4329	5	5	1998	Annexation Good Samaritan 2nd
4330	5	5	1998	Amends Good Samaritan 2nd Addition
4331	5	5	1998	Street right-of-way vacation Stephenson 2nd Subd
4332	5	5	1998	Easement vacation Stephenson 2nd
4333	5	5	1998	Easement vacation Stephenson 2nd
4334	5	5	1998	Easement vacation Stephenson 2nd
4335	5	5	1998	Easement vacation Silver Lake 13th
4336	5	5	1998	Annexation Horseshoe Lake Addition
4337	5	5	1998	Horseshoe Lake 1st subdivision PUD (P-34) district boundaries
4338	5	5	1998	Adds §§ 19.04.025 and 19.04.050; amends §§ 19.04.020, 19.04.030 and 19.04.040; renumbers § 19.04.020(D) to 19.04.021, § 19.04.020(D)(6) to 19.04.022, § 19.04.020(D)(7) to 19.04.023, § 19.04.040(B) to 19.04.060(A), § 19.04.040(C) to 19.04.060(B), § 19.04.040 (D) to 19.04.060(C), § 19.04.040(E) to 19.04.070, § 19.04.040(F) to 19.04.080, water rights (19.04)
4339	5	19	1998	Amends handbook for boards and commission (Not codified)
4340	5	19	1998	Supplementary budget and approp No. 4 Open Space
4341	6	2	1998	Grants easement and right-of-way Ute Snowy Ridge
4342	6	2	1998	Annexation Picabo Hills Addition
4343	6	2	1998	Picabo Hills PUD (P-43) district boundaries
4344	6	2	1998	Annexation Harvest Gold Addition
4345	6	16	1998	Amends Ord. 1222, gaseous fuel franchise

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Ord #	2nd Reading Date			Ordinance Description
4346	6	2	1998	Aoning Harvest Gold Addition
4347	7	21	1998	Repeals and replaces §§ 15.28.010 and 15.28.020 and amends § 15.28.150, fire code (15.28)
4348	7	21	1998	Adds Ch. 15.52 and §§ 15.08.030, 15.12.040, 15.16.030, 15.20.030 and 15.48.030 and repeals and replaces §§ 15.08.010, 15.08.020, 15.12.020, 15.12.030, 15.16.010, 15.16.020, 15.20.010, 15.20.020, 15.48.010 and 15.48.020, buildings and construction (15.08, 15.12, 15.16, 15.20, 15.48, 15.52)
4349	6	19	1998	Authorizes sale of real property Westside Ambulance Fac
4350				(Denied)
4351	6	16	1998	Amends § 15.24.030, national electrical code (15.24)
4352	7	7	1998	Rezone Buck 1st & 2nd
4353	7	7	1998	Amends § 15.28.110, fire code (15.28)
4354	7	7	1998	Adds §§ 15.04.152 and 15.04.153, amends §§ 15.04.050, 15.04.060, 15.04.120, 15.04.150, 15.04.155 and 15.04.190(B) and repeals §§ 15.04.030, 15.04.035, 15.04.040, 15.04.070 and 15.04.100, buildings and construction--general provisions (15.04)
4355	7	7	1998	Rezone Ron Thomas Addition
4356	7	7	1998	Rezone Kness Addition
4357	9	1	1998	Annexation Hewlett Packard Roosevelt Addition
4358	9	1	1998	Hewlett-Packard Roosevelt Addition district boundaries
4359	7	21	1998	Vacates portion of a public right-of-way McWhinney Add
4360	7	21	1998	Annexation Thompson Valley Addition
4361	7	21	1998	Thompson Valley Addition district boundaries
4362	8	3	1998	Amends § 10.04.020(V), traffic regulations (10.04)
4363	8	3	1998	Sale of real property
4364	8	3	1998	Amends Ord. 4310, pay plan for city employees
4365	8	3	1998	Adds § 16.38.075, subdivisions (16.38)
4366	8	3	1998	Ballot question submitted to voters (Not codified)
4367	8	3	1998	Ballot question submitted to voters (Not codified)
4368	8	3	1998	Ballot question submitted to voters (Not codified)
4369	8	3	1998	Ballot question submitted to voters (Not codified)
4370	8	3	1998	Ballot question submitted to voters (Not codified)
4371	8	18	1998	Authorizes long-term lease of property at the Fort Collins-Loveland Airport
4372	8	18	1998	Authorizes long-term lease of property at the Fort Collins-Loveland Airport
4373	8	18	1998	1998 golf course enterprise revenue bonds
4374	8	18	1998	Adds Ch. 3.24, lodging tax (Submitted to voters--Failed)
4375	9	1	1998	Amends §§ 3.16.020(A) and 3.16.040, sales and use tax (Submitted to voters--Failed)
4376	9	1	1998	Establishes limited recreation at the expanded Green Ridge Glade Reservoir
4377	9	1	1998	Amends §§ 19.04.020(B) and (C), 19.04.021, 19.04.025 and 19.04.040, water rights (19.04)
4378	9	1	1998	Amends §§ 3.16.020(A) and 3.16.040, sales and use tax (Submitted to voters--Failed)
4379	9	15	1998	Rezone Ballard Place 1st Subd

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Ord #	2nd Reading Date			Ordinance Description
4380	10	6	1998	Suppl budget and approp No. 6 Library
4381	10	6	1998	Repeals and replaces § 2.60.070, library board (2.60)
4382	10	6	1998	Amends § 24 of handbook for board and commissions
4383	11	3	1998	Rights-of-way vacation Blackbird Knolls
4384	11	17	1998	Suppl budget and approp No. 8 Insurance claim
4385	12	1	1998	Amends §§ 2.68.010 and 2.68.020, salaries (2.68)
4386	12	1	1998	Suppl budget and approp No. 9 Prks Mtnc Facility
4387	12	1	1998	Adopts pay plan for city employees; repeals Ord. 4224 (Repealed by 4471)
4388	12	8	1998	Adopts 1999 budget
4389	12	8	1998	Annual appropriation for fiscal year 1999
4390	12	15	1998	Suppl budget and approp No. 7 purchase devils backbone
4391	12	15	1998	Amends § 18.04.040, zoning (18.04)
4392	1	5	1999	Funds transfer Fire Rescue & Police
4393	1	19	1999	Suppl budget and approp No. 1 Open Space
4394				(Defeated)
4395	1	19	1999	Adds §§ 13.04.031 and 13.04.270; amends §§ 13.02.060, 13.02.071, 13.04.030(C), 13.04.034(B), 13.04.038, 13.04.040(A)--(C), (D)(2) and (E), 13.04.205, 13.04.240, 13.04.245(A)(2), 13.04.250, 13.08.040(C), (F)(1), (G)--(I) and (L), 13.08.041(B) and 13.18.080 (A); renumbers § 13.04.031 to be 13.04.034, § 13.04.032 to be 13.04.038, 13.04.033 to be 13.04.040, 14.03.035 to be 13.04.044 and 13.04.036 to be 13.04.046; repeals §§ 13.04.030(C)(1)--(8), 13.04.275, 13.04.276, utilities (13.02, 13.04, 13.08, 13.18)
4396	1	19	1999	Annexation Evergreen Meadows North
4397	1	19	1999	Amends § 18.04.040, zoning (18.04) Evergreen Meadows North
4398	1	19	1999	Amends § 18.04.040, zoning (18.04) Good Shepherd and Brownview 1
4399	1	19	1999	Amends § 18.04.040, zoning (18.04) Good Shepherd
4400	1	19	1999	Amends § 18.04.040, zoning (18.04) Rocky Mountain Village
4401	1	19	1999	Right-of-way vacation Glen Arbor Addition
4402	2	2	1999	Annexation Quail Run Addition
4403	2	2	1999	Zones Quail Run Addition
4404	2	16	1999	Approves transfer of Centennial Village development
4405	2	16	1999	Moratorium on the location or establishment of sexually oriented businesses
4406	3	2	1999	Repeals and replaces § 18.45.030(B), zoning (18.45)
4407	3	2	1999	Annexation McCallum Addition
4408	3	2	1999	Zones McCallum Addition
4409	3	16	1999	Repeals and replaces 2.60.360, utility advisory board; repeals 2.60.180, water board (2.60)
4410	3	16	1999	Adds § 3.08.020, general fund--reserve account (3.08)
4411	3	16	1999	Amends § 2.14.010(M) and (N), disclosure of conflicts of interest and finances (2.14)
4412	3	16	1999	Annexation Aspen Knolls
4413	3	16	1999	Zones newly annexed territory Aspen Knolls
4414	3	16	1999	Annexation Schroeder Office Park Addition
4415	3	16	1999	Zones Schroeder Office Park Addition
4416	4	6	1999	Amends city of Loveland Handbook for Boards and Commissions

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Ord #	2nd Reading Date			Ordinance Description
4417	4	6	1999	Suppl budget and approp No. 2 Rollover
4418	4	20	1999	Suppl budget and approp No. 3 Police Grant funds
4419	4	20	1999	Suppl budget and approp No. 4 Emergency Warning
4420	4	20	1999	Rezone Winona 3rd
4421	5	4	1999	Authorizes lease of property at airport
4422	5	4	1999	Authorizes lease of property at airport for construction of an aircraft hangar
4423	5	4	1999	Authorizes lease of property at airport for construction of an aircraft hangar
4424	5	4	1999	Authorizes lease of property at airport for construction of an aircraft hangar
4425	5	4	1999	Authorizes lease of property at airport for construction of an aircraft hangar
4426	5	4	1999	Authorizes lease of property at airport for construction of an aircraft hangar
4427	5	4	1999	Amends handbook for boards and commissions concerning the museum board (Not codified)
4428	5	4	1999	Repeals and replaces § 2.60.060 and repeals §§ 2.60.030 and 2.60.040, boards and commissions (2.60)
4429	5	4	1999	Amends § 2.60.070(B), boards and commissions (2.60)
4430	5	4	1999	Suppl budget and approp No. 5 Open Space Staff
4431	5	4	1999	Vacates all access easements and rights-of-way within the boundaries of Cedar View Addition
4432	5	4	1999	Rezone Cedar View Addition
4433	5	18	1999	Suppl budget and approp No. 6 I-25 Corridor Study
4434	5	18	1999	Suppl budget and approp No. 7 Boyd lake open land acq
4435	5	18	1999	Suppl budget and approp n No. 8 Police/court design
4436	5	18	1999	Annexation Thompson Addition
4437	5	18	1999	Zone Thompson Addition
4438	6	1	1999	Adds § 10.04.050(C), traffic regulations (10.04)
4439	6	1	1999	Acquisition of certain parcels of property
4440	6	1	1999	Acquisition of certain parcels of property
4441	6	15	1999	Annexation Meadowbrook Farms
4442	6	15	1999	Zones Meadowbrook Farms
4443	6	1	1999	Suppl budget and approp No. 9 Fiber connection
4444	6	1	1999	Amends Title 16, subdivision of land (16.04, 16.08, 16.12, 16.16, 16.20, 16.21, 16.24, 16.28, 16.32, 16.36, 16.38, 16.39, 16.40, 16.41)
4445	6	15	1999	Suppl budget and approp No. 10 Ralto sound and Ltg
4446	6	15	1999	Amends §§ 13.04.030(C), 13.04.190, 13.04.220(b), 13.04.245(c)(1) and (3) and 13.18.080(A); repeals §§ 13.04.030(D)--(G), utilities (13.04, 13.18)
4447	6	15	1999	Adds §§ 7.16.020(A) and 7.16.070(A) and amends §§ 7.16.020(A)(9), 7.16.080(A), 7.16.220 and 7.16.230, solid waste collection and recycling (7.16)
4448	7	6	1999	Adds § 18.68.045, zoning (18.68)
4449	7	20	1999	Adds §§ 16.16.030(B)(1)(b) (iii) and (iv), subdivision of land, and amends §§ 18.41.050(D)(2) and(E)(1) and 18.64.020(B)(2) and (D), zoning (16.16, 18.41, 18.64)

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Ord #	2nd Reading Date			Ordinance Description
4450	6	1	1999	Adds §§ 16.24.012 and 16.24.014 and amends § 16.24.015, subdivision of land (16.24)
4451	7	20	1999	Suppl budget and approp No. 11 Human Resources
4452	7	20	1999	Adds Ch. 5.40, sexually oriented business regulation and licensing (5.40)
4453	7	20	1999	Adds Ch. 18.76 and §§ 18.04.485 and 18.40.027 and amends §§ 18.36.020 and 18.40.010(C), zoning (18.04, 18.36, 18.40, 18.76)
4454	8	4	1999	Water enterprise (Not codified)
4455	8	4	1999	Acquisition of certain parcels of property
4456	8	4	1999	Acquisition of certain parcels of property
4457	8	4	1999	Acquisition of certain parcels of property
4458	8	17	1999	Suppl budget and approp No. 12 property acq
4459	8	17	1999	Amends § 19.04.040(A)(1), water rights (19.04)
4460	8	17	1999	Rezone Allendale Plaza
4461	8	17	1999	Suppl budget and approp No. 13 Tabor Revenues
4462	9	7	1999	Suppl budget and approp No. 14 COLT
4463	9	7	1999	Amends § 2.60.320, youth advisory commission (2.60)
4464	9	7	1999	Amends § 21 of handbook for boards and commissions (Not codified)
4465	9	7	1999	Repeals Ch. 3.29 (Repealed)
4466	9	7	1999	Establishes historic Loveland business improvement district, approves operating plan
4467	9	21	1999	Amends § 1.28.060(A), court costs (1.28)
4468	9	21	1999	Suppl budget and approp No. 15 WW Early debt retirement
4469	9	21	1999	Rezone Dille Addition
4470	9	21	1999	Rezone Harvest Gold Addition
4471	9	21	1999	Repeals and replaces Ord. 4387, pay plan for city employees (Repealed by
4472	9	21	1999	2000 budget
4473	9	21	1999	2000 appropriations
4474	10	5	1999	Annexation Westview Village Addition
4475	10	5	1999	Zone Westview Village Addition
4476	10	5	1999	Adds § 16.24.018; amends § 16.08.010, affordable housing (16.08, 16.24)
4477	10	19	1999	Adds Ch. 9.50, keg identification tags (9.50)
4478	10	19	1999	Suppl budget and approp No. 16 Criminal Justice Grant
4479	10	19	1999	Suppl budget and approp No. 17 Communication Doc Mng
4480	10	19	1999	Amends § 18.04.040, zoning (18.04) Winona 3rd
4481	10	19	1999	Authorizes lease for public safety building project
4482	11	2	1999	Suppl budget and approp No. 18 Land acq
4483	11	2	1999	Golf enterprise (Not codified)
4484	11	2	1999	Wastewater enterprise (Not codified)
4485	11	2	1999	Stormwater enterprise (Not codified)
4486	11	2	1999	Electric enterprise (Not codified)
4487	11	2	1999	Adds § 13.04.032; amends §§ 13.04.030(C), raw water irrigation (13.04)
4488	11	2	1999	Adds §§ 19.04.022(A)(4)--(7) and 19.04.090; amends §§ 19.04.020(B), 19.04.022 (A)(1), (2) and (3), 19.04.025, and deletes and replaces the term "water board" with "utility commission" in Ch. 19.04, water rights (19.04)
4489	11	2	1999	Amends Ord. 1222, gaseous fuel franchise

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Ord #	2nd Reading Date			Ordinance Description
4490	11	16	1999	Annexation Hewlett Packard Big Thompson Addition
4491			1999	Amends § 18.04.040, zoning (18.04) Hewlett packard Big Thompson
4492			1999	Amends § 18.04.040, zoning (18.04) Hewlett packard Big Thompson
4493	12	7	1999	Suppl budget and approp No. 19 Land Acq
4494	12	7	1999	Suppl budget and approp No. 20 City Management Recruit
4495	12	7	1999	Suppl budget and approp No. 21 Museum Fiber Optic
4496	12	7	1999	Suppl budget and approp No. 22 Police Gang Stop Equip
4497	12	7	1999	Suppl budget and approp No. 23 Police Grant
4498	12	7	1999	Suppl budget and approp No. 1 Police Grant
4499	12	21	1999	Adds § 1.12.010(C), general penalty and penalty for traffic infractions (1.12)
4500	12	21	1999	Amends §§ 12.32.130, 12.32.160, 18.47.030 and 18.48.070(B)(5), sight distance triangle regulations (12.32, 18.47, 18.48)
4501	12	21	1999	Excludes certain property form historic business improvement district
4502	1	4	2000	Amend Code: Repeals § 16.36.100 (Repealed)
4503	1	4	2000	Creates special improvement district 1
4504	1	18	2000	Annexation Boyd Lake North 1st Addition
4505	2	1	2000	Amends §§ 2.04.020 and 2.12.020; repeals §§ 2.04.010, 2.04.030 and 2.12.030-- 2.12.090, administration, personnel (2.04, 2.12)
4506	2	1	2000	Amends § 2.60.017, boards and commission (2.60)
4507	1	18	2000	Vacates portion of public right-of-way within boundaries of northwest addition to city
4508	1	18	2000	Adds §§ 3.12.100--3.12.170; renumbers §§ 3.12.010-- 3.12.080 to be §§ 3.12.020-- 3.12.090; amends renumbered § 3.12.040, contracts (3.12)
4509	2	1	2000	Rezone Anderson Farm Addition
4510	2	1	2000	Adds § 16.32.060, lot merger (16.32)
4511	2	1	2000	Annexation Ward Industrial park
4512	2	15	2000	Vacates access easement and right-of-way Airpark
4513	3	7	2000	Amends §§ 5.24.010 and 5.24.020; repeals and replaces Ch. 5.12; repeals Chs. 5.08 and 5.20, auctions and auctioneers (5.12, 5.24)
4514	3	7	2000	Adds § 9.60.030, weapons (9.60)
4515	3	7	2000	Suppl budget and approp No. 3 Capital
4516	3	7	2000	Annexation Rangeview Addition
4517	3	7	2000	Rezone Rangeview
4518	3	21	2000	Special assessment bonds
4519	3	21	2000	Ratifies special improvement district No. 1
4520	3	21	2000	Amend Code § 16.38.072, subdivisions (16.38)
4521	3	21	2000	Amends § 19.04.025(A)(3), (4), raw water irrigation (19.04)
4522	3	21	2000	Adds § 16.38.085; amends § 16.08.010, subdivisions (16.08, 16.38)
4523	3	21	2000	Moratorium on application acceptance for residential development
4524	3	21	2000	Vacating right-of-way Horseshoe Lake 1st Sub
4525	4	4	2000	Repeals subsections (A)(36) and (A)(37) of § 16.20.050, subdivisions (16.20)
4526	4	4	2000	Suppl budget and approp No. 5 Rollover
4527	4	4	2000	Suppl budget and approp No. 6 Land Acq
4528	4	4	2000	Suppl budget and approp No. 7 St. grant
4529	4	4	2000	Suppl budget and approp No. 8 Tabor

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Ord #	2nd Reading Date			Ordinance Description
4530	5	2	2000	Amends handbook for boards and commissions (Not codified)
4531	4	4	2000	Amends § 18.68.045, zoning (18.68)
4532	4	4	2000	Annexation Kendall Brook
4533	4	4	2000	Rezone Kendall Brook Addition
4534	5	2	2000	Amends § 2.60.320, youth advisory commission (2.60)
4535	5	2	2000	Amends handbook for boards and commissions (Not codified)
4536	5	2	2000	Suppl budget and approp No. 10 Capital
4537	5	2	2000	Suppl budget and appropriation No. 11 Fee Waivers
4538	5	2	2000	Rezone Koldeway Industrial
4539	5	2	2000	Amends § 2.60.070(C) [2.60.270(C)]; repeals and replaces § 2.60.260; amends handbook for boards and commissions (2.60)
4540	5	16	2000	Amends §§16.16.030(B)(1) (b)(ii), 16.16.070(A)(3)[(a), (b),(c)], 17.04.050(D), 18.04.040(C), 18.40.010(C), 18.41.050(C)(2), 18.41.050 (D)(6) and 18.41.050(E)(2), public notices, planning commission (16.16, 17.04, 18.04, 18.40, 18.41)
4541	5	16	2000	Amends Ord. 1222, gaseous fuel franchise
4542	5	16	2000	Approves and authorizes loan contract water
4543	5	16	2000	Approves and authorizes loan contract water
4544	6	6	2000	Suppl budget and approp No. 12 Fire
4545	6	20	2000	Amend Code: Ch. 5.44, garage sales (5.44)
4546	6	20	2000	Sale of certain real property Semper Dev Co.
4547	7	5	2000	Rezone Finley's Second Addition
4548	6	20	2000	Annexation Willow Park Addition
4549	6	20	2000	Zones Willow Park Addition
4550	6	20	2000	Street and easement vacations Willow park Addition
4551	7	5	2000	Sale of certain real property Home Depot
4552	7	5	2000	Suppl budget and approp No. 15 land acq
4553	7	5	2000	Suppl budget and appropriation No. 16 barnes ditch bridge
4554	7	5	2000	Franchise grant to WideOpenWest Colorado LLC
4555	7	18	2000	Amends Ord. 4454, water enterprise (Not codified)
4556	7	18	2000	Suppl budget and appropriation No. 17 Inspection fee
4557	8	15	2000	Amends §§12.08.045, 12.08.080, 12.08.090, 12.08.100, 12.08.120, 12.08.130, 12.08.150, 12.08.160 and 12.08.170, street names (12.08)
4558	8	15	2000	Amends §§16.28.040, 16.28.050, 16.32.040, 16.32.050, boundary line adjustments (16.28, 16.32)
4559	8	15	2000	Adds §16.20.015, non-regulated land transfers (16.20)
4560	8	15	2000	Suppl budget and approp No. 18 Police
4561	8	15	2000	Suppl budget and approp No. 19 MIS
4562	9	5	2000	Approves transfer of certain water rights
4563	9	5	2000	Ballot question submitted to voters (Not codified)
4564	9	5	2000	Ballot question submitted to voters (Not codified)
4565	did	not	pass	Annexation
4566	did	not	pass	Zones newly annexed territory
4567	9	5	2000	Amend Code: Ch. 3.24, lodging tax and submits ballot question to voters (Voter denied)
4568	9	12	2000	Ballot question submitted to voters (Not codified)
4569	9	19	2000	Amend § 16.28.060, boundary line adjustments (16.28)

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Ord #	2nd Reading Date			Ordinance Description
4570	9	19	2000	Amends § 18.42.040, remote site parking (18.42)
4571	9	19	2000	Annexation Millennium Addition
4572	9	19	2000	Annexation Millennium Addition
4573	9	19	2000	Zones Millennium Addition
4574	10	3	2000	Amend Code Repeals and replaces § 2.60.170; repeals § 2.60.140, human services commission (2.60)
4575	10	3	2000	Zones Ridgeview North
4576	10	17	2000	Amends handbook for boards and commissions (Not codified)
4577	10	17	2000	Amend § 13.16.030, cable system customer service standards (13.16)
4578	10	17	2000	Suppl budget and approp No. 20 LETA
4579	11	7	2000	Suppl budget and approp No. 21 Police grant
4580	11	7	2000	Suppl budget and approp No. 22 Traffic
4581	11	7	2000	Right-of-way vacation Sygemik
4582	11	7	2000	Suppl budget and approp No. 13 Pool
4583	11	21	2000	Suppl budget and approp No. 23 Police Crt
4584	11	21	2000	ZonesWaterfront Addition
4585	11	21	2000	Right-of-way vacation Longview Midway 4th
4586	11	21	2000	Annexation Waterfront
4587	11	21	2000	Amends §§ 18.24.020 and 18.28.020, zoning (18.24, 18.28)
4588	12	5	2000	Suppl budget and appropriation No. 24 open space tax
4589	12	5	2000	Suppl budget and approp No. 25 Library
4590	12	5	2000	Adds Ch. 16.42, street maintenance fee (16.42)
4591	12	12	2000	Adopts pay plan for city employees; repeals Ord. 4471
4592	12	12	2000	Adopts 2001 budget
4593	12	12	2000	Appropriations
4594	12	19	2000	Suppl budget and approp No. 26 Museum
4595	12	19	2000	Utility easement vacation Boyd Lake North
4596	12	19	2000	Utility and drainage easement vacation Shamrock west
4597	1	2	2001	Rezone Range view Addition
4598	1	2	2001	Amends § 2.60.340, citizens' budget/finance advisory commission (2.60)
4599	2	6	2001	Amends §§ 19.04.020(C)(4), 19.04.022(A)(6) and 19.04.080, water rights (19.04)
4600	2	6	2001	Annexation Seven Lakes North
4601	2	6	2001	Zones Seven Lakes North
4602	2	6	2001	Establishes Windy Gap reserve account
4603	2	6	2001	Suppl budget and approp No. 1 Windy gap
4604	2	20	2001	Suppl budget and approp No. 2 Rialto sign
4605	2	20	2001	Suppl budget and approp No. 3 Recycle
4606	2	20	2001	Rezone Shade Tree park
4607	3	6	2001	Adds §§ 15.08.020(G), (H) and (I); amends §§ 15.08.020(B) and (C), 15.16.020(A), 15.20.020(A), 15.24.010 and 15.24.020; reletters §§ 15.08.020(G), (H) and (I) to be 15.08.020(J), (K) and (L); repeals §§ 15.24.040 and 15.24.050, building codes (15.08, 15.16, 15.20, 15.24)
4608	3	6	2001	Suppl budget and approp No. 4 LETA
4609	3	6	2001	Suppl budget and approp No. 7 Solid Waste
4610	3	6	2001	Annexation Lutheran Church of Hope Addition
4611	3	6	2001	Zones Lutheran Church of Hope
4612	3	20	2001	Suppl budget and approp No. 5 Streets

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Ord #	2nd Reading Date			Ordinance Description
4613	3	20	2001	Suppl budget and approp No. 6 Library
4614	3	20	2001	Amends § 16.38.072(A), fee exemption (16.38)
4615	3	20	2001	Amends § 2.60.340, citizens' finance advisory commission (2.60)
4616	3	20	2001	Amends handbook for boards and commissions (Not codified)
4617	3	20	2001	Repeals and replaces § 16.40.010, installation of public improvements (16.40)
4618	4	3	2001	Suppl budget and approp No. 8 Cultural Svc
4619	4	3	2001	Annexation RFJY
4620	4	3	2001	Zones RFJY
4621	4	17	2001	Suppl budget and approp No. 9 Traffic
4622	4	17	2001	Suppl budget and approp No. 10 Mosquito
4623	4	17	2001	Amends handbook for boards and commissions (Not codified)
4624	4	17	2001	Amends § 2.60.420, senior advisory board (2.60)
4625	4	17	2001	Amends handbook for boards and commissions (Not codified)
4626	5	1	2001	Suppl budget and approp #11 Convention
4627	5	15	2001	Rezone Seven Lakes North 5th
4628	5	15	2001	Annexation Willowbriar 3rd
4629	5	15	2001	Zones willobriar 3rd
4630	6	19	2001	Adds § 18.50.020(B)(6.5); Amends § 18.50.030(A), signs (18.50)
4631	6	19	2001	Suppl budget and approp No. 14 Police
4632	6	19	2001	Suppl budget and approp No. 12 Downtown
4633	7	3	2001	Suppl budget and approp No. 13 COLT
4634	7	3	2001	Suppl budget and approp No. 15 Police
4635	8	7	2001	Suppl budget and approp No. 16 Library
4636	8	8	2001	Annexation Alford lake Addition
4637	8	8	2001	Zones Alford lake Addition
4638	8	20	2001	Suppl budget and approp No. 17 Museum
4639	8	20	2001	Suppl budget and approp No. 18 Transit
4640	8	21	2001	Suppl budget and approp No. 19 Police
4641	8	21	2001	Conduct of November 6, 2001 election
4642	8	21	2001	Grants petition for inclusion of property in general improvement district No. 1
4643	8	21	2001	Amends § 13.04.100, water supply service (13.04)
4644	8	21	2001	Annexation Green Valley Ranch
4645	8	21	2001	Zones Green Valley Ranch
4646	9	4	2001	Supplemental budget and appropriation No. 20 Library comp
4647	8	21	2001	Rezone Allendale
4648	9	4	2001	Amends §§ 7.16.010, 7.16.020, 7.16.070, 7.16.090, 7.16.120, 7.16.140, 7.16.180, 7.16.240 and 7.16.250, solid waste collection and recycling services (7.16)
4649	9	4	2001	Amends §§ 7.18.040 and 7.18.050, weed control (7.18)
4650	9	4	2001	Amends §§ 7.26.070 and 7.26.080, waste and rubbish removal (7.26)
4651	9	4	2001	Submits charter amendment to electors
4652	9	4	2001	Vacates right-of-way Millennium Additoin
4653	9	4	2001	Vacates right-of way Millennium Addition
4654	9	4	2001	Rezone Millennium Addition
4655	9	4	2001	Rezone Vanguard Famleco

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Ord #	2nd Reading Date			Ordinance Description
4656	9	18	2001	Authorizes contract with United States Bureau of Reclamation and Northern Colorado Water Conservancy District
4657	9	18	2001	Authorizes contract with United States Bureau of Reclamation and Northern Colorado Water Conservancy District
4658	9	18	2001	Adds § 19.04.021 (B)(8), water rights requirements (19.04)
4659	9	18	2001	Annexation Wintergreen Village
4660	9	18	2001	Zones newly annexed territory
4661	9	18	2001	Amends §§ 16.38.020, 16.38.070, 16.38.075 and 16.38.110(A); repeals and replaces § 16.38.090; repeals §§ 16.38.040 and 16.38.080, capital expansion fees (16.38)
4662	10	2	2001	Authorized agreement with Emissaries of Divine Light
4663	10	2	2001	Annexation Wilson Commons Addition
4664	10	2	2001	Rezone Wilson Commons
4665	10	2	2001	Vacates utility easement McWhinney 13th Subd.
4666	10	2	2001	Rezone Thompson Valley
4667	10	16	2001	Amends § 16.41.110 and § 9 (A)(4) of Appendix A to Adequate Community Facilities Ordinance, subdivisions (16.41)
4668	10	16	2001	Suppl budget and approp No. 21 Traffic
4669	10	16	2001	Suppl budget and approp No. 22 Museum
4670	10	16	2001	Annexation Airport Substation
4671	10	16	2001	Zones airport substation
4672	10	16	2001	Amends Pine Tree Village preliminary development plan
4673	10	16	2001	Approves addendum to annexation and development agreement Millennium Addition GDP
4674	10	16	2001	Approves amendment to annexation and development agreement Rangeview Addition
4675	10	16	2001	Approves addendum to annexation and development agreement Rocky Mountain Village
4676	10	16	2001	Approves pay plan for city employees; repeals Ord. 4591
4677			2001	Adopts 2002 budget
4678	10	16	2001	Annual appropriation for fiscal year 2002
4679	11	6	2001	Amends Ord. 3329, Myers Group Addition
4680	11	20	2001	Suppl budget and approp No. 23 Solid Waste
4681	11	20	2001	Amends § 15.08.020(N); renumbers subsections (N), (P), (Q), (S), (T), (V), (W), (X), (Y), (AA) and (BB) of § 15.080.020 [15.08.020]; repeals 15.08.020 (K), (L), (M), (O), (R), (U) and (Z), light (15.08)
4682	11	20	2001	Vacates utility easement North 5th Subd
4683	11	20	2001	Vacates right-of-way Millennium Additoin
4684	12	4	2001	Suppl budget and approp No. 24 Library
4685	12	4	2001	Suppl budget and approp No. 25 Benefits
4686	12	4	2001	Suppl budget and approp No. 26 museum
4687	12	18	2001	Suppl budget and approp No. 27 Power
4688	12	18	2001	Vacates right-of-way McWhinney Addition
4689	12	18	2001	Vacates subdivision Evergreen Meadows North 1st
4690	1	2	2002	Amends § 6.24.030, animal impoundment (6.24)
4691	1	2	2002	Amends § 6.08.050(b), animal license (6.08)
4692	1	2	2002	Annexation Crossroads Addition
4693	1	2	2002	Zones Crossroads Addition

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Ord #	2nd Reading Date			Ordinance Description
4694	1	15	2002	Annexation Eagle Brook Meadows Addition
4695	1	15	2002	Zones Eagle Brook Meadows Addition
4696	2	5	2002	Suppl budget and approp No. 1 Police Grant
4697	2	5	2002	Rezone Thompson Valley Addition
4698	2	5	2002	Annexation Great Western Civic Addition
4699	2	5	2002	Zones Great Western Civic Addition
4700	2	19	2002	Amends § 2.60.070(B), library board (2.60)
4701	2	19	2002	Amends § 13.08.100(B)(1) and (D)(1), sewer rental charges (13.08)
4702	2	19	2002	Amends §§ 19.04.020(A) and (C), 19.04.021(C), 19.04.030 (A) and 19.04.050(A), water rights requirements (19.04)
4703	3	5	2002	Suppl budget and approp No. 2 Convention Center Survey
4704	3	19	2002	Suppl budget and approp No. 3 Rollover
4705	3	19	2002	Suppl budget and approp No. 4 Friends of the Rialto
4706	3	19	2002	Adds § 13.04.241; amends § 13.04.240; repeals Ord. 3647, surplus raw water (13.04)
4707	3	19	2002	Rezone East Loveland Industrial Addition
4708	4	2	2002	Adds § 2.60.460, transportation advisory board (2.60)
4709	4	16	2002	Adds § 3.16.045, use tax credit (3.16)
4710	4	16	2002	Suppl budget and approp No. 5 MPO Smart Trips
4711	4	16	2002	Amends § 2.60.400, police citizen advisory board (2.60)
4712	4	16	2002	Rezone Buck Addition
4713	5	7	2002	Suppl budget and approp No. 6 Airport Air Show
4714	5	7	2002	Rezone Thompson Addition
4715	5	7	2002	Annexation Marlana Springs Addition
4716	5	7	2002	Zones Marlana Springs Addition
4717	5	21	2002	Repeals and replaces Ch. 17.04, annexation of land (17.04)
4718	6	4	2002	Suppl budget and approp No. 7 Fire Station 1 remodel
4719	6	4	2002	Emergency ordinance temporarily restricting water use (Not codified)
4720	6	17	2002	Amends and extends gaseous fuel franchise
4721	6	17	2002	Disconnection of certain property Mariana 3rd Trct V &W
4722	6	17	2002	Emergency ordinance temporarily amending and suspending fireworks provisions (Not codified)
4723	7	2	2002	Amends § 2.60.320, youth advisory commission; amends handbook for boards and commission (2.60)
4724	7	2	2002	Adds § 2.60.460 [2.60.480] and Ch. 15.56, historic preservation; amends handbook for boards and commission (2.60, 15.56)
4725	7	16	2002	Authorizes sale of real property 451 N. Railroad Avenue
4726	7	16	2002	Vacates right-of-way Seven Lakes North Addition
4727	7	23	2002	Emergency ordinance amending Ord. 4719, temporary watering restriction exception for athletic fields (Not codified)
4728	8	7	2002	Election
4729	8	20	2002	Adds § 9.44.050, signs (9.44)
4730	8	20	2002	Annexation Fox Pointe Addition
4731	8	20	2002	Zoning Fox Pointe Addition (18.04)
4732	8	27	2002	Bonds issuance Waterford Place
4733	8	27	2002	Not passed by Voters
4734	8	27	2002	Suppl budget and approp No. 9 Fire Command Vehicle

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Ord #	2nd Reading Date			Ordinance Description
4735	9	3	2002	Amends Ord. No. 3388, Condition 20, development applications guidelines (Not codified) Thornburg Hamilton Addition
4736	9	3	2002	Zoning Thornburg Hamilton Addition(18.04)
4737	9	3	2002	Disconnection of certain property Mariana 3rd Trct U &I
4738	9	3	2002	Annexation Cartwright Addition
4739	9	3	2002	Zoning Cartwright Addition and Creekside 1st (18.04)
4740	9	17	2002	Suppl budget and approp No. 10 Cultural Services
4741	9	17	2002	Amends § 2.60.230, communications technologies commission (2.60)
4742	9	17	2002	Vacations utility easement Vanguard-Femleco 9
4743	10	1	2002	Amends § 19.04.060, calculation of water rights
4744	10	1	2002	Suppl budget and approp No. 11 Police Grant
4745	10	15	2002	Approves pay plan for city employees; repeals Ord. 4676
4746	10	15	2002	Adoption of city budget
4747	10	15	2002	Yearly fund appropriations of city budget
4748	11	5	2002	Supplemental budget & appropriation No. 12 HR training
4749	11	5	2002	Amends 1209 of Model Traffic Code
4750	11	5	2002	Annexation Ozzie's 1st Addition
4751	11	5	2002	Zones Ozzie's 1st Addition
4752	11	5	2002	3rd Addendum to Millennium Development Agreement
4753	11	19	2002	Amend Code 16.18.110 Capital Expansion Fees
4754	11	19	2002	Vacates right of way Buck 2nd Addition
4755	12	10	2002	Amends Code: 13.18.100 Storm Drainage
4756	12	10	2002	Suppl budget and approp No. 13 Council Travel
4757	12	10	2002	Suppl budget and approp No. 14 Air Show
4758	12	10	2002	Suppl budget and approp No. 15 Police
4759	12	17	2002	Adopts 2002 National Electrical Code
4760	12	17	2002	Inclusion within GID #1 Finley Addition
4761	1	7	2003	Amends Code: Publication of Loveland Municipal Code
4762	1	7	2003	Amends Code: 2.60 Creates Affordable Housing Commission
4763	1	7	2003	Green Ridge Glade Reservoir contract w Sema Construct
4764	2	4	2003	Suppl budget and approp No. 1 Transit Bus Grant
4765	2	18	2003	Suppl budget and approp No. 2 Cultural Services Grant
4766	2	18	2003	Vacates easement Emerald Glen 8th Subd
4767	2	18	2003	Amends 2.60.040A Affordable Housing Commission
4768	2	18	2003	Amends 18.24 Business Zoning District
4769	3	4	2003	Historic Landmark 502 E 7th St
4770	3	18	2003	Rezone Thompson Addition
4771	3	18	2003	Rezone East Loveland Industrial Addition
4772	3	18	2003	Suppl budget and approp No. 3 Rollover
4773	3	18	2003	Historic Landmark 365 North Lincoln Ave.
4774	4	1	2003	Suppl budget and approp No. 4 Rollover
4775	4	1	2003	Vacates easement Water 3rd
4776	4	1	2003	Exchange of property Sylvan Dale Ranch
4777	4	1	2003	Temporary watering restrictions
4778	4	15	2003	Amends 12.08 naming & numbering of streets
4779	4	15	2003	Amends 2.60.240; 18.04.216; 18.04.216; 18.42.010; 18.42.050; 18.50.020
4780	4	15	2003	Suppl budget and approp No. 5 Arts Grant

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Ord #	2nd Reading Date			Ordinance Description
4781	5	6	2003	Suppl budget and approp No. 6 Transportation Capital
4782	5	6	2003	Suppl budget and approp No. 7 WW Treatment Plan
4783	5	6	2003	Temporary Watering Restrictions (Phase III)
4784	5	6	2003	Rezone East Loveland Industrial Addition
4785	5	6	2003	Millennium Addition 4th Addendum Annex/Dev. Agmt.
4786	5	6	2003	Annex North Garfield Addition
4787	5	6	2003	Zone North Garfield Addition
4788	5	6	2003	Annex North Colorado Addition
4789	5	6	2003	Zone North Colorado Addition
4790	5	6	2003	Rezone Shade Tree Park 5th Addition
4791	5	6	2003	Water Enterprise (PVH Annex. Agmt.)
4792	5	6	2003	Wastewater Enterprise (PVH Annex. Agmt.)
4793	5	6	2003	Electric Enterprise (PVH Annex. Agmt.)
4794	5	20	2003	Annex Sierra Valley Addn.
4795	5	20	2003	Zone Sierra Valley Addn.
4796	5	20	2003	Voting Ward Changes
4797	5	20	2003	Vacates easement Millennium Southwest 2nd
4798	5	20	2003	Annex Twin Peaks Addn.
4799	5	20	2003	Zone Twin Peaks Addn.
4800	6	3	2003	Amend gaseous fuel franchise
4801	6	3	2003	Supplemental Appropriation #8 Youth Sports Field
4802	6	3	2003	Supplemental Appropriation #9 Airport
4803	6	24	2003	Amends Chapter 5.12 relating to Vendors
4804	6	24	2003	Adds 6.28.025 – Feeding of Wildlife
4805	7	1	2003	Emergency Ord. - Lifting Watering Restrictions
4806	7	15	2003	Supplemental Appropriation #10 LETA funds
4807	7	15	2003	Supplemental Appropriation #11 Library Friends donations
4808	7	15	2003	Repealing 9.60.010 Concealed Weapons permits
4809	7	15	2003	MOA with CDOT Real property along Hwy 34
4810	7	15	2003	Supplemental Appropriation #12 Airport
4811	7	15	2003	Supplemental Appropriation #13 Northeast water tank
4812	7	15	2003	Supplemental Appropriation #14 Hist Presrv Grants
4813	7	15	2003	Amend Dev. Agmt. In Windsong Addn.
4814	7	15	2003	Amend Chapter 15.98; 18.48 & 18.60 accessory bldgs
4815	7	15	2003	Annex South Village 1st Addn.
4816	7	15	2003	Zone South Village 1st Addn.
4817	8	6	2003	Coordinated Election
4818	8	6	2003	Amend Code 2.60.230 Handbook for B&C
4819	8	6	2003	Excessive Use Rate
4820	8	19	2003	Supplemental Appropriation #15 Cultural Services
4821	8	19	2003	Supplemental Appropriation #16 Historic Perserv Grants
4822	8	19	2003	Amend 15.14 & 18.45 Floodplain
4823	8	19	2003	Supplemental Appropriation #17 FTA Grant
4824	8	19	2003	Zone Loveland Tech. Center Addn.
4825	8	19	2003	Annex Seventh Street Addn.
4826	8	19	2003	Zone Seventh Street Addn.
4827	8	19	2003	Annex Madison Avenue Addn.
4828	8	19	2003	Zone Madison Avenue Addn.

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Ord #	2nd Reading Date			Ordinance Description
4829	9	2	2003	Terminate Franchise Agmt. with "WideOpen West" cable
4830	9	2	2003	Amend 13.04.245 Delegate Water Surcharge
4831	9	2	2003	Vacates easement Blackbird Knolls 2nd Subd
4832	9	2	2003	Vacates easement Boyd Lake North 6th Subd
4833	9	2	2003	Annex N. Colorado Ave. 2nd Addn.
4834	9	2	2003	Zone N. Colorado Ave. 2nd Addn.
4835	9	2	2003	Annex N. Garfield 2nd Addn.
4836	9	2	2003	Zone N. Garfield 2nd Addn.
4837	9	2	2003	Annex N. Garfield 3rd Addn.
4838	9	2	2003	Zone N. Garfield 3rd Addn.
4839	9	16	2003	Historic Landmark Designation 234 E. 4th St. Meyer Buildling/McCluskey Mercantile
4840	9	16	2003	Amend 19.04.020; 19.04.030; 19.04.050 water rights
4841	9	16	2003	Supplemental Appropriation #18 FAA Grant
4842	10	21	2003	Historic Landmark Designation 610 North Jefferson
4843	10	21	2003	Historic Landmark Designation 746 North Washington
4844	10	21	2003	Historic Landmark Designation 400 E. 4th st. First United Presbytarian
4845	10	21	2003	2004 Pay Plan
4846	10	21	2003	Adopting 2004 Budget
4847	10	21	2003	2004 Annual Appropriation
4848	11	4	2003	Supplemental Appropriation #19 Risk and Insurance Fund
4849	11	18	2003	Vacates Easement Broadmoor Heights 2nd Subd
4850	11	18	2003	Vacates Easement Mariana Butte Seventh Subdivision
4851	11	18	2003	Vacates Easement Blackbird Knolls Addition
4852	12	2	2003	Vacates Easement Sunny Acres Addition
4853	12	16	2003	Historic Landmark Designation 1120 N Lincoln
4854	12	16	2003	Amend Code Chapter 3.40 (Passenger Fac. Charge)
4855	12	16	2003	Annex Taft Farms Addition
4856	12	16	2003	Zone Taft Farms Addition
4857	1	6	2004	Adds New Chapter 3.16.590
4858	1	6	2004	Historic Landmark Designation 141 E 4th St
4859	1	6	2004	Historic Landmark Designation 201 e 4th St
4860	1	6	2004	Historic Landmark Designation 451 N. Railroad Ave
4861	1	20	2004	Beneficial Use of Water
4862	1	20	2004	Historic Landmark Designation 200 E 4th State Mercantile
4863	1	20	2004	Vacates Easement Allendale
4864	2	3	2004	Vacates Easement Barnstorm
4865	2	3	2004	Vacates Easement Chilson
4866	1	20	2004	Petition for Inclusion GID #1
4867	2	17	2004	Supplemental Appropriation #1 Cultural Services
4868	3	2	2004	Supplemental Appropriation #2 LETA
4869	3	16	2004	Amends 12.08 – Street Names
4870	3	16	2004	Gaseous Fuel Franchise Extension
4871	3	16	2004	Adopts Fees by Resolution with Two Readings/13 & 19
4872	3	16	2004	Supplemental Appropriation #3 Salary adjustment
4873	4	6	2004	Supplemental Appropriation #4 Rollover
4874	4	6	2004	Amends Code: Title 13 relation to Stormwater Quality

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Ord #	2nd Reading Date			Ordinance Description
4875	4	6	2004	Annex N. Garfield 4th Addn.
4876	4	6	2004	Zone N. Garfield 4th Addn.
4877	4	6	2004	Annex E. 1st St. 1st Addn.
4878	4	6	2004	Zone E. 1st St. 1st Addn.
4879	4	20	2004	Amend Code 13.04 Relating to Imposing Watering Restrictions
4880	4	20	2004	Supplemental Appropriation #5 Police and Fire Special Events
4881	4	20	2004	Amend Code: Affordable Housing 16.43
4882	4	20	2004	Amending Code 18.68.045 Code Enf. Guidelines
4883	5	4	2004	Supplemental Appropriation #6 police grants and donations
4884	5	4	2004	Supplemental Appropriation #7 Fire Station 6
4885	5	4	2004	Amending Annex. Agreement Thompson
4886	5	18	2004	Setting Salaries/Mayor & Council
4887	5	18	2004	Sale of Real Property 506 W 8th St
4888	5	18	2004	Rezoning within Sherri Mar 6th
4889	6	1	2004	Supplemental Appropriation #8 Fire Admin remodel
4890	6	1	2004	Supplemental Appropriation #9 Hazardous materials grant
4891	6	1	2004	Supplemental Appropriation #10 Downtown Streetscape
4892	6	1	2004	Historic Landmark Designation 800 N. Lincoln
4893	6	1	2004	Zoning within Koldeway Industrial
4894	6	15	2004	Amending & Reenacting Model Traffic Code
4895	6	15	2004	Natural Gas Franchise Public Service
4896	6	15	2004	Annex Gorum Addition
4897	6	15	2004	Zone Gorum Addition
4898	7	6	2004	Amend Code: 9.44 Unlawful Use of Fire Hydrants
4899	7	6	2004	Vacating Alley/Findley's Addn.
4900	7	6	2004	Conveying Real Property in Findley's Addn.
4901	did	not	pass	Denied on 2ND Reading
4902	7	6	2004	Amending Dev. Amt./Myers Group
4903	7	20	2004	Vacation within Mariana Village 1st
4904	7	20	2004	Zoning Wintergreen First Addn.
4905	7	20	2004	Supplemental Appropriation #11 Sale lease early payment
4906	7	20	2004	Conveying 10% interest in Hidden Valley
4907	8	3	2004	Special November 2ND Election
4908	8	3	2004	Supplemental Appropriation #12 Airport
4909	8	3	2004	Vacation within Circle Park Addn.
4910	8	3	2004	Vacation within Sherri Mar 2ND
4911	8	3	2004	Petition for Inclusion in GID #1
4912	8	17	2004	Supplemental Appropriation #13 Art in Public Places
4913	8	17	2004	Rezoning within Green Valley Ranch Addn.
4914	8	17	2004	Vacation within Orchards Baptist Sub.
4915	8	17	2004	Fifth Addendum to Annex and Dev. Agreement/Millennium Addn.
4916	8	17	2004	Supplemental Appropriation #15 Dowtown Streetscape
4917	9	7	2004	Supplemental Appropriation #14 Risk
4918	9	7	2004	Amend Code Sec. 16.38 Relating to Capital Expansion Fees
4919	9	7	2004	Amends Code: 15.30 Relating to Contractor Licensing
4920	9	7	2004	Amends Code. 12.08 Relating to Naming and Numbering of Streets
4921	9	7	2004	Annex Garden Gate First Addn.
4922	9	7	2004	Zoning Garden Gate First Addn.

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Ord #	2nd Reading Date			Ordinance Description
4923	9	21	2004	Vacation within Silver Lake 6th Addn.
4924	9	21	2004	Conveying Real Property in Green Ridge Glade Reservoir
4925	9	21	2004	Petition for Inclusion in GID #1
4926	9	21	2004	Supplemental Appropriation #16 Fairgrounds Event
4927	10	5	2004	3.04 Certification of Taxes
4928	9	21	2004	Third Interim Agmnt with NCWCD
4929	10	19	2004	Supplemental Appropriation #17 Fire
4930	10	19	2004	Supplemental Appropriation #18 Storm Sewer
4931	11	2	2004	Annex N. Garfield Avenue Fifth
4932	11	2	2004	Zone N. Garfield Avenue Fifth
4933	10	19	2004	(Pending EPA Approval) WW Collection System
4934	11	2	2004	Annex N. Lincoln Avenue First
4935	11	2	2004	Zone N Lincoln Avenue First
4936	11	2	2004	Zone Thompson Addn.
4937	11	16	2004	Vacation/Factory Place Addn.
4938	11	16	2004	2005 Pay Plan
4939	11	16	2004	2005 Budget
4940	11	16	2004	Annual Appropriation
4941	12	7	2004	Amending Code Chapter 2.24
4942	12	7	2004	Amending Code Chapter 3.08.020
4943	12	7	2004	Zoning within Buck First Subdivision
4944	12	7	2004	Annual Appropriation various
4945	12	7	2004	Annexation/Anderson Addition
4946	12	7	2004	Zoning Anderson Addition
4947	12	7	2004	Disconnection of Certain Property McWhinney 6th Subd
4948	12	7	2004	Development Agreement/Garden Gate Annexation
4949	12	7	2004	Historic Landmark/Bonnell Mercantile Building 129 E 4th St
4950	12	7	2004	Amending Code:Chapter 15.14/Floodplain
4951	12	21	2004	Amending Code: Repealing 2.44.110/Alarms
4952	12	21	2004	Amending Chapter 13.02 & 13.04/Meter Tampering
4953	12	21	2004	Conveyance of Real Property to Larimer County Hayes & 10th
4954	1	18	2005	Amending Code: 18.04 Relating to Kennels
4955	1	18	2005	Amending Code: Chapter 9.30 Pertaining to Panhandling
4956	1	18	2005	Vacation/Town of Windsor
4957	1	18	2005	Amending Annexation Agreement s. Village 1st
4958	2	1	2005	Supplemental Appropriation #1 Airport Funds Ramp Gates
4959	2	15	2005	Annexation/Two Leaves Addn.
4960	2	15	2005	Zoning/Two Leaves Addn.
4961	2	15	2005	Vacation/Loveland Heights Addn.
4962	2	15	2005	Beneficial Use of Water
4963	2	15	2005	Historic Designation W, 4th St,
4964	2	15	2005	Annexation/J-B Addition
4965	2	15	2005	Zoning/J-B Addition
4966				Unused
4967				Unused
4968	3	22	2005	Supplemental Appropriation #2 Rollover
4969	4	5	2005	Amending Code: 7.28.020/removal & disposal of property
4970	4	5	2005	Supplemental Appropriation #3 Cable Franchise neg

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Ord #	2nd Reading Date			Ordinance Description
4971	4	5	2005	Historic Designation Loveland Feed and Grain
4972	4	5	2005	Vacation within Wal-Mart 2nd Subdivision
4973	4	5	2005	Zoning within Westview Village Addition
4974	4	5	2005	Annexation Mirasol First Addition
4975	4	5	2005	Zoning Mirasol First Addition
4976	4	19	2005	Amending 16.36 relating to Easement Vacations
4977	4	19	2005	Vacation within Alford Lake 1st & 3rd Subdivisions
4978	4	19	2005	Annexation Overlook at Mariana First Addition
4979	4	19	2005	Zoning Overlook at Mariana First Addition
4980	4	19	2005	Zoning within Great Western First Addition
4981	5	17	2005	Amending Code: 12.08 relating to numbering & naming streets
4982	5	17	2005	Supplemental Appropriation #4 Fleet
4983	5	17	2005	Annexation West First Street First Addition
4984	5	17	2005	Zone West First Street First Addition
4985	5	17	2005	Annexation South Lincoln Avenue First Addition
4986	5	17	2005	Zone South Lincoln Avenue First Addition
4987	6	7	2005	Zoning within Vanguard-Famleco Addition
4988	6	7	2005	Amend Annexation Agreement/Wintergreen
4989	6	7	2005	Zoning within Winter Green First Addition
4990	6	7	2005	Amend zoning within Alford Lakes
4991	6	7	2005	Vacation within Old Stage Coach Road Addn.
4992	7	5	2005	Vacation within Lakeside 6th
4993	7	19	2005	Conveyance of Real Property to School Dist.
4994	7	19	2005	November election to be coordinated with County
4995	7	19	2005	Historic Designation 317 E. 6th St. Swan House
4996	7	19	2005	Amending Code Chapter 15/utility fees
4997	7	19	2005	Supplemental Appropriation #5 Boyd Lake Dam
4998	8	2	2005	Amending Code: Chapter 7/Sound Limitations
4999	8	2	2005	ROW Vacation within Lakes place 4th
5000	8	2	2005	Vacation/storm sewer; Wheeler's 1st Subd

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Ord #	Reading Date	Ordinance Description
5001	8/16/2005	Supplementary Budget #7
5002	8/16/2005	Supplementary Budget #6
5003	9/6/2005	Conveyance of real property Riverside Addition
5004	9/6/2005	Vacation/utility easement Eastbrook 7th Addition
5005	9/6/2005	Zoning within Mariana Third and Longs Addns.
5006	9/20/2005	Zoning within Alford Lake Addition
5007	9/20/2005	Vacation/Cannon Addn.
5008	9/20/2005	Annexation Lakes Point Addn.
5009	9/20/2005	Zoning Lakes Point Addn.
5010	9/20/2005	Annexation West Eighth St. 1st Addn.
5011	9/20/2005	Zoning West Eighth St. 1st Addn.
5012	9/20/2005	Disconnection within Millennium Addn.
5013	10/4/2005	Amend Code and Handbook for Boards and Commission re: Youth Advisory Comm 2.60.320
5014	10/4/2005	Supplementary Budget #8
5015	10/4/2005	Sale of Bond Larimer Mental Health Project
5016	10/18/2005	Supplementary Budget #10
5017	10/18/2005	Supplementary Budget #9
5018	10/18/2005	Amend Code 15.30.130 re: Contractor's License
5019	10/18/2005	Utility Easement Sierra Valley 1st Subdivision
5020	10/18/2005	Vacation of Public Right of Way in Willow Park Sub
5021	11/3/2005	Vacation of Public Right of Way in Lakes Point
5022	11/3/2005	Adopting a Pay Plan
5023	11/3/2005	Adopting the 2006 Budget
5024	11/3/2005	Annual 2006 Appr Ordinance
5025	11/3/2005	Annual 2006 Expansion of Capital Expansion Fees
5026	11/3/2005	Adopting International Building Code 2003
5027	11/3/2005	Adopting International Residential Code 2003
5028	11/3/2005	Adopting International Property Code 2003
5029	11/3/2005	Adopting International Mechanical Code
5030	11/3/2005	Adopting International Fuel Gas Code 2003
5031	11/3/2005	Adopting International Plumbing Code 2003
5032	11/15/2005	Amend Code: 2.60 and Handbook re: Human Services Commission
5033	11/15/2005	Supplementary Budget #12
5034	11/15/2005	Supplementary Budget #11
5035	11/15/2005	Amend Code 2.60 and Handbook; Communications, Technologies Commissions
5036	11/15/2005	Amend Code 12.08: Naming and Numbering of Streets
5037	11/15/2005	Amend Code 18.53: Commercial and Industrial Architectural Standards
5038	11/15/2005	Vacation of Drainage Easement Seven Lakes North 6th Sub.
5039	11/15/2005	Amend Code 19.04: Raw Water Acquisitions
5040	12/6/2005	Annex/Backes Addition
5041	12/6/2005	Zone/Backes Addition
5042	12/6/2005	Lease Purchase (special) Computer software and equipment
5043	12/6/2005	New Chapter 5.37 Alcohol Tastings
5044	12/6/2005	Annex/Scion Addition

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Ord #	Reading Date	Ordinance Description
5045	12/6/2005	Zone/Scion Addition
5046	12/20/2005	Conveyance of Property (special) 805 N. Taft
5047	12/20/2005	Zoning/Vanguard Famleco
5048	12/20/2005	Amend Title 16 Subdivision of land
5049	12/20/2005	Amend Chapter 18.50/signs
5050	12/20/2005	Contract (special) Glacier-phase 1 Water Treatment Plant
5051	12/20/2005	Zoning/Buck 1st Sub.
5052	12/20/2005	Conveyance of real property (special) Buck 1st Addition
5053	1/3/2006	Amend 2.60.420 Boards & Commissions
5054	1/3/2006	Rescinding historic landmark (special)
5055	1/17/2006	Vacation/Buck 1st Sub.
5056	1/17/2006	Suppl. Appr (special)
5057	2/7/2006	Beneficial Use of Water
5058	2/7/2006	Suppl. Appr (special)
5059	2/7/2006	Suppl. Appr (special)
5060	2/21/2006	Amend 19.04.040/cash in lieu
5061	2/21/2006	Zone/Dille 1st Sub.
5062	2/21/2006	Vacation/Mariana Springs 1st Sub.
5063	2/21/2006	Annex Lee Farm Addn.
5064	2/21/2006	Zone Lee Farm Addn
5065	3/7/2006	Suppl. Appr No. 5
5066	3/7/2006	Suppl. Appr No. 4
5067	3/7/2006	Zone/Gateway PUD
5068	3/7/2006	Annex Mtn. Pacific
5069	3/7/2006	Zone/Mtn. Pacific
5070	3/21/2006	Utility easement in Good Samaritan 2nd Addition
5071	3/21/2006	Annexing Ranch Acres
5072	3/21/2006	Zoning Ranch Acres
5073	3/21/2006	Budget Appr #6
5074	3/21/2006	Budget Appr #7
5075	4/4/2006	Harvest Gold zoning
5076	4/4/2006	Mineral Addition zoning
5077	4/18/2006	1320 N. Grant Historic designation
5078	4/18/2006	Supplementary Budget # 8
5079	4/18/2006	Clear View vacation of right of way
5080	4/18/2006	Peakview subdivision annexation
5081	4/18/2006	Peakview subdivision zoning
5082	5/2/2006	Supplementary Budget #9
5083	5/2/2006	Supplementary Budget #10
5084	5/2/2006	Re- Zone Daniel Lee Subdivision
5085	5/2/2006	Annex Fairgrounds Fifth Addition
5086	5/2/2006	Zoning Fairgrounds Fifth Addition
5087	5/2/2006	Annex Fairgrounds Sixth Addition
5088	5/2/2006	Zoning Fairgrounds Sixth Addition
5089	5/2/2006	Utility Drainage: McKee Meadows Sub
5090	5/16/2006	Zoning Anderson Addition
5091	5/16/2006	Utility and Drainage Easement Alford Lakes First Sub
5092	6/6/2006	Supp Budget #11

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Ord #	Reading Date	Ordinance Description
5093	6/6/2006	Postal, Utility & Drainage Easements Koldeway Ind. 3rd Sub.
5094	6/13/2006	Annex Savanna Addition
5095	6/13/2006	Zoning Savanna Addition
5096	6/13/2006	Zoning Millennium Addition; Amended and Restated Annexation and Development Agreement
5097	6/20/2006	Supp Budget #12
5098	6/20/2006	Vacating Access, Utility And Drainage Easements Crossroads Business Park 3rd Sub
5099	6/20/2006	Utility & Access Easement Crossroads Business Park 5th Subdivision
5100	6/20/2006	Vacating an Access Easement Vanguard-Famleco 6th Sub.
5101	6/20/2006	Agreement Emissaries Of Divine Light To Exchange 202a Water
5102	6/20/2006	Amend Code: 5.32.020 Optional Premises Liquor License
5103	6/20/2006	Annex Copper Ridge Addition
5104	6/20/2006	Zoning Copper Ridge Addition
5105	7/11/2006	Amend Code: 13.20: Stormwater Quality
5106	7/11/2006	Supp Budget #14
5107	7/11/2006	Amend Code 16.40 Subdivision Improvements
5108	7/18/2006	Vacation Drainage Easement Seven Lakes North 6th Sub.
5109	8/1/2006	Supp Budget #15
5110	8/1/2006	Supp Budget #16
5111	8/1/2006	Declaring November 7, 2006 as Coordinated Election
5112	8/1/2006	Amend Code 18.28: Developing Business District
5113	8/1/2006	Amend Code: 18.24 Established Business District
5114	8/1/2006	Amend Code: 18.36 Developing Industrial District
5115	8/1/2006	Amend Code: 18.32 Establishment of a Public Park District
5116	8/1/2006	Amend Code: 18.29Mixed Use Activity Center District 18.04.030 & 18.54.020
5117	8/1/2006	Amend Code: add 18.30 Employment Center District 18.04.030 & 18.54.020
5118	8/1/2006	Amend Code: 18.52 Supplementary Regulations
5119	8/1/2006	Amend Code: 18.04 General Provisions and Definitions
5120	8/1/2006	Amend Code: 19.02.020 Water Rights requirements for three new zonings
5121	8/15/2006	Supp Budget #17
5122	8/15/2006	Amend Code: 13.02.070 Termination of Utility Service by U.S. Mail
5123	8/15/2006	Charter Amendment to voters Ordinance publication by title only
5124	9/5/2006	Supp Budget #19
5125	9/5/2006	Supp Budget #18
5126	9/5/2006	Annex Arkins Branch First Addition
5127	9/5/2006	Zoning Arkins Branch First Addition
5128	9/19/2006	Supp Budget #13
5129	9/19/2006	Annexing Overlook at Mariana Second Addition
5130	9/19/2006	Zoning Overlook at Mariana Second Addition
5131	9/19/2006	Second Amended and Restated Dev Agree Koldeway Industrial 2nd Sub. & 3rd & 4th
5132	9/19/2006	Vacating Utility Drainage and Landscape easements Village Third Sub.

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Ord #	Reading Date	Ordinance Description
5133	9/19/2006	Annexing North Taft Avenue First Addition
5134	9/19/2006	Zoning North Taft Avenue First Addition
5135	10/3/2006	Supp Budget #20
5136	10/3/2006	Landmark Henderson House 315 E. 7th St.
5137	10/3/2006	Annexing East First Street Second Addition
5138	10/3/2006	Zoning East First Street Second Addition
5139	10/3/2006	Annexing Dakota Glen Addition
5140	10/3/2006	Zoning Dakota Glen Addition
5141	10/17/2006	Supp Budget #21
5142	10/17/2006	Amend Code: 13.08.010 Loveland Sanitary Sewer System
5143	10/17/2006	Amend Code: 13.10, Wastewater System
5144	10/17/2006	Vacating An Utility Drainage Easement Wernimont Regional Detention Pond
5145	10/17/2006	Adopting a pay Plan for 2007
5146	10/17/2006	Adopting the 2007 Budget
5147	10/17/2006	Annual Appr for 2007
5148	11/7/2006	Approval of Floodplain Regulations
5149	11/21/2006	Supp Budget #22
5150	11/21/2006	Vacating a Utility Drainage Easement; Alford 1st Subdivision
5151	12/5/2006	Annexation of Church of Loveland
5152	12/5/2006	Zoning of Church of Loveland
5153	12/5/2006	Amending Comcast Agreement with an extended date
5154	12/5/2006	Vacating Storm and Utility Easement in Dille Addition
5155	12/19/2006	Vacating public access and utility easement Rocky Mountain Village 13
5156	12/19/2006	Amend Code: 18.30 Employment Center District
5157	12/19/2006	Amend Code: 18.29 Mixed Use Activity Center
5158	12/19/2006	Annexation: Fairgrounds 7th Addition
5159	12/19/2006	Zoning: Fairgrounds 7th Addition
5160	12/19/2006	Amend Code: 1.12.010: Surcharge Funding for Traffic Safety and Enforcement
5161	12/19/2006	Amend Code: 7.40 Smoking in Public Places
5162	12/19/2006	Amend Code: 2.73 Gifts to City Officials
5163	12/19/2006	Supp Budget #23
5164	1/2/2007	Amend Code: 12.26 Special Events Policies and Procedures
5165	1/2/2007	Vacating Utility Easement Thompson Valley 1st Sub.
5166	1/2/2007	Inclusion into GID #1
5167	2/6/2007	Conveyance of Real Property 8th & Taft
5168	2/6/2007	Vacating portion of right-of-way in Mariana 3rd Addition
5169	2/6/2007	Vacating Right-of-way for Overlook at Mariana 1st & 2nd Addition
5170	2/20/2007	NCWCD application for allocation
5171	2/20/2007	Supp Budget #1 2007
5172	3/6/2007	Amend Code: 19 Water requirements
5173	3/6/2007	Supp Budget #2
5174		Unused
5175	3/6/2007	Amend Code: 2.26.20 Visual Arts Commission to 9 members
5176	3/20/2007	Vacating Public Streets in East Loveland Industrial 18th Sub.
5177	3/20/2007	Supp Budget #3

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Ord #	Reading Date	Ordinance Description
5178	4/3/2007	Comcast Cable Franchise Agreement
5179	4/3/2007	Annexing Thompson Second Addition
5180	4/3/2007	Zoning Thompson Second Addition
5181	4/17/2007	Amend Code: 18.04.040 Copper Ridge Addition
5182	4/17/2007	Supp Budget #4
5183	4/17/2007	Vacating Public Streets Outlook at Mariana First & Second
5184	5/1/2007	Repeal & Reenact. Chpt 3.12 Procurement/Amend 2.24.040 City Manager
5185	5/15/2007	7th Street 2nd Addition Annexation
5186	5/15/2007	7th Street 2nd Addition Zoning
5187	5/15/2007	Petition Lov. Gen. Impr. Distr No.1
5188	5/15/2007	Supp Budget #5
5189	6/5/2007	Amend Code:15.28 Fire Code
5190	6/5/2007	Supp Budget #6
5191	6/5/2007	Amend. Code: 18.04.040 East Lov. Industr. 14th Sub.
5192	6/5/2007	Annex. North Boyd Lake Avenue First Addition
5193	6/5/2007	North Boyd Lake Ave First Addition
5194	6/5/2007	Amend Code 7.16 Solid Waste Collection & Recycling
5195	6/5/2007	Zoning Regulations Millennium PUD 5th (#P-59)
5196	6/19/2007	Supp Budget #7
5197	6/19/2007	Supp Budget #8
5198	6/19/2007	Amend. Code 2.24.040 Authority of City Manager
5199	6/19/2007	Timberlane Farm Addition Annexation
5200	6/19/2007	Timberlane Farm Addition Zoning
5201		Pulled
5202		Pulled
5203	6/19/2007	Daniel-Lee 2nd Vacate ROW
5204	6/19/2007	SID #1 Issuance of Bonds
5205		Unused
5206	7/3/2007	Amend. Code 13.16.030 Customer Service Standards Cable Communication
5207	7/3/2007	Amend. Code Title 18.04; 18.08; 18.12/13; 18.16; 18.20; 18.28; 18.40; 18.50; 18.76
5208	7/3/2007	Amend. Code 12.08; Street naming
5209	7/3/2007	Liberty Commercial Addition Annexation
5210	7/3/2007	Liberty Commercial Addition Zoning
5211	7/3/2007	Loveland Commercial Addition Annexation
5212	7/3/2007	Loveland Commercial Addition Zoning
5213	7/3/2007	Vacation of Loveland Business Plaza
5214	7/3/2007	Wagner Addition Annexation
5215	7/3/2007	Wagner Addition Zoning
5216	7/3/2007	Supp Budget #9
5217	7/17/2007	Reaffirm Ord. 5189 to comply with Statutory Notice Requirements Emerg Ordinance
5218	7/17/2007	Amend Code:10.04.020 Model Traffic Code
5219	7/17/2007	Supp Budget #10
5220	7/17/2007	Amend Code:1.24 Larimer County Voter Precincts/ Four Wards
5221	7/17/2007	Vacation St Louis Addition ROW

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Ord #	Reading Date	Ordinance Description
5222	8/7/2007	Amend Code: 16.24: Water and Waste Water Development Standards
5223	8/7/2007	Amend Code 15.28.010 International Fire Code, 2006 Edition
5224	8/7/2007	Vacation drainage easement Kendall Brook 1st Sub
5225	8/21/2007	Mail Ballot Election November 6, 2007
5226	8/21/2007	Supp Budget #11
5227	8/21/2007	Vacation Guiliano 1st Sub
5228	8/21/2007	Vacation Mariana 1st Sub
5229	8/21/2007	Amend Code19.06;13.04;19.04;19.04.020;Irrigation and Water Rights
5230	8/21/2007	Amend Code Title 18.50.110 Downtown Sign District/Lighting Levels
5231	8/21/2007	General Improvement District No. 1 – Election 11/6/07
5232	9/18/2007	Amend Code 12.16 – Rights of Way
5233	9/4/2007	Amend Code 18.04.040 JB 1st & Waterfall
5234	9/18/2007	Amend Code Title 15 International Building Code, 2006 Edition
5235	9/18/2007	Amend Code Title 15 International Residential, 2006 Edition
5236	9/18/2007	Amend Code Title 15 International Mechanical, 2006 Edition
5237	9/18/2007	Amend Code Title 15 International Plumbing, 2006 Edition
5238	9/18/2007	Amend Code Title 15 International Fuel Gas Code, 2006 Edition
5239	9/18/2007	Amend Code Title 15 International Property Mntc, 2006 Edition
5240	9/18/2007	Amend Code Title 15 International Exist Building, 2006 Edition
5241	9/18/2007	Amend.Code: Intl Energy Conservation Code
5242	9/18/2007	Amend Code: Intl Electrical Code
5243	9/18/2007	Peakview Commercial Park Vacation Trail
5244	9/18/2007	Amend Code: Early Payment of Traffic Infraction Charges 10.32.060
5245	9/18/2007	Assessment Roll for Special Improvement District No. 1
5246	10/2/2007	Great Western House Historic Designation 623 E. 7th
5247	10/2/2007	Amend 15.56.170 Rehabilitation Loan Prgmj.
5248	10/16/2007	Supp Appr #12
5249	10/16/2007	Amend 3.04.090: 10Appr for Pub pps
5250	10/16/2007	Adopting Pay Plan
5251	10/16/2007	Adopting Budget for 2008
5252	10/16/2007	Appr for 2008
5253	10/16/2007	Amend Code Title 9; Public Peace, Order and Morals
5254	11/6/2007	Annex Grace Community Church
5255	11/6/2007	Zoning Grace Community Church
5256	11/20/2007	Supp Budget and Appr No.14
5257	11/20/2007	Supp Budget and Appr No.13
5258	11/20/2007	Supp Budget and Appr No.15
5259	11/20/2007	Historic Landmark – Buggy Top Building 417-421 East 4th St
5260	11/20/2007	Amend Code 18.04.040 Seven Lakes North
5261	11/20/2007	Vacation McWhinney 10th
5262	11/20/2007	Amend Code 16.08.010 and 16.43.080 Affordable Housing Deed Rest
5263	12/4/2007	Annex Bates-Larimer Humane Society
5264	12/4/2007	Zoning Bates-Larimer Humane Society
5265	12/4/2007	Mariana Butte PUD 3rd Sub Amend plat Easement vac

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Ord #	Reading Date	Ordinance Description
5266	12/18/2007	Amend Code 13.08.101 High Strength Sewage Surcharge
5267	12/18/2007	Amend Code 3.16 Deputy City Manager to City Manager
5268	12/18/2007	Vacate Marianna Butte 14th Sub
5269	12/18/2007	Amend Code Title 18.07 Estate Residential District
5270	12/18/2007	Amend Code Title 18.72 Vested Property Rights
5271	12/18/2007	Amend Code 2.72.010 Comprehensive Disaster Plan
5272	12/18/2007	Repeal/Reenact Chapter 2.60 Boards and Commissions
5273	1/8/2008	Amend 13.12.240 Interconnecting
5274	1/8/2008	Emerg Ord. Goram Addition Disconnect
5275	1/8/2008	Amend. 2.60: Clean up following prev. amendments
5276	1/15/2008	Amend. 9.41 Marijuana
5277	1/15/2008	Vanguard Famleco 10th Addition zoning
5278	2/6/2008	NCWCD CBT Conversion
5279	2/6/2008	Supplementary Approp (1) City Atty Position
5280	2/6/2008	Cook-Linn Addition: Annexation
5281	2/6/2008	Cook-Linn Zoning
5282	2/19/2008	Supplementary Approp (2) 817 1st St
5283	2/19/2008	Amend Code: 18.50.020 Signs
5284	2/26/2008	Bentley 1st Addition Zoning
5285	2/26/2008	Bentley 2nd Annexation
5286	2/26/2008	Bentley 3rd Annexation
5287	2/26/2008	Bentley Zoning
5288	3/4/2008	34 Marketplace Zoning (Allendale)
5289	3/4/2008	Lakeside Addition vacation
5290	3/4/2008	Public Works Traffic Ops Suppl Approp (3)
5291	3/4/2008	Police Grants DUI Suppl Approp (4)
5292	3/4/2008	Budget Amendment
5293	3/18/2008	Timberlane Farm
5294	3/18/2008	Suppl Approp (5) Economic Incentive
5295	4/1/2008	Vacation 29th & Rocky Mountain
5296	4/1/2008	Vacation 29th & Rocky Mtn Xroads & 34
5297	4/1/2008	37th & Rocky Mtn
5298	4/1/2008	Within boundaries of Rocky Mountain Ave
5299	4/1/2008	Rocky Mountain and Kendall Parkway
5300	4/1/2008	Annexation: Westview Pl
5301	4/1/2008	Zoning: Westview Pl
5302	4/15/2008	Suppl Budget & Approp Amending 2008 budget (6)
5303	5/6/2008	Vacating Hearthstone Addition
5304	5/6/2008	Amend Code Title 7.12 Unsanitary Conditions
5305	5/6/2008	Amend Code Title 7.18 Weed Control
5306	5/6/2008	Amend Code Title 7.26 Waste Material
5307	5/6/2008	Amend Code Title 7.70 Administrative Appeals
5308	5/6/2008	Amend Code Title 12.32.180 Trees
5309	5/6/2008	Annexation: High Country Farm
5310	5/6/2008	Zoning: High Country Farm
5311	5/6/2008	Olson Farm First Addition Annexation
5312	5/6/2008	Olson Farm Second Addition
5313	5/6/2008	Olson Farm First Addition Zoning

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Ord #	Reading Date	Ordinance Description
5314	5/6/2008	Olson Farm Second Zoning
5315	5/20/2008	Suppl Approp (9) JAX Inc, Sales Tax
5316	5/20/2008	Historic Landmark 411 W. 5th
5317	5/20/2008	Historic Landmark 731 W. 5th
5318	5/20/2008	Suppl Approp (7) Recreation and Fire CEF
5319	5/20/2008	Suppl Approp (8) Olson Addition
5320	5/20/2008	Olson farm Annexation Agt. Wastewater
5321	6/3/2008	Amend. Code: 3.16 Sales & Use Tax
5322	6/3/2008	Suppl Approp (10) PEG fee
5323	6/3/2008	Amend Code 2.60.110
5324	6/3/2008	Amend Code 2.60.020 CTC
5325	6/24/2008	Amend Code 16.38.071 Human Svc.
5326	6/24/2008	Vacating ROW County Road 7
5327	6/24/2008	Kolacny First Addition Annexation
5328	6/24/2008	Kolacny First Addition Zoning
5329	7/1/2008	Savanna Addition Rezone
5330	7/1/2008	Suppl Approp (11) Loveland Berthoud Interfaith Hospitality
5331	7/1/2008	Suppl Approp (12) Police Firearms Training
5332	7/1/2008	Electronic Database
5333	7/1/2008	Grange Addition Annex
5334	7/1/2008	Grange Addition Zoning
5335		Not used
5336	7/15/2008	Amend Code 18.42 parking and 18.24.050 bus. off street park
5337	8/5/2008	Amend Code: 2.08.030 Manager Execute IGAs
5338	8/19/2008	Amend Code 3.12.030 & 3.12.070 soliciting verbal quotes
5339	8/19/2008	Emerg Ordinance Un-tethered dogs in the dog park
5340	9/2/2008	Adopt minimum standards/commercial aeronautical activities
5341	9/2/2008	Suppl Approp Federal Emerg Management Grant
5342	9/2/2008	Vacation of Utility Easement Barr-Christiansen Subdivision
5343	9/16/2008	Vacating a utility easement in Koldeway Industrial 3rd Sub
5344	9/16/2008	Historic Landmark Mehaffy House; 432 w 5th
5345	9/16/2008	Historic Landmark Majestic Opera House: 315- 319 E. 4th
5346	9/16/2008	Amend Code 3.04.110 Notices of Suppl Approp
5347	10/7/2008	Amend Code 13.04.080 Water Sewer Connections
5348	10/21/2008	New Vision Annexation
5349	10/21/2008	New Vision Zoning
5350	10/21/2008	2008 Suppl Approp Lvld Spec Dist #1
5351	10/21/2008	2008 Suppl Approp LURA
5352	10/21/2008	LURA 2009 Budget
5353	10/21/2008	2009 Budget LSID #1
5354	10/21/2008	City Mill Levy
5355	10/21/2008	City Pay Plan
5356	10/21/2008	2009 Budget
5357	10/21/2008	2009 Appr
5358	10/21/2008	Mariana Butte Clubhouse Emerg Ord
5359	11/4/2008	Dakota Ridge Addition Annexation
5360	11/4/2008	Dakota Ridge Addition Zoning
5361	11/4/2008	East 1st Street Vacation

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Ord #	Reading Date	Ordinance Description
5362	11/4/2008	2009 Budget LGID #1
5363	11/4/2008	2008 Mill Levy for LGID #1
5364	11/4/2008	2008 Suppl Approp GID #1
5365	11/4/2008	2008 Suppl Approp Holiday Lighting
5366	11/4/2008	2008 Suppl Approp Downtown Mtnce
5367	11/4/2008	2008 Suppl Approp Library
5368	11/18/2008	Erlich Addition Annexation
5369	11/18/2008	Erlich Addition Zoning
5370	11/18/2008	GID Inclusion – 200 N Lincoln
5371	11/18/2008	Amend Code: Sec 3.04.110 publish ordinances
5372	12/2/2008	2008 Suppl Budget Approp
5373	12/2/2008	Lakeview First Addition Annexation
5374	12/2/2008	Lakeview First Addition Zoning
5375	12/2/2008	Boyd Lake North Addition Zoning
5376	12/16/2008	Title 8 Alcohol Beverages repeal 2.60.170; 5.32;5.36/5.37; 9.36.030/060
5377	12/16/2008	Sanctuary in the Park
5378	1/6/2009	Timberlane Farm Granary Rehab Grant
5379	1/6/2009	Namaqua Hills Central Annexation
5380	1/6/2009	Namaqua Hills Central Zoning
5381	1/20/2009	Anderson Addition Zoning
5382	1/20/2009	Amend Code 10.28.010 Abandoned Vehicles
5383	2/3/2009	Wintergreen Addition amended GDP
5384	2/3/2009	Peakview Commercial Park amended GDP
5385	2/3/2009	C-BT Water: Section 131 contract
5386	2/3/2009	Amend Code 13.20 Stormwater Quality
5387	2/17/2009	Ponderosa Ridge Addition - Annexation
5388	2/17/2009	Ponderosa Ridge Addition – Zoning
5389	2/17/2009	Windsong Addition – amendment to Dev. Agrmt
5390	2/17/2009	Amend Code 15.04– CAB Appeals
5391	2/17/2009	PW Grant – Suppl Appr
5392	3/3/2009	Suppl appr – Replacement Vehicles
5393	3/3/2009	Vacation – Namaqua Hills Central sundivision
5394	3/3/2009	Annexation - East 1st Street 2nd Addition
5395	3/3/2009	Zoning - East 1st Street 2nd Addition
5396	3/3/2009	Annexation - Schuster Lake Addition
5397	3/3/2009	Zoning- Schuster Lake Addition
5398	3/3/2009	Milner-Schwarz House – Historic
5399	3/24/2009	Suppl Appr – Majestic Opera House – Historic
5400	4/7/2009	IGA – Little Thompson Water District
5401	4/7/2009	Amend Code – 2.60.180 & 3.12.060 – Utilities
5402	4/7/2009	Vacating – Ridgeview North Third Sub
5403	4/7/2009	Suppl appr- Purchase real prop
5404	4/7/2009	Suppl appr – Public Library
5405	4/21/2009	Suppl Appr - I25/Crossroads
5406	4/21/2009	West 5th Street Historic District
5407	4/21/2009	Jeffery House Historic Landmark

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Ord #	Reading Date	Ordinance Description
5408	4/21/2009	Suppl appr - Projects
5409	4/21/2009	Suppl appr – Façade Grant Projects
5410	4/21/2009	Suppl appr – GID #1
5411	4/21/2009	Amend Code – 16.28 Boundary Line Adjustment& 16.32 Lot Merger
5412	4/21/2009	Amend Code - 17.04.050 Annexation Review
5413	4/21/2009	Amend Code - 18.04, 18.16, 18.20, 18.24, 18.28, 18.29, 18.42, 18.52 – Domestic Violence
5414	5/5/2009	Suppl appr – Housing Needs Assessment
5415	5/5/2009	Loveland Business Plaza 1st Add amending annex conditions
5416	5/5/2009	Vacating utility, drainage & landscape Willow Park Subdivision
5417	5/5/2009	Amend Zoning – Millennium Addition PUD
5418	5/19/2009	Suppl Appr – Replace a bus and addition of one bus
5419	5/19/2009	GID ordinance revising ordinance #5364 a 2008 suppl appr
5420	5/19/2009	Amend Code–7.28.020 Police disposing of unclaimed property
5421	5/19/2009	Suppl appr – Traffic Ops Center & Hwy 34/Wilson
5422	5/19/2009	Orthopaedic Center of the Rockies fee Deferral
5423	5/19/2009	2009 Budget for Fort Collins Loveland Airport
5424	6/2/2009	Amend Code – Title 16:chapter 16.16 review procedures; chapter 16.35 right-of-way/easements etc
5425	6/2/2009	Amend Code – Title 18: public notice requirements 18.04; 18.40/41; 18.54;18.60;18.64;add 18.05
5426	6/2/2009	Suppl Appr – Budget & appr for survey of historical properties
5427	6/16/2009	Suppl Appr – Mariana Butte Golf Course Clubhouse
5428	6/16/2009	Suppl Appr – Police overtime & equipment
5429	6/16/2009	Ru-Art vacation of easement
5430	6/16/2009	Suppl Appr – Community Development Block Grant
5431	6/16/2009	Amend Code – Title 18.50 - Signs
5432	6/16/2009	Emerg Ord. Supp App FAA Grant/ARRA Alpha Taxiway
5433	7/21/2009	Amend Code – Title 16 –CEF's for Affordable Housing 16.38; 16.43
5434	7/21/2009	Nov Election Coordinated w/Larimer County
5435	7/21/2009	LETA 3rd amended IGA
5436	7/21/2009	Emerg Ord. Suppl Appr I-25/Crossroads interchange
5437	7/21/2009	Buck Addition Zoning Amendment
5438	8/4/2009	Mariana Butte GDP Amendment
5439	8/4/2009	Giuliano 1st sub easement vacation
5440	8/4/2009	Title 18.50 Election & Real Estate Signs
5441	8/18/2009	Namaqua Hills Central correct legal description
5442	8/18/2009	Kolacny Addition Annexation Amend
5443	8/18/2009	Amend Code 13.04.100 Water Supply
5444	8/18/2009	Suppl Appr 09 Airport
5445	8/18/2009	Amend Code add Chapter 3.24 Lodging Tax
5446	8/18/2009	Amend Code Title 18 Crematoriums 18.04; 18.24; 18.28/30; 18.36;18.40;18.52
5447	9/1/2009	Vacation of utility ease Waterfall 4th Sub
5448	9/1/2009	Suppl Appr reimburse impact fees waived for Juniper Pl
5449	9/15/2009	Amend Code 2.60.240 Senior Advisory Board

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Ord #	Reading Date	Ordinance Description
5450	9/15/2009	Suppl Appr Police Forfeiture Fund
5451	9/15/2009	Suppl Appr Milner Schwartz House
5452	9/15/2009	Emerg Ord Fee Waivers homeowner occupied remodel permits
5453	10/6/2009	Kangaroo Addition
5454	10/6/2009	Kangaroo Zoning
5455	10/20/2009	Amend Code Building Contractor Licensing 15.30 repeal & reenact
5456	10/20/2009	Amend Code 13.08.100 sewer rental rates
5457	10/20/2009	2009 Mill Levy for General Fund
5458	10/20/2009	Pay Plan for 2010 City Employees
5459	10/20/2009	2010 Budget
5460	10/20/2009	Suppl Appr Jan1 2010 to Dec 31 2010
5461	10/20/2009	SID District 2010 Budget
5462	10/20/2009	LURA 2010 Budget
5463	10/20/2009	GID District 2010 Budget
5464	10/20/2009	GID District 2009 Mill Levy
5465	10/20/2009	Airport 2010 Budget
5466	10/20/2009	Reauthorize Council Reserve
5467	11/3/2009	Suppl Appr Federal Emerg Mgmt Grant
5468	11/3/2009	Historic Landmark Jennings House 130 N Grant Ave
5469	11/3/2009	Amend Code 16.38.085 Capital Expansion Fees
5470	11/3/2009	Mariana Butte GDP Amendment
5471	11/3/2009	Elkader Annexation
5472	11/3/2009	Elkader Zoning
5473	11/17/2009	Easement Vacation Koldeway Industrial 3rd Sub
5474	11/17/2009	Medical Marijuana Dispensaries Moratorium
5475	12/1/2009	Amend Code 19.04; 19.06.050 concerning water rights
5476	12/1/2009	Suppl Appr 2009 Year End Budget Wrap Up
5477	12/1/2009	Taft Ave Property Sale
5478	1/5/2010	Sierra Valley Land Exchange
5479	1/5/2010	Amend Code 10.04.020 Wireless Telephone Use
5480	1/5/2010	Amend Code 3.16 Appeal of Sales & Use Tax
5481	2/2/2010	Amend Code 2.60.240 Senior Advisory Board
5482	2/2/2010	Suppl Appr Energy Impact Asst Grant
5483	2/3/2010	Conversion of 8 acre-ft units of CBT project water
5484	2/16/2010	Amend Code 9.41; 9.42 Marijuana & Drug paraphernalia
5485	2/16/2010	Amend Code 15.04.070; 16.08.10 Fees for city projects
5486	3/2/2010	Suppl Appr Replace one and repair one fire engine
5487	3/2/2010	Suppl Appr Consulting services Dwntwn Devel
5488	4/6/2010	Building Permit Fee Waivers
5489	4/6/2010	Drainage & Utility Esmnt Vacation Stump Ave/Giuliano 1st Sub
5490	4/20/2010	Easement Vacation-Koldeway Ind 3rd Sub
5491	4/20/2010	Vacation-Storm sewer utility easement–Original Town of Lvln
5492	4/20/2010	Suppl Appr-2010 reappr of funds for incomplete 2009 projects
5493	4/20/2010	Suppl appr-Airport 2010 reappr of funds for incomplete 2009 projects
5494	4/20/2010	Suppl Appr affordable housing fee waivers (Putlack)
5495	4/20/2010	Annexation-Loveland Eisenhower Addition

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5496	4/20/2010	Zoning-Loveland Eisenhower Addition
5497	4/20/2010	Zoning-Allendale Plaza 5th Subdivision
5498	4/20/2010	Zoning-Loveland Business Plaza 1st Addition
5499	4/20/2010	Vacation-easements Allendale Plaza 5th Subdivision
5500	5/4/2010	Suppl Appr-CanDo/Poudre Valley Health Systems Foundation Grants
5501	5/18/2010	Suppl Appr-Airport Internship Program
5502	5/18/2010	Suppl Appr-Fire Dept Protective Equip, Fitness Program & Mobile Data Terminals
5503	5/18/2010	Suppl Appr-DS State Hist Society Grant, develop residential arch. Design guideline
5504	6/1/2010	Vacation-easements Silver Lake 7th & 11th Additions
5505	6/1/2010	Vacation-easement Silver Lake 7th& 11th Additions
5506	6/1/2010	Amend Code Chapter 12.20 Vendors in Public Rights-of-Way
5507	6/1/2010	Suppl Appr Bus Service between Ft Collins and Longmont
5508	6/1/2010	Amend Code 2.12.015 Alternate Meeting Place City Council
5509	6/15/2010	Suppl Appr Rialto Bridge Project
5510	6/15/2010	Suppl Appr Fire SAFER Grant & Part-time firefighter positions
5511	7/6/2010	Requirements for Electric service and "Larimer County Urban Area Street Standards" Amend Code 16.24 regarding design standards
5512		Am Emerg Ord extending the moratorium on the acceptance of applications for the issuance of licenses, permits and other approvals related to the cultivation, possession and other approvals dispensing or sale of by the City's registered electors
5513	7/7/2010	Supp Appr renovation Loveland High School Natatorium
5514	7/24/2010	Amend Code 18.45.030 floodplain regulations
5515	8/7/2010	Easement Vacation Koldeway Industrial Third Subdivision
5516	8/7/2010	Supp Budget US 287 Recreational Trail Underpass
5517	8/7/2010	Amend Code Prohibit Medical Marijuana; piece makes changes to Chapter 18.48
5518	8/7/2010	Coordinate November special election with Larimer Cty
5519	8/7/2010	Ballot Question Medical Marijuana
5520	9/11/2010	Amend Code Chapters 16.08 & 16.41 (definitions & applicability); Chapters 18.04 & 18.16 R3E (high density residential district)
5521	9//2010	Supp Appr lodging tax
5522	9/25/2010	Supp Appr for Unemployment Insurance, vehicle mtce & repair, snow & ice chemicals
5523	9/25/2010	High Country Farm Addition PUD 1st Amendment to Annexation Agreement
5524	9/25/2010	High Country Farm Addition Zoning
5525	10/9/2010	Mirasol First Subdivision amend PUD
5526	10/9/2010	Mirasol vacation of portion of public right-of-way
5527	10/9/2010	Supp Budget & Appr for consulting services (Artspace)
5528	10/23/2010	Supp Appr Airport – advertising & paving projects
5529	10/19/2010	Amend Code 3.16.070 reduction of vendor tax collection and remittance fees

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5530	10/19/2010	Amend Code 3.08.020 placement of General Fund tax revenues in a reserve account
5531	10/19/2010	2010 mill levy for the General Fund
5532	10/19/2010	Adopting a Pay Plan for City
5533	10/19/2010	Adopting 2011 budget
5534	10/19/2010	Appr for 2011 fiscal year
5535	10/19/2010	2011 Budget SID
5536	10/19/2010	2011 Budget LURA
5537	10/19/2010	2011 Budget GID
5538	10/19/2010	Setting 2010 Mill Levy for GID
5539	10/19/2010	2011 Budget Airport
5540	10/19/2010	CEFs no change in 2011
5541	11/2/2010	Rezone Evanbrier First Addition
5542	11/2/2010	Annexation South Horseshoe Lift Station Addition
5543	11/2/2010	Zoning South Horseshoe Lift Station Addition
5544	11/16/2010	Supp Appr SID #1 2010 wrapup
5545	11/16/2010	Supp Appr LURA 2010 wrapup
5546	11/20/2010	Supp Appr City 2010 wrapup
5547	12/11/2010	Ehrlich Addition – Rezoning
5548	12/7/2010	Amend Code – Unlawful Possession of Marijuana, Chapter 9.41
5549	1/4/2011	Amend Code - Graffiti 9.45; 7.30
5550	1/4/2011	Utility Easement West Industrial Addition
5551	1/4/2011	Historic Landmark Designation - 901 N Jefferson
5552	1/4/2011	Historic Landmark Designation - 544 E 4th St
5553	1/4/2011	Amend Code - alley names in downtown Loveland 12.08
5554	1/18/2011	Easement Vacation - McKee Meadows Sixth Subdivision
5555	1/18/2011	Suppl Appr Transportation Grants
5556	1/18/2011	Amend Code - Add Creative Sector Dvlpmt Adv Comm 2.60.290
5557	1/18/2011	Suppl Appr - State Historical Grant - Elks Lodge
5558	1/18/2011	Suppl Appr (LURA) Odd Fellows Lodge
5559	2/1/2011	Suppl Budget & Approp Transportation Grants
5560	2/15/2011	Easement Vacation - Hile 1st Subdivision (McDonald's)
5561	2/15/2011	Suppl Budget & Approp backfill fees waived for Interfaith Hospitality
5562	2/15/2011	Suppl Budget & Approp Lodging Tax Proceeds
5563	3/1/2011	Suppl Approp Property & Liability Insurance
5564	3/1/2011	Suppl Approp Grants for Airport
5565	3/1/2011	Suppl Approp Fuel & Vehicle Parts
5566	3/15/2011	Suppl Approp Federal Emerg Mangmnt Grant
5567	4/5/2011	Utility & Drainage Easement Vacation (986 Logan)
5568	4/5/2011	Amend Code - 6.28.010 removing exclusion for pets under 4 months
5569	4/19/2011	Amend Code - 12.26 Special Event Defined
5570	4/19/2011	Drainage easement vacation-Peakview Commercial 1st Sub
5571	4/19/2011	Suppl Approp Rialto Bridge Project
5572	5/7/2011	Rezone - 1629 W 8th St, A Muse
5573	5/7/2011	Temp Disconnect - Myers Group (Motorplex)
5574	5/7/2011	Hist Design - 1005 N Garfield, Remington House
5575	5/7/2011	Rollover Suppl Approp - General Fund
5576	5/7/2011	Rollover Suppl Approp - Airport

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5577	5/7/2011	Rollover Suppl Approp - LURA
5578	5/7/2011	Suppl Budget & Approp - Merit Based Recognition
5579	5/7/2011	Suppl Budget & Approp - Merit Based Recognition - Airport
5580	5/7/2011	Suppl Budget & Approp - Merit Based Recognition - Program LLB
5581	5/7/2011	Amend Code - Titles 16 & 18 regarding appeals provision 18.80
5582	5/3/2011	Timka Annexation
5583	5/3/2011	Timka Zoning
5584	5/21/2011	Amend Code - 9.30.030 Panhandling
5585	5/21/2011	Contract Amend #2 - City Property N Taft Ave
5586	5/28/2011	Suppl Approp - Agilent Property
5587	6/11/2011	Suppl Approp - Traffic Signal Updates
5588	6/11/2011	Suppl Approp - Installation of Variable Message Signage & Traffic Responsive Signal Timing Plans
5589	6/11/2011	Suppl Approp - Improvements to transit center & bus replacement
5590	6/11/2011	Amend Code - 13.08.100 Commercial Wastewater
5591	6/11/2011	Amend Code - Title 6, 6.16.170; 6.20.010 Animals
5592	6/25/2011	Amen Annexation Agree - Lvld Classical Schools (Charter)
5593	6/11/2011	Repeal Ord No 5540 - Inflation increases in Capital Expansion Fees
5594	6/25/2011	Amend Code - Title 18.04.279, Off Tack Betting Fac
5595	6/25/2011	Vacation of a postal & easement (Alford Lake 1st Sub)
5596	6/25/2011	Amend Code - Titile 18 BE Establ. Business District Chapter 18.24
5597	6/25/2011	Amend Code - Title 18 Build Heights Chapter 18.54
5598	7/9/2011	Amend Code - Firefighter's Pension 2.60.270
5599	7/9/2011	Suppl Approp - Buell Foundation Grant (Library)
5600	7/9/2011	2009 Edition International Building Code
5601	7/9/2011	2009 Edition Existing Building Code
5602	7/9/2011	2009 EditionEnergy Conservastion Code
5603	7/9/2011	2009 Edition Fuel Gas Code
5604	7/9/2011	2009 Edition Mechanical Code
5605	7/9/2011	2009 Edition Property Mtnce Code
5606	7/9/2011	2009 Edition Residential Code
5607	7/9/2011	2009 Edition Plumbing Code
5608	7/9/2011	Annexation Motorplex Entry Addition
5609	7/9/2011	Zoning Motorplex Entry Addition
5610	7/9/2011	Amend Code - Title 15 Historic Preservation Chapter 15.56
5611	8/20/2011	Suppl Approp-Grant for Historic Preservation Brochure
5612	7/23/2011	November Election - Coordinated with Larimer County
5613	8/2/2011	Easement Vacation - Ferrero 1st Addition (Larimer Cty Food Bank)
5614	8/6/2011	Amend Code - Construction Contracts retainage 3.12.140 & 3.12.1550
5615	8/6/2011	Suppl Appr - Airport Terminal Building
5616	8/20/2011	Emerg Suppl Appr-Airport Runway, FAA Grant
5617	8/20/2011	Suppl Approp-School Crossing Gurad
5618	8/20/2011	Amend Code - 2.60.070 Dissolve Communications Technologies Comm
5619	8/20/2011	Amend Code- Title 16 Affordable Housing 16.08.010, 16.38.085, 16.43
5620	8/20/2011	TABOR Ballot Measure
5621	9/10/2011	Easement Vacation-West Industrial Addition (Cardinal Glass)
5622	9/10/2011	Suppl Approp-Purchase & Remediation of Leslie the Cleaner 3rd ST Prop
5623	9/24/2011	Amend Code-18.50 temporary & minor exempt signs

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Ord #	Reading Date	Ordinance Description
5624	9/24/2011	Easement Vacation Cevic Center Campus
5625	9/24/2011	Suppl Approp-Historic Preservation Outreach & Public Education
5626	9/24/2011	Historic Designation Larimer Cty Bank Building
5627	9/24/2011	Suppl Approp-sidewalk improvements Truscott Elementary 7th & Garfield
5628	10/8/2011	Annexation Agreement Amendment Ozzie's 1st Addition (Habitat)
5629	10/8/2011	Easement Vacation Windmere 1st Subdivision
5630	10/8/2011	Easement Vacation McKee Meadows 9th Sub (Liquor Max)
5631	10/8/2011	Suppl Approp Museum Programs & Exhibits
5632	10/8/2011	Suppl Approp Traffic Signal & Lighting Upgrades -GID#1
5633	10/22/2011	Suppl Approp Signal Repalcement at US 287 & Garfield
5634	10/22/2011	Suppl Approp Safe Routes to School CANDO Grant
5635	10/22/2011	Suppl Approp Installation of Traffic Signals i-25 & US 34
5636	10/22/2011	Adopting 2011 Mill Levy General Fund
5637	10/22/2011	Adopt 2012 Pay Plan
5638	10/22/2011	Adopt 2012 Budget
5639	10/22/2011	Approp for 2012
5640	10/22/2011	Amend Code 3.08.020 City Council Reserves
5641	10/22/2011	SID # 1 2012 Budget
5642	10/22/2011	LURA 2012 Budget
5643	10/22/2011	GID #1 2012 Budget
5644	10/25/2011	GID#1 Mill Levy
5645	10/22/2011	Airport 2012 Budget
5646	10/22/2011	Suspending annual inflationary increase of CEF's
5647	11/5/2011	Emerg Ord-Sales Agree former Agilent Property to Cumberland & Western
5648	11/22/2011	Suppl Approp Airport small Community Air Service Dev Program Grant
5649	11/22/2011	Suppl Approp Airport General Aviation Facilities Remodeling (jetcenter)
5650	11/22/2011	Amend Code Investment Policy 3.04.070
5651	12/6/2011	Suppl Approp City's 2011 Budget
5652	12/10/2011	Suppl Approp 2011 SID#1
5653	12/7/2011	Sale of the Bishop House
5654	12/10/2011	Amend Code Fire & Rescue Advisory Commission 2.60.110
5655	12/10/2011	Approp 2012 Budget for Lodging Tax Fund
5656	12/10/2011	Rezoning Property in Waterfall Subdivision
5657	12/10/2011	Approp Downtown Façade Improvement Grant Program (LURA)
5658	12/24/2011	Amend Code Special Events Permit Process, Title 8.10
5659	1/17/2012	Amend Code Repeal & Reenact Chapt 15.28 Fire Code adopt 2009 Edit
5660	1/21/2012	Suppl Approp Reorg UB, Cust Serv & Meter Read functions within General Fund under Finance Dept Revenue Div
5661	1/21/2012	Suppl Approp SID #1
5662	2/11/2012	Suppl Approp State Historical Grant (Pulliam Bldg)
5663	2/11/2012	Suppl Approp Costs incurred with Agilent Property
5664	2/11/2012	Suppl Approp developer funds (Rialto Bridge Project)
5665	2/25/2012	Amend Code Change to Senior Advisory Board Membership 2.60.240
5666	2/21/2012	Suppl Approp Fleet Replacement of roadway mowing tractor
5667	2/21/2012	Suppl Approp Donation to Rialto Bridge Theater Center
5668	2/21/2012	Alley Vacation - Warnock Addition (Dairy Queen)
5669	3/3/2012	Suppl Approp Firefighters grant for equipment
5670	3/3/2012	Amend Code Pawnbroker Licensing & Regulation 5.28

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Ord #	Reading Date	Ordinance Description
5671	3/3/2012	Amend Code Cross Connection Control Chapter 13.06 Water & Power
5672	3/3/2012	Suppl Approp CBT water purchase
5673	4/3/2012	Suppl Approp Fund Internship in the City Attorney's Office
5674	4/3/2012	Sight Distance Easement Vacation - Alford Lake 1st Sub (Coral Burst)
5675	4/17/2012	Suppl Approp Cultural Services Department Programs
5676	5/3/2012	Suppl Approp 2011 Rollover City Budget
5677	5/3/2012	Suppl Approp 2011 Rollover Airport Budget
5678	5/3/2012	Suppl Approp 2011 Rollover LURA Budget
5679	5/15/2012	Suppl Approp 2011 Rollover GID Budget
5680	5/15/2012	Utility Easement Vacation Loveland Business Plaza 1st Addition
5681	5/15/2012	Suppl Approp matching grant funding Fire Rescue Authority
5682	5/15/2012	Suppl Approp switchgear for Valley Substation
5683	5/15/2012	Amend Code Title 3 Lien Process, add new Chapter 3.5
5684	5/15/2012	Amend Millinnium GDP 18.04.040
5685	5/19/2012	Emerg Ordinance Moratorium Oil & Gas Drilling
5686	6/5/2012	Amend Code Section 2.72.010 & adopt Emerg Operations Plan
5687		Not used
5688	7/7/2012	Rezoning of Lakes Place 5th Subdivision
5689	7/7/2012	Amend Code Chpt. 13.04 & 19.06 prohit irrigation water booster pumps
5690	7/7/2012	Emerg Ordinance Ban on certain outdoor fires within COL
5691	7/17/2012	Amend Code Chapter 19.04 Water Rights
5692	7/17/2012	Amend Code Chapter 1.24 changing ward boundaries
5693	7/21/2012	Suppl Approp grant funds for Traffic Signal Interconnect System
5694	7/21/2012	Suppl Approp new PEG fund transfer
5695		Not used
5696	7/21/2012	Emerg ordiance Sale & Use of Fireworks
5697	8/11/2012	Rezone of Aligent Open Space property (River's Edge)
5698	8/11/2012	Historic Landmark designation for Ray House/Hauseman House
5699	8/25/2012	Drainage & Utility Esmnt Vacation Alford Lakes 1st Sub (Crabapple Ct)
5700	9/8/2012	ROW Esmnt Vacation Harlow Addition (First Bank Bldg)
5701	9/22/2012	Suppl Approp for Water Utility Funds $670k
5702	9/22/2012	Amend Code Changes to Wastewater System Chapter 13.10 Pretreatment
5703	9/22/2012	Historic Designation Mariano Medina Family Cemetary
5704	10/6/2012	Suppl Approp Airport Weather Info System
5705	10/6/2012	Amend Code Stormwater Quality 13.20
5706	10/6/2012	Amend Code use credit for CEFs 16.38.030
5707	10/20/2012	Amend Code Storm Drainage Criteria 13.18.100;16.24.014;16.24.015
5708	10/20/2012	2012 Mill Levy for General Fund
5709	10/20/2012	2013 pay plan for City employees
5710	10/20/2012	2013 Budget
5711	10/20/2012	Approp for 2013 Fiscal Year
5712	10/20/2012	SID 2013 Budget
5713	10/20/2012	LURA 2013 Budget
5714	10/20/2012	GID 2013 Budget
5715	10/20/2012	GID 2012 Mill Levy
5716	10/20/2012	Airport 2013 Budget

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Ord #	Reading Date	Ordinance Description
5717	11/14/2012	Municipal Code Amendment - Floodplain regulations Ch. 15.14.020, 15.14.040, 15.14.040, 15.14.070, 15.14.074, 15.14.080, 18.45.030, 18.45.060
5718	11/14/2012	Amend Code- Historic Preservation Commission Membership - designated rep from Loveland Historical Society 2.60.130
5719	11/10/2012	Amend Mirasol Community GDP
5720	11/24/2012	Supp Appr - Finalize 2012 City budget
5721	11/24/2012	Supp Appr - SID #1, bond prepayment
5722	11/24/2012	Supp Appr - 2012 LURA
5723	11/24/2012	Supp Appr - GID #1, downtown parking improvements
5724	11/24/2012	Amend 2013 Pay Plan - Police Dept Step Plan
5725	12/12/2012	Municipal Code Amendment - Water Rights for Service Outside City Limits 19.04.023
5726	11/24/2012	Amend City of Loveland Investment Policy 3.04.070
5727	11/24/2012	Supp Appr - Airport, buy snow removal equipment
5728	12/8/2012	Municipal Code Amendment Signature Authority for Real Property Leases; Chapter 2.24 & 12.48
5729	12/8/2012	Mehaffey Park 1st Addition - annexation
5730	12/8/2012	Mehaffey - zoning
5731	12/8/2012	Mehaffey - rezone Meadowbrook Ridge propety (parts of Vanguard-Famleco 1st & 2nd Addition)
5732	12/8/2012	Artwork US Hwy 34 & I-25 interchage
5733	12/22/2012	Municipal Code Amendment Signature Authority for Real Property Leases; Chapter 2.24 & 12.48
5734	12/22/2012	Supp Appr - contract with Chamber of Commerce
5735	12/22/2012	Oil & Gas Moratorium Extension
5736	1/19/2013	Disposition & Development Agreement with LURA & 541 N Lincoln
5737	1/19/2013	Supp Appr City's 2013 Budget for North Catalyst Project at 541 N. Lincoln
5738	1/19/2013	Supp Appr to LURA 2013 budget North Catalyst Project at 541 N. Lincoln
5739	2/9/2013	Supp Appr - Pro Cycle Challenge
5740	2/9/2013	Supp Appr - 2013 Airport Budget Realignment
5741	2/9/2013	Supp Appr - 2013 City of Loveland budget to increase the Airport budget
5742	2/9/2013	Supp Appr - 2013 City of Loveland budget for share of cost for a plans reviewer for the LFRA
5743	2/23/2013	Historic Landmark designation - Loveland Elks Lodge; Lovelander Hotel
5744		Supp Appr - Traffic Signal Replacement - US 34 & Boyd Lake Avenue
5745	2/23/2013	Supp Appr - RR crossing repairs on US 287
5746	2/23/2013	Extension of Comcast Franchise Agreement
5747	3/9/2013	Amend Code - Senior Advisory Board 2.60.240
5748	3/9/2013	Fleet and Police Funds
5749	3/9/2013	Conveyance of Property Buck 4th Sub
5750	3/9/2013	Drainage Easements Mineral 1st Sub
5751	3/9/2013	Sale of Property 905,915,925,933,935, N Taft Ave

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Ord #	Reading Date	Ordinance Description
5752	3/24/2013	Supp Appr-River's Edge
5753	3/23/2013	Amend Code - Title 18 Oil and Gas 18.77; 18.78
5754	4/6/2013	Amending Ord #5743 and Designation Loveland Elks
5755	4/20/2013	Supp App - Safe Routes- Street and Gutter Impvmts
5756	4/20/2013	Repealing & Reenacting Chapt 18.05; Chapter 16.18
5757	5/11/2013	Koldeway Industrial 2nd Subdivison Rezoning
5758	5/11/2013	Koldeway Industrial 2nd Subdivison Vacating
5759	5/11/2013	Range View 3rd (Lake Vista) Utility Easement
5760	5/11/2013	Supp Appr- City Budget Rollover
5761	5/11/2013	Supp Appr - LURA Budget Rollover
5762	5/11/2013	Supp Appr - GID #1 Budget Rollover
5763	5/11/2013	Supp Appr - Airport Budget Rollover
5764	5/11/2013	Supp Appr - New Projects Budget
5765	5/11/2013	Burn Ban & Restrictions
5766	5/25/2013	United Way of Larimer Cty Grant to Loveland Library
5767	5/25/2013	Supp App for COLT Video Surveillance Installations
5768	5/25/2013	Fire Station No. 2 Addition (Annexation Approval)
5769	5/25/2013	Fire Station No. 2 Addition (Zoning Regulations)
5770	6/8/2013	Kendall Brook Utility Easement Vacation
5771	6/8/2013	Oil & Gas Mailed Notification Amendment
5772	6/22/2013	Amend Code - 15.08 Intern. Building Code 2012 - Adoption
5773	6/22/2013	Amend Code - 15.10 Intern. Residential Code 2012
5774	6/22/2013	Amend Code - 15.12 Intern. Property Mainten. Code 2012
5775	6/22/2013	Amend Code - 15.16 Intern. Mechanical Code 2012
5776	6/22/2013	Amend Code - 15.18 Intern. Fuel Gas Code 2012
5777	6/22/2013	Amend Code - 15.20 International Plumbing Code 2012
5778	6/22/2013	Amend Code -15.28 International Fire Code 2012
5779	6/22/2013	Amend Code - 15.48 Intern. Engergy Conservation Code 2012
5780	6/22/2013	Amend Code - 15.52 Intern. Existing Building Code 2012
5781	6/22/2013	Amend Code - 15.04 Intern. Codes Adopted by Reference 2012
5782	6/22/2013	Amend Code - 1.08 Right of Entry for Inspection
5783	6/22/2013	Emerg Ordinance Supp Appr for Airport
5784	7/6/2013	Sunrise Community Health Center
5785	7/6/2013	Sale of City Properties; N Taft Avenue
5786	7/6/2013	Sale of the Bishop House and city property
5787	7/6/2013	Issuance and Sale of Water Ent Revenue Bond
5788	7/6/2013	Terms and Provisions -Water Ent Revenue Bond
5789	7/31/2013	Coordinated Election Ordinance
5790	7/31/2013	Vacation Public ROW- Millennium SW 5th Sub
5791	7/31/2013	Interfund Loan from Power to Water Enterprise
5792	8/10/2013	Gateway Planned Unit Dev: Zoning increase density
5793	8/10/2013	Dakota Glen PUD 1st Amend (#P-98) Sect 18.04.040
5794	8/10/2013	Airpark North Addition Amend Ord # 3380 & #3381
5795	8/10/2013	Supp App Highway 287 Bs Dev Corridor
5796	8/10/2013	Supp App Design/Prog Public Safety Training Campus
5797	8/10/2013	Supp App Sign & Signal Maintenance
5798	8/10/2013	Emerg Ordinance Temporary Vendors License- Ice Cream Trucks
5799	8/24/2013	Supp App Service Center Phase 3 Expansion

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Ord #	Reading Date	Ordinance Description
5800	8/24/2013	Amend 64 Actions to Marijuana Establishments 7.65
5801	9/3/2013	Suppl App for Airport Runway Improve
5802	10/1/2013	Sale of North Taft Properties
5803	10/1/2013	Suppl App for Emerg Mosquito Spraying
5804	10/15/2013	Vacation-Aspen Knolls
5805	10/15/2013	Rezoning-Aspen Knolls
5806	10/15/2013	Amend Code-Human Resources adoption of the pay plan by Resolution
5807	10/15/2013	Artspace Incentive & Loan
5808	10/15/2013	Vacation-Artspace ROW
5809	10/15/2013	2013 Mill Levy for the General Fund
5810	10/15/2013	Adopting the 2014 Budget **REVISED**full publication 10/19/13
5811	10/15/2013	Appr for the 2014 Fiscal Year Jan1 thru Dec31
5812	10/15/2013	2014 Budget for Special Imprvmt Dist #1
5813	10/15/2013	2014 Budget for LURA
5814	10/15/2013	2014 Budget for General Imprvmt Dist #1
5815	10/15/2013	Setting the 2013 Mill Levy for the GID #1
5816	10/15/2013	2014 Budget for the airport
5817	10/15/2013	Emerg Ord Building Permit Fees- Waived for flood related
5819	11/5/2013	Annex-King of Glory
5820	11/5/2013	Zoning-King of Glory
5821	11/5/2013	Vacation-St John Addition
5822	11/5/2013	Zoning-Big Thompson Farm Addition
5823	11/5/2013	Amend Ord #4971; historic landmark for Feed & Grain Building
5824	11/5/2013	Supp App House of Neighborly Svc-for Life Center
5825	11/5/2013	Supp App for GID #1 for Downtown Parking lot imprv
5818	11/5/2013	Emerg Ord Supp App for Flood Related Costs
5826	11/5/2013	Emerg Ord Amend Ord #5817 for Building permit fee waiver and use tax
5827	11/5/2013	Emerg Ord for Business Flood Relief
5828	11/19/2013	Amend Code-Mobile Vendors Chap 12.30
5829	11/19/2013	Addition-Park Lane
5830	11/19/2013	Supp App for 2013 Budget Wrap up
5831	11/19/2013	Amend Code-Weed Control 7.18
5832	12/3/2013	Code Amend-Theft 9.34
5833	12/3/2013	Emerg Comcast Contract Extension
5834	12/3/2013	Emerg Supp App for Idylwilde Dam Removal
5835	12/17/2013	Vacation-Millennium SW 7th
5836	12/17/2013	Amend Code-Traffic Code 10.04.020
5837	12/17/2013	Amend Code-Marijuana Caregivers 7.60.030
5838	12/17/2013	Amend Code-Oil & Gas Overlay Zones 18.78
5839	12/17/2013	Amend Code-Marijuana Use and Possession 7.40; 9.41
5840	01/07/14	Supp App-Fire Station 2
5841	01/07/14	Supp App-Additional Airport Intern
5842	01/07/14	Supp App-2 Community Events
5843	2/18/2014	Supp App Service Center Expansion
5844	3/4/2014	Supp App Library Database
5845	3/4/2014	Code Amd Various Title 18
5846	3/4/2014	Code Amd18.16.110; Limited signs
5847	3/4/2014	Code Amd 18.60.020 ZBA

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5848	3/4/2014	Vacating Easement-Mariana Cove
5849	3/4/2014	Code Amd 13.04 &13.08 WW Reimb
5850	3/4/2014	Code Amd 13.12 Elec Line Ext
5851	3/4/2014	Sale of Portion Longview Open Sp
5852	3/4/2014	Supp App for Flood Related Proj
5853	3/18/2014	Supp App HNS & LCHC Sunrise
5854	3/18/2014	Supp App 2013 Police Overtime
5855	3/18/2014	Supp App for Mehaffey Phase 2
5856	3/18/2014	Code Amd 19.04.080 Ditch Water
5857	4/1/2014	Zoning Code Amd-Fox Pointe 1st Sub
5858	4/15/2014	Supp App Budget City Rollover
5859	4/15/2014	Supp App Budget New Proj
5860	4/15/2014	Supp App Budget Airport Rollover
5861	4/15/2014	Supp App Budget GID Rollover
5862	4/15/2014	Supp App Budget LURA Rollover
5863	4/15/2014	Supp App Downtown Land Purchase
5864	5/6/2014	Zoning Amd Peakview/Les Schwab
5865	5/20/2014	Vacating Easement-Loch Mount
5866	6/3/2014	Comcast Extension #3
5867	7/1/2014	Vacating Easement- Cynthia Court
5868	7/15/2014	Vacating Easement- Kersey Exptn
5869	7/15/2014	Supp App- Lodging Tax Reserves
5870	8/5/2014	Historic Designation-Scott House
5871	8/5/2014	Supp App Morey/Mariana Riverwork
5872	8/5/2014	Supp App Legal Costs Downtown
5873	8/5/2014	Supp App Tharp Cabinet Incentive
5874	8/5/2014	Supp App Purchase S Catalyst Proj
5875	8/5/2014	Supp App Water Treatment Plant
5876	8/5/2014	Emergency Ord WTP Contract Award
5877	8/19/2014	Supp App Fiber Optic Cable Install
5878	9/2/2014	Supp App CDOT TOC Update
5879	9/2/2014	Supp App CDOT Roadway Weather
5880	9/2/2014	Supp App Anti-ice I-25/Crossroads
5881	9/2/2014	Vacation of Easement- Rez Church
5882	9/2/2014	Amd to CMP- Boyd Lake Village
5883	9/2/2014	Amd to CMP- Loveland Eisenhwr
5884	9/16/2014	Supp App Region Tourism Act
5885	10/7/2014	Supp App - Other Agency Tourism
5886	10/7/2014	Supp AppOrigins Lvld Incentive
5887	10/7/2014	Supp App Madison Bridge
5888	10/7/2014	Zoning Amd to Turney Briggs
5889	10/21/2014	Easmt Vacation Millennium NW 4th
5890	10/21/2014	Zoning Amd to Mountain Pacific
5891	10/21/2014	Supp App for Design Svc- MOC
5892	10/28/2014	2014 Mill Levy for City Budget
5793	10/28/2014	2015 City Budget
5894	10/28/2014	2015 Fiscal Year
5895	10/28/2014	2015 Airport Budget

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5896	10/28/2014	2015 SID 1 Budget
5897	10/28/2014	2015 LURA Budget
5898	10/28/2014	2015 GID Mill Levy
5899	10/28/2014	2015 GID Budget
5900	11/4/2014	Supp App for Value Plastics Incentive
5901	11/4/2014	Supp App TIF Study
5902	11/18/2014	Supp App Wrap up for 2014 Budget
5903	11/18/2014	DDA Election Procedures
5904	11/18/2014	Supp App for Sidewalk Imp Garfield
5905	1/6/2015	Supp App for Evergreen Incentive
5906	12/2/2014	Call for Special Election DDA
5907	12/2/2014	Vacation for Alleys-2
5908	12/2/2014	Sale of Fire Station No. 2
5909	1/6/2015	Supp App for Edison Welding Institute
5910	1/20/2015	Supp App Pro Chal and RTA Applic
5911	1/20/2015	Supp App for Arcadia Hotel
5912	1/20/2015	Water Enterprise Bond Sale /Issuance
5913	1/20/2015	Water Enterprise Bond Terms/Provis
5914	1/20/2015	Supp App South Catalyst Project
5915	2/17/2015	Access Easemt Vac for Fox Pt 1st sub
5916	3/17/2015	Supp App for FAB Remodel
5920	3/17/2015	Supp App for RR Avenue Repairs
5921	3/17/2015	Supp app for Boise Ext Project
5922	3/17/2015	Vac of Easement for ROW Loveland
5923	3/17/2015	Supp App for Lincoln Hotel Settlement
5924	4/7/2015	Amend Code LFRA Chg Code & Appeal Board Title 15.04
5925	4/7/2015	Amend Code Dissolve FRAC Title 2.60
5926	4/7/2015	Supp App Pulliam Bldg Quiet Title
5927	4/7/2015	Establishment of the DDA
	Defeated	Reducing Sales Tax
5928	4/21/2015	Supp App Water Split
5929	4/21/2015	Reapp for Airport continuing proj
5930	4/21/2015	Supp App for Airport new proj
5931	4/21/2015	Reapp for LURA Façade Grant Prog
5932	4/21/2015	Supp App for City continuing proj
5933	4/21/2015	Supp App for new City proj
5934	5/19/2015	Supp App for 2015 LURA Budget
5935	5/19/2015	Supp App for Cultural Svcs Events
5936	5/19/2015	Sale of Property on Rossum Dr.
5937	5/19/2015	Turney Briggs Addition Vacation
	5/19/2015	Reducing Sales Tax
5938	6/2/2015	Access Easemt Vac for Anderson Farm 5th
5939	7/7/2015	Supp App for FEMA Substation and Solar Facility
5940	7/7/2015	Supp App for Building Div Insp and Permits
5941	7/21/2015	Supp App for 287 Bridge CDBG-DR
5942	7/21/2015	Waterfall 6th Subdivision Vacation
5943	7/21/2015	Amend Code Panhandling 9.30
5944	7/21/2015	Amend Code Change to Ward 3 & 4 Precincts 1.24.040/050

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5945	7/21/2015	Supp App for Loveland Police COPS Grant
5946	7/21/2015	Amend Code Door to Door Solicitation 5.12
5947	8/4/2015	Amend Code LPD Humane Trapping of Animals 6.16
5948	8/4/2015	Supp App Chilson Emergency Generator
5949	8/4/2015	Supp App CEF Plan Based Study
5950	8/4/2015	Nov 2015 Election Coordination w/ Larimer Cty
5951	8/4/2015	DDA Election
5952	8/4/2015	Broadband Ballot Question
5953	8/18/2015	Supp App Water Enterprise
5954	8/18/2015	Supp App LFRA Mitigation Strategy
5955	8/18/2015	Supp App Façade Grant
5956	9/1/2015	Supp App Cemetery Shop Phase I
5957	9/1/2015	DDA Boundary Adjustment Excluding 3 Properties
5958	9/15/2015	Supp App Flood Recovery
5959	9/3/2015	Radifying Ballots Emergency Ordinance
5960	10/6/2015	Historic Designation Substation
5961	10/6/2015	Supp App Loveland Signal Cabinets
5962	10/20/2015	Amend Code Historic Preservation 2.60.130
5963	10/20/2015	Great Western 3rd Rezoning
5964	10/20/2015	Amend Code Loveland Fire Authority 2.44.040/050
5965	10/20/2015	2015 Mill Levy Gen Fund
5966	10/20/2015	2016 COL Budget
5967	10/20/2015	Appropriation for Jan 1, 2016 - Dec 31, 2016
5968	10/20/2015	Supp App Transportation CIP
5969	10/20/2015	Airport 2016 Budget
5970	10/20/2015	SID Budget
5971	10/20/2015	LURA Budget
5972	10/20/2015	GID Mill Levy
5973	10/20/2015	GID Budget
5974	11/3/2015	CEF Suspension in 2016
5975	11/3/2015	Supp App EWI Colorado
5976	11/3/2015	Loveland Foothills Solar GDP Amendment
5977	11/17/2015	SID Refunding Bonds
5978	11/17/2015	Amend Code Expunge Juvenile Records 1.12.021
5979	11/17/2015	Supp App for Museum Donations
5980	12/1/2015	Silver Shore Drive Easement Vacation
5981	12/1/2015	Supp App for 2015 Budget Year End
5982	12/1/2015	Supp App for 2015 Budget Transfers/Corrections
5983	12/15/2015	Supp App LFRA Ins Provider Change
5984	12/15/2015	Supp App Health and Welfare Trust
5985	12/1/2015	Supp App LFRA Radio Tower Emergency Ord
5905	1/6/2015	Supp App for Evergreen Incentive
5909	1/6/2015	Supp App for Edison Welding Institute
5910	1/20/2015	Supp App Pro Chal and RTA Applic
5911	1/20/2015	Supp App for Arcadia Hotel
5912	1/20/2015	Water Enterprise Bond Sale /Issuance
5913	1/20/2015	Water Enterprise Bond Terms/Provis
5914	1/20/2015	Supp App South Catalyst Project

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5915	2/17/2015	Access Easemt Vac for Fox Pt 1st sub
5916	3/17/2015	Supp App for FAB Remodel
5920	3/17/2015	Supp App for RR Avenue Repairs
5921	3/17/2015	Supp app for Boise Ext Project
5922	3/17/2015	Vac of Easement for ROW Loveland
5923	3/17/2015	Supp App for Lincoln Hotel Settlement
5924	4/7/2015	Amend Code LFRA Chg Code & Appeal Board Title 15.04
5925	4/7/2015	Amend Code Dissolve FRAC Title 2.60
5926	4/7/2015	Supp App Pulliam Bldg Quiet Title
5927	4/7/2015	Establishment of the DDA
	Defeated	Reducing Sales Tax
5928	4/21/2015	Supp App Water Split
5929	4/21/2015	Reapp for Airport continuing proj
5930	4/21/2015	Supp App for Airport new proj
5931	4/21/2015	Reapp for LURA Façade Grant Prog
5932	4/21/2015	Supp App for City continuing proj
5933	4/21/2015	Supp App for new City proj
5934	5/19/2015	Supp App for 2015 LURA Budget
5935	5/19/2015	Supp App for Cultural Svcs Events
5936	5/19/2015	Sale of Property on Rossum Dr.
5937	5/19/2015	Turney Briggs Addition Vacation
	5/19/2015	Reducing Sales Tax
5938	6/2/2015	Access Easemt Vac for Anderson Farm 5th
5939	7/7/2015	Supp App for FEMA Substation and Solar Facility
5940	7/7/2015	Supp App for Building Div Insp and Permits
5941	7/21/2015	Supp App for 287 Bridge CDBG-DR
5942	7/21/2015	Waterfall 6th Subdivision Vacation
5943	7/21/2015	Amend Code Panhandling
5944	7/21/2015	Amend Code Change to Ward 3 & 4 Precincts
5945	7/21/2015	Supp App for Loveland Police COPS Grant
5946	7/21/2015	Amend Code Door to Door Solicitation
5947	8/4/2015	Amend Code LPD Humane Trapping of Animals
5948	8/4/2015	Supp App Chilson Emergency Generator
5949	8/4/2015	Supp App CEF Plan Based Study
5950	8/4/2015	Nov 2015 Election Coordination w/ Larimer Cty
5951	8/4/2015	DDA Election
5952	8/4/2015	Broadband Ballot Question
5953	8/18/2015	Supp App Water Enterprise
5954	8/18/2015	Supp App LFRA Mitigation Strategy
5955	8/18/2015	Supp App Façade Grant
5956	9/1/2015	Supp App Cemetery Shop Phase I
5957	9/1/2015	DDA Boundary Adjustment Excluding 3 Properties
5958	9/15/2015	Supp App Flood Recovery
5959	9/3/2015	Radifying Ballots Emergency Ordinance
5960	10/6/2015	Historic Designation Substation
5961	10/6/2015	Supp App Loveland Signal Cabinets
5962	10/20/2015	Amend Code Historic Preservation 2.60.130
5963	10/20/2015	Great Western 3rd Rezoning

Disposition of Ordinances 5001 - 6000

Ord #	Reading Date	Ordinance Description
5964	10/20/2015	Amend Code Loveland Fire Authority 2.44.040/050
5965	10/20/2015	2015 Mill Levy Gen Fund
5966	10/20/2015	2016 COL Budget
5967	10/20/2015	Appropriation for Jan 1, 2016 - Dec 31, 2016
5968	10/20/2015	Supp App Transportation CIP
5969	10/20/2015	Airport 2016 Budget
5970	10/20/2015	SID Budget
5971	10/20/2015	LURA Budget
5972	10/20/2015	GID Mill Levy
5973	10/20/2015	GID Budget
5974	11/3/2015	CEF Suspension in 2016
5975	11/3/2015	Supp App EWI Colorado
5976	11/3/2015	Loveland Foothills Solar GDP Amendment
5977	11/17/2015	SID Refunding Bonds
5978	11/17/2015	Amend Code Expunge Juvenile Records 1.12.021
5979	11/17/2015	Supp App for Museum Donations
5980	12/1/2015	Vac Silver Shore Drive Easement
5981	12/1/2015	Supp App for 2015 Budget Year End
5982	12/1/2015	Supp App for 2015 Budget Transfers/Corrections
5983	12/15/2015	Supp App LFRA Ins Provider Change
5984	12/15/2015	Supp App Health and Welfare Trust
5985	12/1/2015	Supp App LFRA Radio Tower Emergency Ord
5986	1/5/2016	LFRA Exemption from Permit Fees
5987	1/19/2016	Adopted by Reference Amend Code 16, 17, 18, 19
5988	1/5/2016	Scion Industried Annexation Agreement Amendment
5989	1/5/2016	The Edge Fee Waivers
5990	1/5/2016	Amending the City of Loveland Investment Policy
5991	1/19/2016	Amending Ord 4519 and 5245 SID No. 1 Intereste
5992	N/A	Emergency Ord for FEMA Solar Facility
5993	2/16/2016	Orchards 13th Sub Vacation of Easement
5994	2/16/2016	Orchards 13th Sub Vacation Portion of Easement
5995	2/16/2016	GID Boundary Amendment - Jefferson and Third
5996	2/16/2016	Supp App GOCO Open Lands Grant
5997	2/29/2016	Supp App LFRA Fire Training Grounds
5998	2/29/2016	LFRA Rossum Drive Property Sale
5999	2/29/2016	SID Bond Appropriations
6000	3/15/2016	Supp App Wilson, Taft, 287 Bridge Flood Study

Disposition of Ordinances 6001-7000

Ord #	2nd Reading Date	Ordinance Description
6001	3/15/2016	Supp App Employee Benefit Fund
6002	3/15/2016	Supp App LPD (4) Vehicles
6003	3/15/2016	Supp App South Catalyst Project
6004	3/15/2016	Condominium Construction Defects
6005	4/19/2016	Supp App For Broadband Initiative
6006	4/19/2016	Building Code Amendment Interior lot lines
6007	4/19/2016	Rollover Re-Appropriation
6008	4/19/2016	Airport Re-appropriation
6009	4/19/2016	LURA Re-appropriation
6010	4/19/2016	Rollover New Appropriations for Projects/Programs not Anticipated
6011	4/19/2016	LPD Appropriation for (3) Three Officers
6012	5/17/2016	Flood Plain Building Code Definitions Amendment Municipal Code 15.14.020
6013	5/17/2016	Annexation Fairgrounds
6014	5/17/2016	Zoning Fairgrounds
6015	5/17/2106	Supp App Airport Marketing
6016	6/7/2016	Airport IGA Amendment - Northern Colorado Regional Airport
6017	6/7/2016	Airport Code Amendment: 2.24.050; 3.40.010; 12.48.010; 12.48.020; 12.48.110
6018	6/7/2016	Investment Policy Corrections
6019	6/7/2016	County Animal Shelter Fee Waivers
6020	7/5/2016	Supplemental Budget for Foote Lagoon Concert Series; Arts & Education; Cinema
6021	7/5/2106	Court Surcharge Fees Municipal Code 1.12.010 Amendment
6022	7/5/2016	Supplemental Appropriation for Byrd Drive Roadway Connection
6023	7/5/2016	DDA Election Coordinating with Larimer County
6024	7/19/2016	Amending Secion 8.08.030 of the Municipal Code for Tasting Days
6025	7/19/2016	Supplemental Appropriation for Museum and Rialto Programs
6026	7/19/2016	Supplemental Appropriation for Fiber Optic Inventory
6027	7/19/2016	Supplemental Appropriation for Mehaffey Dog Park
6028	7/19/2016	IGA w/CDOT for US34 and Boyd Lake Ave
6029	7/19/2016	Municipal Code 7.40 Amendment for Electronic Smoking Devices
6030	Tabled	Code Amendment for Prescriptions for Animals
6031	7/19/2016	Code Amendment 10.04.025 for Regulation of Golf Cars
6032	8/2/2016	Comcast Franchise Agreement
6033	8/2/2016	Amending Municipal Code Section 13.16.030 Customer Service for Cable Ops.

Disposition of Ordinances 6001-7000

6034	8/2/2016	Waters Edge Addition Annexation
6035	8/2/2016	Waters Edge Addition Zoning
6036	8/16/2016	Westwood 3rd Subdivision Pedestrian Easement
6037	8/16/2016	Approval of DDA and Ballot Questions
6038	8/16/2016	IGA w/ Walmart for Intersection Improvements
6039	8/16/2016	Supp App for NCRA Strategic Plan
6040	8/16/2016	Flexble Zoning Overlay District Code Amdmnt Title 18
6041	9/6/2016	Supp App for Fleet Vehicles
6042	9/6/2016	Gatorwest Addition Annexation
6043	9/6/2016	Gatorwest Addition Zoning
6044	9/6/2016	Repealing Code to Prohibit Aircraft Landing/takeoff Title 12.48
6045	9/20/2016	Code Amend for Abandoned Vehicles Title 10
6046	9/20/2016	Supp App CDBG Appropriation
6047	9/20/2016	Supp App Fire Training Center
6048	9/20/2016	Reallocation of Assessment SID No. 1
6049	9/20/2016	Sale of 130 N. Cleveland Ave to Brinkman
6050	10/4/2016	The Foundry GID Inclusion
6051	10/4/2016	Supp App Wilson to Taft Ave Flood Recovery
6052	10/4/2016	Mirasol 2nd Addition Annexation
6053	10/4/2016	Mirasol 2nd Addition Zoning
6054	10/4/2016	Supp App for EWI
6055	10/18/2016	Supp App Namaqua West Open Lands
6056	10/18/2016	Supp App Wayfinding Program
6057	10/18/2016	Supp App Big Thompson River Corridor Master Plan
6058	11/1/2016	Mariana Butte 27th Sub Vacation of Utility Easement
6059	11/1/2016	Mariana Butte 27th Sub Vacation of (6) Drainage Esmts
6060	11/1/2016	Evergreen Meadows 2nd Sub, Vacation of Utility Esmt
6061	11/1/2016	Supp App Internal Loan from PEF to PIF Enterprise Fund
6062	11/1/2016	Supp App W 8th St Bridge Contract Award
6063	11/1/2016	Lee Farm Addition GDP Amendment
6064	11/1/2016	2016 Mill Levy Gen Fund
6065	11/1/2016	2017 COL Budget
6066	11/1/2016	Appropriation for Jan 1, 2017 - Dec 31, 2017
6067	11/1/2016	Airport 2017 Budget
6068	11/1/2016	SID Budget

Disposition of Ordinances 6001-7000

6069	11/1/2016	LURA Budget
6070	11/1/2016	GID Mill Levy
6071	11/1/2016	GID Budget
6072	11/15/2016	Supp App for Viestenz-Smith Mountain Park Project
6073	12/6/2016	Code Amendment for Street Naming Title 12
6074	12/13/2016	Supp App for 2016 Budget Year-End
6075	12/13/2016	Supp App for 2016 LURA Redistribution of Taxes
6076	12/13/2016	Larimer County Dedication of ROW on NCR29
6077	12/13/2016	COL Wastewater Treatment Plant Rev Bonds
6078	12/13/2016	WW Treatment Plant Enterprise Bonds
6079	1/3/2017	Suspension of CEFs in 2017
6080	1/3/2017	Ward West LLP Easement Vacation
6081	1/3/2017	Larimer County Offices Easement Vacation
6082	1/3/2017	Supp App VSMP 2016 Funds Rollover

Table II Property Annexed

Ordinance	Date	Property Annexed
284	6/7/1932	Amending Zoning 281: Portion Finleys Addition & Orig Town
305	6/5/1934	Zoning Jefferson Place & Ackelbein Addition
321	6/1/1937	Amend Zoning: Warnock & Highlands Park Addition
322	11/2/1937	Amend Zoning: Kilburns West Side Addition
324	12/21/1937	Amend Zoning: Loveland Heights Addition
326	3/1/1938	Amend Zoning: Mountain View Addition
327	4/19/1938	Amend Zoning: Finleys Addition
333	8/2/1938	Amend Zoning: Park Place Addition
342	6/7/1939	Amend Section 3 of Ordinance 281: Zoning
344	6/20/1939	Amending Section 3 of Zoning Ordinance 281
357	12/5/1939	Vacating Alley Ordinance #320
389	10/16/1945	Amend Zoning: Turney Briggs Addition
393	1/3/1946	Amend Zoning: Ballard Place Addition
394	2/19/1946	Amend Zoning: Kilburns Westside Addition
395	4/2/1946	Amend Zoning: Riley Bell Addition
399	5/8/1946	Amend Zoning: Highlands Park Addition
402	10/1/1946	Amend Zoning: Clearview Addition
409	4/1/1947	Vacating Alley Ordinance #320
413	8/19/1947	Annexation of Deines Addition
415	10/21/1947	Amend Zoning define Residence A & B
421	9/21/1948	Cynthia Addition
423	9/21/1948	Amend Zoning: Turney Briggs Addition
424	10/5/1948	Vacating Alley: Moon Addition
425	10/19/1948	Vacating Alley: Martin Addition
426	11/2/1948	Marmac Addition
428	12/7/1948	Adams Addition
429	12/7/1948	Stoner Addition
433	1/4/1949	North End Addition
434	1/4/1949	Flint & Williamson Addition
435	1/4/1949	Cornett Addition
436	2/15/1949	Adams Second Addition
438	4/5/1949	Amend Zoning: North End Addition
439	5/3/1949	Glantz Addition
440	5/3/1949	Rose Edwards Addition
441	8/2/1949	St. Louis Addition
445	10/4/1949	Amend Zoning: St. Louis Addition
448	12/6/1949	Williamson Addition
450	1/3/1950	Amend Zoning: Williamson Addition
453	4/4/1950	Amend Zoning Finley Addition
454	4/4/1950	Vacating Alley
458	5/2/1950	Vacating Alley
461	5/2/1950	Amend Zoning: North End Addition
462	6/6/1950	Amend Zoning: Rists Addition
464	6/20/1950	Stoner Second Addition
465	6/20/1950	Amend Zoning: Loveland Industrial Addition
467	7/18/1950	Vacating Sts: Kirkview Addition
470	2/6/1951	Lebsack Addition
474	8/7/1951	Hearstone Addition

Table II Property Annexed

475	8/21/1951	Hillmer Addition
476	10/16/1951	Amend Zoning: Hearthstone Addition
478	11/20/1951	Mason Addition
479	11/20/1951	Hillcrest Addition
481	12/4/1951	Amend Zoning: Original Town & Warnock Addition
482	1/2/1952	Lake Loveland Addition
483	1/15/1952	Amend Zoning Ord. 281 Finley's Add
484	2/5/1952	Webster Addition
485	2/5/1952	Amend Zoning: Mason Addition
486	2/20/1952	Amend Zoning: St. Louis Addition
486-A	4/1/1952	Amend Zoning: Webster Add
489	4/15/1952	Amend Zoning: Finley's Addition
496	8/19/1952	Vacating Alley: Flecher Amend Addition
497	9/2/1952	Garrett Addition
498	10/21/1952	Amend Zoning: Rists Addition
502	12/16/1952	Vacating Streets & Alleys: Hillcrest Addition
503	12/16/1952	Amend Zoning: Rists Addition
504	2/3/1953	Northwest Addition
506	4/7/1953	Amend Zoning: Northwest Addition
507	4/21/1953	Boyd Addition
508	4/21/1953	Vacating Alley: Kuykendall Addition
509	5/5/1953	California Addition
510	6/16/1953	Amend Zoning: Boyd Addition
512	9/15/1953	Amend Zoning: Orchard Park Addition
515	2/2/1954	Guthrie Addition
516	3/2/1954	Aldon Addition
521	4/20/1954	Original Loch-Mount Addition
522	5/4/1954	Amend Zoning: Aldon Addition
523	6/1/1954	Water Addition
524	6/15/1954	Franklin Addition
525	7/6/1954	Bilmar Addition
526	7/6/1954	Amend Zoning: Rose Edwards Addition
528	7/20/1954	Loch-Mount Addition
531	8/17/1954	Amend Section 3 Zoning: Water Addition
532	8/17/1954	Amend Section 3 Zoning: Franklin Addition
533	9/7/1954	Amend Section 3 Zoning: Original town
534	9/21/1954	Burkhardt Addition
535	9/21/1954	Amend Section 3 Zoning: Loch-Mount Addition
536	10/5/1954	Amend Section 3 Zoning: Warnock Add; Northwest Addition
538	10/19/1954	Amend Section 3 Zoning: Westside Addition
539	11/16/1954	Amend Section 3 Zoning: Burkhardt Addition
542	12/7/1954	Vacating Sts & Alleys Block 2&3 Geise-Harris Addition
543	12/7/1954	Vacating a Prtn of W. 11th St at Roosevelt Northstone Addition
544	2/15/1955	Meadow View Addition
546	3/15/1955	Amend Zoning: Turney Briggs Addition; Lakeside Addition
548	4/19/1955	Annexation of Lakecrest Addition
551	6/7/1955	Vacating Alley: Ackelbein Addition
552	7/19/1955	Amend Zoning: Lakecrest Addition.

Table II Property Annexed

553	8/2/1955	Annexation Glen Arbor Addition
554	8/2/1955	Amend Zoning Younie's Addition
556	9/20/1955	Amend Zoning: Prtl Aldon Addition
558	9/20/1955	Amend Zoning: Glen Arbor Addition
560	11/1/1955	Annexation : Original Hall Top Addition
563	1/3/1956	Annexation: Hill Top Addition
564	1/17/1956	Vacating Portion of Easement: Kuykendall Addition
566	2/21/1956	Amend Zoning: Hill Top Addition
567	4/3/1956	Annexation: St. Johns Addition
568	4/3/1956	Rezoning: 735, 743, 745,1032 Lincoln; E. 230 E. 8th;
569	4/3/1956	Zoning: Lebeck Subd of Cherry Hill Addition; Northend Addition
570	6/19/1956	Amend Zoning: St. John's Addition
571	7/3/1956	Rezoning: Recommendations of hearing of BOA
572	8/21/1956	Rezoning: 1306, 1314, 1344, 1352 Lincoln
573	9/18/1956	Rezoning: 110 Block Garfield, 240 W. 12th, 135 W. 11th 910, 920, 930, 940, 950 Harrison; 704, 720, 726,730, 740, 748, 760 Franklin; 709-711 Roosevelt.
575	2/19/1956	Vacating prtn of Truman Ave in St. John's 740, 748, 760 Franklin; 709-711 Roosevelt.
576	2/19/1956	Annexation: Pulliam Addition
578	3/19/1956	Rezoning: 750 Lincoln
579	3/19/1956	Amend Sec. 6 Zoning: uses permitted in Res "A" Dist.
580	4/2/1956	Amend Zoning: Pulliam Addition
581	4/16/1956	Annexation: North Lake Addition
582	5/7/1956	Amend Zoning: 315 E. 7th St.
583	5/21/1956	Annexation: Baker Addition
584	5/21/1956	Annexation: Steiner Addition
585	5/21/1956	Amend Zoning: Grandview Sub.;Northend Addition from "B"-"C"
586	7/2/1956	Amend Zoning: 1204 Lincoln From Res "B"-"C"
587	7/16/1956	Rezoning: Lots 9 &10 of Kilburn Addition B-C; Lots 13-24 Block 3 Rists Add: B-C; Lots 13-18 Block 4 Rists Addition
588	10/1/1956	Zoning: Steiner Addition as A Dist Zoning Baker "C"; rezone 1140 Lincoln Lots 25, 26 and 27 McKee Addition "B"-"D"
589	11/19/1956	Annexation Sprenger Addition
590	11/19/1956	Shaffer Addition
592	12/3/1956	Annexation: Ru-Art Addition
593	12/3/1956	Annexation: Harlow Addition
594	12/17/1956	Vacating prtn lake Drive & Easement Lakecrest Addition
596	1/21/1958	Amend Zoning: Sprenger, Shaffer Addition; rezoning Loveland Heights Addition from Residence “B” – “D”
597	2/4/1958	Annexation Original Albrecht-Binder Addition
598	2/4/1958	Amend Zoning: lots 1-9 N. 100 ft. lot 10 Harlow Addition to D; remainder to "A" and Ru-Art Addition to "A" except Korky's Kourt which will remain "D" and Lot 3 Ru-Art Bes. "B"
599	3/4/1958	Annexation: Jackson Addition
601	3/18/1958	Annexation: Jacobson Addition
603	5/6/1958	Zoning: Jackson Addition

Table II Property Annexed

604	5/20/1958	Zoning: Jacobson Addition
605	6/17/1958	Rezone: 1259 Lincoln from"B"to"D; 875 Lincoln "C"-"D"
607	7/15/1958	Annexation: First Albrecht-Binder Addition
609	8/19/1958	Zoning 1203 & 1213 Lincoln from Res "A" - Bsns "D"
610	7/2/1958	Annexation : Valente Addition zoned Business "D"
612	11/4/1958	Rezoning: 1244 Lincoln from Res B to Business D
615	12/2/1958	Annexation: Mayfair Addition
616	12/16/1958	Annexation: Albrecht-Binder Addition d
617	12/16/1958	Annexation DR Pulliam First Addition
618	2/3/1959	Annexation Meadow lark Addition
619	2/3/1959	Amend Zoning: Albrecht-Binder Res C; Mayfair Addition
620	2/17/1959	Amend Zoning: 205 W. 4th & 337 Garfield from "C"-"D"
621	3/17/1959	Annexation: Westmount Acres
622	3/17/1959	Rezoning: Lots 11,12,13 & 14 Block 6 Hillcrest "A"-"B"
625	6/2/1959	Annexation: Broadmoor Heights
626	6/2/1959	Zoning: Westmount Acres
628	7/21/1959	Rezoning: 444, 436, 430, 422 & 406 East 6th; 405 E. 5th from Residence "C" to Business "D"
629	8/4/1959	Annexation: Silver Lake First Addition
630	9/1/1959	Annexation: Lake View Addition
631	9/1/1959	Annexation: Bray First Addition
632	10/6/1959	Amend Zoning pertaining to Yards and Area
633	10/20/1959	Zoning: Lake View Residence "A"
634	11/3/1959	Annexation: Romar Addition
635	11/3/1959	Annexation: Bray Second Addition
637	12/15/1959	Zoning: Bray First and Second Addition
638	1/5/1960	Annexation: Ripley Addition
639	1/5/1960	Zoning: Romar Addition
640	1/5/1960	Vacating prtn St. in Glen Arbor Addition
642	1/19/1960	Annexation: Birkley Addition
643	2/2/1960	Annexation: Bray Addition
644	2/2/1960	Annexation: Sprenger Addition
645	2/2/1960	Annexation: Valley View Addition
646	2/16/1960	Zoning: Ripley Addition Res. "C"
647	3/1/1960	Annexation: First Fairgrounds Addition
648	3/1/1960	Zoning: Birkley Addition Res"A"
650	3/15/1960	Zoning: East Sprenger Addition Res"A"
651	3/15/1960	Zoning: Bray Res "A"
652	3/15/1960	Zoning: Valley View Addition, Res "A"
657	4/5/1960	Annexation: Highway Addition
658	4/19/1960	Annexation: Dralloc Addition
659	5/17/1960	Zoning: Lots 7&8, Block 1 Greed Addition, Business "D"
660	5/17/1960	Zoning: Highway Addition Business "D"
661	6/7/1960	Annexation: Second Fairgrounds Addition
662	6/7/1960	Annexation: Bonnie Brae Addition
663	6/7/1960	Zoning: Dralloc Addition Business "E"
666	8/2/1960	Zoning: Bonnie Brae Addition; Residence "A"
667	9/6/1960	Annexation: Herald's First Addition
668	9/20/1960	Annexation: Locust Park Addition

Table II Property Annexed

677	12/6/1960	First South Industrial Addition
678	12/6/1960	Blystone Addition
679	12/6/1960	West Industrial Addition
682	12/20/1960	Appleby Addition
685	12/20/1960	Mechalke Addition
686	1/3/1961	Arbee Addition
695	2/7/1961	Stephenson Addition
697	2/21/1961	Sunset Acres First Addition
703	4/4/1961	Silver Lake Second Addition
706	4/18/1961	Second South Industrial Addition
712	6/6/1961	Conger Second Addition
718	6/20/1961	Albrecht-Binder Addition
719	6/20/1961	Third South Industrial Addition
720	6/20/1961	Buckners First Addition
732	8/5/1961	Sunset Acres Second Addition
741	11/21/1961	Sunset Acres Third Addition
744	12/5/1961	Silver Lake Third Addition
745	12/5/1961	Elm Addition
756	4/3/1962	Sunset Acres Fourth Addition
757	4/17/1962	Sherri Mar First Addition
758	4/17/1962	Silver Lake Fourth Addition
768	6/19/1962	Brymar First Addition
769	6/19/1962	Benson Addition
770	6/19/1962	Loveland Country Club First Addition
772	8/7/1962	Silver Lake Fifth Addition
777	8/21/1962	Sherri Mar Second Addition
785	10/2/1962	Lindquist No.1 Addition
786	10/2/1962	Sunset Acres Fifth Addition
793	11/20/1962	Swartz Addition
816	4/2/1962	Long's View Terraces Addition
819	5/21/1962	Sunset Acres Sixth Addition
820	5/21/1962	Brymar Second Addition
821	5/21/1962	Sygemik Addition
831	7/2/1962	Long's View Terraces First Addition
837	8/6/1962	Prull Addition
838	8/20/1962	Silver Lake Sixth Addition
839	8/20/1962	Silver Lake Heights Addition
840	8/20/1962	Sweetheart Acres Addition
841	8/20/1962	Brymar Third Addition
843	9/3/1962	Loch Lon Addition
863	1/21/1964	Sunset Acres Seventh Addition
864	1/21/1964	Cherry Hills Second Addition
867	3/17/1964	Wright's Addition
868	4/7/1964	Cherry Hills First Addition
871	4/21/1964	Sunset Acres Eighth Addition
881	6/2/1964	Herald's Second Addition
885	7/21/1964	Sunset Acres Ninth Addition
888	8/4/1964	West Shore Terrace Addition
902	1/5/1965	Lebo's First Addition

Table II Property Annexed

912	4/20/1965	Loch Lon Second Addition
919	6/15/1965	First Baptist Church Addition
935	2/15/1966	Loch Lon Third Addition
938	6/7/1966	McKee Meadows First Addition
941	6/21/1966	Sherri Mar Third Addition
944	7/19/1966	Park Hill First Addition
946	7/19/1966	Hile First Addition
955	1/3/1967	Cherry Hills Fourth Addition
963	6/20/1967	Sierra Vista Addition
964	7/5/1967	Del Mar Addition
968	8/1/1967	Taft Avenue Addition
973	10/17/1967	Big Thompson Manor Addition
975	10/17/1967	Sunset Acres Tenth Addition
978	11/21/1967	Maple Addition
979	11/21/1967	First Baptist Church Second Addition
980	11/21/1967	Cedar Addition
981	11/21/1967	Poplar Addition
999	8/6/1968	Loch Lon Fourth Addition
1000	8/20/1968	Silver Lake Seventh Addition
1001	8/20/1968	Silver Lake Eighth Addition
1002	9/17/1968	Golf Course Addition
1003	9/17/1968	Third Fairgrounds Addition
1005	10/15/1968	Loma Vista First Addition
1008	11/5/1968	Birch Addition
1009	11/5/1968	Catalpa Addition
1010	11/5/1968	Sycamore Addition
1013	12/3/1968	Cherry Hills Fifth Addition
1014	12/17/1968	Silver Lake Ninth Addition
1031	4/1/1969	Park Hill Second Addition
1037	4/15/1969	Juniper Addition
1044	6/17/1969	Dille Addition
1054	10/21/1969	Park Hill Third Addition
1059	11/4/1969	Loch Lon Fifth Addition
1060	11/18/1969	Silver Lake Tenth Addition
1068	12/16/1969	Cherry Hills Sixth Addition
1088	5/5/1970	Loch Lon Sixth Addition
1100	7/21/1970	Country Club Third Addition
1102	7/21/1970	Loch Lon Seventh Addition
1104	7/21/1970	Hagerman First Addition
1105	7/21/1970	Sunset Acres Eleventh Addition
1106	7/21/1970	Ward Addition
1114	9/1/1970	Cherry Hills Seventh Addition
1115	9/1/1970	McKee Meadow Second Addition
1120	10/20/1970	Loch Lo Eighth Addition
1126	11/17/1970	Heritage Village First Addition
1136	12/15/1970	Heritage Village Second Addition
1137	12/15/1970	Mariana Village First Addition
1140	1/19/1971	Heritage Village Third Addition
1144	2/16/1971	Sherri Mar Fourth Addition

Table II Property Annexed

1146	3/16/1971	Loch Lon Ninth Addition
1147	3/16/1971	Loch Lon Tenth Addition
1148	3/16/1971	Spruce Addition
1163	8/3/1971	Ridgeview First Addition
1171	11/2/1971	McKee Meadows Fourth Addition
1172	11/16/1971	Allard First Addition
1173	11/16/1971	Cherry Hills Eighth Addition
1174	11/16/1971	Cherry Hills Ninth Addition
1179	12/21/1971	Peace Reformed Church Addition
1194	2/15/1972	Lakeside Terrace First Addition
1195	2/15/1972	Henrikson Addition
1196	3/7/1972	McKee Meadows Third Addition
1207	4/4/1972	Ridgeview Second Addition
1216	5/16/1972	Ivanhoe Addition
1220	6/20/1972	Ellis Addition
1224	7/18/1972	Loma Vista Second Addition
1227	8/1/1972	West Eighth Street Addition
1231	8/15/1972	Hirsch Addition
1235	10/3/1972	Ridgeview South Addition
1238	11/7/1972	Mariana Village Second Addition
1249	12/19/1972	Ridgeview Third Addition
1252	12/19/1972	Loch Lon Eleventh Addition
1255	1/2/1973	Ellis Second Addition
1259	1/16/1973	Lakeside Terrace Second Addition
1261	2/6/1973	Cooper Addition
1271	3/20/1973	Willow Briar Addition
1273	3/20/1973	Wards Second Addition
1282	4/3/1973	Northwest Nine Addition
1286	5/15/1973	Silver Glen Addition
1294	6/19/1973	Sherri Mar Fifth Addition
1295	7/3/1973	Woodmere Addition
1296	7/17/1973	Shamrock Addition
1302	8/21/1973	Cottonwood Addition
1303	8/21/1973	Orchards Addition
1304	8/21/1973	Ponderosa Addition
1307	9/4/1973	Nicoll Addition
1314	9/18/1973	American Addition
1359	1/15/1974	Ridgeview Fourth Addition
1360	2/5/1974	Windermere First Addition
1374	5/7/1974	Hospital Addition
1375	5/7/1974	Gailbraith Addition
1397	10/15/1974	Loveland Business Plaza First Addition
1400	11/19/1974	Seven Lakes South Addition
1410	1/21/1975	Lemon Addition
1415	4/1/1975	Rocky Mountain Plaza First Addition
1416	4/1/1975	Thompson Valley Estates First Addition
1426	6/3/1975	Cottonwood Green First Addition
1435	6/17/1975	Silver Lake Eleventh Addition
1462	12/2/1975	Echols First Addition

Table II Property Annexed

1466	12/16/1975	Echols Second Addition
1474	1/6/1976	Lebo's Second Addition
1479	1/20/1976	Buckners Second Addition
1480	1/20/1976	Warren Terrace First Addition
1493	3/2/1976	Fairway West First Addition
1494	3/2/1976	Windemere Second Addition
1504	5/4/1976	Covenant Church Addition
1506	5/18/1976	South Loveland Industrial Park Addition
1515	7/20/1976	Loch Lon Twelfth Addition
1519	8/17/1976	Oak Addition
1522	8/17/1976	Silver Lake Twelfth Addition
1531	11/16/1976	Loma Vista Third Addition
1533	12/7/1976	Happiness Plaza Addition
1540	12/21/1976	Willowbriar II Addition
1544	1/4/1977	Kinney First Addition
1545	1/18/1977	Downing First Addition
1549	2/1/1977	Kinne Second Addition
1550	2/15/1977	Derby Hill Addition
1564	4/19/1977	Westlake Addition
1565	5/3/1977	Ridgeview Fifth Addition
1577	6/7/1977	Lewis Addition
1586	8/2/1977	Loch Haven Addition
1587	8/2/1977	Park Lane Addition
1588	8/2/1977	Windemere Third Addition
1593	8/16/1977	Ridgewood Addition
1594	8/16/1977	Cherry Hills Tenth Addition
1598	9/6/1977	Zodiac Addition
1611	10/4/1977	Sylmar First Addition
1614	10/18/1977	Westview Addition
1615	10/18/1977	Happiness Plaza Second Addition
1616	10/18/1977	Sylmar Second Addition
1626	12/6/1977	Pauleeann Addition
1627	12/6/1977	Grosboll Addition
1631	12/20/1977	Rogers Addition
1635	1/3/1978	Rolling Knolls Estates First Addition
1641	2/7/1978	Galbraith Second Addition
1645	3/7/1978	Sunny Acres Addition
1649	3/21/1978	Colony Townhomes Addition
1650	3/21/1978	Sunny Acres Addition
1651	4/4/1978	Somerset Park Addition
1652	4/4/1978	Sunny Acres Second Addition
1653	4/4/1978	Loch Lon Thirteenth Addition
1654	4/4/1978	Rolling Knolls Estates Second Addition
1655	4/18/1978	Orchards Skyline First Addition
1660	5/2/1978	Ponds Addition
1661	5/2/1978	Sweetbriar Addition
1668	5/16/1978	Sylman Third Addition
1673	6/6/1978	Eagle Heights Addition
1674	6/6/1978	287 Ltd. Addition

Table II Property Annexed

1675	6/6/1978	Orchards Skyline Second Addition
1676	6/20/1978	Highland Knolls Addition
1677	6/20/1978	Orchard Estates Addition
1678	6/20/1978	Stamp Addition
1691	7/18/1978	Pand M Properties Addition
1692	7/18/1978	Cattail Lake Addition
1693	7/18/1978	Chaney-Rice Addition
1705	8/1/1978	Stephens Addition
1714	9/19/1978	Hirsh Second Addition
1719	10/3/1978	Wards Third Addition
1720	10/17/1978	Jerold Addition
1723	11/21/1978	Ridgeview North Addition
1736	12/5/1978	Daniel-Lee Addition
1748	2/6/1979	Oskamp Addition
1750	2/20/1979	Crescent Addition
1755	2/20/1979	Commodore Hills Addition
1756	2/20/1979	Wards Industrial Park Addition
1757	3/6/1979	Big Thompson Farms Addition
1762	3/6/1979	Johnson Estates First Addition
1763	3/6/1979	Burd Addition
1768	3/20/1979	Happiness Plaza Third Addition
1777	4/17/1979	Fourth South Industrial Addition
1783	6/5/1979	Winona First Addition
1784	6/5/1979	Golf Course Second Addition
1786	6/5/1979	Emerson Addition
1790	7/3/1979	Ackelbein Second Addition
1796	7/17/1979	Centennial Park Addition
1798	7/17/1979	Crest Addition
1811	9/4/1979	Ridgeview Sixth Addition
1812	9/4/1979	Daniel-Lee Second Addition
1820	10/16/1979	Sugarloaf Estates First Addition
1823	11/6/1979	Water Second Addition
1830	12/4/1979	Fairway West Second Addition
1835	12/18/1979	Winona Second Addition
1840	1/2/1980	Sugarloaf Estates Second Addition
1843	1/15/1980	Branden Addition
1858	3/4/1980	Branden Second Addition
1859	3/4/1980	Winona Third Addition
1865	3/18/1980	Blackbird Knolls Addition
1871	4/1/1980	Meadowlark Second Addition
1872	4/1/1980	Herald Square Addition
1873	4/1/1980	Dairy Delote Addition
1877	5/6/1980	Cedar View Addition
1879	5/6/1980	Metric Motors Addition
1884	5/20/1980	Anderson Farm Addition
1885	5/20/1980	Centennial Shores Addition
1898	7/1/1980	Anderson Farm Second Addition
1904	8/5/1980	Rogers Second Addition
1905	8/19/1980	Arbor Meadows Addition

Table II Property Annexed

1906	9/2/1980	Famleco Addition
1911	10/7/1980	Shamrock West Addition
1913	10/7/1980	Cobblestone Addition
1921	10/21/1980	Northlands Addition
1922	10/21/1980	Creekside First Addition
1927	11/4/1980	Denver Avenue First Addition
1928	11/18/1980	Denver Avenue Second Addition
1936	12/2/1980	Valley Substation Addition
1950	3/17/1981	Shadow Hills First Addition
1954	4/7/1981	Shadow Hills Second Addition
1957	4/7/1981	Seven Lakes North Addition
1960	4/21/1981	Emerald Park Addition
1978	6/16/1981	Windsong Addition
1992	11/3/1981	Madison Addition
1993	11/3/1981	Jefferson Addition
2000	11/17/1981	Vanguard-Famleco First Addition
2008	12/1/1981	Vanguard-Famleco Second Addition
2011	12/1/1981	Mariana First Addition
2014	12/15/1981	Vanguard-Famleco Third Addition
2016	12/15/1981	Garfield Height Addition
2019	12/15/1981	Mariana Second Addition
2047	7/20/1982	Mariana Third Addition
3004	7/5/1983	East First Street Business Park Addition
3025	12/6/1983	Franklin Green Addition
3027	12/6/1983	Mill Second Addition
3039	1/3/1984	Loveland Technological Center Addition
3047	2/7/1984	Creekside Second Addition
3048	2/7/1984	Creekside Second Addition
3064	4/17/1984	Evergreen Addition
3066	4/17/1984	Old Stage Coach Road Addition
3076	5/15/1984	Mountain States Addition
3079	5/15/1984	Allendale Plaza Addition
3099	9/18/1984	Mineral Addition
3108	11/20/1984	Wheeler Addition
3110	12/4/1984	Kings Corner Addition
3113	12/4/1984	Centennial Shores Second Addition
3115	12/18/1984	Kings Corner Addition
3118	12/18/1984	Centennial Shores Second Addition
3131	3/19/1985	Happiness Plaza Fourth Addition
3133	3/19/1985	Namaqua Hills Addition
3135	3/19/1985	Koldeway Industrial Addition
3141	4/16/1985	Brownview First Addition
3149	5/7/1985	Boyd Lake First Addition
3151	5/7/1985	Messon Addition
3154	5/21/1985	Boyd Lake North First Addition
3156	5/21/1985	Hadley Addition
3171	6/4/1985	Franklin Green Addition
3175	6/4/1985	Silver Lake 13th Addition
3188	8/6/1985	Shade Tree Park First Addition

Table II Property Annexed

3190	8/6/1985	Westview Second Addition
3194	8/20/1985	Evanbrier First Addition
3196	8/20/1985	Shade Tree Park Second Addition
3202	9/3/1985	Shade Tree Park Third Addition
3206	9/17/1985	Shade Tree Park Fourth Addition
3218	11/5/1985	Emerald Park Second Addition
3232	12/3/1985	Ridgeview North Second Addition
3235	12/17/1985	Civic Center Addition
3238	12/17/1985	Browns Corner Addition
3243	1/7/1986	Llama First Addition
3245	1/7/1986	Boyd Lake Industrial Park First Addition
3247	1/7/1986	Loomis Addition
3249	1/21/1986	Llama Second Addition
3251	1/21/1986	Boyd Lake Industrial Park Second Addition
3253	2/4/1986	North Taft First Addition
3256	2/18/1986	North Taft Second Addition
3258	2/18/1986	Dry Creek Addition
3272	5/20/1986	West Side Ambulance/Service Center Addition
3275	6/3/1986	Ryan Gulch First Addition
3283	6/16/1986	Barnstorm First Addition
3289	6/16/1986	Windemere IV Addition
3291	7/1/1986	Barnstorm First Addition
3293	7/15/1986	Barnstorm Second Addition
3299	7/15/1986	Windemere IV Addition
3305	7/15/1986	Carothers Addition
3307	7/15/1986	Creekside Third Addition
3323	9/16/1986	Loveland/Fort Collins Limited Partnership Addition
3329	10/7/1986	Myers Group Partnership No.949 Addition
3331	10/7/1986	Willow Place First Addition
3336	11/4/1986	Ron Thomas Addition
3350	11/18/1986	Longview-Midway First Addition
3352	12/9/1986	East Loveland Industrial Addition
3358	11/18/1986	Nugent Addition
3362	12/9/1986	Longview-Midway Second Addition
3364	12/16/1986	Max Moore Addition
3366	1/6/1987	Longview-Midway Third Addition
3373	1/6/1987	Fogle Addition
3375	1/6/1987	Messon Second Addition
3378	1/20/1987	Longview-Midway Fourth Addition
3380	1/20/1987	Airpark North Addition
3387	1/20/1987	Thornburg/Hamilton Addition
3394	3/3/1987	Rocky Mountain Plaza Second Addition
3397	3/17/1987	Sherri-Mar Sixth Addition
3399	4/7/1987	Imperial Ridge First Addition
3415	5/19/1987	Centennial Park Second Addition
3424	6/15/1987	Cattail Pond Addition
3432	7/7/1987	Great Western First Addition
3448	10/6/1987	Hach Addition
3450	10/6/1987	Collins Plating Addition

Table II Property Annexed

3454	10/20/1987	Loveland Lumber First Addition
3465	11/3/1987	Brookfield Village Addition
3477	12/17/1987	Willowbriar Third Addition
3485	1/5/1988	Buck First Addition
3487	1/5/1988	Buck Second Addition
3508	4/19/1988	Seven Lakes North Second Addition
3511	4/19/1988	McCrimmon Addition
3520	6/7/1988	Shamrock West Second Addition
3527	7/19/1988	Sloan Addition
3559	2/7/1989	Aztec Addition
3567	3/21/1989	Lakeside Terrace Third Addition
3569	3/21/1989	Centennial Shores Third Addition
3578	4/18/1989	Kness Addition
3583	5/2/1989	Diamond Shamrock Corner Store No.698 Addition
3587	5/16/1989	Sunnyside Park Addition
3590	6/6/1989	Kennedy Estates Addition
3592	6/6/1989	Kness Second Addition
3606	9/5/1989	Windemere V Addition
3614	10/17/1989	Michall Addition
3622	11/7/1989	Fairgrounds 4th Addition
3637	1/16/1990	Longs Addition
3660	5/1/1990	Griesel Addition
3693	10/16/1990	Macy Addition
3700	11/6/1990	Ward Industrial Park East First Addition
3733	5/7/1991	Vicker's Service Station 2347 Addition
3735	5/7/1991	Old Stage Coach Road Second Addition
3751	7/16/1991	Ferrero First Addition
3760	8/6/1991	Hamm Estates Addition
3773	10/1/1991	Imperial Ridge Second Addition
3794	12/17/1991	Windermere Sixth Addition
3802	2/18/1992	Annexation Blue Sky Addition
3805	3/3/1992	Annexation Village South Addition
3857	11/17/1992	McWhinney Addition
3864	12/15/1992	Recreation Trail System First Addition
3874	1/19/1993	Waterfall Addition
3877	2/2/1993	Recreation Trail System Second Addition
3878	2/2/1993	Recreation Trail System Third Addition
3879	2/2/1993	Recreation Trail System Fourth Addition
3880	2/2/1993	Recreation Trail System Fifth Addition
3881	2/2/1993	Recreation Trail System Sixth Addition
3908	7/6/1993	ongor Third Addition
3918	8/17/1993	Olhausen Addition
3926	9/7/1993	Seven Lakes North Third Addition
3944	11/2/1993	Chilson-Stroh Farms Addition
3954	12/21/1993	Lakeside Terrace Estates Second Addition
3956	12/21/1993	Ashford Square Addition
3976	3/1/1994	Brookridge Addition
3993	4/19/1994	Golden South Estates Addition
4007	5/17/1994	ugarload South PUD and Subdivision Addition

Ord #	2nd Reading Date	Ordinance Description
6001	3/15/2016	Supp App Employee Benefit Fund
6002	3/15/2016	Supp App LPD (4) Vehicles
6003	3/15/2016	Supp App South Catalyst Project
6004	3/15/2016	Condominium Construction Defects
6005	4/19/2016	Supp App For Broadband Initiative
6006	4/19/2016	Building Code Amendment Interior lot lines
6007	4/19/2016	Rollover Re-Appropriation
6008	4/19/2016	Airport Re-appropriation
6009	4/19/2016	LURA Re-appropriation
6010	4/19/2016	Rollover New Appropriations for Projects/Programs not Anticipated
6011	4/19/2016	LPD Appropriation for (3) Three Officers
6012	5/17/2016	Flood Plain Building Code Definitions Amendment Municipal Code 15.14.020
6013	5/17/2016	Annexation Fairgrounds
6014	5/17/2016	Zoning Fairgrounds
6015	5/17/2106	Supp App Airport Marketing
6016	6/7/2016	Airport IGA Amendment - Northern Colorado Regional Airport
6017	6/7/2016	Airport Code Amendment: 2.24.050; 3.40.010; 12.48.010; 12.48.020; 12.48.110
6018	6/7/2016	Investment Policy Corrections
6019	6/7/2016	County Animal Shelter Fee Waivers
6020	7/5/2016	Supplemental Budget for Foote Lagoon Concert Series; Arts & Education; Cinema
6021	7/5/2106	Court Surcharge Fees Municipal Code 1.12.010 Amendment
6022	7/5/2016	Supplemental Appropriation for Byrd Drive Roadway Connection
6023	7/5/2016	DDA Election Coordinating with Larimer County
6024	7/19/2016	Amending Secion 8.08.030 of the Municipal Code for Tasting Days
6025	7/19/2016	Supplemental Appropriation for Museum and Rialto Programs
6026	7/19/2016	Supplemental Appropriation for Fiber Optic Inventory
6027	7/19/2016	Supplemental Appropriation for Mehaffey Dog Park
6028	7/19/2016	IGA w/CDOT for US34 and Boyd Lake Ave
6029	7/19/2016	Municipal Code 7.40 Amendment for Electronic Smoking Devices
6030	Tabled	Code Amendment for Prescriptions for Animals
6031	7/19/2016	Code Amendment 10.04.025 for Regulation of Golf Cars
6032	8/2/2016	Comcast Franchise Agreement
6033	8/2/2016	Amending Municipal Code Section 13.16.030 Customer Service for Cable Ops.

6034	8/2/2016	Waters Edge Addition Annexation
6035	8/2/2016	Waters Edge Addition Zoning
6036	8/16/2016	Westwood 3rd Subdivision Pedestrian Easement
6037	8/16/2016	Approval of DDA and Ballot Questions
6038	8/16/2016	IGA w/ Walmart for Intersection Improvements
6039	8/16/2016	Supp App for NCRA Strategic Plan
6040	8/16/2016	Flexble Zoning Overlay District Code Amdmnt Title 18
6041	9/6/2016	Supp App for Fleet Vehicles
6042	9/6/2016	Gatorwest Addition Annexation
6043	9/6/2016	Gatorwest Addition Zoning
6044	9/6/2016	Repealing Code to Prohibit Aircraft Landing/takeoff Title 12.48
6045	9/20/2016	Code Amend for Abandoned Vehicles Title 10
6046	9/20/2016	Supp App CDBG Appropriation
6047	9/20/2016	Supp App Fire Training Center
6048	9/20/2016	Reallocation of Assessment SID No. 1
6049	9/20/2016	Sale of 130 N. Cleveland Ave to Brinkman
6050	10/4/2016	The Foundry GID Inclusion
6051	10/4/2016	Supp App Wilson to Taft Ave Flood Recovery
6052	10/4/2016	Mirasol 2nd Addition Annexation
6053	10/4/2016	Mirasol 2nd Addition Zoning
6054	10/4/2016	Supp App for EWI
6055	10/18/2016	Supp App Namaqua West Open Lands
6056	10/18/2016	Supp App Wayfinding Program
6057	10/18/2016	Supp App Big Thompson River Corridor Master Plan
6058	11/1/2016	Mariana Butte 27th Sub Vacation of Utility Easement
6059	11/1/2016	Mariana Butte 27th Sub Vacation of (6) Drainage Esmts
6060	11/1/2016	Evergreen Meadows 2nd Sub, Vacation of Utility Esmt
6061	11/1/2016	Supp App Internal Loan from PEF to PIF Enterprise Fund
6062	11/1/2016	Supp App W 8th St Bridge Contract Award
6063	11/1/2016	Lee Farm Addition GDP Amendment
6064	11/1/2016	2016 Mill Levy Gen Fund
6065	11/1/2016	2017 COL Budget
6066	11/1/2016	Appropriation for Jan 1, 2017 - Dec 31, 2017
6067	11/1/2016	Airport 2017 Budget
6068	11/1/2016	SID Budget

6069	11/1/2016	LURA Budget
6070	11/1/2016	GID Mill Levy
6071	11/1/2016	GID Budget
6072	11/15/2016	Supp App for Viestenz-Smith Mountain Park Project
6073	12/6/2016	Code Amendment for Street Naming Title 12
6074	12/13/2016	Supp App for 2016 Budget Year-End
6075	12/13/2016	Supp App for 2016 LURA Redistribution of Taxes
6076	12/13/2016	Larimer County Dedication of ROW on NCR29
6077	12/13/2016	COL Wastewater Treatment Plant Rev Bonds
6078	12/13/2016	WW Treatment Plant Enterprise Bonds
6079	1/3/2017	Suspension of CEFs in 2017
6080	1/3/2017	Ward West LLP Easement Vacation
6081	1/3/2017	Larimer County Offices Easement Vacation
6082	1/3/2017	Supp App VSMP 2016 Funds Rollover

Table II Property Annexed

4010	6/7/1994	Sun Point Second Addition
4023	7/19/1994	CMS First Addition
4045	11/1/1994	Mountain Vista PUD Addition
4049	11/15/1994	Orchard Estates Second Addition
4071	2/7/1995	Johnson Estates Sixteenth Addition
4107	7/18/1995	Prairie Earth Addition
4137	1/3/1996	Waterford Place First and Subdivision Addition
4138	1/3/1996	Waterford Place Second Addition
4143	1/16/1996	Church of the Good Shepherd Addition
4146	1/16/1996	Shade Tree Park Fifth and Subdivision Addition
4195	8/20/1996	Big Thompson Farms Second Addition
4216	11/5/1996	Daniel Lee Third Addition
4258	4/15/1997	Rocky Mountain Village II Addition
4329	5/5/1998	Good Samaritan 2nd Addition
4330	5/5/1998	Good Samaritan 2nd Addition
4336	5/5/1998	Horseshoe Lake Addition
4337	5/5/1998	Horseshoe Lake Addition
4342	6/2/1998	Picabo Hills Addition
4343	6/2/1998	Picabo Hills Addition
4344	6/2/1998	Harvest Gold Addition
4346	6/2/1998	Harvest Gold Addition
4357	9/1/1998	Hewlett-Packard Roosevelt Addition
4358	9/1/1998	Hewlett-Packard Roosevelt Addition
4360	7/21/1998	Thompson Valley Addition
4361	7/21/1998	Thompson Valley Addition
4396	1/19/1999	Evergreen Meadows North Addition
4402	2/2/1999	Quail Run Addition
4407	3/2/1999	McCallum Addition
4412	3/16/1999	Aspen Knolls Addition
4414	3/16/1999	Schoeder Office Park Addition
4436	5/18/1999	Thompson Addition
4441	6/15/1999	Meadowbrook Farms
4474	10/5/1999	Westview Village
4490	11/16/1999	Hewlett-Packard Big Thompson Addition
4504	1/18/2000	Boyd Lake North First Addition
4511	2/1/2000	Ward Industrial Park East First Addition
4516	3/7/2000	Range View Addition
4532	4/4/2000	Kendall Brook Addition
4548	6/20/2000	Willow Park Addition
4565		Giuliano Addition
4571	9/19/2000	Millennium Addition
4572	9/19/2000	Millennium Addition
4586	11/21/2000	Waterfront Addition
4600	2/6/2001	Seven Lakes North Fourth Addition
4610	3/6/2001	Lutheran Church of Hope Addition
4619	4/3/2001	RFJY Addition
4628	5/15/2001	Willowbriar Third Addition
4636	8/8/2001	Alford Lake Addition
4644	8/21/2001	Green Valley Ranch Addition

Table II Property Annexed

4659	9/18/2001	Wintergreen Village Addition
4663	10/2/2001	Wilson Commons Addition
4670	10/11/2001	Airport Substation Addition
4679	11/6/2001	Myers Group Partnership No.949 Addition
4692	1/2/2002	Crossroads Addition
4694	1/15/2002	Eagle Brook Meadows Addition
4698	2/5/2002	Great Western Civic Addition
4715	5/7/2002	Mariana Springs Addition
4730	8/20/2002	Fox Pointe Addition
4738	9/3/2002	Cartwright Addition
4750	11/5/2002	Ozzie's First Addition
4786	5/6/2003	North Garfield Ave Addition
4788	5/6/2003	North Colorado Avenue Addition
4794	5/20/2003	Sierra Valley Addition
4798	5/20/2003	Twin Peaks Addition
4815	7/15/2003	South Village First Addition
4825	8/19/2003	Seventh Street Addition
4827	8/19/2003	Madison Avenue Addition
4833	9/2/2003	North Colorado Avenue Second Addition
4835	9/2/2003	North Garfield Avenue Second Avenue Addition
4837	9/2/2003	North Garfield Avenue Third Avenue Addition
4855	12/16/2003	Taft Farms Addition
4875	4/6/2004	North Garfield Avenue Fourth Addition
4877	4/6/2004	East First Street First Addition
4896	6/15/2004	Gorom Addition
4921	9/7/2004	Garden Gate First Addition
4931	11/2/2004	North Garfield Avenue Fifth Addition
4934	11/2/2004	North Lincoln Avenue First Addition
4945	12/7/2004	Anderson Addition
4959	2/15/2005	Two Leaves Addition
4964	2/15/2005	J-B First Addition
4974	4/5/2005	Mirasol First Addition
4978	4/19/2005	Overlook at Mariana First Addition
4983	5/17/2005	West First Street First Addition
4985	5/17/2005	South Lincoln Avenue First Addition
5008	9/20/2005	Lakes Point Addition
5040	12/6/2005	Bakes Addition
5044	12/6/2005	Scion First Addition
5063	2/21/2006	Lee Farm Addition
5068	3/7/2006	Mtn Pacific Addition
5071	3/21/2006	Ranch Acres Addition
5080	4/18/2006	Peakview Annexation Addition
5085	5/2/2006	Fairgrounds Fifth Addition
5087	5/2/2006	Fairground Sixth Addition
5094	6/13/2006	Savanna Addition
5103	6/20/2006	Copper Ridge Addition
5126	9/5/2006	Arkins Branch First Addition
5129	9/19/2006	Overlook at Mariana Second Addition
5133	9/19/2006	North Taft Avenue First Addition

Table II Property Annexed

5137	10/3/2006	East First Street Second Addition
5139	10/3/2006	Dakota Glen Addition
5158	12/19/2006	Fairgrounds 7th Addition
5179	4/3/2007	Thompson 2nd Addition
5185	5/15/2007	7th Street 2nd Addition
5192	6/5/2007	North Boyd Lake Avenue First Addition
5199	6/19/2007	Timberlane Farm Addition
5203	6/19/2007	Daniel-Lee 2nd Addition
5209	6/19/2007	Liberty Commercial Addition
5211	6/19/2007	Loveland Commercial Addition
5214	7/3/2007	Wagner Addition
5221	7/17/2007	St Louis Addition
5254	11/6/2007	Annex Grace Community Church
5255	11/6/2007	Zoning Grace Community Church
5260	11/20/2007	Amend Code 18.04.040 Seven Lakes North
5261	11/20/2007	Vacation McWhinney 10th
5263	12/4/2007	Annex Bates-Larimer Humane Society
5264	12/4/2007	Zoning Bates-Larimer Humane Society
5265	12/4/2007	Mariana Butte PUD 3rd Sub Amend plat Easement vac
5268	12/18/2007	Vacate Marianna Butte 14th Sub
5274	1/8/2008	Emergency Ord. Goram Addition Disconnect
5280	2/6/2008	Cook-Linn Addition: Annexation
5281	2/6/2008	Cook-Linn Zoning
5284	2/26/2008	Bentley Zoning
5285	2/6/2008	Bentley 2nd Annexation
5286	2/26/2008	Bentley 3rd Annexation
5287	2/26/2008	Bentley Zoning
5289	3/4/2008	Lakeside Addition vacation
5295	4/1/2008	Vacation 29th & Rocky Mountain
5296	4/1/2008	Vacation 29th & Rocky Mtn Xroads & 34
5300	4/1/2008	Annexation: Westview Pl
5301	4/1/2008	Zoning: Westview Pl
5303	5/6/2008	Vacating Hearthstone Addition
5309	5/6/2008	Annexation: High Country Farm
5310	5/6/2008	Zoning: High Country Farm
5311	5/6/2008	Olson Farm First Addition Annexation
5312	5/6/2008	Olson Farm Second Addition
5313	5/6/2008	Olson farm First Addition Zoning
5314	5/6/2008	Olson farm Second Zoning
5319	5/20/2008	Suppl Approp (8) Olson Addition
5320	5/20/2008	Olson farm Annexation Agt. Wastewater
5326	6/24/2008	Vacating ROW County Road 7
5327	6/24/2008	Kolacny First Addition Annexation
5328	6/24/2008	Kolacny First Addition Zoning
5329	7/1/2008	Savanna Addition Rezone
5333	7/1/2008	Grange Addition Annex
5334	7/1/2008	Grange Addition Zoning
5341	9/2/2008	Vacation of Utility Easement Barr-Christiansen Subdivision
5343	9/16/2008	Vacating a utility easement in Koldeway Industrial 3rd

Table II Property Annexed

5348	10/21/2008	New Vision Annexation
5349	10/21/2008	New Vision Zoning
5359	11/4/2008	Dakota Ridge Addition Annexation
5361	11/4/2008	East 1st Street Vacation
5368	11/18/2008	Erlich Addition Annexation
5373	12/2/2008	Lakeview First Addition Annexation
5375	12/2/2008	Boyd Lake North Addition Zoning
5377	12/16/2008	Sanctuary on the Park Zoning
5379	1/6/2009	Namaqua Hills Central Annexation
5381	1/20/2009	Anderson Addition Zoning
5383	2/3/2009	Wintergreen Addition amended GDP
5384	2/3/2009	Peakview Commercial Park amended GDP
5387	2/17/2009	Ponderosa Ridge Addition Annexation
5389	2/17/2009	Windsong Addition amend dev agrmt
5396	3/3/2009	Schuster Lake Addition
5398	3/3/2009	Milner-Schwarz House - Historic
5399	3/24/2009	Majestic Opera House – Historic
5406	4/21/2009	West 5th Street Historic District
5407	4/21/2009	Jeffrey House – Historic
5415	5/5/2009	Loveland Business Plaza 1st Addition amend annex conditions
5417	5/5/2009	Millennium Addition Zoning
5429	6/16/2009	Vacation Easemnet – RuArt
5437	7/21/2009	Buck Addition Zoning
5438	8/4/2009	Mariana Butte Zoning
5439	8/4/2009	Vacation Easemnet Giuliano 1st Sub
5442	8/18/2009	Kolacny Addition Annexation
5447	9/1/2009	Vacation utility easement Waterfall 4th Sub
5453	10/6/2009	Kangaroo Addition
5470	11/3/2009	Mariana Butte GDP Amend
5471	11/3/2009	Elkader Annexation
5473	11/17/2009	Vacation easement Koldeway Ind 3rd sub
5477	12/1/2009	Taft Ave Property Sale
5478	1/5/2010	Sierra Valley Land Exchange
5489	4/6/2010	Vacation-easements Stump Ave Giuliano 1st Subd.
5490	4/20/2010	Vacation-easements Koldeway Ind 3rd Subd.
5491	4/20/2010	Vacation-easements Original Town of Loveland
5495	4/20/2010	Annexation Loveland Eisenhower Addition
5496	4/20/2010	Zoning-Allendale Plaza 5th Subd.
5497	4/20/2010	Zoning-Allendale Plaza 5th Subdivision
5498	4/20/2010	Zoning-Loveland Business Plaza 1st Addition
5499	4/20/2010	Vacation-easements Allendale Plaza 5th Subdivision
5504	6/1/2010	Vacation-easements Silver Lake 7th & 11th Additions
5505	6/1/2010	Vacation-easements Silver Lake 7th & 11th Additions
5515	8/7/2010	Vacation-easement Koldeway Industrial 3rd Sub
5523	9/21/2010	1st Amend Annex Agree High Country Farm Add PUD
5524	9/25/2010	High Country Farm Addition Zoning
5526	10/5/2010	Vacation Mirasol portion of public right-of-way

Table II Property Annexed

5541	11/6/2010	Rezone Evanbrier First Addition
5542	11/6/2010	Annexation South Horseshoe Lift Station Addition
5543	11/6/2010	Zoning South Horseshoe Lift Station Addition
5547	12/11/2010	Rezone Ehrlich Addition
5572	5/7/2011	Rezone - 1629 W 8th St, A Muse
5582	4/23/2011	Timka Annexation
5583	4/23/2011	Timka Zoning
5592	6/25/2011	Amen Annexation Agree - Lvld Classical Schools (Charter)
5595	6/25/2011	Vacation of a postal & easement (Alford Lake 1st Sub)
5608	7/9/2011	Annexation Motorplex Entry Addition
5609	7/9/2011	Zoning Motorplex Entry Addition
5628	10/8/2011	Annexation Agreement Amend Ozzie's 1st Addition (Habitat)
5629	10/8/2011	Easement Vacation Windmere 1st Subdivision
5630	10/8/2011	Easement Vacation McKee Meadows 9th Sub (Liquor Max)
5656	12/10/2011	Rezoning Property in Waterfall Subdivision
5668	2/21/2012	Alley Vacation - Warnock Addition (Dairy Queen)
5674	4/3/2012	Sight Distance Ease Vaca Alford Lake 1st Sub (Coral Burst)
5680	5/15/2012	Utility Easement Vacation Loveland Business Plaza 1st Add
5688	7/7/2012	Rezoning of Lakes Place 5th Subdivision
5697	8/11/2012	Rezone of Aligent Open Space property (River's Edge)
5699	8/25/2012	Drainage & Utility Esmnt Vacation Alford Lakes 1st Sub (Crabapple Ct)
5700	9/8/2012	ROW Esmnt Vacation Harlow Addition (First Nat Bldg)
5729	12/8/2012	Annexation - Mehaffey Park 1st Addition
5730	12/8/2012	Zoning - Mehaffey Park 1st Addition
5731	12/8/2012	Rezone - Mehaffey Meadowbrook Ridge Property (parts of Vanguard-Famleco 1st & 2nd Addition)
5750	3/9/2013	Drainage Easements Mineral 1st Sub
5757	5/11/2013	Rezone-Koldeway Industrial 2nd Sub
5758	5/11/2013	Vacation-Koldeway Industrial 2nd Sub
5759	5/11/2013	Range View 3rd (Lake Vista) Utility Easement
5768	5/25/2013	Annexation-Fire Station No 2 Addition
5769	5/25/2013	Zoning-Fire Station No 2 Addition
5770	6/10/2013	Vacation-Kendall Brook Utility Easement
5790	7/31/2013	Vacation Public ROW- Millennium SW 5th Sub
5794	8/10/2013	Airpark North Addition Amend Ord # 3380 & #3381
5804	10/15/2013	Vacation-Aspen Knolls
5805	10/15/2013	Rezoning-Aspen Knolls
5808	10/15/2013	Vacation-Artspace ROW
5819	11/5/2013	Annex-King of Glory
5820	11/5/2013	Zoning-King of Glory
5821	11/5/2013	Vacation-St John Addition
5822	11/5/2013	Zoning-Big Thompson Farm Addition
5829	11/19/2013	Addition-Park Lane
5835	12/17/2013	Vacation-Millennium SW 7th
5848	3/4/2014	Vacating Easement-Mariana Cove
5857	4/1/2014	Zoning Code Amd-Fox Pointe 1st Sub
5864	5/6/2014	Zoning Amd Peakview/Les Schwab

Table II Property Annexed

5865	5/20/2014	Vacating Easement-Loch Mount
5867	7/1/2014	Vacating Easement- Cynthia Court
5868	7/15/2014	Vacating Easement- Kersey Exptn
5881	9/2/2014	Vacation of Easement- Resurection Church
5888	10/7/2014	Zoning Amd to Turney Briggs
5889	10/21/2014	Easmt Vacation Millennium NW 4th
5890	10/21/2014	Zoning Amd to Mountain Pacific
5907	12/2/2014	Vacation for Alleys-2
5915	2/17/2015	Vac Access Easemt Vac for Fox Pt 1st sub
5922	3/17/2015	Vac of Easement for ROW Loveland
5937	5/19/2015	Vacation Turney Briggs Addition
5938	6/2/2015	Vac Access Easemt for Anderson Farm 5th
5942	7/21/2015	Vacation Waterfall 6th Subdivision
5980	12/1/2015	Vac Silver Shore Drive Easement

thru 5990

Table III Subdivisions and Zoning

Ord	Date	Subdivision and Zoning
960	5/16/1967	Amends code § 24.1; adds §§ 24.2-1, 24.2-2 and 24.2-3; amends §§ 24.3 -- 24.3-7, 24.4, 24.4-2, 24.5-4, 24.6, 24.6-1(a), (e) and (f); adds § 24.6-1(g); amends §§ 24.6-3 and 24.6-5; adds § 24.6-6(g) and (h); amends §§ 24.6-3 and 24.6-5; repeals § 24.6-8(g); amends § 24.8-1 and § 24.8-2; adds § 24.9-1(c); amends § 24.10(j) and (k); adds §§ 24.10(l) and 24.11, planning and subdivisions (Title 16)
1012	11/19/1968	Amends Ord. 1004 § 12.1(1), adds § 12.1(6) and (7), uses permitted by special review (18.40)
1020	1/7/1969	Amends Ord. 1004 § 12.1(2), uses permitted by special review (18.40)
1026	2/18/1969	Amends §§ 14.7 and 20.35 of Ord. 1004, adds §§ 4.2(5), 5.2(6), and 12.2(10) to Ord. 1004, zoning (18.04 -- 18.12, 18.40, 18.48)
1028	3/18/1969	Adds §§ 6.2(4), 7.2(5) and 12.2(11) to Ord. 1004, amends §§ 6.9, 7.1(4) and 7.9 of Ord. 1004, zoning (18.16, 18.20, 18.40)
1032	4/1/1969	Amends § 14.5(6) of Ord. 1004, off-street parking (18.48)
1038	4/15/1969	Amends §§ 8.2 and 14.7 of Ord. 1004, adds § 20.36 to Ord. 1004, zoning (18.04, 18.24, 18.48)
1049	8/19/1969	Amends code § 24.8-1, subdivision exceptions (16.32)
1053	10/21/1969	Amends code §§ 24.2-3(d)(2)(b), 24.4, 24.7-4, 24.11-1, 24.11-3, 24.11-4, 24.11-5 and 24.11-8; adds §§ 24.3-9, 24.4-4(i), and 24.9-3, annexations and subdivisions (Title 16)
1082	4/7/1970	Amends § 14.4-5 of Ord. 1004, signs (18.48)
1097	6/16/1970	Adds (7) to § 5.2 of Ord. 1004, zoning (18.12)
1117	9/15/1970	Amends §§ 4.7, 6.3, 7.3, 7.8, 12.2(1), 12.2(5)(c), 12.2(7)(c), 18.2, 20.7, 20.28, and 20.36 of Ord. 1004, adds (6) to § 4.2 (5) and (6) to § 6.2, (6) to § 7.2, (e) to § 12.2(7), and (12) to § 12.2 of Ord. 1004 and adds §§ 20.37 -- 20.39 to Ord. 1004, zoning (18.04, 18.08, 18.16, 18.20, 18.40, 18.64)
1128	11/17/1970	Amends § 12.2(7)(b) and (c) of Ord. 1004, zoning (18.40)
1129	11/17/1970	Amends code §§ 24.6-6(g) and 24.8-3, annexation and subdivisions (Title 16)
1154	4/20/1971	Amends § 20.10 of Ord. 1004, zoning (18.04)
1167	9/21/1971	Amends code §§ 24.2-3(d)(2)(b) and 24.4, adds § 24.4-4, annexation and subdivisions (Title 16)
1170	10/19/1971	Amends § 12.1(1) -- (5) of Ord. 1004, adds § 12.1(8) to Ord. 1004, zoning (18.40)
1176	11/16/1971	Adds § 18.3 to Ord. 1004, limitation on zoning map change (18.64)
1193	2/15/1972	Amends code § 24.3(c), annexation filing fees (Title 16)
1198	3/21/1972	Adds (7) to § 4.2 and (7) to § 7.2 of Ord. 1004, zoning (18.08, 18.20)
1200	3/21/1972	Amends code § 24.9-3(c) and (d), dedication of water rights upon annexation of land (Title 16)
1214	5/16/1972	Amends code § 24.2-3(a) -- (d) and (f); adds § 24.2-3(g); amends code §§ 24.3, 24.3-2 -- 24.3-9, 24.4, 24.4-1, 24.4-5, 24.5-3, 24.6, 24.6-1(a) and 24.8-3, annexations and subdivisions (Title 16)
1233	10/3/1972	Adds (7) to § 6.2 of Ord. 1004, zoning (18.16)
1263	2/6/1973	Amends code §§ 24.2-3(d)(2)(b) (1) and 24.4, adds § 24.2-4, planning commission and preliminary maps (Title 16)
1270	3/6/1973	Amends code §§ 24.2-3(d)(2)(b) (2) and 24.6, annexation and subdivision maps (Title 16)
1272	3/20/1973	Amends code § 24.6-1(e), dedication forms (Title 16)
1276	4/3/1973	Amends §§ 4.1, 4.2(4), 5.1, 5.2(3), 5.7, 6.1, 6.3, 6.4, 6.7, 7.1, 7.2(2), 7.3, 7.4, 8.1 -- 8.4, 9.1, 9.2, 10.1, 11.2, 12.1(1) and (2), 12.2(5)(c) and 20.28 of Ord. 1004; adds §§ 4.2(7) and (8), 5.3(8) and (9), 6.2(2)(6), 6.2(8) -- (16), 7.2(8) -- (16), 8.5, 8.6, 9.5, 9.6, 10.3, 11.6, 20.40 and 20.41 to Ord. 1004; repeals § 11.1(7) of Ord. 1004, zoning (18.04 -- 18.12, 18.16 -- 18.40)
1277	4/3/1973	Amends §§ 6.9, 7.9, 20.6 and 20.11 of Ord. 1004, zoning (18.04)
1284	4/17/1973	Amends code § 24.6-1(e), dedication forms (Title 16)
1290	6/19/1973	Amends code § 24.2-3(c), subdivisions (Title 16)
1299	7/17/1973	Amends code § 24.2-3(g), subdivisions (Title 16)
1305	8/21/1973	Amends code §§ 24.6-3 and 24.6-5, subdivisions (Title 16)

Table III Subdivisions and Zoning

Ord	Date	Subdivision and Zoning
1325	12/18/1973	Amends code § 24.7-3, subdivisions (Title 16)
1326	1/2/1974	Amends § 14.2 of Ord. 1004, home occupation (18.48)
1361	2/5/1974	Amends § 19.1(4) of Ord. 1004, zoning (18.04 -- 18.68)
1384	6/18/1974	Amends code § 24.2-3(a), subdivision data (Title 16)
1385	7/2/1974	Amends §§ 2.1, 2.3, 16.7, 17.2, 17.3, 18.1, 18.2, 18.3, 20.25 of Ord. 1004, adds §§ 15.5 and 20.42 to Ord. 1004, zoning (18.04, 18.56, 18.60, 18.64)
1386	7/2/1974	Amends first paragraph of § 12.2(5) of Ord. 1004, zoning (18.40)
1390	9/3/1974	Adds (11) to § 4.2, (11) to § 5.2, (18) to § 6.2, (18) to § 7.2 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20)
1391	9/3/1974	Adds (10) to § 4.2, (10) to § 5.2, (17) to § 6.2, (17) to § 7.2, (27) to § 8.1, (17) to § 9.1 and (g) to § 14.2-3 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20, 18.24, 18.28, 18.48)
1392	9/3/1974	Adds §§ 24.1 and 24.2, developing resource district, to Ord. 1004, zoning (18.38)
1395	10/1/1974	Amends §§ 4.8, 5.8, 6.9 and 7.9 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20)
1402	11/19/1974	Amends §§ 9.5(6) and 12.2(3)(c) of Ord. 1004, zoning (18.28, 18.40)
1403	11/19/1974	Amends § 14.5(6) of Ord. 1004, zoning (18.48)
1405	12/3/1974	Amends § 14.5(5) of Ord. 1004, zoning (18.48)
1413	3/4/1975	Amends § 12.2(1) of Ord. 1004, zoning (18.40)
1414	3/4/1975	Amends § 4.2(6), 5.2(4), 6.2(3), 7.2(3), 8.2(3) and 12.2(5) of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20, 18.24, 18.40)
1423	4/15/1975	Amends § 16.28.090, deeding land to city for recreational use (Title 16)
1436	6/17/1975	Amends §§ 16.04.020, 16.28.020, 16.36.010A and 16.36.010B, future streets (Title 16)
1437	6/17/1975	Amends § 16.36.030A, B, E and F, water rights on annexed land (Title 16)
1442	7/15/1975	Amends §§ 16.40.010, 16.40.030, 16.40.040, 16.40.060, 16.40.110 (Title 16)
1452	10/17/1975	Amends §§ 16.04.020 and 16.28.020 (Title 16)
1456	11/4/1975	Amends §§ 18.24.020 and 18.28.020 (18.24, 18.28)
1459	11/18/1975	Adds § 16.32.040; amends §§ 16.12.010, 16.12.080, 16.16.050A, 16.20.040, 16.24.010, 16.24.180D, 16.32.030, 16.40.030, 16.40.040, 16.40.050, 16.40.080, 16.40.090, 16.40.100, 16.40.110, 16.40.130 and 16.40.140 (Title 16)
1460	11/18/1975	Adds § 18.40.040 (18.40)
1461	11/18/1975	Amends §§ 16.24.060, 16.24.070 and 16.24.160G, final maps (Title 16)
1491	3/2/1976	Amends § 18.48.070 (18.48)
1492	3/2/1976	Adds § 18.40.050 (18.40)
1513	7/6/1976	Amends § 18.48.070, zoning (18.48)
1518	8/3/1976	Amends § 18.40.040, zoning (18.40)
1520	8/17/1976	Adds subsection C to § 16.40.030, subdivision improvements (Title 16)
1610	9/20/1977	Adds subsection D to § 16.28.090, subdivision design (Title 16)
1628	12/20/1977	Amends §§ 18.04.010, 18.04.030, 18.04.040, 18.04.060, 18.04.190, 18.04.200, 18.04.210, 18.04.260, 18.04.280, 18.04.290, 18.04.300, 18.04.340, 18.04.360, 18.04.420, 18.08.020K, 18.08.030, 18.08.050, 18.08.060, 18.08.070, 18.08.080, 18.12.020K, 18.12.030, 18.12.050, 18.12.070, 18.12.080, 18.16.020E, 18.16.030, 18.16.040, 18.16.070, 18.16.090, 18.20.020F, 18.20.030, 18.20.040, 18.20.070, 18.20.090, 18.24.010, 18.24.020, 18.24.030, 18.24.040, 18.24.050, 18.24.060, 18.28.020R, 18.28.030, 18.28.040, 18.28.050, 18.28.060, 18.36.020A and C, 18.36.050, 18.36.060, 18.48.010B, 18.48.040B2 and E, 18.48.050, 18.52.040, 18.60.030, 18.68.030A and Ch. 18.40; adds §§ 18.04.112, 18.04.123, 18.04.178, 18.04.216, 18.04.218, 18.04.308, 18.04.341, 18.04.348, 18.04.356, 18.04.358, 18.08.020L, 18.08.090, 18.12.020L, 18.12.090, 18.16.100, 18.16.110, 18.20.020S, 18.20.100, 18.20.110, 18.24.070, 18.28.020U and V, 18.28.070, 18.48.020E6, 18.64.040, Chs. 18.13, 18.41, 18.42 18.43, 18.45 and 18.46; repeals §§ 18.04.200, 18.04.430, 18.48.060, 18.52.050, and Chs. 18.32 and 18.44, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.40, 18.41, 18.42, 18.43, 18.45, 18.46, 18.48, 18.52, 18.60, 18.64, 18.68)
1658	4/18/1978	Amends § 18.20.070, zoning (18.20)

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Ord	Date	Subdivision and Zoning
1695	7/18/1978	Amends § 16.28.090, designation of municipal use areas (Title 16)
1697	8/1/1978	Repeals and replaces § 16.08.010; repeals § 16.08.020, subdivision procedures (Title 16)
1709	9/5/1978	Amends § 16.28.061, flood protection (Title 16)
1710	9/5/1978	Amends Ch. 18.45, floodplain regulations (18.45)
1711	9/5/1978	Adds §§ 16.08.085, 16.08.095, 16.12.015, 16.12.025, 16.12.110, 16.12.120, 16.16.070, 16.24.015, and 16.24.160; amends §§ 2.60.090, 16.04.020, 16.08.030, 16.08.040, 16.08.050, 16.08.060, 16.08.070, 16.08.090, 16.08.100, 16.08.110, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.070, 16.12.080, 16.16.010, 16.16.020, 16.16.030, 16.16.040, 16.16.050, 16.20.030, 16.24.010, 16.24.030, 16.24.180, 16.28.010, 16.28.020, 16.28.030, 16.28.040, 16.28.090, 16.32.010, 16.32.020, 16.32.030 and 16.32.040, subdivision regulations (Title 16)
1732	11/21/1978	Amends § 16.40.010, subdivision improvements and building permit conditions (Title 16)
1734	12/5/1978	Adds subsection G to § 16.36.030; amends subsections A, C and D of § 16.36.030, water rights in annexed territory (Title 16)
1739	12/19/1978	Adds § 16.28.015; amends § 16.40.100, subdivision improvements (Title 16) Adds subsection I to § 18.46.010, site plan improvements (18.46)
1743	1/2/1979	Amends subsection C of § 16.36.030, water rights in annexed territory (Title 16)
1745	1/2/1979	Adds §§ 18.16.110C, 18.20.110C and 18.36.070, parcel dimension requirements (18.16, 18.20, 18.36)
1782	5/15/1979	Amends § 18.40.020B (1), special review (18.40)
1826	12/4/1979	Adds subsection C to § 16.40.100, water distribution system (Title 16)
1827	12/4/1979	Adds subsection H to § 16.36.030, water rights (Title 16)
1846	2/5/1980	Adds subsection D to § 18.36.020, special review (18.36)
1847	2/5/1980	Adds subsection S to § 18.16.020, special review (18.16)
1880	5/20/1980	Adds subsection M to § 18.08.020, subsection M to § 18.12.020, subsection L to § 18.13.030, subsection T to § 18.16.020, subsection T to § 18.20.020 and §§ 18.04.212 and 18.40.025, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.40)
1914	10/21/1980	Adds subsection T to 16.04.020; amends §§ 16.28.015, 16.40.010 and 16.40.130; deletes subsections C, D, E, F, G, H, I, J, K and L of § 16.28.020, §§ 16.40.090, 16.40.100, 16.40.110 and 16.40.120, development standards and specifications (Title 16)
1932	12/2/1980	Adds § 18.04.127, subsection U to § 18.16.020, subsection U to § 18.20.020, subsection N to § 18.24.020 and subsection W to § 18.28.020, congregate care facility (18.04, 18.16, 18.20, 18.24, 18.28)
1934	12/2/1980	Adds subsections G, H, I and J to § 18.36.010, §§ 18.36.025, 18.36.080 and 18.46.030; amends §§ 18.36.010, 18.36.020, 18.36.060, 18.46.010 and 18.46.020, DF district, site plan (18.36, 18.46)
1943	12/16/1980	Amends subsection G of § 16.24.160, letter of certification (Title 16) Amends subdivision 3 of subsection A of § 18.40.020, letter of certification (18.40)
1951	4/7/1981	Amends § 16.32.040 A, exceptions (Title 16)
2002	11/17/1981	Adds §§ 18.16.020R and 18.20.020R, district regulations (18.16, 18.20)
2010	12/1/1981	Amends § 18.45.030B and C, floodplain regulations (18.45)
2012	12/1/1981	Amends § 18.04.410 and Ch. 18.41, unit development (18.41)
2021	12/15/1981	Amends § 16.12.015 A5, subdividing or annexing procedure (Title 16) Adds to §§ 18.08.040, 18.12.040, 18.13.050, 18.16.040 and 18.20.040; repeals §§ 18.08.020K, 18.08.090C, 18.12.020K, 18.20.090D, 18.13.030K, 18.13.110C, 18.16.020, 18.16.110C, 18.20.020R and 18.20.110C, district regulations (18.08, 18.12, 18.13, 18.16, 18.20)
2034	4/20/1982	Adds subsection H to § 18.38.020, DR district (18.38)
2038	5/18/1982	Adds § 16.36.031, raw water irrigation (Title 16)
2043	6/1/1982	Repeals § 18.48.030 (Repealed)
2064	11/16/1982	Adds § 16.36.035; amends subsections A, C and F of, and adds subsection I to § 16.36.030, raw water rights (Title 16)

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Ord	Date	Subdivision and Zoning
2065	11/16/1982	Adds §§ 16.04.020V, 16.16.030R, 16.24.011, and 16.24.160 I, J, and K; amends §§ 16.04.020N, 16.08.040A, 16.08.050, 16.08.100, 16.12.015B(1), 16.12.050, 16.12.070, 16.12.090, 16.16.010, 16.16.030 J and Q, 16.16.040, 16.20.040, 16.24.010, 16.24.090, 16.24.140, 16.24.180, 16.28.040, 16.28.050, 16.28.070, 16.28.080, 16.40.010 -- 16.40.050, 16.40.140; repeals §§ 16.04.020L, 16.24.015 and 16.24.180G, subdivisions (Title 16)
2071	12/21/1982	Amends subsection C of § 16.36.031, raw water irrigation (Title 16)
2096	7/5/1983	Adds § 18.48.040A5, accessory buildings and uses (18.48)
3021	11/15/1983	Amends § 16.36.030C, water rights (Title 16)
3045	1/3/1984	Adds Ch. 16.38, service cost recovery system (Title 16)
3082	6/5/1984	Adds subsection J and amends subsection A of § 16.36.030, water rights (Title 16)
3095	8/21/1984	Amends § 16.24.170; repeals § 16.24.160 G, evidence of title (Title 16) Amends § 18.40.030C; repeals § 18.40.020A3, DR district (18.40)
3096	8/21/1984	Amends §§ 18.13.050, 18.16.040 and 18.20.040; repeals language in §§ 18.08.040 and 18.12.040, zoning (18.13, 18.16, 18.20)
3103	11/20/1984	Adds §§ 18.24.010(W) and 18.28.010(S); repeals §§ 18.24.020(G) and 18.28.010(R), zoning (18.24, 18.28)
3164	5/21/1985	Amends §§ 18.24.010, 18.24.020 and 18.28.010; repeals § 18.24.020(H), zoning (18.24, 18.28)
3199	8/20/1985	Amends § 18.40.020 A 2, uses permitted by special review (18.40)
3200	8/20/1985	Adds §§ 18.24.010 Y and 18.28.010 U, zoning (18.24, 18.28)
3210	9/17/1985	Adds §§ 18.08.020 N and 18.12.020 N, zoning (18.08, 18.12)
3263	3/18/1986	Adds § 16.16.031, preliminary maps (Title 16)
3281	6/3/1986	Amends § 18.48.040 E, zoning (18.48)
3282	6/3/1986	Amends § 18.12.020 J, zoning (18.12)
3326	10/7/1986	Amends (E)(1) of § 16.38.020, collection of capital expansion fees (Title 16)
3328	10/7/1986	Adds § 16.38.022, credit for utility plant improvement fees (Title 16)
3347	11/18/1986	Amends § 18.42.010, off-street parking (18.42)
3348	11/18/1986	Adds § 18.40.015, restrictions on special review uses (18.40)
3349	11/18/1986	Amends § 18.04.212 (B), group care facilities (18.04)
3361	12/9/1986	Repeals § 16.36.030 (J)(5), water rights (Title 16)
3377	1/6/1987	Adds §§ 16.38.025, 16.38.026 and 16.38.027, and amends § 16.38.020 (A)(2) and (5), capital expansion fees for industrial development (Title 16)
3383	1/20/1987	Adds § 18.04.375, subsidized single-parent household (18.04)
3386	1/20/1987	Amends § 18.60.010 (A), zoning board of adjustment (18.60)
3421	6/15/1987	Adds § 18.24.010(Z); amends §§ 18.24.030 and 18.24.070(A), zoning (18.24)
3439	9/1/1987	Adds §§ 18.04.342, 18.24.010(AA) and 18.28.010(V), zoning (18.04, 18.24, 18.28)
3440	9/1/1987	Amends § 18.45.020, zoning (18.45)
3467	11/17/1987	Adds § 18.04.126; amends §§ 18.04.440, 18.08.040, 18.12.040, 18.13.050, 18.16.040 and 18.20.040, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20)
3473	12/1/1987	Amends § 18.40.025, zoning (18.40)
3481	1/5/1988	Adds § 18.04.371 and Ch. 18.47; amends §§ 18.40.020, 18.41.060 and 18.46.010, parks and recreation (18.04, 18.40, 18.41, 18.46, 18.47)
3491	2/16/1988	Amends § 16.08.110, planning commission meetings (Title 16)
3493	2/16/1988	Adds language to § 16.12.120(C) and adds § 16.16.080; amends §§ 16.08.080(A), 16.16.070 and 16.24.010; repeals (B) from § 16.08.090, subdivisions (Title 16) Adds §§ 18.04.040(C) and 18.40.020(A)(3); adds (C) to, amends (B) of and repeals the second sentence from (A) of § 18.64.020; amends §§ 18.40.030(E) and 18.60.030(A) and (D), zoning (18.04, 18.40, 18.60, 18.64)
3500	4/5/1988	Adds (C) and (D) to § 18.60.010, zoning board of adjustment (18.60)
3501	4/5/1988	Adds Ch. 18.72, vested property rights (18.72)
3525	7/19/1988	Adds § 18.40.020(A)(5); amends §§ 18.40.020(A)(3) and (4) and (B)(1), 18.40.030(C), 18.40.040, 18.40.050 and 18.40.060, uses permitted by special review (18.40)
3536	9/6/1988	Adds § 18.16.020(X), C district (18.16)

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Ord	Date	Subdivision and Zoning
3537	9/6/1988	Adds §§ 18.08.020(O), 18.12.020(O), 18.13.030 (M), 18.16.020(W) and 18.20.020(W); amends § 18.04.190, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20)
3543	10/4/1988	Adds § 18.04.122, definitions (18.04)
3545	10/18/1988	Amends § 16.38.020, service cost recovery system (Title 16)
3552	1/3/1989	Amends § 1 of Ord. 3536 to designate subsection (X) rather than (W) of § 18.16.020, C district (18.16)
3561	2/21/1989	Adds (W) to § 18.28.020, DE district (18.28)
3571	3/21/1989	Amends §§ 18.04.090 and 18.04.190, definitions (18.04)
3574	4/4/1989	Amends §§ 18.08.070, 18.12.070, 18.13.080, 18.16.070 and 18.20.070, zoning; repeals § 18.52.020(D) (18.08, 18.12, 18.13, 18.16, 18.20, 18.52)
3580	5/2/1989	Amends § 18.40.050(A), uses permitted by special review (18.40)
3581	5/2/1989	Amends §§ 18.16.050 and 18.20.050, yard requirements (18.16, 18.20)
3609	9/5/1989	Adds Ch. 18.50, signs (18.50)
3616	11/7/1989	Repeals and replaces Ch. 18.47, site development performance standards and guidelines (18.47)
3617	11/7/1989	Repeals and replaces Ch. 18.40, uses permitted by special review (18.40)
3628	12/19/1989	Adds §§ 18.60.040 and 18.60.050; amends §§ 18.60.010 and 18.60.030, zoning board of adjustment (18.60)
3629	12/19/1989	Adds §§ 18.04.020(C), 18.24.020(O), 18.28.020(X), 18.48.080 and 18.56.100; amends §§ 18.24.010(W), 18.28.010(S) and 18.56.060, zoning (18.04, 18.24, 18.28, 18.48, 18.56)
3630	1/2/1990	Adds §§ 18.04.098, 18.04.306, 18.04.309, 18.04.335, 18.04.357.1, 18.04.357.2, 18.04.357.3, 18.04.403, 18.24.020(P) and (Q), 18.28.020(Y) and (Z), 18.36.010(K), 18.36.020(E), 18.48.010(B)(14) and 18.52.050; amends Ch. 18.52, recycling (18.04, 18.24, 18.28, 18.36, 18.48, 18.52)
3631	1/2/1990	Adds §§ 18.50.020(14) and 18.50.100 (D) and (E), historic signs -18.5
3632	1/2/1990	Repeals § 18.48.020(E)(6), home occupations (18.48)
3648	3/13/1990	Adds §§ 18.04.125.5, 18.04.211, 18.04.357.4 and 18.52.060; amends §§ 18.24.020, 18.28.020, 18.36.010 and 18.42.010, convenience stores (18.04, 18.24, 18.28, 18.36, 18.42, 18.52)
3652	5/1/1990	Adds §§ 18.04.349.1 and 18.04.349.2, Principal Bldg definitions (18.04)
3653	5/1/1990	Amends § 18.48.010, accessory uses (18.48)
3654		Adds § 18.48.090; amends § 18.48.010B, satellite dishes (18.48)
3655	5/1/1990	Adds § 18.04.357 Retail Laundry; amends §§ 18.13.030, 18.24.010, 18.28.010 and 18.28.020, zoning (18.04, 18.13, 18.24, 18.28)
3702	11/20/1990	Adds §§ 18.08.010(E), 18.12.010(E), 18.13.020(F), 18.16.010(G), 18.20.010(G) and 18.24.010(CC); amends §§ 18.08.020(H), 18.12-.020(H), 18.13.030(H), 18.16.020(H) and 18.20-.020(H), zoning (18.08, 18.12, 18.13, 18.16, 18.20, 18.24)
3703	11/20/1990	Amends § 18.50.070(D), zoning (18.50)
3710	1/22/1991	Amends § 18.50.050(F), signs -18.5
3711	1/22/1991	Amends § 18.50.020(N)(3) and (S)(1), signs (18.50)
3720	2/19/1991	Amends § 18.38.020(G), uses permitted by special review in the developing resource district (18.38)
3721	2/19/1991	Amends § 18.04.160, definitions (18.04)
3764	9/3/1991	Adds §§ 18.04.155 and 18.48.060; adds certain language to §§ 18.08.020, 18.12.020, 18.13.020, 18.16.010 and 18.20.010, accessory dwelling units (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.48)
3765	9/3/1991	Amends § 18.52.020, supplementary yard regulations (18.52)
3766	9/3/1991	Amends §§ 16.08.080, 16.08.085 and 16.16.070, notice requirements and procedures of the planning commission and the city council for annexation, subdivision, zoning and rezoning (Title 16) Amends §§ 18.40.020 and 18.60.050, notice requirements and procedures of the planning commission and the city council for annexation, subdivision, zoning and rezoning (18.40, 18.60)
3776	10/15/1991	Amends §§ 18.50.070, 18.50.100 and 18.50.150; deletes 18.04.370, signs (18.50)

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Ord	Date	Subdivision and Zoning
3785	11/19/1991	Amends § 18.60.030, zoning board of adjustment (18.60)
3786	11/19/1991	Amends §§ 18.68.040(A) and 18.68.050, enforcement and penalties (18.68)
3787	11/19/1991	Amends §§ 18.04.123, 18.16.010, 18.16.020, 18.20.010 and 18.20.020, combined use developments (18.04, 18.16, 18.20)
3788	12/3/1991	Amends §§ 18.50.150 and 18.50.170, signs (18.50)
3845	10/6/1992	Amends § 18.68.070, enforcement--penalties (18.68)
3849	10/27/1992	Amends § 16.36.030, general provisions (Title 16)
3855	11/17/1992	Amends § 16.38.025, service cost recovery system (Title 16)
3870	11/5/1993	Amends first paragraph of § 18.48.070 and § 18.48.070 (A)(6), (B)(4), (B)(5); repeals § 18.48.070(B)(6); fences hedges and walls (18.48)
3897	5/4/1993	Amends §§ 18.50.150(C)(2) and (4), nonconforming signs (18.50)
3921	9/7/1993	Amends §§ 18.72.020(A) and 18.72.030, vested property rights (18.72)
3932	10/5/1993	Amends § 16.08.050, planning commission procedures (Title 16) Amends § 18.64.020(O), special procedure (18.64)
3983	3/15/1994	Amends §§ 18.40.005, 18.40.010(A) and 18.40.055 (B), uses by special review (18.40)
3987	4/5/1994	Adds §§ 16.24.190 and 16.24.210; amends § 16.04.020(R), vacations and final plats (Title 16)
4009	6/7/1994	Adds subsection G to § 16.24.180 and amends § 16.36.030, final maps and general provisions (Title 16)
4017	7/5/1994	Adds § 18.48.100, Storage, Repair, Parking of Vehicles as accessory use (18.48)
4019	7/5/1994	Amends §§ 16.38.020, 16.38.045, 16.38.050 and 16.38.070(A); repeals §§ 16.38.025, 16.38.026 and 16.38.027, service cost recovery system (Title 16)
4034	10/18/1994	Amends § 18.60.040, zoning board of adjustment (18.60)
4044	11/1/1994	Amends § 18.41.030, unit development requirements and procedures (18.41)
4053	12/20/1994	Amends § 18.68.050(B), enforcement and penalties; repeals § 18.04.240 (18.68)
4054	12/20/1994	Amends § 16.38.020, service cost recovery system (Title 16)
4055	12/20/1994	Adds § 16.38.055, service cost recovery system (Title 16)
4085	4/18/1995	Adds § 18.52.025, supplementary regulations; amends § 18.56.070, nonconforming uses (18.52, 18.56)
4089	5/16/1995	Adds subsections (L)(3) and (R)(2.5) to § 18.50.020; amends §§ 18.50.050, 18.50.070 and 18.50.170; repeals subsection M of § 18.50.050 and reletters following subsections, signs (18.50)
4095	7/5/1995	Adds § 16.36.040, native raw water storage fee (Title 16)
4105	7/18/1995	Amends § 16.38.020, capital expansion fees table (Title 16)
4106	7/18/1995	Adds §§ 18.04.373, 18.08.075, 18.12.075, 18.13.085, 18.16.075, 18.20.075, 18.24.035, 18.28.035, 18.36.045 and Ch. 18.54; repeals and replaces § 18.04.120, building height limitation for designated uses (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.54)
4116	8/15/1995	Amends § 16.38.070, Capital Expansion Fees (Title 16)
4117	8/15/1995	Amends § 16.04.020(R), subdivision regulations (Title 16)
4118	8/15/1995	Adds §§ 18.24.010(DD), 18.24.080, 18.28.010(Z), 18.28.080, 18.48.020(C)(9); amends §§ 18.04.140, 18.04.151, 18.04.370, 18.24.030, 18.28.020(W), 18.28.030, 18.41.050(E)(2)(b), 18.48.020(D)(1)(a), (c), (d), (f), (g) and (D)(4)(e), 18.60.030(A); repeals § 18.52.020(C) and (D), administration of zoning regulations and zoning (18.04, 18.24, 18.28, 18.41, 18.48, 18.52, 18.60)
4124	10/17/1995	Adds sentence to subsection L of § 18.50.050, signs (18.50)
4134	12/19/1995	Adds Ch. 16.39, school land dedication and in-lieu fees (Title 16)
4155	2/20/1996	Amends § 16.08.010, planning commission -- procedures (Title 16)
4160	3/5/1996	Amends § 18.52.025, supplementary regulations (18.52)
4170	4/16/1996	Adds Ch. 16.41, adequate community facilities (Title 16)

Table III Subdivisions and Zoning

Ord	Date	Subdivision and Zoning
4185	7/2/1996	Adds §§ 18.04.138, 18.04.268, 18.04.373 [18.04.372], 18.04.382, 18.40.020(A)(5), 18.48.010(C)(5), 18.50.020(B)(2.5), (C)(0.5), (C)(0.75), (I)(4), (L)(4) and (P)(5), 18.50.085, 18.50.100(B)(12), 18.50.130, 18.50.150(A)(8) and 18.52.060(K), (L) and (M); amends §§ 18.04.125.5, 18.04.140, 18.04.150, 18.04.200, 18.04.450, 18.48.070, the index to Ch. 18.50, 18.50.020(A)(1), (A)(3), (B)(3), (M)(3) and (T)(1), 18.50.030(D), 18.50.040(A), 18.50.050(H), (I), (J) and (L), 18.50.070(A), 18.50.080(A), 18.50.100(A)(1), (A)(2)(h)(ii), (B)(2)(h)(ii) [(B)(2)(f)(ii)] and (B)(10), 18.50.150(A)(5), (C)(5) and (E), 18.52.060(C) and 18.60.040; amends and renumbers §§ 18.50.100(A)(3) through (A)(5)(c) to be (A)(3)(a) through (c), 18.50.100(B)(3) through (B)(13) to be (B)(3) through (B)(11); renumbers § 18.40.020(A)(5) to be 18.40.020(A)(6); repeals, replaces and renumbers §§ 18.50.058 to be 18.50.190 and 18.50.100(C) to be 18.50.095; repeals and replaces §§ 18.50.020(A)(2) and 18.50.090, administration of zoning regulations and zoning (18.04, 18.40, 18.48, 18.50, 18.52, 18.60)
4186	7/2/1996	Amends § 18.41.050(E)(3)(a) and (E)(4), unit development requirements and procedures (18.41)
4193	8/20/1996	Amends §§ 16.39.030(A) and (C) and 16.39.050(A), school land dedication and in-lieu fees (Title 16)
4194	8/20/1996	Amends § 18.41.050(E)(3)(a), unit development requirements and procedures (18.41)
4219	11/19/1996	Adds §§ 18.50.020(B)(5) and (6) and 18.50.075 and amends §§ 18.50.020(P)(1), 18.50.050(A) and 18.50.060(D), signs (18.50)
4220	11/19/1996	Adds § 18.48.070(C) and amends §§ 18.48.070(A) and (B), accessory buildings and uses (18.48)
4221	11/19/1996	Adds §§ 18.36.010(M) and (N), 18.50.135 and 18.50.070(E) and amends §§ 18.13.100, 18.24.030(A), 18.28.030(A), 18.36.010(H), 18.40.015, 18.40.030(E), (G), (H), and (I) and 18.52.060(C), regulations on landscaping (18.13, 18.24, 18.28, 18.36, 18.40, 18.50, 18.52)
4235	1/21/1997	Adds Ch. 18.55, personal wireless service facilities (18.55)
4236	1/21/1997	Adds §§ 18.08.020(Q), 18.12.020(Q), 18.13.030(O), 18.16.020(Z), 18.20.020(X), 18.24.010(EE), 18.24.020(S), 18.28.010(AA), 18.28.020 (BB), 18.36.010(M) and 18.36.020(F), 18.38.020(I), personal wireless service facilities (18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.38)
4238	2/4/1997	Adds §§ 18.04.099, 18.04.128, 18.04.217 and 18.04.342 amends § 18.42.010, definitions and regulations for off-street parking (18.04, 18.42)
4239	2/4/1997	Amends the title of Ch. 18.41 and §§ 18.41.010 and 18.41.040(B) and repeals §§ 18.08.020(F), 18.12.020(D), 18.13.020(D), 18.16.020(C), 18.20.020(C), 18.24.020(G), 18.28.020(S) and 18.36.020 (C), procedures for approval of and allowable densities for PUDs (18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36)
4246	3/4/1997	Amends §§ 18.04.030, 18.04.040; amends all zoning districts, zoning (10.04, 12.28, 18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.42, 18.43, 18.46, 18.48, 18.50, 18.55)
4254	3/18/1997	Amends §§ 18.50.020, 18.50.030, 18.50.050 and 18.50.070, zoning (18.50)
4278	7/1/1997	Amends Ch. 16.41, Table 2.3, Appx. A, adequate community facilities (Title 16)
4279	7/1/1997	Amends § 16.38.020, service cost recovery system (Title 16)
4284	7/15/1997	Adds §§ 16.41.120--16.41.150; amends § 16.41.160, adequate community facilities (Title 16)
4298	11/18/1997	Amends Title 16, subdivision of land (16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36, 16.38, 16.40, 16.41)
4308	12/2/1997	Amends § 18.41.050(E)(3)(a), unit development zone district requirements and procedures (18.41)
4315	2/17/1998	Adds Ch. 16.39, school land dedication and in-lieu fees (16.39)
4320	3/17/1998	Adds §§ 16.41.120--16.41.150; amends § 16.08.010, community facilities (16.08, 16.41)

Table III Subdivisions and Zoning

Ord	Date	Subdivision and Zoning
4365	8/3/1998	Adds § 16.38.075, capital expansion fees (16.38)
4406	3/12/1999	Repeals and replaces § 18.45.030(B), floodplain regulations (18.45)
4444	6/1/1999	Amends Title 16, subdivision of land (16.04, 16.08, 16.12, 16.16, 16.20, 16.21, 16.24, 16.28, 16.32, 16.36, 16.39, 16.40, 16.41)
4448	7/6/1999	Adds § 18.68.045, enforcement--penalties (18.68)
4449	7/20/1999	Adds §§ 16.16.030(B)(1)(b)(iii) and (iv), review procedures (16.16) Amends §§ 18.41.050(D)(2) and (E)(1), unit development zone district requirements and procedures, and 18.64.020(B) (2) and (D), amendments (18.41, 18.64)
4450	6/1/1999	Adds §§ 16.24.012 and 16.24.014 and amends § 16.24.015, design standards (16.24)
4453	7/20/1999	Adds Ch. 18.76 and §§ 18.04.485 and 18.40.027 and amends §§ 18.36.020 and 18.40.010(C), sexually oriented businesses (18.04, 18.36, 18.40, 18.76)
4476	10/5/1999	Adds § 16.24.018; amends § 16.08.010, affordable housing (16.08, 16.24)
4500	12/21/1999	Amends §§ 12.32.130, 12.32.160, 18.47.030 and 18.48.070(B)(5), sight distance triangle regulations (12.32, 18.47, 18.48)
4502	1/4/2000	Repeals § 16.36.100 (Repealed)
4510	2/1/2000	Adds § 16.32.060, deed restriction in lieu of lot merger (16.32)
4520	3/21/2000	Adds § 16.38.072, exemption for historic downtown Loveland (16.38)
4522	3/21/2000	Adds § 16.38.085, capital expansion fees; amends § 16.08.010, definitions (16.08, 16.38)
4525	4/4/2000	Repeals subsections (A)(36) and (A)(37) of § 16.20.050, certification of final plat (16.20)
4531	4/4/2000	Amends § 18.68.045, zoning (18.68)
4558	8/15/2000	Amends §§ 16.28.040, 16.28.050, 16.32.040 and 16.32.050, boundary line adjustments (16.28, 16.32)
4559	8/15/2000	Adds § 16.20.015, non-regulated land transfers (16.20)
4569	9/19/2000	Adds § 16.28.060, boundary line adjustments (16.28)
4587	11/21/2000	Amends §§ 18.24.020 and 18.28.020, uses permitted by special review (18.24, 18.28)
4590	12/12/2000	Adds Ch. 16.42, street maintenance fee (16.42)
4614	3/20/2001	Amends § 16.38.072, fee exemption for historic downtown area (16.38)
4617	3/20/2001	Repeals and replaces § 16.40.010, installation of public improvements (16.40)
4630	6/19/2001	Adds § 18.50.020(B)(6.5); Amends § 18.50.030(A), signs (18.50)
4661	9/4/2001	Amends §§ 16.38.020, 16.38.070, 16.38.075 and 16.38.110(A); repeals and replaces § 16.38.090; repeals §§ 16.38.040 and 16.38.080, capital expansion fees (16.38)
4667	10/16/2001	Amends § 16.41.110 and § 9 (A)(4) of Appendix A to Adequate Community Facilities Ordinance, subdivisions (16.41)
4768	2/18/2003	Amends 18.24 Business Zoning District repealed and reenacted
4779	4/15/2003	Amends 2.60.240; 18.04.216; 18.04.216; 18.42.010; 18.42.050; 18.50.020 Boards and Commissions
4814	7/15/2003	Amend Chapter 15.98, building codes; 18.48 accessory uses & 18.60 zoning BOA
4822	8/19/2003	Amend 15.14 & 18.45 Floodplain
4976	4/19/2005	Amend 16.38 relating to Easement Vacations
5049	12/20/2005	Amend 18.50 signs
5107	7/11/2006	Amend 16.40 Subdivision Improvements
5112	8/1/2006	Amend 18.28: Developing Business District
5113	8/1/2006	Amend 18.24 Established Business District
5114	8/1/2006	Amend 18.36 Developing Industrial District
5115	8/1/2006	Amend 18.32 Establishment of a Public Park District
5116	8/1/2006	Amend 18.29 Mixed Use Activity Center District 18.04.030 & 18.54.020
5117	8/1/2006	Amend Add 18.30 Employment Center District 18.04.030 & 18.54.020
5118	8/1/2006	Amend 18.52 Supplementary Regulations
5119	8/1/2006	Amend 18.04 General Provisions and Definitions
5156	12/19/2006	Amend 18.30 Employment Center District

Table III Subdivisions and Zoning

Ord	Date	Subdivision and Zoning
5157	12/19/2006	Amend 18.29 Mixed Use Activity Center
5207	7/3/2007	Amend Title 18 Commercial/Industrial Architectural Standards etc.
5222	8/7/2007	Amend 16.24 Ord adopt by reference Water/wastewater Standards
5230	8/21/2007	Amend 18.46 & 18.50 Downtown Sign District
5262	11/20/2007	Amend 16.43.080 & 16.08.010 Affordable Housing, deed restrictions
5269	12/18/2007	Amend 18.07 Estate Residential
5270	12/18/2007	Amend 18.72 Vested Property Rights
5271	12/18/2007	Amend Code 2.72.010 Comprehensive Disaster Plan
5272	12/18/2007	Amend Code 2.60 Boards & Commission
5275	1/15/2008	Amend. 2.60: Clean up following prev. amendments
5283	2/19/2008	Amend Code: 18.50.020 Signs
5323	6/3/2008	Amend Code 2.60.110 Fire & Rescue Advisory Commission
5324	6/3/2008	Amend Code 2.60.020 CTC & Boards and Commission Membership
5335		Amend Code 18.42.050D.2 parking
5336	7/15/2008	Amend Code 18.42 parking and 18.24.050 bus. off street parking
5401	4/7/2009	Amend Code 2.60.180 LUC & 3.12.060 Procurement Authority
5411	4/21/2009	4-21-2009 Amend Code 16.28 Boundary Line Adjust & 16.32 Lot Merger
5413	4/21/2009	Amend Code 18.04;18.16;18.20;18.24;18.28;18.29;18.42;18.52
5424	6/2/2009	Amend Code 16.16 Review Procedures;16.36 Vacation of Right of Way / Easements
5425	6/2/2009	Amend Code Title 18 - 18.04;18.40;18;18.41;18.54;18.60;18.64 add 18.05 Public Notice Requirements
5431	6/16/2009	Amend Code Title 18 – 18.50.020,18.50.60,18.50.100,18.50.120,18.50.150 Regulations of Signs
5433	7/21/2009	7-21-2009 Amend Code Title 16 – 16.38, 16.43 Capital Expansion Fees for Affordable Housing
5440	8/4/2009	8-4-2009 Amend Code Title 18 -18.50 Regulation of Signs
5446	8/18/2009	8-18-2009 Amend Code Title 18 – 18.04,18.24,18.28,18.29,18.30,18.36,18.40,18.52 Regulation and Zoning of Crematoriums
5514	7/24/2010	Amend Code 18.45.030 Floodplain Regulations
5520	9/11/2010	Amend Code 16.08 & 16.41 (definitions & applicability) 18.04 &18.16 R3E (high density residential district)
5525	10/5/2010	Mirasol Fist Subdivision amend PUD
5541	11/6/2010	Rezone Evanbrier First Addition
5547	12/11/2010	Rezone Ehrlich Addition
5572	5/7/2011	Rezone - 1629 W 8th St, A Muse
5582	5/3/2011	Timka Annexation
5583	5/3/2011	Timka Zoning
5609	7/9/2011	Zoning Motorplex Entry Addition
5656	12/10/2011	Rezoning Property in Waterfall Subdivision
5674	4/7/2012	Sight Distance Easement Vacation - Alford Lake 1st Subdivision (Coral Burst)
5688	7/3/2012	Rezoning of lakes Place 5th Subdivision
5697	8/11/2012	Rezoning of Agilent Open Space property (River's Edge)
5707	10/20/2012	Amend Code use credit for CEF's 16.38.030
5708	10/20/2012	Amend Code Storm Drainage Criteria 13.18.100; 16.24.014; 16.24.015
5717	11/10/2012	Amend Code titles 15 and 18 Floodplain Regulations
5719	11/10/2012	Amend 18.04.040 Mirasol Community GDP
5756	4/20/2013	Repeal & Reenact Chapters 18.05 & 16.18
5757	5/11/2013	Koldeway Industrial 2nd Subdivision Rezoning
5758	5/11/2013	Koldeway Industrial 2nd Subdivision Vacating
5759	5/11/2013	Range View 3rd (Lake Vista) Utility Easement
5768	5/25/2013	Fire Station No 2 Addition (Annexation Approval)
5769	5/25/2013	Fire Station No 2 Addition (Zoning Regulations)
5770	6/8/2013	Kendall Brook Utility Easement Vacation
5790	7/31/2013	Vacation Public ROW- Millennium SW 5th Sub

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Ord	Date	Subdivision and Zoning
5792	8/10/2013	Gateway Planned Unit Dev: Zoning increase density
5793	8/10/2013	Dakota Glen PUD 1st Amend (#P-98) Sect 18.04.040
5794	8/10/2013	Airpark North Addition Amend Ord # 3380 & #3381
5804	10/15/2013	Vacation-Aspen Knolls
5805	10/15/2013	Rezoning-Aspen Knolls
5819	11/5/2013	Annex-King of Glory
5820	11/5/2013	Zoning-King of Glory
5821	11/5/2013	Vacation-St John Addition
5822	11/5/2013	Zoning-Big Thompson Farm Addition
5829	11/19/2013	Addition-Park Lane
5835	12/17/2013	Vacation-Millennium SW 7th
5840	1/7/2014	Supp App - Fire Station 2
5848	3/4/2014	Vacating Easement-Mariana Cove
5857	4/1/2014	Zoning Code Amd-Fox Pointe 1st Sub
5864	5/6/2014	Zoning Amd Peakview/Les Schwab
5865	5/20/2014	Vacating Easement-Loch Mount
5867	7/1/2014	Vacating Easement- Cynthia Court
5868	7/15/2014	Vacating Easement- Kersey Exptn
5870	8/5/2014	Historic Designation-Scott House
5881	9/2/2014	Vacation of Easement- Rez Church
5882	9/2/2014	Amd to CMP- Boyd Lake Village
5883	9/2/2014	Amd to CMP- Loveland Eisenhwr
5884	9/16/2014	Supp App Region Tourism Act
5885	10/7/2014	Supp App - Other Agency Tourism
5886	10/7/2014	Supp App Origins Lvld Incentive
5887	10/7/2014	Supp App Madison Bridge
5888	10/7/2014	Zoning Amd to Turney Briggs
5889	10/21/2014	Easmt Vacation Millennium NW 4th
5890	10/21/2014	Zoning Amd to Mountain Pacific
5908	12/2/2014	Sale of Fire Station No. 2
5905	1/6/2015	Supp App for Evergreen Incentive
5911	1/20/2015	Supp App for Arcadia Hotel
5914	1/20/2015	Supp App South Catalyst Project
5915	2/17/2015	Vac Access Easemt for Fox Pt 1st sub
5922	3/17/2015	Vac of Easement for ROW Loveland
5923	3/17/2015	Supp App for Lincoln Hotel Settlement
5926	4/7/2015	Supp App Pulliam Bldg Quiet Title
5927	4/7/2015	Establishment of the DDA
5937	5/19/2015	Vac Turney Briggs Addition
5938	6/2/2015	Vac Access Easemt for Anderson Farm 5th
5942	7/21/2015	Vac Waterfall 6th Subdivision
5963	10/20/2015	Great Western 3rd Rezoning
5980	12/1/2015	Vac Silver Shore Drive Easement

thru 5969

Table IV Building

Ordinance	Date	Building Code Ordinances
270	6/2/1931	First Regulations of Building and Zoning in Loveland (repealed by Ord. 281)
281	4/19/1932	Repealing Ord 270: Zoning & Building
530	8/17/1954	Uniform Building Code
724	7/18/1961	Amends code § 22.11, building, plumbing, electrical and heating permits (Amended and superseded by 1234)
931	12/7/1965	Amends code §§ 3.1, 3.4 and 3.5 and adds § 3.1-1, council; amends § 10.4, fire equipment,
		§§ 16.6 and 16.7, cemetery, §§ 21.1-1 and 21.1-7, § 21.2-5, museum board and § 22.1,
		building official; repeals code §§ 3.3, 5.3, 5.5, 8.1 -- 8.6, 10.1, 10.3, 10.12, 11.2, 11.8, 12.2, 13.1
		-- 13.3, 14.1 -- 14.3, 20.1, 21.1-1 -- 21.1-4 and 30.8-4 (2.04, 2.16)
1117	9/15/1970	Amends §§ 4.7, 6.3, 7.3, 7.8, 12.2(1), 12.2(5)(c), 12.2(7)(c), 18.2, 20.7, 20.28, and 20.36 of Ord. 1004, adds (6) to § 4.2 (5) and (6) to § 6.2, (6) to § 7.2, (e) to § 12.2(7), and (12) to § 12.2 of Ord. 1004 and adds §§ 20.37 -- 20.39 to Ord. 1004, zoning (18.04, 18.08, 18.16, 18.20, 18.40, 18.64)
1203	4/4/1972	Amends code § 22.10, building permits (Amended and superseded by Ord. 1234)
1234	10/3/1972	Amends code Ch. 22, building regulations, repeals Ch. 23, fire prevention code (15.04, 15.24, 15.28)
1272	3/20/1973	Amends code § 24.6-l(e), subdivision dedication forms (Title 16)
1276	4/3/1973	Amends §§ 4.1, 4.2(4), 5.1, 5.2(3), 5.7, 6.1, 6.3, 6.4, 6.7, 7.1, 7.2(2), 7.3, 7.4, 8.1 -- 8.4, 9.1, 9.2, 10.1, 11.2, 12.1(1) and (2), 12.2(5)(c) and 20.28 of Ord. 1004; adds §§ 4.2(7) and (8), 5.3(8) and (9), 6.2(2)(6), 6.2(8) -- (16), 7.2(8) -- (16), 8.5, 8.6, 9.5, 9.6, 10.3, 11.6, 20.40 and 20.41 to Ord. 1004; repeals § 11.1(7) of Ord. 1004, zoning (18.04 -- 18.12, 18.16 -- 18.40)
1290	6/19/1973	Amends code § 24.2-3(c), subdivisions (Title 16)
1299	7/17/1973	Amends code § 24.2-3(g), subdivisions (Title 16)
1305	8/21/1973	Amends code §§ 24.6-3 and 24.6-5, subdivisions (Title 16)
1321	12/18/1973	Building materials, motor and vehicle tax (Repealed by 3094)
1325	12/18/1973	Amends code § 24.7-3, subdivisions (Title 16)
1347	1/2/1974	Repeals and reenacts code Chapter 22 except repeals and replaces code Ch. 22.2-14, building (Repealed by 1636)
1355	1/2/1974	Amends prior code §§ 22.1 and 22.2-1, buildings (15.04)
1368	3/5/1974	Adds prior code § 22.3-1(1), building code (Not codified)
1376	5/7/1974	Adds prior code Ch. 4.35, building advisory committee (Repealed by 1956)
1385	7/2/1974	Amends §§ 2.1, 2.3, 16.7, 17.2, 17.3, 18.1, 18.2, 18.3, 20.25 of Ord. 1004, adds §§ 15.5 and 20.42 to Ord. 1004, zoning (18.04, 18.56, 18.60, 18.64)
1390	9/3/1974	Adds (11) to § 4.2, (11) to § 5.2, (18) to § 6.2, (18) to § 7.2 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20)
1391	9/3/1974	Adds (10) to § 4.2, (10) to § 5.2, (17) to § 6.2, (17) to § 7.2, (27) to § 8.1, (17) to § 9.1 and (g) to § 14.2-3 of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20, 18.24, 18.28, 18.48)
1392	9/3/1974	Adds § XXIV, §§ 24.1 and 24.2, developing resource district, to Ord. 1004, zoning (18.38)
1414	3/4/1975	Amends §§ 4.2(6), 5.2(4), 6.2(3), 7.2(3), 8.2(3) and 12.2(5) of Ord. 1004, zoning (18.08, 18.12, 18.16, 18.20, 18.24, 18.40)
1420	4/15/1975	Amends Title 15, buildings and construction (15.04, 15.24, 15.28)
1442	7/15/1975	Amends §§ 16.40.010, 16.40.030, 16.40.040, 16.40.060 and 16.40.110, subdivisions (Title 16)
1444	8/5/1975	Amends §§ 18.04.160, 18.08.020K, 18.12.020K, 18.16.020R, 18.20.020R, and adds a section to Ch. 18.04, zoning (18.04, 18.08, 18.12, 18.16, 18.20)
1452	10/17/1975	Amends §§ 16.04.020 and 16.28.020, subdivisions (Title 16)
1456	11/4/1975	Amends §§ 18.24.020 and 18.28.020, zoning (18.28)
1461	11/18/1975	Amends §§ 16.24.060, 16.24.070 and 16.24.160G, subdivisions (Title 16)
1491	3/2/1976	Amends § 18.48.070, zoning (18.48)
1492	3/2/1976	Adds § 18.40.050, zoning (Repealed by 3617)
1513	7/6/1976	Amends § 18.48.070, zoning (18.48)
1518	8/3/1976	Amends § 18.40.040, zoning (Repealed by 3617)
1520	8/17/1976	Adds (C) to § 16.40.030, subdivision improvements (Title 16)
1537	12/7/1976	Adds subsection N to § 15.08.020, building code (Repealed by 1636)
1576	6/7/1977	Adds to § 16.28.090, subdivisions (Title 16)
1610	9/20/1977	Adds subsection E to § 16.28.090, subdivision design (Title 16)

Table IV Building

Ordinance	Date	Building Code Ordinances
1628	12/20/1977	Amends §§ 18.04.010, 18.04.030, 18.04.040, 18.04.060, 18.04.190, 18.04.200, 18.04.210, 18.04.260, 18.04.280, 18.04.290, 18.04.300, 18.04.340, 18.04.360, 18.04.420, 18.08.020K, 18.08.030, 18.08.050, 18.08.060, 18.08.070, 18.08.080, 18.12.020K, 18.12.030, 18.12.050, 18.12.070, 18.12.080, 18.16.020E, 18.16.030, 18.16.040, 18.16.070, 18.16.090, 18.20.020F, 18.20.030, 18.20.040, 18.20.070, 18.20.090, 18.24.010, 18.24.020,18.24.030, 18.24.040, 18.24.050, 18.24.060, 18.28.020R, 18.28.030, 18.28.040, 18.28.050, 18.28.060, 18.36.020A and C, 18.36.050, 18.36.060, 18.48.010B, 18.48.040B2 and E, 18.48.050, 18.52.040, 18.60.030, 18.68.030A and Ch. 18.40; adds §§ 18.04.112, 18.04.123, 18.04.178, 18.04.216, 18.04.218, 18.04.308, 18.04.341, 18.04.348, 18.04.356, 18.04.358, 18.08.020L, 18.08.090, 18.12.020L, 18.12.090, 18.16.100, 18.16.110, 18.20.020S, 18.20.100, 18.20.110, 18.24.070, 18.28.020 U and V, 18.28.070, 18.48.020E6, 18.64.040, Chs. 18.13, 18.41, 18.42, 18.43, 18.45 and 18.46; repeals §§ 18.04.200, 18.04.430, 18.48.060, 18.52.050, and Chs. 18.32 and 18.44, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.40, 18.42, 18.43, 18.45, 18.46, 18.48, 18.52, 18.60, 18.64, 18.68)
1640	1/17/1978	Amends § 15.04.060, building permits (15.04)
1658	4/18/1978	Amends § 18.20.070, zoning (18.20)
1708	9/5/1978	Adds Ch. 15.14, floodplain building code (15.14)
1709	9/5/1978	Amends § 16.28.061, flood protection (Title 16)
1710	9/5/1978	Amends Ch. 18.45, floodplain regulations (18.45)
1711	9/5/1978	Adds §§ 16.08.085, 16.08.095, 16.12.015, 16.12.025, 16.12.110, 16.12.120, 16.16.070, 16.24.015 and 16.24.160; amends §§ 2.60.090, 16.04.020, 16.08.030, 16.08.040, 16.08.050, 16.08.060, 16.08.070, 16.08.090 16.08.100, 16.08.110, 16.12.010, 16.12.020, 16.12.030, 16.12.040, 16.12.050, 16.12.070, 16.12.080, 16.16.010, 16.16.020, 16.16.030, 16.16.040, 16.16.050, 16.20.030, 16.24.010, 16.24.030, 16.24.180, 16.28.010, 16.28.020, 16.28.030, 16.28.040, 16.28.090, 16.32.010, 16.32.020, 16.32.030 and 16.32.040, subdivisions (Title 16)
1782	5/15/1979	Amends § 18.40.020(B) (1), zoning (Repealed by 3617)
1826	12/4/1979	Adds subsection C to § 16.40.100, subdivisions (Repealed by 1914)
1827	12/4/1979	Adds subsection H to § 16.36.030, subdivisions (Title 16)
1847	2/5/1980	Adds subsection S to § 18.16.020, zoning (18.16)
1886	5/20/1980	Adds subsection D to § 15.28.020, Uniform Fire Code (Repealed by 4347)
1914	10/21/1980	Adds subsection C to § 12.04.010 and T to § 16.04.020; amends §§ 12.20.010, 12.20.060, 16.28.015, 16.40.010 and 16.40.130; deletes §§ 12.20.050, 12.20.070, 12.20.080, 12.20.090, subsections C, D, E, F, G, H, I, J, K and L of § 16.28.020, §§ 16.40.090, 16.40.100, 16.40.110 and 16.40.120, development standards and specifications (12.04, 12.20, Title 16)
1932	12/2/1980	Adds § 18.04.127, subsection U to §§ 18.16.020 and 18.20.020, subsection N to § 18.24.020 and subsection W to § 18.28.020, zoning (18.04, 18.16, 18.20, 18.24, 18.28)
1934	12/2/1980	Adds subsections G, H, I and J to § 18.36.010, §§ 18.36.025, 18.36.080 and 18.46.030; amends §§ 18.36.010, 18.36.020, 18.36.060, 18.46.010 and 18.46.020, zoning (18.36, 18.46)
1943	12/16/1980	Amends subsection G of § 16.24.160 and subdivision 3 of subsection A of § 18.40.020, letter certification (16.24, 18.40)
1951	4/7/1981	Amends § 16.32.040A, subdivisions (Title 16)
2002	11/17/1981	Adds §§ 18.16.020R and 18.20.020R, zoning (18.16, 18.20)
2010	12/1/1981	Amends § 18.45.030B and C, zoning (18.45)
2012	12/1/1981	Amends § 18.04.410 and Ch. 18.41, zoning (18.04)
2013	12/1/1981	Adds § 18.41.080, zoning (Repealed by 3896)
2021	12/15/1981	Adds to §§ 18.08.040, 18.12.040, 18.13.050, 18.16.040 and 18.20.040; amends § 16.12.015A5, subdivisions and zoning; repeals §§ 18.08.020K, 18.08.090C, 18.12.020K, 18.12.090D, 18.13.030K, 18.13.110C, 18.16.020R, 18.16.110C, 18.20.020R and 18.20.110C (Title 16, 18.08, 18.12, 18.13, 18.16, 18.20)
2025	2/16/1982	Adds subsection L to § 15.08.020, building code (Repealed by 4348)
2050	8/17/1982	Adds §§ 18.16.020(V), 18.20.020(V), 18.24.010(V), and 18.28.010(R); amends §§ 18.16.030(A), 18.20.030(A), 18.24.070 and 18.28.070, zoning (18.16, 18.20, 18.24, 18.28)
2064	11/16/1982	Adds §§ 13.04.036, 13.04.245, 16.36.030(I) and 16.36.035; amends §§ 16.36.030(A), 16.36.030(C) and 16.36.030(F), raw water rights (13.04, Title 16)
2071	12/21/1982	Amends § 16.36.031(C), subdivisions (Title 16)

Table IV Building

Ordinance	Date	Building Code Ordinances
2078	2/15/1983	Amends § 15.24.010, electrical code (15.24)
2096	7/5/1983	Adds § 12.28.045 and 18.48.040A5, signs (18.48)
3045	1/3/1984	Adds Ch. 16.38, service cost recovery system (Title 16)
3082	6/5/1984	Amends subsection A of and adds subsection J to § 16.36.030, subdivisions (Title 16)
3091	8/7/1984	Amends § 15.04.010, Ch. 15.08, §§ 15.10.020, 15.10.035(A)(2), 15.12.020, 15.16.010, 15.16.020(A), 15.16.030, 15.16.050, 15.20.010, 15.20.020, 15.20.060, 15.24.010, 15.24.060, 15.24.090, 15.28.010, 15.28.020, 15.48.010 and 15.52.010, uniform codes; repeals Ch. 9.08 (15.04, 15.24)
3096	8/21/1984	Amends §§ 18.13.050, 18.16.040 and 18.20.040; repeals language in §§ 18.08.040 and 18.12.040, zoning (18.13, 18.16, 18.20)
3103	11/20/1984	Adds §§ 18.24.010(W) and 18.28.010(S); repeals §§ 18.24.020(G) and 18.28.020(R), zoning (18.24, 18.28)
3164	5/21/1985	Amends §§ 18.24.010, 18.24.020 and 18.28.010; repeals § 18.24.020(H), zoning (18.24, 18.28)
3186	8/6/1985	Amends § 15.08.020 (T), Uniform Building Code (Repealed by 4348)
3199	8/20/1985	Amends § 18.40.020 (A)(2), Use by Special Review (Repealed by 3617)
3200	8/20/1985	Adds §§ 18.24.010 (Y) and 18.28.010 (U), zoning (18.24, 18.28)
3263	3/18/1986	Adds § 16.16.031, preliminary subdivision maps (Title 16)
3281	6/3/1986	Amends § 18.48.040(E), zoning (Repealed by 3609)
3282	6/3/1986	Amends § 18.12.020(J), zoning (18.12)
3348	11/18/1986	Adds § 18.40.015, special review uses (Repealed by 3617)
3349	11/18/1986	Amends § 18.04.212 (B), group care faciliites (18.04)
3383	1/20/1987	Adds § 18.04.375, zoning (18.04)
3386	1/20/1987	Amends § 18.60.010 (A), zoning (18.60)
3421	6/15/1987	Adds § 18.24.010(Z); amends §§ 18.24.030 and 18.24.070(A), zoning (18.24)
3439	9/1/1987	Adds §§ 18.04.340.5, 18.24.010(AA) and 18.28.010 (V), zoning (18.04, 18.21, 18.28)
3440	9/1/1987	Amends § 18.45.020, zoning Floodplain Regulations (18.45)
3441	9/1/1987	Adds §§ 15.14.005, 15.14.020(X) through (AJ), 15.14.040(D), 15.14.050(B) (4) and (5), 15.14.072 and 15.14.074; amends §§ 15.14.010, 15.14.020 (introductory sentence and subsections (I), (P), (Q), (R) and (V)), 15.14.060 and 15.14.070(A) and (B), floodplain building code (15.14)
3473	12/1/1987	Amends § 18.40.025, zoning (Repealed by 3617)
3491	2/16/1988	Amends § 16.08.110, subdivisions (Title 16)
3493	2/16/1988	Adds language to § 16.12.120(C), adds §§ 16.16.080, 18.04.040(C) and 18.40.020(A)(3); adds (C) to, amends (B) of and repeals the second sentence from (A) of § 18.64.020; amends §§ 16.08.080(A), 16.16.070, 16.24.010, 18.40.030(E) and 18.60.030(A) and (D); repeals (B) from § 16.08.090, subdivisions and zoning (Title 16, 18.04, 18.40, 18.60, 18.64)
3500	4/5/1988	Adds (C) and (D) to § 18.60.010, zoning (18.60)
3501	4/5/1988	Adds Ch. 18.72, Vested property rights zoning (18.72)
3529	8/2/1988	Adds § 15.08.030, building code (Repealed by 3842)
3536	9/6/1988	Adds § 18.16.020(X), zoning (18.16)
3537	9/6/1988	Adds §§ 18.08.020(O), 18.12.020(O), 18.13.030 (M), 18.16.020(W) and 18.20.020 (W); amends § 18.04.190, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20)
3552	1/3/1989	Amends § 1 of Ord. 3536 so that it adds subsection (X) rather than (W) to § 18.16.020, zoning (18.16)
3571	3/21/1989	Amends §§ 18.04.090 and 18.04.190, zoning (18.04)
3574	4/4/1989	Amends §§ 18.08.070, 18.12.070, 18.13.080, 18.16.070 and 18.20.070, zoning; repeals § 18.52.020(D) (18.08, 18.12, 18.13, 18.16, 18.20, 18.52)
3609	9/5/1989	Adds Ch. 18.50, zoning; repeals § 18.48.020 (18.50)
3616	11/7/1989	Repeals and replaces Ch. 18.47, zoning (18.47)
3617	11/7/1989	Repeals and replaces Ch. 18.40, zoning (18.40)
3629	12/19/1989	Adds §§ 18.04.020(C), 18.24.020(O), 18.28.020(X), 18.48.080 and 18.56.100; amends §§ 18.24.010(W), 18.28.010(S) and 18.56.060, zoning (18.04, 18.24, 18.28, 18.48, 18.56)
3630	1/2/1990	Adds §§ 18.04.098, 18.04.306, 18.04.309, 18.04.335, 18.04.357.1, 18.04.357.2, 18.04.357.3, 18.04.403, 18.24.020(P) and (Q), 18.28.020(Y) and (Z), 18.36.010(K), 18.36.020(E), 18.48.010(B)(14) and 18.52.050; amends name of Ch. 18.52, zoning (18.04, 18.24, 18.28, 18.36, 18.48, 18.52)
3631	1/2/1990	Adds §§ 18.50.020(14) and 18.50.150(D) and (E), zoning (18.50)
3632	1/2/1990	Repeals § 18.48.020 (E)(6), zoning Home Occupations(18.48)

Table IV Building

Ordinance	Date	Building Code Ordinances
3655	5/1/1990	Adds § 18.04.357.3; amends §§ 18.13.030, 18.24.010, 18.28.010 and 18.28.020, zoning (18.04, 18.13, 18.24, 18.28)
3703	11/20/1990	Amends § 18.50.070(D), zoning signs (18.50)
3710	1/22/1991	Amends 18.50.050, signs zoning (18.50)
3711	1/22/1991	Amends § 18.50.020(N)(3) and (S)(1), signs zoning (18.50)
3721	2/19/1991	Amends § 18.04.160, two family dwelling zoning (18.04)
3765	9/3/1991	Amends § 18.52.020, Yard Regulations zoning (18.52)
3776	10/15/1991	Amends §§ 18.50.070, 18.50.100 and 18.50.150; deletes § 18.04.370, zoning (18.50)
3785	11/19/1991	Amends § 18.60.030, variances zoning (18.60)
3786	11/19/1991	Amends §§ 18.68.040(A) and 18.68.050, zoning enforcement (18.68)
3787	11/19/1991	Amends §§ 18.04.123, 18.16.010, 18.16.020, 18.20.010 and 18.20.020, zoning (18.04, 18.16, 18.20) combined use developments
3845	10/6/1992	Adds §§ 1.28.015 and 1.28.060, municipal court; amends §§ 1.12.010, 1.12.020, fines and penalties; 2.20.030, officials of city--employees; 10.04.070(B), 10.28.100, vehicles and traffic; 13.16.010(N)(3), cable TV systems; 15.04.190(B), buildings and construction--general provisions and 18.68.070, zoning (1.12, 1.28, 2.20, 10.28, 13.16, 15.04, 18.68)
3855	11/17/1992	Amends § 16.38.025, subdivisions (Repealed by 4019) CEF Industrial
3870	1/5/1993	(A)(6), (B)(4) and (B)(5) of § 18.48.070; repeals subsection (B)(6) of § 18.48.070, zoning (18.48) Fences Hedges and walls
3896	5/4/1993	Repeals and replaces Ch. 18.41, unit development requirements and procedures; repeals §
3897	5/4/1993	Amends §§ 18.50.150(C)(2) and (4), nonconforming signs (18.50)
3932	10/5/1993	Amends §§ 16.08.050 and 18.64.020(D), subdivisions and zoning (Title 16, 18.64)
3932	10/5/1993	Amends §§ 16.08.050 and 18.64.020(D), subdivisions and zoning (Title 16, 18.64)
3937	10/19/1993	Adds § 15.08.020(V), building code (Repealed by 4348)
3983	3/15/1994	Amends §§ 18.40.005, 18.40.010A, 18.40.055B, zoning (18.40)
4009	6/7/1994	Amend Code: Add subsection G to § 16.24.180 and amends § 16.36.030 (A), subdivisions (Title 16)
4017	7/5/1994	Adds § 18.48.100, zoning (18.48)
4019	7/5/1994	Amends §§ 16.38.020, 16.38.045, 16.38.050 and 16.38.070(A); repeals §§ 16.38.025, 16.38.026 and 16.38.027, subdivisions (Title 16)
4022	7/19/1994	Amends §§ 13.04.030, 13.08.030 and 13.08.080 (D)(1), utility system and development impact fees (13.04, 13.08, 13.18)
4026	8/1/1994	Waives certain development fees CMS Facility
4034	10/18/1994	Amends § 18.60.040, zoning board(18.60)
4044	11/1/1994	Amends § 18.41.030, zoning PUD (18.41)
4053	12/20/1994	Amends § 18.68.050(B); repeals § 18.04.240, zoning (18.68)
4054	12/20/1994	Amends § 16.38.020, including table, subdivisions (Title 16)
4085	4/18/1995	Adds § 18.52.025 and amends § 18.56.070, zoning (18.52, 18.56)
4089	5/16/1995	Adds subsections (L)(3) and (R)(2.5) to § 18.50.020; amends §§ 18.50.050, 18.50.070 and 18.50.170; repeals subsection M of § 18.50.050 and reletters following subsections, zoning (18.50)
4096	6/20/1995	Adds § 16.36.040, creating a native raw water storage fee (Title 16)
4101	7/5/1995	Adds subsection W to § 15.08.020, building code (Repealed by 4348)
4105	7/18/1995	Amends capital expansion fees table in § 16.38.020, subdivisions (Title 16)
4106	7/18/1995	Adds §§ 18.04.373, 18.08.075, 18.12.075, 18.13.085, 18.16.075, 18.20.075, 18.24.035, 18.28.035, 18.36.045 and Ch. 18.54; repeals and replaces § 18.04.120, zoning (18.04, 18.08, 18.12, 18.13, 18.16, 18.20, 18.24, 18.28, 18.36, 18.54)
4116	8/15/1995	Amends § 16.38.070(A), subdivisions (Title 16)
4117	8/15/1995	Amends § 16.04.020(R), subdivisions (Title 16)
4121	9/19/1995	Approves agreement regarding a donation, lease agreement and waiver of certain
4124	10/17/1995	Amends §§ 12.28.045 and 18.50.050, signs (18.50)
4155	2/20/1996	Amends § 16.08.010, planning commission (Title 16)
4160	3/5/1996	Amends § 18.52.025, zoning (18.52)
4170	4/16/1996	Adds Ch. 16.41, subdivisions (Title 16)

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Ordinance	Date	Building Code Ordinances
4185	7/2/1996	Adds §§ 18.04.138, 18.04.268, 18.04.373 [18.04.372], 18.04.382, 18.40.020(A)(5), 18.48.010 (C)(5), 18.50.020(B)(2.5), (C)(0.5), (C)(0.75), (I)(4), (L)(4) and (P)(5), 18.50.085, 18.50.100(B)(12), 18.50.130, 18.50.150(A)(8) and 18.52.060(K), (L) and (M); amends §§ 18.04.125.5, 18.04.140, 18.04.150, 18.04.200, 18.04.450, 18.48.070, the index to Ch. 18.50, 18.50.020(A)(1), (A)(3), (B)(3), (M)(3) and (T)(1), 18.50.030(D), 18.50.040(A), 18.50.050(H), (I), (J) and (L), 18.50.070(A), 18.50.080(A), 18.50.100(A) (1), (A)(2)(h)(ii), (B)(2)(h)(ii) [(B)(2)(f)(ii)] and (B)(10), 18.50.150(A)(5), (C)(5) and (E), 18.52.060(C) and 18.60.040; amends and renumbers §§ 18.50.100(A)(3) through (A)(5)(c) to be (A)(3)(a) through (c), 18.50.100(B)(3) through (B)(13) to be (B)(3) through (B)(11); renumbers § 18.40.020(A)(5) to be 18.40.020(A)(6); repeals, replaces and renumbers §§ 18.50.058 to be 18.50.190 and 18.50.100(C) to be 18.50.095; repeals and replaces §§ 18.50.020(A)(2) and 18.50.090, zoning (18.04, 18.40, 18.48, 18.50, 18.52, 18.60)
4186	7/2/1996	Amends § 18.41.050(E)(3)(a) and (E)(4), zoning (18.41)
4193	8/20/1996	Amends §§ 16.39.030(A) and (C) and 16.39.050(A), subdivisions (Title 16)
4194	8/20/1996	Amends § 18.41.050(E)(3)(a), zoning (18.41)
4207	10/15/1996	Uniform Fire Code 1991
4208	10/15/1996	UBC 1991
4260	5/6/1997	Amend 15.24 Repeal & Reenact 15.24.010, 15.24.020 Adopt 1996, National Electrical Code
4267	5/20/1997	UBC 15.08.020
4268	5/20/1997	UFC 15.28.020
4347	7/21/1998	UFC 1997
4348	7/21/1998	Adopt 1997 UBC, Mechanical, Housing etc
4353	7/7/1998	Amend 15.28.110 Above Ground Storage Tanks
4354	7/7/1998	Amend 15.04
4448	7/6/1999	18.68 Enforcement of Building & Zoning Codes
4531	4/4/2000	Amends 18.68.045 Enforcement of Building & Zoning Codes
4607	2/20/2001	Amend UBC, Mechanical, Plumbing, Electrical Codes
4681	11/20/2001	Amend UBC 15.08.020
4724	7/2/2002	15.56,2.60 Create Historic Preservation Code
4759	12/17/2002	Adopt 2002 National Electric Code
4814	7/15/2003	Amend Chapter 15.98, building codes; 18.48 accessory uses & 18.60 zoning BOA
4822	8/19/2003	Amend 15.14 & 18.45 Floodplain Building Code
4950	12/7/2004	Amend 15.14 Floodplain Building Code
5018	10/18/2005	Amend Contractor License
5026	11/3/2005	2003 IBC
5027	11/3/2005	2003 Residential Code
5028	11/3/2005	2003 Property Maintenance Code
5029	11/3/2005	2003 Mechanical Code
5030	11/3/2005	2003 Fuel Gas Code
5031	11/3/2005	2003 Plumbing Code
5037	11/15/2005	18.53 Commercial & Industrial Architectural Standards
5189	6/5/2007	Repeal & Reenact 15.28 2006 Fire Code
5234	9/18/2007	2006 International Building Code
5235	9/18/2007	2006 Residential Code
5240	9/18/2007	2006 International Existing Building Code
5390	2/17/2009	CAB abatement unsafe bldgs 15.04
5452	9/15/2009	Temp waiver of certain fees
5455	10/20/2009	Building Contractors Licensing 15.30
5485	2/16/2010	Amend Code 15.04.070; 16.08.010 City Project Fees
5488	4/10/2010	Building Permit Fee Waivers
5581	5/7/2011	Amend Code - Titles 16 & 18 regarding appeals provision
5594	6/25/2011	Amend Code - Title 18.04.279, Off Tack Betting Fac
5596	6/25/2011	Amend Code - Titile 18 BE Establ. Business District Chapter 18.24
5597	6/25/2011	Amend Code - Title 18 Build Heights Chapter 18.54
5601	7/9/2011	2009 Edition Existing Building Code
5610	7/9/2011	Amend Code - Title 15 Historic Preservation Chapter 15.56
5614	8/6/2011	Amend Code - Construction Contracts retainage 3.12.140 & 3.12.1550
5618	8/20/2011	Amend Code - 2.60.070 Dissolve Communications Technologies Comm
5619	8/20/2011	Amend Code - Title 16 Affordable Housing 16.08.010, 16.38.085, 16.43

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Ordinance	Date	Building Code Ordinances
5623	9/24/2011	Amend Code -18.50 temporary & minor exempt signs
5698	8/11/2012	Historic Landmark designation for Ray House/Hauseman House
5703	9/22/2012	Historic Landmark designation Mariano Medina Family Cemetery
5717	11/10/2012	Floodplain Regulations
5733	12/22/2012	Signature Authority Real Property Leases
5743	2/23/2013	Historic Landmark designation-Loveland Elks Lodge; Lovelander Hotel
5753	3/23/2013	Amend Code - Oil & Gas Title 18
5756	4/20/2013	Repealing & Reenacting Chapter 18.05
5772	6/22/2013	Amend Code - 15.08 Intern. Building Code 2012 - Adoption
5773	6/22/2013	Amend Code - 15.10 Intern. Residential Code 2012
5774	6/22/2013	Amend Code - 15.12 Intern. Property Mainten. Code 2012
5775	6/22/2013	Amend Code - 15.16 Intern. Mechanical Code 2012
5776	6/22/2013	Amend Code - 15.18 Intern. Fuel Gas Code 2012
5777	6/22/2013	Amend Code - 15.20 International Plumbing Code 2012
5778	6/22/2013	Amend Code - 15.28 International Fire Code 2012
5779	6/22/2013	Amend Code - 15.48 Intern. Engergy Conservation Code 2012
5780	6/22/2013	Amend Code - 15.52 Intern. Existing Building Code 2012
5781	6/22/2013	Amend Code - 15.04 Intern. Codes Adopted by Reference 2012
5782	6/22/2013	Amend Code - 1.08 Right of Entry for Inspection
5817	10/15/2013	Emerg Ord Building Permit Fees- Waived for flood related
5823	11/5/2013	Amend Ord #4971; historic landmark for Feed & Grain Building
5824	11/5/2013	Supp App House of Neighborly Svc-for Life Center
5825	11/5/2013	Supp App for GID #1 for Downtown Parking lot imprv
5826	11/5/2013	Emerg Ord Amend Ord #5817 for Building permit fee waiver and use tax
5827	11/5/2013	Emerg Ord for Business Flood Relief
5834	12/3/2013	Emerg Supp App for Idylwilde Dam Removal
5834	12/3/13	Emergency Supp App for Idylwilde Dam Removal
5845	3/4/2014	Code Amd Various Title 18
5846	3/4/2014	Code Amd18.16.110; Limited signs
5847	3/4/2014	Code Amd 18.60.020 ZBA
5870	8/5/2014	Historic Designation-Scott House
5908	12/2/2014	Sale of Fire Station No. 2
5911	1/20/2015	Supp App for Arcadia Hotel
5914	1/20/2015	Supp App South Catalyst Project
5923	3/17/2015	Supp App for Lincoln Hotel Settlement
5927	4/7/2015	Establishment of the DDA
5936	5/19/2015	Sale of Property on Rossum Dr.
5940	7/7/2015	Supp App for Building Div Insp and Permits
5955	8/18/2015	Supp App Façade Grant
5956	9/1/2015	Supp App Cemetery Shop Phase I
5960	10/6/2015	Historic Designation Substation
5962	10/20/2015	Amend Code Historic Preservation 2.60.130

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