City of Montrose

Regulations Manual

REVISION AND TRANSMITTAL RECORD
REVISION #17

The documents for the latest revision to the City Regulations Manual are attached to this transmittal. Please compare the revision number on this transmittal to the previous Revision Record in your Regulations Manual to ensure that all revisions have been received. After confirming that no revisions have been missed, replace the outdated Revision Record and insert the revised material into the appropriate section of the Manual.

If it appears that any revisions to your Manual are missing, they can be obtained by contacting the City Clerk. It is the responsibility of each individual to familiarize themselves with all revisions at the time that they are received.

Revision #	Date	Title/Chapter
17	05-24-2012	Title 2, Chapter 11, Section 2, Scrivener's Error Title 3, Table of Contents Title 3, Chapter 1, Fee Schedule Title 3, Chapter 3, Cemetery Regulations Title 3, Chapter 5, Regulations Regarding Permitted Use of City Rights of Way Title 3, Chapter 6, Regulations Regarding Use of City Parks & Facilities Title 3, Chapter 15, Street Paving and Maintenance Title 5, Table of Contents Title 5, Chapter 1, Policy Regarding Sales and Use Tan on Leases and Rentals of Personal Property Title 5, Chapter 10, Administration of Sales & Use Tax Penalty Provisions Title 7, Chapter 4, Scrivener's Error Title 9, Table of Contents Title 9, Chapter 1, Introduction – Policies and Procedures for Public Improvement Projects for the City of Montrose, Colorado Title 9, Chapter 2, Water Distribution System Standards Title 9, Chapter 3, Sanitary Sewer System Standards Title 9, Chapter 4, Street System Standards Title 9, Chapter 5, Concrete Standards Title 9, Chapter 6, Drainage & Erosion Control Standards

City of Montrose
Regulations Manual

TABLE OF CONTENTS

Titles:

1	**EMPLOYEE REGULATIONS**
2	**SAFETY PROGRAM**
3	**ADMINISTRATIVE REGULATIONS**
4	**LAND USE & BUILDING REGULATIONS**
5	**FINANCE REGULATIONS**
6	**OPERATION OF CITY UTILITIES**
7	**COUNCIL POLICIES**
8	**MANUALS**
9	**ENGINEERING SPECIFICATIONS**

TITLE 1

EMPLOYEE REGULATIONS

Chapters:

1-1 INTRODUCTION

1-2 EMPLOYMENT

1-3 SALARY AND PAY PRACTICES

1-4 EMPLOYEE BENEFITS

1-5 LEAVES OF ABSENCE

1-6 EMPLOYEE CONDUCT

1-7 PROBLEM SOLVING

1-8 MISCELLANEOUS

1-9 POLICE DEPARTMENT MONEY PURCHASE PLAN

1-10 CITY PENSION PLAN

CHAPTER 1-1

INTRODUCTION

Section:

1-1-1: DISCLAIMER

IMPORTANT

THESE REGULATIONS ARE DESIGNED TO ACQUAINT EMPLOYEES WITH THE CITY OF MONTROSE AND PROVIDE INFORMATION ABOUT WORKING FOR THE CITY. THESE REGULATIONS ARE NOT ALL-INCLUSIVE, BUT INTENDED TO PROVIDE EMPLOYEES WITH A SUMMARY OF SOME OF THE CITY'S REGULATIONS. THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS.

EMPLOYMENT WITH THE CITY OF MONTROSE IS CONSIDERED AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE CITY HAS THE SAME RIGHT. THE LANGUAGE USED IN THESE REGULATIONS AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A CONTRACT OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE CITY OF MONTROSE, OTHER THAN THE CITY MANAGER, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CITY MANAGER AND THE EMPLOYEE.

NO EMPLOYEE REGULATIONS CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THESE REGULATIONS, AN EMPLOYEE WITH QUESTIONS SHOULD TALK WITH HIS/HER IMMEDIATE SUPERVISOR OR THE HUMAN RESOURCES DEPARTMENT. ALSO, THE NEED MAY ARISE TO CHANGE THE REGULATIONS DESCRIBED HERE. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE CITY RESERVES THE RIGHT TO INTERPRET OR CHANGE THEM WITHOUT PRIOR NOTICE.

CHAPTER 1-2

EMPLOYMENT

Sections:

1-2-1 EQUAL EMPLOYMENT OPPORTUNITY/HARASSMENT

1-2-2 JOB OPENINGS

1-2-3 INTERNAL AND EXTERNAL JOB POSTINGS AND APPLICATIONS

1-2-4 EMPLOYEE STATUS

1-2-5 EMPLOYEE RECORDS

1-2-6 SECONDARY EMPLOYMENT

1-2-7 RESIGNATION AND TERMINATION

1-2-8 EXIT INTERVIEWS

1-2-9 REFERENCES

1-2-1: EQUAL EMPLOYMENT OPPORTUNITY/HARASSMENT

The City of Montrose is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age, race, sex, color, religion, national origin, disability, sexual orientation, veteran status, or any other applicable status protected by state or local law. This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct, which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

(A) The City will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the City.

(B) Sexual Harassment: the City strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

(1) Submission to such conduct is made explicitly or implicitly a term or condition of employment.

(2) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.

(3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(C) All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

(1) Written form, such as cartoons, posters, calendars, notes, letters, e-mail.

(2) Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.

(3) Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

(D) Complaint Procedure: if an employee believes there has been a violation of the Equal Employment Opportunity policy or harassment based on the protected classes outlined above, including sexual harassment, the following complaint procedure should be used. The City expects employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of this policy.

(1) An employee should report the incident to his or her supervisor, manager or department head that will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the human resources director or city manager.

(2) The City prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If an employee believes there has been a violation of the City's Equal Employment Opportunity policy or retaliation standard, the complaint procedure contained in the sexual harassment policy.

(3) If the City determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

(E) Anti-violence: employees must not engage in intimidation, threats, or hostile behaviors, physical/verbal abuse, vandalism, arson, sabotage, or any other act, which in management's opinion is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated.

(Res. 2010-10, 03-04-2010)

1-2-2: JOB OPENINGS

The City Manager has the authority and responsibility for the hire, promotion, transfer, termination or reassignment of all employees.

Application forms for vacant positions are available at City Hall and on the City's web site. The City only accepts applications for specific positions, not general applications.

1-2-3: INTERNAL AND EXTERNAL JOB POSTINGS AND APPLICATIONS

A City employee whose current performance review "Meets Requirements" or higher and with a minimum of six (6) consecutive months in his or her current positions may apply for open positions for which they are qualified.

Internal candidates are encouraged to advise their supervisors of their intent to apply for a different position and likewise supervisors are encouraged to support an employee's upward mobility when he/she is applying for different positions within the organization.

External applicants may apply for open positions before the posted deadline. Certain applicants may be excluded from consideration of employment due to the sensitive or confidential nature of the position. The City will not employ relatives in positions where one relative has access to confidential information.

1-2-4: EMPLOYEE STATUS

(A) Full Time Employees occupy positions for an indefinite period with a minimum of thirty-two (32) hour workweeks. Full time employees are currently eligible for City benefits as outlined in these guidelines.

(B) Part Time Employees occupy positions for an indefinite period with a normal workweek of less than thirty-two (32) hours a week. Part time employees are currently eligible for vacation, holidays and sick leave on a prorated basis.

(C) Temporary or Seasonal Employees occupy positions of less than year-round employment or of definite duration, unless otherwise stated. Temporary employees normally are not eligible for participation in City benefits.

(D) Exempt employees are not eligible for overtime pay.

(E) Non-Exempt employees are eligible for overtime pay or compensatory time at one and one-half (1½) times their regular rate of pay for all hours worked in excess of forty (40) hours per workweek. Non-exempt police officers are exempted from this provision based on an eighty (80) hour pay period.

1-2-5: EMPLOYEE RECORDS

The City maintains a personnel file on each employee. An employee, supervisor, department head, City Manager, City Attorney and Director of Human Resources may review the employee's personnel file. An employee may give signed authority to release reference information to a prospective employer for their review.

All written documentation setting forth a disciplinary action, subject to the provisions of Chapter 6 of these Regulations, are included in the employee's personnel file. Written disciplinary actions may, by their own conditional terms, expire after a prescribed period of time.

The Director of Human Resources is the designated custodian of all personnel files.

1-2-6: SECONDARY EMPLOYMENT

Employees may accept employment or temporary assignments with second employers or engage in other business interests. Secondary employment is not compensable by the City nor are employees covered by City insurance. All secondary employment, temporary assignments and other business interests must be approved in writing, in advance, by their supervisors and the City Manager, in order to address any conflict of interest.

1-2-7: RESIGNATION AND TERMINATION

Employees who wish to resign their positions should notify the City of their anticipated departure date and review the separation procedures such as conversion of insurance, return of property and delivery of final paycheck with Human Resources.

1-2-8: EXIT INTERVIEWS

Human Resources may conduct exit interviews for all employees terminating employment with the City.

1-2-9: REFERENCES

If an employee receives a call inquiring about a current or former employee, please refer the call to the Human Resources Department. Employees are not authorized to give either verbal or written references nor letters of recommendation.

CHAPTER 1-3

SALARY AND PAY PRACTICES

Sections:

1-3-1 PAYROLL DATES

1-3-2 WORK HOURS AND WORK WEEK

1-3-3 PROMOTIONS

1-3-4 LATERAL JOB CHANGES

1-3-5 OVERTIME

1-3-6 ON-CALL STATUS / CALL OUT

1-3-7 COMPENSATORY TIME

1-3-8 SHIFT TRADING

1-3-9 VOLUNTEER WORK

1-3-10 TIME RECORDS

1-3-11 PAY AT SEPARATION

1-3-12 EMERGENCY CLOSURE

1-3-13 EMPLOYEE RECOGNITION

1-3-1: PAYROLL DATES

Paydays are scheduled every other Friday. If the regular payday occurs on a holiday, the payday is the last working day before the holiday. For the employees' convenience, the City directly deposits payroll to individual accounts at financial institutions. (Res. 2010-10, 03-4-2010)

1-3-2: WORK HOURS AND WORK WEEK

City Hall hours are 7:30 am to 4:30 pm, Monday through Friday, except on established holidays. Hours of work are set as appropriate. Hours may differ to meet special program needs and work requirements as established by department heads.

1-3-3: PROMOTIONS

A promotion is movement from one position to a higher rated position with a greater salary range in the salary plan. The employee will have a new anniversary date from the date of the change.

1-3-4: LATERAL JOB CHANGES

A lateral job change is movement from one position to another position with an equal salary range in the salary plan. If an employee accepts a lateral job change, the employee's salary may be at a different rate of pay. The employee will have a new anniversary date from the date of the change.

1-3-5: OVERTIME

(A) Non-Exempt Police Officers

Non-exempt police officers will be paid overtime in accordance with current established Police Department policies. Credited compensatory time may not accumulate in excess of eighty (80) hours. Overtime pay is paid in lieu of crediting compensatory time over the eighty (80) hour limit.

(B) All Other Non-Exempt Employees

(1) The established workweek for non-exempt employees is a seven (7) consecutive day period beginning at 12:01 am each Monday and ending at 12:00 midnight on each Sunday. Employees who work in excess of forty (40) hours in any workweek are compensated for the excess hours by either overtime pay or compensatory time at one and one half (1½) times their regular rate of pay.

(2) Credited compensatory time may not accumulate in excess of eighty (80) hours. Overtime pay is paid in lieu of crediting compensatory time over the eighty (80) hour limit.

(3) Authorized leave such as sick leave, vacation, personal holidays, compensatory time, jury duty and other authorized leave, but exclusive of City holidays, is not counted as hours worked for purposes of calculating overtime pay or compensatory time.

(4) Non-exempt employees called for unscheduled emergency duty receive pay or compensatory time equivalent to one and one half (1½) times the hourly wage for all hours worked during such unscheduled duty. This

does not include duties that are voluntarily arranged or traded. Unscheduled duties may not be worked without the advance approval of the supervisor or department head.

(Res. 2010-10, 03-04-2010)

1-3-6: ON-CALL STATUS / CALL OUT

Non-exempt employees on call must keep the City's dispatcher or supervisor notified in order to respond within appropriate time requirements and must remain fit and able to safely and effectively perform all job functions. Employees on call will not be further restricted and may receive one (1) hour of compensation, either in overtime pay or compensatory time for each twenty-four (24) hour period the employee is on call.

(A) Employees called out for an emergency will comply with Section 1-3-5 overtime regulations.

(Res. 2010-10, 03-04-2010)

1-3-7: COMPENSATORY TIME

(A) Non-exempt employees may use accumulated compensatory time from regularly scheduled work at their discretion, upon reasonable notice and prior approval from their supervisors.

(B) Exempt employees are not eligible for compensatory time or overtime pay.

(C) Deductions from pay are permissible when an exempt employee is absent from work for one or more full days or for unpaid disciplinary suspensions of one or more full days.

(D) The City is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act, refer to Regulation 1-5-5. In absences under the FMLA, either partial day or full day deductions may be made.

(E) It is the City's policy to comply with the salary basis requirements of the Fair Labor Standards Act. Therefore, the City prohibits all managers from making any improper deductions from the salaries of exempt employees, as the City does not allow deductions that violate the FLSA.

(F) If an employee believes that an improper deduction has been made from the employee's salary, the employee should immediately report this information to his or her direct supervisor, or to the Finance Department.

(G) Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

(Res. 2010-10, 03-04-2010)

1-3-8: SHIFT TRADING

Subject to the supervisor's approval, an employee may trade shifts, but not for the purpose of arranging overtime work hours.

1-3-9: VOLUNTEER WORK

Volunteer work for the City is not compensable and must be unrelated to the employee's normal work duties. Volunteer work is performed entirely at the employee's option for humanitarian purposes.

1-3-10: TIME RECORDS

Non-exempt employees must record time worked on a daily or weekly basis depending on department head's request. Total hours worked and leave time are included on the time sheet. Exempt employees must record leave time on a bi-weekly basis.

Time sheets are approved by supervisors or department heads on a bi-weekly basis and submitted to payroll.

1-3-11: PAY AT SEPARATION

(A) At separation, an employee who has worked for the City a minimum of ten (10) years and whose performance rating at least "Meets Requirements" is eligible for a bonus of Fifty Dollars ($50) for every year worked as a full-time employee.

(B) At separation, an employee who has worked for the City a minimum of fifteen (15) years and whose performance rating at least "Meets Requirements" may convert one quarter of the accrued sick leave hours, up to a maximum of one hundred (100) hours, into cash.

(C) If an employee is involuntarily terminated from or resigns from employment as a result of a disciplinary action, he/she will not be eligible for pay at separation as stated above.

(Res. 2010-10, 03-04-2010)

1-3-12: EMERGENCY CLOSURE

Emergencies may at times disrupt City operations which may require the closing of a work facility. Employees will be notified of any closure by their supervisors. Employees performing essential operations, as determined by the department head and supervisor, may be required to work on a day when operations are officially closed. City manager, department head and supervisor will determine work status of each employee affected either as on-call status or leave status. (Res. 2010-10, 03-04-2010)

1-3-13: EMPLOYEE RECOGNITION

The City promotes programs that recognize an employee's contribution to the overall objectives of the organization. Monetary awards are considered income for the employee and taxed accordingly. Non-monetary awards are not taxable. (Res. 2010-10, 03-04-2010)

CHAPTER 1-4

EMPLOYEE BENEFITS

Sections:

1-4-1 EMPLOYEE BENEFITS

1-4-2 INSURANCE BENEFITS

1-4-3 OPTIONAL INSURANCE

1-4-4 RETIREMENT PLANS

1-4-5 EMPLOYEE ASSISTANCE PROGRAM (EAP)

1-4-6 WELLNESS PROGRAM

1-4-7 EDUCATIONAL ASSISTANCE

1-4-8 HOLIDAYS

1-4-9 PERSONAL HOLIDAYS

1-4-10 VACATIONS

1-4-11 SICK LEAVE

1-4-12 SICK LEAVE SHARING

1-4-1: EMPLOYEE BENEFITS

The City currently provides medical, dental, long-term disability, life insurance and retirement plans for eligible employees. Eligible employees may choose optional life, accidental death and dismemberment benefits in accordance with their respective plan requirements, which are available in the Human Resources Department. In the event that the information in these regulations conflicts with the terms and conditions of the benefit plan documents, the benefit plan documents supersede. (Res. 2010-10, 03-04-2010)

1-4-2: INSURANCE BENEFITS

The City currently provides life and disability insurance to eligible employees working thirty-two (32) hours or more per week. Employees, and their eligible dependents, share the premium costs for medical and dental insurance. All eligible employees are covered on the first day of the month following one (1) complete month of continuous employment.

1-4-3: OPTIONAL INSURANCE

Eligible employees may currently participate in optional life, accidental death and dismemberment insurance through independent carriers in accordance with their respective plan documents available in the Human Resources Department.

1-4-4: RETIREMENT PLANS

Currently, a tax deferred retirement program (457 Plan) is available to eligible employees beginning immediately on the first day of employment at 100% vesting with a variety of investment options.

Upon completion of six (6) months employment, eligible employees are enrolled in an additional retirement 401 Plan program at an immediate 100% vesting with a variety of investment options. The City currently provides an 8% contribution to the employee's base salary each pay period.

Police officers should refer to regulations entitled "Police Department Money Purchase Plan."

1-4-5: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City currently offers professional services that provide confidential counseling, legal consultations, training and referral services to employees and their dependents. Licensed and qualified counselors and attorneys are available to offer support, evaluation and assistance. Refer to program details available in the Human Resources Department.

1-4-6: WELLNESS PROGRAM

The Wellness Program promotes physical and emotional well being of employees by encouraging participation in health programs to support the body and mind. Wellness funds are reimbursable through payroll and some items are taxable. Refer to program details available in the Human Resources Department.

1-4-7: EDUCATIONAL ASSISTANCE

The City currently reimburses full-time employees up to $2,000 per calendar year for costs incurred in continuing education programs. To be eligible for reimbursement, attendance must be voluntary, completely outside the employee's regular working hours and the employee may not perform any productive work for the City during attendance.

The courses must be part of a program to achieve a high school diploma, college degree, graduate degree or other recognized professional or technical degree from a recognized, accredited and independent *bona fide* institution of learning.

Approval for the course must be submitted to the employee's department head prior to the beginning of the course. Costs eligible for reimbursement, such as tuition, institution fees, books and required course items, must be in a departmental budget available and designated for that purpose. Transportation and food are not eligible for reimbursement.

Following the completion of a course, a copy of the transcript and any receipts must be submitted to the employee's department head for reimbursement. Only coursework with a grade of 'C' or above, or the GPA equivalent, is reimbursable.

Seminars and training courses directly related to the employee's position with the City are not eligible for reimbursement under this program, but through the employee's departmental budget.

If a certification is a requirement for an employee's position as noted in the job description, the City will reimburse fees associated with the certification upon successful completion of the course. A copy of a paid receipt and a copy of the certification are required for reimbursement. An employee must notify his/her supervisor in writing prior to taking a job-related course or test and receive written approval for reimbursement of fees. If an employee does not pass a testing for certification, the fees are not eligible for reimbursement.

Fees or costs associated with obtaining or renewing a commercial driver's license ("CDL") are not covered. Fees incurred for CDL physicals may be submitted to the City's medical insurance claims administrator for reimbursement.

1-4-8: HOLIDAYS

(A) All full-time employees, except for non-exempt police officers, are currently granted certain holidays off with up to eight (8) hours pay. Part-time employees receive a pro rata share of the holidays. Temporary employees are not eligible for paid holidays.

(B) City holidays are New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Friday after Thanksgiving Day and Christmas Day.

(C) When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed on the following Monday. Non-police employees who are called in to work on a holiday are paid for their holiday pay in addition to their regular hours worked. Police officers must review the Police Department policy regarding holiday pay.

(Res. 2010-10, 03-04-2010)

1-4-9: PERSONAL HOLIDAYS

Accrual of personal holidays begins after completing six (6) months of employment. Personal holidays are currently earned by full time employees at the rate of one (1) per quarter and by part time employees at an equivalent rate proportionate to their normal weekly hours worked. Personal holidays do not carry over from one calendar year to the next and are not paid upon termination of employment. If an employee terminates employment prior to earning holidays already taken, any days used are deducted from the employee's vacation days at the time of separation.

1-4-10: VACATIONS

(A) Full time employees are eligible for vacation benefits in accordance with the following vacation schedule. Part time employees are eligible for vacation benefits at an equivalent rate proportionate to their normal weekly hours worked. Temporary employees are not eligible for vacation benefits.

(B) Currently employees are credited with 3.08 hours of vacation time each pay period after the first six (6) months of employment. On the first day of the 5th year of continuous employment the accrual rate changes to 4.62 hours per pay period. Beginning on the first day of the 15th year of continuous employment, the accrual rate changes to 6.16 hours per pay period.

Vacation Granted Per Year	Length of Service
2 weeks	Year 1 through 4 full years of continuous employment
3 weeks	Year 5 through 14 full years of continuous employment
4 weeks	15 or more full years of continuous employment

(C) Employees must provide their supervisors reasonable advance notice prior to taking vacation hours. Vacation time is not accumulated beyond one hundred sixty (160) hours as of December 31st. Upon termination of employment, employees receive pay for earned unused vacation.

(Res. 2010-10, 03-04-2010)

1-4-11: SICK LEAVE

Full time employees currently accrue sick leave at a rate of 3.7 hours leave per pay period. Part time employees currently accrue sick leave at an equivalent rate proportionate to their normal weekly hours. Temporary and seasonal employees are not eligible for sick leave.
When unable to report to work due to illness, doctor, dental and optical visits, employees must notify their supervisors prior to the beginning of their work schedules and complete required

leave request forms. If an ill employee calls his or her supervisor for more than three (3) consecutive working days, a medical certification from a health care provider may be required.

Maximum accrual limit for sick leave is 1440 hours. Sick leave may not be taken before it is accrued, and may only be used when the employee or an immediate family member is ill.

1-4-12: SICK LEAVE SHARING

(A) For eligible employees on family or medical leave, the City grants sick leave sharing for the following reasons: the birth of an employee's child or the placement of a child with an employee for adoption or foster care; an employee's serious health condition making it unable to perform the essential functions of the job; or a serious health condition affecting an employee's spouse, child or parent for which the employee is needed to provide care.

(B) Employees eligible to receive sick leave hours must be employed at least twelve (12) months with the City and have worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months preceding the beginning of the sick leave sharing. Eligible employees will utilize accrued leave before donated sick leave is available for use. Employees must use all but forty (40) hours of vacation time. Sick leave and vacation hours will stop accruing on the last day of the employee's Family Medical Leave Act leave (Regulation Section 1-5-5). The Human Resources Department will manage requests for sick leave sharing.

(C) Employees wishing to share their sick leave time must maintain a minimum of one hundred (100) sick leave hours for themselves.

(Res. 2010-10, 03-04-2010)

CHAPTER 1-5

LEAVES OF ABSENCE

Sections:

1-5-1 LEAVE AUTHORIZATION

1-5-2 FUNERAL LEAVE

1-5-3 MILITARY LEAVE

1-5-4 DOMESTIC ABUSE LEAVE

1-5-5 FAMILY AND MEDICAL LEAVE

1-5-6 LEAVE WITHOUT PAY

1-5-7 WORKER'S COMPENSATION

1-5-8 JURY DUTY

1-5-9 MODIFIED WORK DUTY

1-5-1: LEAVE AUTHORIZATION

All leaves, with the exception of sick leave, must be approved prior to their starting date. Employees must submit a written request to their supervisors for approval prior to the beginning of the leave indicating the type of leave, departure and return dates.

1-5-2: FUNERAL LEAVE

Full time employees are granted 40 hours per calendar year for family funeral leave. For the purposes of this section, family is defined as an employee's spouse, children, siblings, parents, parents-in-law, grandparents and other legal dependents. If an employee seeks additional time for funeral leave, prior managerial approval is required. Any additional funeral leave may be deducted from the employee's accrued compensation time, personal holiday, sick leave or vacation time.

1-5-3: MILITARY LEAVE

Employees are granted military leave and pay in accordance with state and federal laws governing veteran's re-employment rights.

1-5-4: DOMESTIC ABUSE LEAVE

Employees subject to domestic abuse may be eligible for a leave of absence using accrued leave. Please see the Human Resources Department for more information.

1-5-5: FAMILY AND MEDICAL LEAVE

(A) Any employee who has been employed by the City at least twelve (12) months and has worked at least thousand two hundred fifty (1,250) hours during the twelve (12) months preceding the commencement of a leave of absence is eligible for family or medical leave of absence (FMLA Leave) if certain conditions are met.

(B) Employees who return to work from FMLA Leave will be returned to their same job or an equivalent position subject to the requirements of FMLA. Certain highly compensated employees (key employees) may have limited reinstatement rights.

(C) An eligible employee may take a leave for one or more of the following reasons:

(1) Medical Leaves:

(a) The inability of the employee to perform an essential function of his or her position due to a serious health condition or pregnancy-related disability.

(2) Family Leave:

(a) Father's attendance at birth of child.

(b) Parents' care of a newborn, if completed within twelve (12) months following birth of child.

(c) Placement of a son or daughter with the employee for adoption or foster care, if completed within twelve (12) months after date of placement.

(d) Care for an employee's spouse, child, or parent, who has a serious health condition.

(D) If the necessity for the leave is foreseeable, an employee must notify the Human Resources Department of the request for leave thirty (30) days in advance. If the leave is foreseeable based on a planned medical leave, the employee also must make a reasonable effort to schedule treatment so as not to unduly disrupt City operations.

(E) If the Leave is unforeseeable, the employee is expected to give notice to the Human Resources Department of the need for FMLA Leave as soon as practicable under the circumstances, within one or two working days.

(F) An employee requesting a foreseeable Leave must complete an "Application for Leave" and provide appropriate documentation, as may be requested, to verify the reasons for the leave. Any request for Leave based on a serious health condition, whether it involves the employee or a family member, must be made in a timely manner and be supported by appropriate medical certification. Documentation confirming family relationship, adoption, or foster care may be required.

(G) If the Leave stems from an employee's medical condition, the medical certificate must specify that the employee is unable to perform an essential function of his or her job, including the duration of such a work restriction. For leaves stemming from the medical condition of a family member, the medical statement must specify that the employee is needed to care for the family member. In all cases of leave for serious health condition, the City reserves the right to request a second medical opinion at the City's expense.

(H) Failure to provide notification and appropriate medical certification in a timely basis may result in delayed approval or denial of leave. Continued absence after denial of leave may result in disciplinary action.

(I) Each eligible employee may be granted an unpaid FMLA Leave for a period up to twelve (12) weeks during a twelve (12) month period as defined by the City, except in certain situations where both spouses work for the Company. The City uses a "rolling" twelve (12) month period measured backward from the date an employee uses any FMLA leave.

(J) An employee on an unpaid FMLA Leave will be retained on the City health plan the same as active employees, except that the employee must make arrangements with the Finance Department for payment of the employee's portion of the insurance premium. If the employee is on paid leave, appropriate deductions for health insurance will be made from the employee's paycheck. As with other types of unpaid leave, the employee will not accrue any employee benefits during the period of an unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted if on unpaid leave. However, employment benefits accrued by the employee up to the day on which FMLA Leave of absence begins are not lost.

(K) In the event that an employee fails to return from FMLA Leave, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless: (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee,

or a family member; or (2) the failure to return stems from circumstances beyond the control of the employee.

(L) An employee on leave is requested to report periodically on their status and intent to report to work. An employee returning from leave will be reinstated to the same or an equivalent position subject to the rules of FMLA. Certain highly compensated employees may have limited reinstatement rights. Medical certification is required verifying an employee's ability to return to work from medical leave. Failure to return to work on the day after the expiration of Leave may result in termination of employment.

(M) In a limited circumstance as described below, an employee who is eligible for FMLA Leave may be permitted to work a reduced schedule or receive periodic time off from work. In cases of a serious health condition of the employee or a family member, such Leave may be permitted in circumstances when it is medically necessary. Appropriate medical certification will be required. However, where a reduced work schedule or intermittent leave is foreseeable based on planned medical treatment, the City reserves the right to temporarily transfer the employee to a comparable position that better accommodates the employee's recurring periods of Leave.

(N) In other cases in which employees are eligible for FMLA Leave such as pregnancy disability, and child care, adoption, or placement of a child, the City may review the individual circumstances involved in considering reduced schedule or intermittent leave requests. The City may take into account the employee's length of service, number of requests, duties, workload, and employee's job performance in making such decisions. Intermittent Leave will not be granted beyond twelve (12) months following the birth of a child.

(O) Any time off permitted, based on a reduced work schedule or intermittent Leave, will be treated in the same manner as absences under the FMLA Leave guideline, and such absences will be applied against the leave permitted under such guideline.

(Res. 2010-10, 03-04-2010)

1-5-6: LEAVE WITHOUT PAY

Normally, leaves without pay are not granted. If the circumstances warrant a leave, the City Manager may approve the leave for a maximum of thirty (30) days. Insurance coverage continues at the employee's expense.

During periods of leave without pay, vacation and sick leave credits are not accrued. Such leave does not constitute a break in service. If an employee meets the requirements for a leave, the

employee is eligible to return to City employment at the expiration of the leave period. Failure to report to work promptly at the expiration of a leave may result in termination.

1-5-7: WORKER'S COMPENSATION

(A) Any job related injury or illness, regardless of severity, must be reported immediately to the injured employee's supervisor and within four (4) days of the injury or illness to the Human Resources Department.

(B) Employees eligible to receive workers' compensation salary benefits will continue to be paid at their regular rate of pay for a period of sixty (60) days from the date of injury or illness. During the first sixty (60) days, vacation and sick leave continue to accrue. After the first sixty (60) days, the injured employee will not accrue vacation, sick leave or personal holidays and will receive workers' compensation benefits in accordance with established state workers' compensation guidelines.

(C) On the 61st calendar day after the employee's injury, the City's workers' compensation carrier will cover the injured employee's salary at sixty-six and two-thirds percent (66 2/3%) of actual salary until the employee is or is not able to return to work. The injured employee may elect to supplement the difference in salary by using accrued sick, vacation, and compensation leave prior to using shared sick leave hours.

(D) Any employee involved in a serious accident during working hours, where the employee or a third party is severely injured, may be tested for both drugs and alcohol immediately following the incident.

(Res. 2010-10, 03-04-2010)

1-5-8: JURY DUTY

The City recognizes jury duty as a civic responsibility for everyone. When summoned for jury duty, employees are granted leave to perform duty as a juror. If an employee is excused from jury duty during regular work hours, the employee is expected to report to work.

Employees are granted leave with compensation when required to serve as a juror in accordance with state law, and only to the extent necessary to perform such duty. Employees must submit a Juror Service Certificate to their supervisors to submit with the employee's timesheet. The City will pay for jury duty up to ten (10) days.

1-5-9: MODIFIED WORK DUTY

Employees on leave due to an injury or illness may return to work on a modified work plan for a maximum of forty-five (45) days only when the employee's medical provider's written release authorizes the employee to return to work and availability of modified work as determined by the employee's department head. The Human Resources Department will arrange for the employee's medical provider to receive a copy of the employee's job description and a memo outlining the proposed modified duty assignments. (Res. 2010-10, 03-04-2010)

CHAPTER 1-6

EMPLOYEE CONDUCT

Sections:

1-6-1 CODE OF ETHICS

1-6-2 DISCIPLINE

1-6-3 IMPLEMENTATION OF DISCIPLINARY ACTION

1-6-4 ATTENDANCE

1-6-5 SAFETY / REPORTING AN INJURY

1-6-6 SMOKING

1-6-7 DRUGS AND ALCOHOL

1-6-8 GIFTS

1-6-9 DRESS CODE

1-6-10 ELECTRONIC AND VOICE MAIL

1-6-11 PORTABLE ELECTRONIC COMMUNICATION DEVICES

1-6-1: CODE OF ETHICS

The City hereby adopts by reference Colorado Revised Statutes section 24-18-101 through and including section 24-18-205, also known as the Colorado Code of Ethics. The City's elected and appointed officials, as well as the City's employees, are subject to provisions of the Colorado Code of Ethics, as adopted. The Colorado Code of Ethics is available through the City's Internet site.

1-6-2: DISCIPLINE

Occasionally, performance or other behavior falls short of established standards and expectations. When this occurs, management takes appropriate action. Disciplinary action may be initiated as a result of misconduct or unsatisfactory performance by an employee.

Disciplinary actions may range from formal discussions with the employees about a specific matter, to a verbal warning, written warning, suspension, demotion or immediate termination. Actions taken by management in an individual case do not establish a precedent in other circumstances, and should not be relied upon as such.

In determining the appropriate action, the employee's performance record, past instances of misconduct or unsatisfactory performance, previous disciplinary actions and other circumstances relevant to employee's employment may be considered.

1-6-3: IMPLEMENTATION OF DISCIPLINARY ACTION

If it is determined that disciplinary action is required, written documentation will state the appropriate disciplinary action to be implemented. Once a decision is made regarding this action, a disciplinary meeting is scheduled with the employee. A copy of the documentation is included in the employee's personnel file.

If it is determined that disciplinary action is not required, the documentation is filed with all investigative documents in a confidential investigation file. The documentation is not included in the employee's personnel file.

Counseling and verbal warnings must be documented and a memo given to the employee with a copy placed in the employee's personnel file. Prior to implementation, all other disciplinary actions, such as written warning, probation, demotion or termination, must be documented, approved in writing and subject to review by the department head and the Human Resources Director or the City Manager.

The City Manager may review disciplinary actions, other than verbal reprimands, prior to implementation and may approve or deny the disciplinary action or modify the action as appropriate. Once this final determination is made, the action is implemented.

1-6-4: ATTENDANCE

Punctuality and regular attendance are essential for the efficient operation of the City. An employee absent on sick leave must notify his or her supervisor at least thirty (30) minutes prior to the beginning of the work schedule. Immediately upon returning to work, the absent employee must submit a leave request signed by his or her supervisor to the Finance Department.

Excessive tardiness and excessive unapproved absences may be subject to disciplinary action. An employee's failure to inform his or her supervisor of an absence for three (3) consecutive days may result in termination.

1-6-5: SAFETY / REPORTING AN INJURY

(A) The City is committed to a safe work environment for its employees; therefore, employees are responsible to report any unsafe practices or conditions to their supervisors.

(B) If an employee is injured on the job, co-workers must call 911 for a serious emergency or the employee should seek qualified medical attention at a hospital. For non-emergency injuries, employees must receive medical attention from one (1) of the City's two (2) designated workers' compensation physicians. If non-emergency medical treatment is obtained from any other physician, the employee may be responsible for the cost of the medical treatment.

(C) Any employee who is injured while performing his or her job duties or is involved in a vehicle accident where immediate medical assistance is required will be tested for both drugs and alcohol immediately following the incident.

(D) The injured employee's supervisor must be notified of the injury immediately. Employees have four (4) days from the date of injury to file a workers' compensation claim with the Human Resources Department.

(Res. 2010-10, 03-04-2010)

1-6-6: SMOKING

In accordance with state and local smoking laws, smoking is prohibited in all City buildings and vehicles. This applies to all employees and visitors during business and non-business hours.

1-6-7: DRUGS AND ALCOHOL

(A) Alert and rational behavior is required for the safe and adequate performance of job duties. Employees must notify their supervisors if they are taking medications that could affect their ability to perform assigned duties. Working after the apparent use or abuse of alcohol or any controlled substance is prohibited. Unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on City property is prohibited. Employees in violation of this regulation will be subject to disciplinary action, up to and including termination.

(B) The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law, and City management staff will report any such information to law enforcement officials.

(C) Whenever the City has a reasonable suspicion that the actions, appearances or conduct of an employee while on duty suggests the use of illegal drugs, controlled substances, alcohol or the misuse or abuse of prescription medicines, the employee may be required to undergo a drug and/or alcohol test.

(Res. 2010-10, 03-04-2010)

1-6-8: GIFTS

A City employee is prohibited from soliciting any gift, gratuity, loan or any item of monetary value from any person who has or is seeking to obtain business with the City or from any person whose interests may be affected by the employee's performance.

Gifts received by employees are submitted to the City Manager. The City Manager may return the items of minimum value to an employee. This does not apply to edible items of insignificant value presented for general consumption.

1-6-9: DRESS CODE

Personal appearance, hygiene and appropriate attire are very important. A professional image must be maintained and appearances should be consistent with what department heads consider appropriate attire.

1-6-10: ELECTRONIC AND VOICE MAIL

The City's electronic and voice mail systems are intended solely for business use, are owned by the City and may be subject to audit. Correspondence of an employee may be considered a public record and may be subject to public inspection. Employees should not assume that messages are confidential or that access by the City will not occur.

1-6-11: PORTABLE ELECTRONIC COMMUNICATION DEVICES

(A) All City communication devices including services and equipment, messages transmitted or stored are the sole property of the City and are not the private property of any individual. Devices such as cellular telephones, pagers and personal data assistants are used in order to enhance productivity when conducting City business. This policy does not address the use of two-way radio equipment.

(B) Employees should have no expectation of privacy while using City-provided Portable Electronic Communication Devices. These devices are not a secure means of communication and therefore, discretion should be used in relaying any information via these technologies.

(C) Employees who use cell phones for business use must refrain from using their phones while driving a City vehicle. Employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Under no circumstances should employees place themselves or others at risk to fulfill City business.

(D) Employees who are charged with traffic violations resulting from the use of their phones while driving will be personally responsible for all liabilities that result from such actions. Violations of this regulation will be subject to disciplinary actions, up to and including termination.

(Res. 2010-10, 03-04-2010)

CHAPTER 1-7

PROBLEM SOLVING

Sections:

1-7-1 INFORMAL PROBLEM SOLVING PROCEDURE

1-7-2 FORMAL PROBLEM SOLVING PROCEDURE

1-7-1: INFORMAL PROBLEM SOLVING PROCEDURE

The City encourages an atmosphere of open communication and problem solving between managers, supervisors and employees. Any employee experiencing problems in the workplace may bring the problems to the attention of his or her supervisor, department head, Director of Human Resources or the City Manager.

1-7-2: FORMAL PROBLEM SOLVING PROCEDURE

An employee must present the problem to his or her supervisor within five (5) working days of the incident. The supervisor makes inquiry into the facts and circumstances of the complaint and communicates conclusions to the employee.

If the supervisor's conclusions to the problem are unsatisfactory to the employee, the employee may present the problem to the department head, in writing, within five (5) working days of the issuance of the supervisor’s statement. After completion of his or her own investigation and a discussion with the employee, the department head renders a written statement of conclusion to the employee.

If the department head’s resolution of the problem is unsatisfactory to the employee, the employee may present the problem, in writing, to the City Manager within five (5) working days of the issuance of the department head's statement. The City Manager renders a written decision after investigation of the matter within thirty (30) days of the request by the employee. The decision of the City Manager is final.

In cases where the problem involves a supervisor, the employee presents his problem, in writing, to the department head. In cases where the problem involves a department head, the employee's problem is presented, in writing, to the Director of Human Resources or the City Manager. In cases where the problem involves the City Manager, the employee may present the problem, in writing, to the City Council for consideration. City Council may appoint a department head or the Director of Human Resources to investigate the matter. All timeframes stated above apply.

CHAPTER 1-8

MISCELLANEOUS

Sections:

1-8-1 TRAVEL AND EXPENSE REIMBURSEMENT

1-8-2 USE OF CITY PROPERTY

1-8-3 CITY VEHICLE USE

1-8-4 PRIVATE VEHICLE USE FOR CITY BUSINESS

1-8-5 POLICY FOR SALE OF CITY SURPLUS COMPUTER AND ELECTRONIC EQUIPMENT

1-8-1: TRAVEL AND EXPENSE REIMBURSEMENT

(A) Reasonable expenses for employees on City business are allowable in accordance with the City's travel policy. Receipts and invoices must be submitted with appropriate paperwork; expenses including meals, lodging and transportation must be kept within budget. Mileage is reimbursed at the standard rate equal to the federal tax guidelines.

(B) An employee traveling for training, education and special assignments subject to City reimbursement may obtain a monetary advance for expenses such as meals and lodging with department head's approval. Employee's department head must authorize airfare prior to making reservations.

(C) Business related travel time by a non-exempt employee who is attending a scheduled training may be compensated. Employees are entitled to compensation only for those hours that fall during the employee's regular working hours minus meal periods. Travel time for exempt employees complies with standards set by the U.S, Department of Labor Wage and Hour guidelines.

(Res. 2010-10, 03-04-2010)

1-8-2: USE OF CITY PROPERTY

Employees are responsible for the efficient, proper and safe use and security of City property and equipment assigned. Employees are prohibited from using City equipment or materials for unauthorized purposes. Upon separation of employment, all City property and equipment must be returned to employee's supervisor. If such items are not returned, the value of the items may

be deducted from the employee's final paycheck up to the minimum wage, not including overtime.

1-8-3: CITY VEHICLE USE

(A) Only employees with a valid driver's license appropriate to the vehicle type requested may use City vehicles for authorized City business. Employees are responsible for the City vehicle and accessories including observing safety and legal regulations, such as wearing safety belts. Employees who are assigned a City vehicle must use the vehicle solely for City business either inside or outside the City limits.

(B) Any employee not observing safety and legal regulations by using a cell phone, not wearing a seat belt or by using tobacco products while driving in a City vehicle may be subject to disciplinary action.

(C) Non-City personnel are prohibited from riding in a City vehicle unless their presence is authorized in conducting City business.

(Res. 2010-10, 03-04-2010)

1-8-4: PRIVATE VEHICLE USE FOR CITY BUSINESS

Department heads may authorize use of a private vehicle to conduct official business either inside or outside the City limits. The owner of such vehicle is reimbursed at a standard rate equal to the federal tax guidelines. Reimbursement is not made for mileage incurred between an employee's home and a work site.

1-8-5: POLICY FOR SALE OF CITY SURPLUS COMPUTER AND ELECTRONIC EQUIPMENT

(A) As the City upgrades PCs and electronic equipment to stay current with technical requirements of our operational software, some of the replaced equipment is still functional, but no longer efficient for continued use by the City. This policy will allow City employees the opportunity to purchase their used equipment at an affordable price, while helping the City to recover value on the old equipment.

(B) No used computer or electronic equipment shall be considered surplus or shall be offered by the City for sale until after the equipment has met the following criteria:

(1) The City, after the receipt of replacement equipment, has determined that the equipment can not be put to further use; or

(2) The City has determined that the equipment is not currently needed, is not anticipated to be utilized within the next six (6) months, or that the equipment is obsolete for further use by the City; and

(3) All hard drives or RAM memory storage on the equipment shall be degaussed (removal of all information) and is otherwise prepared for sale.

(i) This requirement may be waived if the sale is to a City employee who intends to use the equipment for City business, and the City Manager or its designee determines that such use justifies leaving the memory storage or software intact.

(C) This policy provides for the preferential sale of surplus computer and electronic equipment to City employees at a price determined by the IT and Finance Departments.

(1) Computer or electronic equipment that has been determined by the City to be surplus equipment may be offered for sale to City employees.

(2) A fair market value price shall be determined by the IT and Finance departments for the computer or electronic equipment.

(3) Employees using the computer or electronic equipment shall have first opportunity to purchase the equipment. If the employee wishes not to purchase the equipment, then it may be offered to other employees on a first come first served basis.

(4) Employees purchasing equipment from the City shall agree to dispose of said equipment with an electronics recycling vendor such as Office Depot, Waste Management or at the City's E-cycle Event. The City is not responsible for any charges to dispose of equipment.

(5) IT may restore the original operating system purchased with the computer and any additional updates allowed under the original software licensing agreement. Because of software licensing requirements, all City software and data shall be removed, unless a determination is made under § 1-8-5 (B)(3)(i) of the City of Montrose Regulations Manual, justifying some or all of said software to remain intact.

(6) All equipment is offered "as is" with no express or implied warranties, including but not limited to the warranty of fitness for a particular purpose, or the warranty of merchantability. City staff members shall not be permitted to provide any sort of technical support or assistance to the purchaser. Responsibility for maintenance of the equipment rests with the

purchaser. Under no circumstances may a refund or adjustment be made on account of equipment failing to meet expectations. Except as stated in this policy, no service of any kind will be furnished by the City.

(D) Unsold surplus computer and electronic equipment:

(1) Unsold computer and electronic equipment may first be offered as a donation by the City to local schools or non-profit organizations such as libraries and community support organizations.

(2) Any remaining computer and electronic equipment may be disposed according to the City policies.

(E) Funds generated from the sales of surplus computer and electronic equipment to City employees shall be added to the Information Technology Interfund Lease to be used to supplement the cost of new purchases.

(Promulgated 11-12-2010)

CHAPTER 1-9

POLICE DEPARTMENT MONEY PURCHASE PLAN

Sections:

1-9-1 ADOPTION OF PLAN

1-9-2 AMENDMENT AND TERMINATION

1-9-3 ADDITIONAL PROVISIONS

1-9-4 PLAN COORDINATOR

1-9-5 PROTOTYPE MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT

1-9-6 LOAN GUIDELINES

1-9-1: ADOPTION OF PLAN

The Montrose Police Department Money Purchase Plan is hereby restated and adopted by the City Council to provide retirement benefits for its Police Officers. The Plan as created shall consist of the provisions of this Title, the Prototype Money Purchase Plan and Trust basic document as in effect and amended from time to time by ICMA Retirement Corporation, the Declaration of Trust of the ICMA Retirement Trust as in effect and amended from time to time by the ICMA Retirement Corporation, the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust Adoption Agreement (Section 1-9-5), and the Loan Guidelines (Section 1-9-6). (Resolution 1996-2)

1-9-2: AMENDMENT AND TERMINATION

The following provisions shall apply to amendments and termination of the Police Department Money Purchase Plan notwithstanding anything in the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust to the contrary.

(A) City Council may amend this Plan in whole or in part with the written approval of 65% of the officers. No amendment shall be effective until prior notification, as required by law, has been made to all affected interested parties.

(B) No amendment (unless it is necessary in order to meet the requirements of any state of federal law or regulation) shall deprive participants of rights which are vested prior to such amendment or diminish the amount thereof without the participant's expressed written permission.

(C) The City shall have the right at any time to discontinue its contribution hereunder and to terminate this Plan subject to requirements and limitations of applicable law, as such may be in effect.

(D) This Plan shall not be merged or consolidated with, nor shall any assets or liabilities be transferred to any other plan, unless the benefits payable to each participant, if the Plan were terminated immediately after such action, would be equal to or greater that the benefits if this Plan would have been terminated immediately before such action.

(E) Upon the Plan's termination or partial termination, or complete discontinuance of contribution to the Plan, the rights of all affected participants to benefits accrued in their vested accounts to the date of such termination, partial termination or complete discontinuance, to the extent funded as of such date, are nonforfeitable except to the extent that law or regulations may preclude vesting.

(F) Upon Plan termination, no fund shall revert to the City, except for forfeitures that may be used by the City only for the purposes allowed by Colorado law. Provided, however, no part of the assets of the fund at any time prior to the satisfaction of all liabilities with respect to officers and their beneficiaries under the fund shall be used for or diverted to purpose other than for the exclusive benefit of the officers and their beneficiaries.

(G) Notwithstanding any of the foregoing amendments of the Plan, termination of the Plan or termination of the City's contributions shall be subject to limits imposed by applicable Colorado statutes.

(H) Applicable Law. The Plan shall be construed under the laws of the State where the Employer is located and is established with the intent that it meets the requirements as a Money Purchase Plan under Section 401 (a) of the Code. The provisions of this Plan shall be interpreted whenever possible in conformity with the requirements of the Code.

1-9-3: ADDITIONAL PROVISIONS

(A) Notwithstanding anything contained in the ICMA Prototype Money Purchase Plan and Trust, "disability" shall be defined and determined in accordance with provisions of C.R.S. 31-30-001, et seq.

(B) The Investment Powers of the ICMA Prototype Money Purchase Plan and Trust shall be subject to the requirements and limitations of C.R.S. 31-30-1001, et seq. and other applicable Colorado Statutes, notwithstanding anything to the contrary therein.

1-9-4: PLAN COORDINATOR

The City Manager shall be the Coordinator for the Plan and shall receive reports, etc. from ICMA, shall cast any votes under the ICMA trust and is authorized to execute agreements and documents incidental to administration of the Plan.

1-9-5: PROTOTYPE MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT

AMENDMENT
ICMA RETIREMENT CORPORATION
PROTOTYPE MONEY PURCHASE PLAN &TRUST
ADOPTION AGREEMENT
#001

Account Number 109187

The Employer hereby establishes a Money Purchase Plan and Trust to be known as MONTROSE POLICE DEPARTMENT MONEY PURCHASE PLAN (the "Plan") in the form of the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:
MONTROSE POLICE DEPARTMENT MONEY PURCHASE PLAN

I. Employer: CITY OF MONTROSE

II. Prototype Sponsor:

Name: ICMA Retirement Corporation

Address: 777 N. Capitol Street, N.E.
Washington, D.C. 20002-4240

Telephone Number: (202) 962-4600

III. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: 01/01/92 _____.

IV. Plan Year will mean:

☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 6.05(i) of the Plan.)

☒ The twelve (12) consecutive month period commencing on 01/01 and each anniversary thereof.

V. Normal Retirement Age shall be 55 (not to exceed age 65).

VI. ELIGIBILITY REQUIREMENTS:

1. The following group or groups of Employees are eligible to participate in the Plan:

_____ All Employees
_____ All Full-Time Employees
_____ Salaried Employees
_____ Non-union Employees
_____ Management Employees
_____ Public Safety Employees
_____ General Employees
X Other (specify below)
ALL FULL TIME POLICE OFFICERS

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personal manuals or other material in effect in the scare or locality of the Employer.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be N/A (write N/A if an Employee is eligible to participate upon employment).

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is N/A (not to exceed age 21. Write N/A if no minimum age is declared.)

VII. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose one, if applicable):

☒ Fixed Employer Contributions With Or Without Mandatory Participant Contributions.

The Employer shall contribute on behalf of each Participant __**__ % of Earnings or $ __0__ for the Plan Year (subject to the limitations of Article VI of the Plan). Each Participant is required to contribute __0.00__ % of Earnings or $ __0__ for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is required.) If Participant Contributions are required under this option, a Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

** 8% of earnings plus a percentage of earnings equivalent to Social Security-Medicare/Medicaid taxes, the City pays on account of non-police employees less any Social Security Medicare/Medicaid taxes the City must pay on account of each participant (not to exceed 16%).

The Employer hereby elects to "pick up" the Mandatory/Required Participant Contribution.

☒ Yes ☐ No

[Note to Employer: Neither an opinion letter issued by the Internal Revenue Service with respect to the Prototype Plan, nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participant's gross income for federal income tax purposes. The Employer may seek such a ruling.

Picked up contributions are excludable from the Participant's gross income under section 4l4(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; and (2) the employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the plan]

☐ Fixed Employer Match of Participant Contributions.

The Employer shall contribute on behalf of each Participant__% of Earnings for the Plan Year (subject to the limitations of Articles V and VI of the Plan) for each

Plan Year that such Participant has contributed ___ % of Earnings or $ ___. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

☐ Variable Employer Match Of Participant Contributions.

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Articles V and VI of the Plan):

___% of the Participant contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ____% of Earnings or $ _____);

PLUS _____ % of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Participant contributions exceeding in the aggregate __ % of Earnings or $_____).

Employer Contributions on behalf of a Participant for a Plan Year shall not exceed $____ or ____ % of Earnings, whichever is ☐ more or ☐ less.

2. Each Participant may make voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Articles V and VI of the Plan.

☒ Yes ☐ No

3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule:
BI-WEEKLY

VIII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

(a) Overtime ☐ Yes ☒ No

(b) Bonuses ☐ Yes ☒ No

IX. LIMITATION ON ALLOCATIONS

If the Employer (i) maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, and/or (ii) maintains a welfare benefit fund (as defined in section 419(e) of the Code) or an individual medical account (as defined in section 415(l)(2) of the Code, under which amounts are treated as Annual Additions with respect to any Participant in this Plan) the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 6.03 and 6.04 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, other than a Regional Prototype Plan, the provisions of Section 6.02(a) through (f) of the Plan will apply as if the other plan were a Master Prototype Plan, unless another method has been indicated below.

   ☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

   _____

2. If the Participant is or has ever been a participant in a defined benefit plan maintained by the Employer, and if the limitation in Section 6.04 of the Plan would be exceeded, then the Participant's Projected Annual Benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy such limitation. If such plan does not provide for such reduction, or if the limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in Sections 6.01 through 6.03. The methods of avoiding the limitation described in this paragraph will not apply if the Employer indicates another method below.

   ☐ Other Method. (Note to Employer Provide below language which will satisfy the 1.0 limitation of section 415(e) of the Code. Such language must preclude Employer discretion. See section 1.415-1 of the Regulations for guidance.)

   _____

   _____

3. The limitation year is the following 12-consecutive month period: _____

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements as noted and (2) the concurrence of the Plan Administrator.

Years of Service Completed	Specified Percent Vesting	Minimum Vesting Requirements
Zero	100%	No minimum
One	100%	No minimum
Two	100%	No minimum
Three	100%	Not less than 20%
Four	100%	Not less than 40%
Five	100%	Not less than 60%
Six	100%	Not less than 80%
Seven, or more	100%	Must equal 100%

(**These minimum vesting requirements conform to the Code's three to seven year vesting schedule. If the employee becomes 100% vested by the completion of five years of service, there is no minimum for years three and four.)

XI. Loans are permitted under the Plan, as provided in Article XIV:

☒ Yes ☐ No

XII. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XIII. The Prototype Sponsor hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 15.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIV. The Employer hereby appoints the Prototype Sponsor as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION PROTOTYPE MONEY PURCHASE PLAN & TRUST

The Employer hereby agrees to the provisions of the Plan and Trust.

XV. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XVI. An adopting Employer may not rely on a notification letter issued by the National or District Office of the Internal Revenue Service as evidence that the Plan is qualified

under section 401 of the Internal Revenue Code. In order to obtain reliance with respect to plan qualification, the Employer must apply to the appropriate key district office for a determination letter.

This Adoption Agreement may be used only in conjunction with basic Plan document number 001.

1-9-6: LOAN GUIDELINES

LOAN GUIDELINES

NAME OF PLAN: Montrose Police Department Money Purchase Plan

I. PURPOSE

The purpose of these guidelines is to establish the terms and conditions under which the Employer will grant loans to participants. This is the only official Loan Program Document of the above named Plan.

II. ELIGIBILITY

Loans are available to all active employees. Loans will not be granted to participants who have an existing loan in default.

Loans are available from the following sources: [select one or both]

☒ Employer Contribution Account (vested balances only)

☐ Participant Contribution Accounts (pre- and post-tax, if applicable, including Employee Mandatory, Employee Voluntary, Employer Rollover, and Portable Benefits Accounts, but excluding the Deductible Employee Contribution/Qualified Voluntary Employee Contribution Account)

Loans will be pro-rated among all the funds in which the participant is invested at the time the loan is made.

Loans are available for the following purposes: (select one]

☒ All purposes

☐ Loans shall only be granted in the event of a participant's hardship or for the purpose of enabling a participant to meet certain specified financial situations.

The Employer shall determine, based on all relevant facts and circumstances, that the amount of the loan is not in excess of the amount required to relieve the financial need. For this purpose, financial need shall include, but not be limited to: unreimbursed medical expenses of the participant or members of the participant's immediate family, establishing or substantially rehabilitating the principal residence of the participant, or paying for a college education (including graduate studies) for the participant or his/her dependents.

III. FREQUENCY OF LOANS

[select one]

☒ Participants may receive one loan per calendar year. Moreover, participants may have only one outstanding loan at a time.

☐ Participants may receive one loan per calendar year. Moreover, no participant may have more than five (5) loans outstanding at one time.

IV. LOAN AMOUNT

The minimum loan amount is $1,000.

The maximum loan amount is:

the lesser of:

(1) $50,000, reduced by the excess (if any) of:

a. The highest outstanding balance of loans during the one-year period ending on the day before the date a loan is to be made, over

b. The outstanding balance of loans on the date the loan is to be made; or

(2) 1/2 of the participant's vested account balance.

If a participant has any loans outstanding at the time a new loan is requested, the new loan will be limited to the maximum amount calculated above reduced by the total of the outstanding loans.

V. LENGTH OF LOAN

A loan must be repaid in substantially equal installments of principal and interest, at least monthly, over a period that does not exceed five (5) years.

Loans for a principal residence must be repaid in substantially equal installments of principal and interest, at least monthly, over no more than 20 years (state number of years) years (maximum 30 years).

VI. LOAN REPAYMENT PROCESS

Loans for active employees must be repaid through payroll deduction. Repayment will begin as soon as practicable on a date determined by the Employer's payroll cycle.

Loans outstanding for former employees who are allowed under Section X to maintain their loans or loans outstanding for employees on a leave of absence must be repaid on the same schedule as if payroll deductions were still being made unless they reamortize their loans and establish a new repayment schedule which provides that substantially equal payments are made at least monthly over the remaining period of the loan. All repayments must be made through the Employer.

Loan payments, including loan payments from former employees, are allocated to the same investment options designated on the 401 Enrollment Form or according to the most current 401 change form which specifies contribution allocations.

VII. LOAN INTEREST RATE

The rate of interest for loans of five (5) years or less will be based on prime plus 0.5%.

The rate of interest for loans for a principal residence will be based on the FHA/VA rate.

Interest rates are determined on the last business day of the month preceding the month the loan is disbursed. The interest rate is locked in at the time a loan is approved and remains constant throughout the life of the loan. The prime interest rate is determined on the last business day of each month using the Wall Street Journal as the source. The FHA/VA interest rate is also determined on the last business day of each month using the Telerate Information Service as the source.
Loan interest rates for new loans may fluctuate upward or downward monthly, depending on the movement of the prime and FHA/VA interest rates.

The Employer may modify the manner in which loan interest rates will be determined, but only with respect to future loans.

VIII. LOAN APPLICATION PROCEDURE

All loans must be requested in writing on an application approved by the Plan Administrator. The application must be signed by the participant. The Employer must review and approve the application.

If the participant is married at the time of application, and spousal consent is required by the plan for the loan, the participant's spouse must consent, in writing, to the loan and the consent must be witnessed by a plan representative or notary public. Such consent must be given within the ninety (90) day period before the time the loan is made. Spousal consent, if required, must accompany the application in order for the application to be considered complete.

The participant will be required to sign a promissory note evidencing the loan and a disclosure statement which includes an amortization schedule prior to receiving a loan check. Loan checks will generally be issued on the Friday following the receipt of a complete loan application. The loan check, promissory note, disclosure statement and truth-in-lending recision notice will be sent to the Employer, who will obtain the necessary signatures and deliver the check to the participant. All executed documents must be returned to the Plan Administrator within 10 calendar days from the date the check is issued.

IX. SECURITY/COLLATERAL

That portion of a participant's vested account balance that is equal to the amount of the loan is used as collateral for the loan. The collateral amount may not exceed 50% of the participants vested account balance at the time the loan is taken. Only that portion of the vested account balance that corresponds to the amount of the outstanding loan balance is used as collateral

X. ACCELERATION

[select one]

☒ All loans are due and payable in full upon separation from service.

☐ All loans are due and payable when a participant receives a distribution of all of his/her account balance after separation from service. The amount of the outstanding loan balance will be reported as a distribution in addition to the amount of cash distributed from the plan.

☐ All loans are due and payable when a participant receives a distribution of part of his/her account balance after separation from service. The amount of the outstanding loan balance will be reported as a distribution in addition to the amount of cash distributed from the plan.

XI. REAMORTIZATION

Any outstanding loan may be reamortized. Reamortization means changing the terms of a loan, such as length of repayment period, interest rate, and frequency of repayments. A loan may not be reamortized to extend the length of the loan repayment period to more than five (5) yeas from the date the loan was originally made, or in the case of a loan to secure a principal residence, beyond the number of years specified by the Employer in Section V above.

A participant must request the reamortization of a loan in writing on a reamortization application acceptable to the Plan Administrator. Spousal consent must accompany the request for reamortization when such consent is required by the Plan. Upon processing the request, a new disclosure statement will be sent to the Employer for endorsement by the participant and approval by the Employer. The executed disclosure statement must be retuned to the Plan Administrator within 10 calendar days from due date it is signed. The new disclosure statement is considered an amendment to the original promissory note, therefore a new promissory note will not be required.

A reamortization will not be considered a new loan for purposes of calculating the number of loans outstanding or the one loan per calendar limit.

XII. REFINANCING EXISTING LOANS

If a participant has one outstanding loan, that loan may be refinanced. If a participant has more than one outstanding loan, no loans may be refinanced. Refinancing means concurrently repaying an existing loan and borrowing an additional amount through a new loan.

In order to refinance an existing loan, a participant must request a new loan in writing on an application approved by the Plan Administrator. Spousal consent must accompany the application when such consent is required by the plan. Such request must be made at a time when the participant is eligible to obtain a loan as defined by the Employer in Section III above. The amount of a new loan requested for the purpose of refinancing is subject to the loan limits specified in Section IV above.

Because a refinancing is considered a new loan, only active employees may refinance an outstanding loan.

XIII. REDUCTION OF LOAN

If a participant dies and leaves an outstanding loan, the unpaid loan balance will be repaid from the account balance before any distributions are made to a beneficiary.

XIV. LOAN DEFAULT

If a required payment of principal and Interest is not made within 90 days of the date such payment is due, the loan is considered in default. If a loan is In default, the loan will be foreclosed during the calendar year in which the participant separates from service. However, the IRS "deems" a default to be a distribution in the year the default occurs. Therefore, the amount of the outstanding loan at the time of the default, including accrued interest, will be reported to the IRS as a distribution in the year the default occurs even though the loan may not be foreclosed at that time. The distribution may be subject to taxes and possibly a penalty for early withdrawal.

If a participant has separated from service and defaults on a loan, then the loan will be foreclosed during the calendar year in which the default occurs. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

If the Employer has elected in Secti9on X and the promissory note so provides, a loan becomes due and payable when the participant separates from service. If the terms of the loan contain this provision, the outstanding loan amount is "deemed" in default as of the date of separation from service. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

If the Employer has so elected in Section X and the promissory note so provides, a loan becomes due and payable when the participant takes a distribution of some or all of the balance in his/her account after separation from service. If the terms of the loans contain such a provision and the outstanding loan balance is not paid prior to the distribution from the account, the outstanding loan amount will be considered in default upon issuance of the distribution check. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

XV. DE MINIMIS ACCOUNTS AND OUTSTANDING LOAN BALANCE

If a participant separates from service and the participant's total vested account balance, including the outstanding loan balance, is $3,500 or less, the Plan will automatically foreclose the loan. The account balance remaining after the loan has been satisfied will be disbursed in accordance with De Minimis provisions of Section 10.04 of the Plan. If this occurs, the amount of the loan, including accrued interest, will be reported to the IRS as part of the distribution, which may be subject to taxes and possibly a penalty for early withdrawal.

XVI. FEES

Fees may be charged for various services associated with the application for and issuance of loans. All applicable fees will be debited from the participant's account balance. A schedule of fees applicable to this Plan is available from the Plan Administrator.

XVII. OTHER

The Employer has the right to set other terms and conditions as it deems necessary for loans from the Plan in order to comply with any legal requirements. All terms and conditions will be administered in a uniform and non-discriminatory manner.

CHAPTER 1-10

CITY PENSION PLAN

Sections:

1-10-1 ADAPTION OF AMENDED PLANS

1-10-2 AMENDMENTS AND ADMINISTRATION

1-10-3 CITY CONTRIBUTION

1-10-4 ALLOCATION OF PLAN ASSETS TO EMPLOYEE ACCOUNTS

1-10-5 OPTIONAL PARTICIPATION IN DEFERRED COMPENSATION PLAN

1-10-6 PROTOTYPE MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT

1-10-7 LOAN GUIDELINES

1-10-8 PROTOTYPE MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT (CITY MANAGER)

1-10-9 LOAN GUIDELINES (CITY MANAGER PLAN)

1-10-1: ADAPTION OF AMENDED PLANS

The City of Montrose Pension Plan and the City of Montrose City Manager Pension Plan are hereby restated and adopted by the City Council to provide retirement benefits. The Plans as created shall consist of the provisions of this Section 15; the Prototype Money Purchase Plan and Trust basic document as in effect and amended from time to time by ICMA Retirement Corporation, the Declaration of Trust of the ICMA Retirement Trust as in effect and amended from time to time by the ICMA Retirement Corporation, the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust Adoption Agreements, and the Loan Guidelines. (Council Resolution 1996-2)

1-10-2: AMENDMENTS AND ADMINISTRATION

All amendments to both the City of Montrose Pension Plan and the City of Montrose City Manager Pension Plan may be made only by the City Council. AD other powers and duties as set out in such plan shall be performed by the City Manager subject to these and other city regulations and ordinances and applicable law. (Council Resolution 1996-2)

1-10-3: CITY CONTRIBUTION

The City shall pay into each eligible employees account amounts as set out in the Adoption Agreements. (Council Resolution 1996-2)

1-10-4: ALLOCATION OF PLAN ASSETS TO EMPLOYEE ACCOUNTS

The assets of the City Pension Plan shall be allocated to accounts of the retired employees, prior vested employees and current employees, as follows:

(A) Retired employees currently receiving pension benefits shall be entitled to receive either a lump sum payment which is the actuarial equivalent of their and their contingent annuitant's benefits, if any, or they may elect to continue to receive the benefits to which they were entitled under the Pension Plan as it existed prior to this amendment. If they elect to continue to receive periodic benefits, the Pension Committee shall provide for such benefits by purchasing an annuity or setting aside sufficient funds adequate to provide fur such benefits.

(B) Past employees of the City entitled to Deferred Benefits, as provided in Article IV of the City Pension Plan as it existed prior to the effective date of the Plan restated herein, shall be entitled to payment of a lump sum equal to the actuarial equivalent of the benefits in which they are vested under said Article IV.

(C) Any assets of the City's Pension Fund remaining after the obligations of Paragraphs A and B, above, have been satisfied, less any amount deemed necessary to be placed into a suspense account to satisfy any potential or contingent liabilities, shall be allocated among the current eligible employees of the City, prorata, based upon the total earnings of such individuals as a City employee (excepting salary of those Department Heads who have been participating in the ICMA Deferred Compensation Program instead of the City Pension Plan earned after the date their participation in such ICMA Deferred Compensation Plan began).

1-10-5: OPTIONAL PARTICIPATION IN DEFERRED COMPENSATION PLAN

All employees may participate in the ICMA Deferred Compensation Plan in addition to the above adopted Money Purchase Plan if they authorize the necessary additional deduction from their pay, in writing. Department Heads and above may elect to have the City's contribution which would otherwise be paid into the Money Purchase Plan to be paid into the ICMA Deferred Compensation Plan in all or in part.
Such Plan shall be as set out in the ICMA Retirement Corporation Deferred Compensation Plan and Trust documents as promulgated by ICMA from time to time. Loans shall not be allowed. (Council Resolution Approved 1/23/97)

01-Sep-04

1-10-6: PROTOTYPE MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT

ICMA RETIREMENT CORPORATION
PROTOTYPE MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT
#001

Account Number 107100

The Employer hereby establishes a Money Purchase Plan and Trust to be known as CITY OF MONTROSE PEN PLAN (the "Plan") in the form of the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:
CITY OF MONTROSE PEN PLAN

I. Employer: **CITY OF MONTROSE, CO**

II. Prototype Sponsor:

Name: ICMA Retirement Corporation

Address: 777 N. Capitol Street, N.E.
Washington, D.C 20002-4240

Telephone Number: (202) 962-4600

III. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: **07/01**

IV. Plan Year will mean:

☒ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 6.05(l) of the Plan.)

☒ The twelve (12) consecutive month period commencing on **01/01** and each anniversary thereof.

V. Normal Retirement Age shall be age **55.0** (not to exceed age 65).

VI. ELIGIBILITY REQUIREMENTS:

1. The following group or groups of Employees are eligible to participate in the Plan:

_____All Employees
_X____All Full-Time Employees
_____Salaried Employees
_____Non-union Employees
_____Management Employees
_____Public Safety Employees
_____General Employees
_X____Other (specify below)
EE HIRED FOR A MIN OF 30 HRSAWEEK

The group specified must correspond to a group of the mine designation that is defined in the statutes, ordinances, rides, regulations, personal manuals or other material in effect in the state or locality of the Employer.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be **6 MONTHS** (write N/A if an Employee Is eligible to participate upon employment).

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is **N/A** (not to exceed age 21. Write N/A if no minimum age is declared.)

VII. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose one, if applicable):

☒ **Fixed Employer Contributions With or Without Mandatory Participant Contributions**.

The Employer shall contribute on behalf of each Participant **8.00**% of Earnings or $ **0** for the Plan Year (subject to the limitations of Article VI of the Plan). Each Participant is required to contribute **0.00**% of Earnings or $ **0** for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is

required.) If Participant Contributions are required under this option, a Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to “pick up" the Mandatory/Required Participant Contribution.

☐ Yes ☒ No

[Note to Employer: Neither an opinion letter issued by the Internal Revenue Service with respect to the Prototype Plan, nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participant's gross income for federal income tax purposes. The Employer may seek such a ruling.

Picked up contributions are excludable from the Participant's gross income under section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; and (2) the employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the plan .]

☐ **Fixed Employer Match of Participant Contributions**.

The Employer shall contribute on behalf of each Participant __% of Earnings for the Plan Year (subject to the limitations of Articles V and VI of the Plan) for each Plan Year that such Participant has contributed __% of Earnings or $__. Under this option, there, is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

☐ **Variable Employer Match of Participant Contributions**.
The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Articles V and VI of the Plan):

._____% of the Participant contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ___ of Earnings or $.____);

PLUS ___ % of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Participant contributions exceeding in the aggregate __% of Earnings or $ __.

Employer Contributions on behalf of a Participant for a Plan Year shall not exceed $ ___ or ___% of Earnings, whichever is ☐ more or ☐ less.

2. Each Participant may make voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Articles V and VI of the Plan.

☒ Yes ☐ No

3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule:
BI-WEEKLY

VIII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

(a) Overtime

☐ Yes ☒ No

(b) Bonuses

☐ Yes ☒ No

IX. LIMITATION ON ALLOCATIONS

If the Employer (i) maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, and/or (ii) maintains a welfare benefit fund (as defined in section 4 19(e) of the Code) or an individual medical account (as defined in section 4lS(lX2) of the Code, under which amounts are treated as Annual Additions with respect to any Participant in this Plan) the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 6.03 and 6.04 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, other than a Regional Prototype Plan, the provisions of Section 6.02(a) through (f) of the Plan will apply as if the other plan were a Master Prototype Plan, unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)

2. If the Participant is or has ever been a participant in a defined benefit plan maintained by the Employer, and If die limitation in Section 6.04 of the Plan would be exceeded, then the Participant's Projected Annual Benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy such limitation. If such plan does not provide for such reduction, or if the limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in Sections 6.01 through 6.03. The methods of avoiding the limitation described in this paragraph will not apply if the Employer indicates another method below.

☐ Other Method. (Note to Employer: Provide below language which will satisfy the 1.0 limitation of section 415(e) of the Code. Such language must preclude Employer discretion. See section 1.415-1 of the Regulations for guidance)

3. The limitation year is the following 12-consecutive month period: _____

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements as noted and (2) the concurrence of the Plan Administrator.

Years of Service Completed	Specified Percent Vesting	Minimum Vesting Requirements
Zero	100%	No minimum
One	100%	No minimum
Two	100%	No minimum
Three	100%	Not less than 20%
Four	100%	Not less than 40%
Five	100%	Not less than 60%
Six	100%	Not less than 80%
Seven, or more	100%	Must equal 100%

(**These minimum vesting requirements conform to the Code's three to seven year vesting schedule. If the employee becomes 100% vested by the completion of five years of service, there is no minimum for years three and four.)

XI. Loans are permitted under the Plan, as provided in Article XIV:

☒ Yes ☐ No

XII. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XIII. The Prototype sponsor hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 15.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIV. The Employer hereby appoints the Prototype Sponsor as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION PROTOTYPE MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XV. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XVI. An adopting Employer may not rely on a notification letter issued by the National or District Office of die Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code. In order to obtain reliance with respect to plan qualification, the Employer must apply to the appropriate key district office for a determination letter.

This Adoption Agreement may be used only in conjunction with basic Plan document number 001.

1-10-7: LOAN GUIDELINES

LOAN GUIDELINES

NAME OF PLAN: City of Montrose Pension Plan

I. PURPOSE

The purpose of these guidelines is to establish the terms and conditions under which the Employer will grant loans to participants. This is the only official Loan Program Document of the above named Plan.

II. ELIGIBILITY

Loans are available to all active employees. Loans will not be granted to participants who have an existing loan in default.

Loans are available from the following sources: [select one or both]

☒ Employer Contribution Account (vested balances only)

☐ Participant Contribution Accounts (pre- and post-tax, if applicable, including Employee Mandatory, Employee Voluntary, Employer Rollover, and Portable Benefits Accounts, but excluding the Deductible Employee Contribution/Qualified Voluntary Employee Contribution Account)

Loans will be pro-rated among all the funds in which the participant is invested at the time the loan is made.

Loans are available for the following purposes: (select one]

☒ All purposes

☐ Loans shall only be granted in the event of a participant's hardship or for the purpose of enabling a participant to meet certain specified financial situations. The Employer shall determine, based on all relevant facts and circumstances, that the amount of the loan is not in excess of the amount required to relieve the financial need. For this purpose, financial need shall include, but not be limited to: unreimbursed medical expenses of the participant or members of the participant's immediate family, establishing or substantially rehabilitating the principal residence of the participant, or paying for a college education (including graduate studies) for the participant or his/her dependents.

III. FREQUENCY OF LOANS

[select one]

☒ Participants may receive one loan per calendar year. Moreover, participants may have only one outstanding loan at a time.

☐ Participants may receive one loan per calendar year. Moreover, no participant may have more than five (5) loans outstanding at one time.

IV. LOAN AMOUNT

The minimum loan amount is $1,000.

The maximum loan amount is:

the lesser of:

(1) $50,000, reduced by the excess (if any) of:

a. The highest outstanding balance of loans during the one-year period ending on the day before the date a loan is to be made, over

b. The outstanding balance of loans on the date the loan is to be made; or

(2) 1/2 of the participant's vested account balance.

If a participant has any loans outstanding at the time a new loan is requested, the new loan will be limited to the maximum amount calculated above reduced by the total of the outstanding loans.

V. LENGTH OF LOAN

A loan must be repaid in substantially equal installments of principal and interest, at least monthly, over a period that does not exceed five (5) years.

Loans for a principal residence must be repaid in substantially equal installments of principal and interest, at least monthly, over no more than 20 years (state number of years) years (maximum 30 years).

VI. LOAN REPAYMENT PROCESS

Loans for active employees must be repaid through payroll deduction. Repayment will begin as soon as practicable on a date determined by the Employer's payroll cycle.

Loans outstanding for former employees who are allowed under Section X to maintain their loans or loans outstanding for employees on a leave of absence must be repaid on the same schedule as if payroll deductions were still being made unless they reamortize their loans and establish a new repayment schedule which provides that substantially equal payments are made at least monthly over the remaining period of the loan. All repayments must be made through the Employer.

Loan payments, including loan payments from former employees, are allocated to the same investment options designated on the 401 Enrollment Form or according to the most current 401 change form which specifies contribution allocations.

VII. LOAN INTEREST RATE

The rate of interest for loans of five (5) years or less will be based on prime plus 0.5%.

The rate of interest for loans for a principal residence will be based on the FHA/VA rate.

Interest rates are determined on the last business day of the month preceding the month the loan is disbursed. The interest rate is locked in at the time a loan is approved and remains constant throughout the life of the loan. The prime interest rate is determined on the last business day of each month using the Wall Street Journal as the source. The FHA/VA interest rate is also determined on the last business day of each month using the Telerate Information Service as the source.

Loan interest rates for new loans may fluctuate upward or downward monthly, depending on the movement of the prime and FHA/VA interest rates.

The Employer may modify the manner in which loan interest rates will be determined, but only with respect to future loans.

VIII. LOAN APPLICATION PROCEDURE

All loans must be requested in writing on an application approved by the Plan Administrator. The application must be signed by the participant. The Employer must review and approve the application.

If the participant is married at the time of application, and spousal consent is required by the plan for the loan, the participant's spouse must consent, in writing, to the loan and the consent must

be witnessed by a plan representative or notary public. Such consent must be given within the ninety (90) day period before the time the loan is made. Spousal consent, if required, must accompany the application in order for the application to be considered complete.

The participant will be required to sign a promissory note evidencing the loan and a disclosure statement which includes an amortization schedule prior to receiving a loan check. Loan checks will generally be issued on the Friday following the receipt of a complete loan application. The loan check, promissory note, disclosure statement and truth-in-lending recision notice will be sent to the Employer, who will obtain the necessary signatures and deliver the check to the participant. All executed documents must be returned to the Plan Administrator within 10 calendar days from the date the check is issued.

IX. SECURITY/COLLATERAL

That portion of a participant's vested account balance that is equal to the amount of the loan is used as collateral for the loan. The collateral amount may not exceed 50% of the participants vested account balance at the time the loan is taken. Only that portion of the vested account balance that corresponds to the amount of the outstanding loan balance is used as collateral

X. ACCELERATION

[select one]

☒ All loans are due and payable in full upon separation from service.

☐ All loans are due and payable when a participant receives a distribution of all of his/her account balance after separation from service. The amount of the outstanding loan balance will be reported as a distribution in addition to the amount of cash distributed from the plan.

☐ All loans are due and payable when a participant receives a distribution of part of his/her account balance after separation from service. The amount of the outstanding loan balance will be reported as a distribution in addition to the amount of cash distributed from the plan.

XI. REAMORTIZATION

Any outstanding loan may be reamortized. Reamortization means changing the terms of a loan, such as length of repayment period, interest rate, and frequency of repayments. A loan may not be reamortized to extend the length of the loan repayment period to more than five (5) yeas from the date the loan was originally made, or in the case of a loan to secure a principal residence, beyond the number of years specified by the Employer in Section V above.

A participant must request the reamortization of a loan in writing on a reamortization application acceptable to the Plan Administrator. Spousal consent must accompany the request for reamortization when such consent is required by the Plan. Upon processing the request, a new disclosure statement will be sent to the Employer for endorsement by the participant and approval by the Employer. The executed disclosure statement must be retuned to the Plan Administrator within 10 calendar days from due date it is signed. The new disclosure statement is considered an amendment to the original promissory note, therefore a new promissory note will not be required.

A reamortization will not be considered a new loan for purposes of calculating the number of loans outstanding or the one loan per calendar limit.

XII. REFINANCING EXISTING LOANS

If a participant has one outstanding loan, that loan may be refinanced. If a participant has more than one outstanding loan, no loans may be refinanced. Refinancing means concurrently repaying an existing loan and borrowing an additional amount through a new loan.

In order to refinance an existing loan, a participant must request a new loan in writing on an application approved by the Plan Administrator. Spousal consent must accompany the application when such consent is required by the plan. Such request must be made at a time when the participant is eligible to obtain a loan as defined by the Employer in Section III above. The amount of a new loan requested for the purpose of refinancing is subject to the loan limits specified in Section IV above.

Because a refinancing is considered a new loan, only active employees may refinance an outstanding loan.

XIII. REDUCTION OF LOAN

If a participant dies and leaves an outstanding loan, the unpaid loan balance will be repaid from the account balance before any distributions are made to a beneficiary.

XIV. LOAN DEFAULT

If a required payment of principal and Interest is not made within 90 days of the date such payment is due, the loan is considered in default. If a loan is In default, the loan will be foreclosed during the calendar year in which the participant separates from service. However, the IRS “deems” a default to be a distribution in the year the default occurs. Therefore, the amount of the outstanding loan at the time of the default, including accrued interest, will be reported to the IRS as a distribution in the year the default occurs even though the loan may not be

foreclosed at that time. The distribution may be subject to taxes and possibly a penalty for early withdrawal.

If a participant has separated from service and defaults on a loan, then the loan will be foreclosed during the calendar year in which the default occurs. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

If the Employer has elected in Section X and the promissory note so provides, a loan becomes due and payable when the participant separates from service. If the terms of the loan contain this provision, the outstanding loan amount is "deemed" in default as of the date of separation from service. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

If the Employer has so elected in Section X and the promissory note so provides, a loan becomes due and payable when the participant takes a distribution of some or all of the balance in his/her account after separation from service. If the terms of the loans contain such a provision and the outstanding loan balance is not paid prior to the distribution from the account, the outstanding loan amount will be considered in default upon issuance of the distribution check. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

XV. DE MINIMIS ACCOUNTS AND OUTSTANDING LOAN BALANCE

If a participant separates from service and the participant's total vested account balance, including the outstanding loan balance, is $3,500 or less, the Plan will automatically foreclose the loan. The account balance remaining after the loan has been satisfied will be disbursed in accordance with De Minimis provisions of Section 10.04 of the Plan. If this occurs, the amount of the loan, including accrued interest, will be reported to the IRS as part of the distribution, which may be subject to taxes and possibly a penalty for early withdrawal.

XVI. FEES

Fees may be charged for various services associated with the application for and issuance of loans. All applicable fees will be debited from the participant's account balance. A schedule of fees applicable to this Plan is available from the Plan Administrator.

XVII. OTHER

The Employer has the right to set other terms and conditions as it deems necessary for loans from the Plan in order to comply with any legal requirements. All terms and conditions will be administered in a uniform and non-discriminatory manner.

01-Sep-04

1-10-8: PROTOTYPE MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT (CITY MANAGER)

ICMA RETIREMENT CORPORATION
PROTOTYPE MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT
#001

Account Number 107100

The Employer hereby establishes a Money Purchase Plan and Trust to be known as CITY OF MONTROSE CM/PEN PL (the "Plan") in the form of the ICMA Retirement Corporation Prototype Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☒ Yes ☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:
CITY OF MONTROSE CM/PEN PL

I. Employer: **CITY OF MONTROSE**

II. Prototype Sponsor:

Name: ICMA Retirement Corporation

Address: 777 N. Capitol Street, N.E.
Washington, D.C 20002-4240

Telephone Number: (202) 962-4600

III. The Effective Date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: **07/01**

IV. Plan Year will mean:

☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 6.05(l) of the Plan.)

☒ The twelve (12) consecutive month period commencing on **01/01** and each anniversary thereof.

V. Normal Retirement Age shall be age **55.0** (not to exceed age 65).

VI. ELIGIBILITY REQUIREMENTS:

1. The following group or groups of Employees are eligible to participate in the Plan:

_____All Employees
_____All Full-Time Employees
_____Salaried Employees
_____Non-union Employees
_____Management Employees
_____Public Safety Employees
_____General Employees
_X____Other (specify below)
CITY MANAGER

The group specified must correspond to a group of the mine designation that is defined in the statutes, ordinances, rides, regulations, personal manuals or other material in effect in the state or locality of the Employer.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be **N/A** (write N/A if an Employee is eligible to participate upon employment).

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is **N/A** (not to exceed age 21. Write N/A if no minimum age is declared.)

VII. CONTRIBUTION PROVISIONS

1. The Employer shall contribute as follows (choose one, if applicable):

☒ **Fixed Employer Contributions With or Without Mandatory Participant Contributions**.

The Employer shall contribute on behalf of each Participant **10.00**% of Earnings or $ **0** for the Plan Year (subject to the limitations of Article VI of the Plan). Each Participant is required to contribute **0.00**% of Earnings or $ **0** for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is required.) If Participant Contributions are required under this option, a Participant shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

The Employer hereby elects to “pick up" the Mandatory/Required Participant Contribution.

☐ Yes ☒ No

[Note to Employer: Neither an opinion letter issued by the Internal Revenue Service with respect to the Prototype Plan, nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are picked up by the Employer are not includable in the Participant's gross income for federal income tax purposes. The Employer may seek such a ruling.

Picked up contributions are excludable from the Participant's gross income under section 414(h)(2) of the Internal Revenue Code of 1986 only if they meet the requirements of Rev. Rul. 81-35, 1981-1 C.B. 255. Those requirements are (1) that the Employer must specify that the contributions, although designated as employee contributions, are being paid by the Employer in lieu of contributions by the employee; and (2) the employee must not have the option of receiving the contributed amounts directly instead of having them paid by the Employer to the plan .]

☐ **Fixed Employer Match of Participant Contributions**.

The Employer shall contribute on behalf of each Participant __% of Earnings for the Plan Year (subject to the limitations of Articles V and VI of the Plan) for each Plan Year that such Participant has contributed __% of Earnings or $__. Under this option, there, is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.

☐ **Variable Employer Match of Participant Contributions**.

The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Articles V and VI of the Plan):

._____% of the Participant contributions made by the Participant for the Plan Year (not including Participant contributions exceeding ___ of Earnings or $.____);

PLUS ___ % of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Participant contributions exceeding in the aggregate __% of Earnings or $ __.

Employer Contributions on behalf of a Participant for a Plan Year shall not exceed $ ___ or ___% of Earnings, whichever is ☒ more or ☒ less.

2. Each Participant may make voluntary (unmatched), after-tax contribution, subject to the limitations of Section 4.05 and Articles V and VI of the Plan.

☒ Yes ☐ No

3. Employer contributions and Participant contributions shall be contributed to the Trust in accordance with the following payment schedule:
BI-WEEKLY

VIII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

(a) Overtime

☐ Yes ☒ No

(b) Bonuses

☐ Yes ☒ No

IX. LIMITATION ON ALLOCATIONS

If the Employer (i) maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, and/or (ii) maintains a welfare benefit fund (as defined in section 4 19(e) of the Code) or an individual medical account (as defined in section 4lS(lX2) of the Code, under which amounts are treated as Annual Additions with respect to any Participant in this Plan) the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Sections 6.03 and 6.04 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, other than a Regional Prototype Plan, the provisions of Section 6.02(a) through (f) of the Plan will apply as if the other plan were a Master Prototype Plan, unless another method has been indicated below.

☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly

reduce any excess amounts, in a manner that precludes Employer discretion.)

2. If the Participant is or has ever been a participant in a defined benefit plan maintained by the Employer, and If die limitation in Section 6.04 of the Plan would be exceeded, then the Participant's Projected Annual Benefit under the defined benefit plan shall be reduced in accordance with the terms thereof to the extent necessary to satisfy such limitation. If such plan does not provide for such reduction, or if the limitation is still exceeded after the reduction, annual additions shall be reduced to the extent necessary in the manner described in Sections 6.01 through 6.03. The methods of avoiding the limitation described in this paragraph will not apply if the Employer indicates another method below.

   ☐ Other Method. (Note to Employer: Provide below language which will satisfy the 1.0 limitation of section 415(e) of the Code. Such language must preclude Employer discretion. See section 1.415-1 of the Regulations for guidance)

3. The limitation year is the following 12-consecutive month period: _____

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements as noted and (2) the concurrence of the Plan Administrator.

Years of Service Completed	Specified Percent Vesting	Minimum Vesting Requirements
Zero	100%	No minimum
One	100%	No minimum
Two	100%	No minimum
Three	100%	Not less than 20%
Four	100%	Not less than 40%
Five	100%	Not less than 60%
Six	100%	Not less than 80%
Seven, or more	100%	Must equal 100%

(**These minimum vesting requirements conform to the Code's three to seven year vesting schedule. If the employee becomes 100% vested by the completion of five years of service, there is no minimum for years three and four.)

XI. Loans are permitted under the Plan, as provided in Article XIV:

☒ Yes ☐ No

XII. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

XIII. The Prototype sponsor hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 15.05 of the Plan or of the discontinuance or abandonment of the Plan.

XIV. The Employer hereby appoints the Prototype Sponsor as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION PROTOTYPE MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XV. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XVI. An adopting Employer may not rely on a notification letter issued by the National or District Office of die Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code. In order to obtain reliance with respect to plan qualification, the Employer must apply to the appropriate key district office for a determination letter.

This Adoption Agreement may be used only in conjunction with basic Plan document number 001.

1-10-9: LOAN GUIDELINES (CITY MANAGER PLAN)

LOAN GUIDELINES

NAME OF PLAN: City of Montrose City Manager Pension Plan

I. PURPOSE

The purpose of these guidelines is to establish the terms and conditions under which the Employer will grant loans to participants. This is the only official Loan Program Document of the above named Plan.

II. ELIGIBILITY

Loans are available to all active employees. Loans will not be granted to participants who have an existing loan in default.

Loans are available from the following sources: [select one or both]

☒ Employer Contribution Account (vested balances only)

☐ Participant Contribution Accounts (pre- and post-tax, if applicable, including Employee Mandatory, Employee Voluntary, Employer Rollover, and Portable Benefits Accounts, but excluding the Deductible Employee Contribution/Qualified Voluntary Employee Contribution Account)

Loans will be pro-rated among all the funds in which the participant is invested at the time the loan is made.

Loans are available for the following purposes: (select one]

☒ All purposes

☐ Loans shall only be granted in the event of a participant's hardship or for the purpose of enabling a participant to meet certain specified financial situations. The Employer shall determine, based on all relevant facts and circumstances, that the amount of the loan is not in excess of the amount required to relieve the financial need. For this purpose, financial need shall include, but not be limited to: unreimbursed medical expenses of the participant or members of the participant's immediate family, establishing or substantially rehabilitating the principal residence of the participant, or paying for a college education (including graduate studies) for the participant or his/her dependents.

III. FREQUENCY OF LOANS

[select one]

☒ Participants may receive one loan per calendar year. Moreover, participants may have only one outstanding loan at a time.

☐ Participants may receive one loan per calendar year. Moreover, no participant may have more than five (5) loans outstanding at one time.

IV. LOAN AMOUNT

The minimum loan amount is $1,000.

The maximum loan amount is:

the lesser of:

(1) $50,000, reduced by the excess (if any) of:

a. The highest outstanding balance of loans during the one-year period ending on the day before the date a loan is to be made, over

b. The outstanding balance of loans on the date the loan is to be made; or

(2) 1/2 of the participant's vested account balance.

If a participant has any loans outstanding at the time a new loan is requested, the new loan will be limited to the maximum amount calculated above reduced by the total of the outstanding loans.

V. LENGTH OF LOAN

A loan must be repaid in substantially equal installments of principal and interest, at least monthly, over a period that does not exceed five (5) years.

Loans for a principal residence must be repaid in substantially equal installments of principal and interest, at least monthly, over no more than 20 years (state number of years) years (maximum 30 years).

VI. LOAN REPAYMENT PROCESS

Loans for active employees must be repaid through payroll deduction. Repayment will begin as soon as practicable on a date determined by the Employer's payroll cycle.

Loans outstanding for former employees who are allowed under Section X to maintain their loans or loans outstanding for employees on a leave of absence must be repaid on the same schedule as if payroll deductions were still being made unless they reamortize their loans and establish a new repayment schedule which provides that substantially equal payments are made at least monthly over the remaining period of the loan. All repayments must be made through the Employer.

Loan payments, including loan payments from former employees, are allocated to the same investment options designated on the 401 Enrollment Form or according to the most current 401 change form which specifies contribution allocations.

VII. LOAN INTEREST RATE

The rate of interest for loans of five (5) years or less will be based on prime plus 0.5%.

The rate of interest for loans for a principal residence will be based on the FHA/VA rate.

Interest rates are determined on the last business day of the month preceding the month the loan is disbursed. The interest rate is locked in at the time a loan is approved and remains constant throughout the life of the loan. The prime interest rate is determined on the last business day of each month using the Wall Street Journal as the source. The FHA/VA interest rate is also determined on the last business day of each month using the Telerate Information Service as the source.

Loan interest rates for new loans may fluctuate upward or downward monthly, depending on the movement of the prime and FHA/VA interest rates.

The Employer may modify the manner in which loan interest rates will be determined, but only with respect to future loans.

VIII. LOAN APPLICATION PROCEDURE

All loans must be requested in writing on an application approved by the Plan Administrator. The application must be signed by the participant. The Employer must review and approve the application.

If the participant is married at the time of application, and spousal consent is required by the plan for the loan, the participant's spouse must consent, in writing, to the loan and the consent must

be witnessed by a plan representative or notary public. Such consent must be given within the ninety (90) day period before the time the loan is made. Spousal consent, if required, must accompany the application in order for the application to be considered complete.

The participant will be required to sign a promissory note evidencing the loan and a disclosure statement which includes an amortization schedule prior to receiving a loan check. Loan checks will generally be issued on the Friday following the receipt of a complete loan application. The loan check, promissory note, disclosure statement and truth-in-lending recision notice will be sent to the Employer, who will obtain the necessary signatures and deliver the check to the participant. All executed documents must be returned to the Plan Administrator within 10 calendar days from the date the check is issued.

IX. SECURITY/COLLATERAL

That portion of a participant's vested account balance that is equal to the amount of the loan is used as collateral for the loan. The collateral amount may not exceed 50% of the participants vested account balance at the time the loan is taken. Only that portion of the vested account balance that corresponds to the amount of the outstanding loan balance is used as collateral

X. ACCELERATION

[select one]

☒ All loans are due and payable in full upon separation from service.

☐ All loans are due and payable when a participant receives a distribution of all of his/her account balance after separation from service. The amount of the outstanding loan balance will be reported as a distribution in addition to the amount of cash distributed from the plan.

☐ All loans are due and payable when a participant receives a distribution of part of his/her account balance after separation from service. The amount of the outstanding loan balance will be reported as a distribution in addition to the amount of cash distributed from the plan.

XI. REAMORTIZATION

Any outstanding loan may be reamortized. Reamortization means changing the terms of a loan, such as length of repayment period, interest rate, and frequency of repayments. A loan may not be reamortized to extend the length of the loan repayment period to more than five (5) yeas from the date the loan was originally made, or in the case of a loan to secure a principal residence, beyond the number of years specified by the Employer in Section V above.

A participant must request the reamortization of a loan in writing on a reamortization application acceptable to the Plan Administrator. Spousal consent must accompany the request for reamortization when such consent is required by the Plan. Upon processing the request, a new disclosure statement will be sent to the Employer for endorsement by the participant and approval by the Employer. The executed disclosure statement must be retuned to the Plan Administrator within 10 calendar days from due date it is signed. The new disclosure statement is considered an amendment to the original promissory note, therefore a new promissory note will not be required.

A reamortization will not be considered a new loan for purposes of calculating the number of loans outstanding or the one loan per calendar limit.

XII. REFINANCING EXISTING LOANS

If a participant has one outstanding loan, that loan may be refinanced. If a participant has more than one outstanding loan, no loans may be refinanced. Refinancing means concurrently repaying an existing loan and borrowing an additional amount through a new loan.

In order to refinance an existing loan, a participant must request a new loan in writing on an application approved by the Plan Administrator. Spousal consent must accompany the application when such consent is required by the plan. Such request must be made at a time when the participant is eligible to obtain a loan as defined by the Employer in Section III above. The amount of a new loan requested for the purpose of refinancing is subject to the loan limits specified in Section IV above.

Because a refinancing is considered a new loan, only active employees may refinance an outstanding loan.

XIII. REDUCTION OF LOAN

If a participant dies and leaves an outstanding loan, the unpaid loan balance will be repaid from the account balance before any distributions are made to a beneficiary.

XIV. LOAN DEFAULT

If a required payment of principal and Interest is not made within 90 days of the date such payment is due, the loan is considered in default. If a loan is In default, the loan will be foreclosed during the calendar year in which the participant separates from service. However, the IRS “deems” a default to be a distribution in the year the default occurs. Therefore, the amount of the outstanding loan at the time of the default, including accrued interest, will be reported to the IRS as a distribution in the year the default occurs even though the loan may not be

foreclosed at that time. The distribution may be subject to taxes and possibly a penalty for early withdrawal.

If a participant has separated from service and defaults on a loan, then the loan will be foreclosed during the calendar year in which the default occurs. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

If the Employer has elected in Section X and the promissory note so provides, a loan becomes due and payable when the participant separates from service. If the terms of the loan contain this provision, the outstanding loan amount is "deemed" in default as of the date of separation from service. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

If the Employer has so elected in Section X and the promissory note so provides, a loan becomes due and payable when the participant takes a distribution of some or all of the balance in his/her account after separation from service. If the terms of the loans contain such a provision and the outstanding loan balance is not paid prior to the distribution from the account, the outstanding loan amount will be considered in default upon issuance of the distribution check. The amount of the outstanding loan, including accrued interest, will be reported to the IRS as a distribution which may be subject to taxes and possibly a penalty for early withdrawal.

XV. DE MINIMIS ACCOUNTS AND OUTSTANDING LOAN BALANCE

If a participant separates from service and the participant's total vested account balance, including the outstanding loan balance, is $3,500 or less, the Plan will automatically foreclose the loan. The account balance remaining after the loan has been satisfied will be disbursed in accordance with De Minimis provisions of Section 10.04 of the Plan. If this occurs, the amount of the loan, including accrued interest, will be reported to the IRS as part of the distribution, which may be subject to taxes and possibly a penalty for early withdrawal.

XVI. FEES

Fees may be charged for various services associated with the application for and issuance of loans. All applicable fees will be debited from the participant's account balance. A schedule of fees applicable to this Plan is available from the Plan Administrator.

XVII. OTHER

The Employer has the right to set other terms and conditions as it deems necessary for loans from the Plan in order to comply with any legal requirements. All terms and conditions will be administered in a uniform and non-discriminatory manner.

TITLE 2

SAFETY PROGRAM

Chapters:

2-1 GENERAL PROVISIONS

2-2 GENERAL LOSS CONTROL PROGRAM ELEMENTS

2-3 MOTOR VEHICLE SAFETY

2-4 POLICE

2-5 PUBLIC WORKS

2-6 WATER AND WASTEWATER TREATMENT PLANTS

2-7 FIRE AND EMERGENCY MEDICAL SERVICES

2-8 PARKS AND RECREATION

2-9 WORKER'S COMPENSATION MEDICAL AND CLAIM MANAGEMENT STANDARDS

2-10 THREATS AND VIOLENCE POLICY

2-11 BLOODBORNE PATHOGENS

2-12 TRENCHING AND EXCAVATION

2-13 CONFINED SPACE ENTRY

2-14 DRUG AND ALCOHOL TESTING

2-15 HAZARD COMMUNICATION PROGRAM

2-16 EMERGENCY PROCEDURES

2-17 LOCK OUT / TAG OUT PROCEDURES

CHAPTER 2-1

GENERAL PROVISIONS

Sections:

2-1-1 STATEMENT OF POLICY

2-1-2 SAFETY PERFORMANCE EVALUATION

2-1-3 SAFETY COORDINATOR

2-1-4 SAFETY COMMITTEE

2-1-1: STATEMENT OF POLICY

The City of Montrose is committed to the prevention and control of accidental losses. The City and its officers and employees shall take appropriate action to implement the CIRSA Mandated Loss Control Standards, and to promote safety in all City operations.

2-1-2: SAFETY PERFORMANCE EVALUATION

Supervisors shall evaluate the safety performance of each employee as part of the employee's annual performance evaluation and note any deficiencies or instances of superior performance with respect to safety.

2-1-3: SAFETY COORDINATOR

(A) The City Manager shall designate a Safety Coordinator.

(B) The Safety Coordinator's duties are as follows:

(1) Coordinate the establishment, implementation and maintenance of this Safety Program.

(2) Serve as a contact with CIRSA with respect to this Safety Program.

(3) Monitor the compliance with the various provisions of this Safety Program by City officers and employees.

(4) Ensure that CIRSA is given written response within required time frames to recommendations resulting from audits by CIRSA's Loss Control Department. Follow-up to correct hazardous conditions and to implement recommendations.

(5) Coordinate the review of personnel policies with the Human Resources Director and City Attorney on an ongoing basis and recommend changes as necessary to keep them in compliance with applicable law.

(6) Perform other duties specified in this Loss Control Program.

(7) Optimize compliance with CIRSA Loss Control Standards including the bonus program.

(C) The Safety Coordinator may use such other employees or the Safety Committee as appropriate to assist in the performance of the Safety Coordinator's duties.

(D) The Safety Coordinator shall distribute a copy of this program to all employees and maintain records confirming that all employees have read it.

(E) The Safety Coordinator and Human Resources Director shall monitor the ADA self-evaluation and transition plans, policies and procedures to insure implementation and compliance with ADA requirements. The Safety Coordinator shall be a member of the ADA Committee.

2-1-4: SAFETY COMMITTEE

(A) A Safety Committee is hereby established to consist of the Safety Coordinator, and representatives of each operational area of the City.

(B) The purpose of the Safety Committee is to make recommendations concerning this program and safety issues to the City Manager.

(C) Meetings shall be held semi-annually or more often as appropriate. Minutes shall be kept. The Safety Coordinator shall call such meetings.

CHAPTER 2-2

GENERAL LOSS CONTROL PROGRAM ELEMENTS

Sections:

2-2-1 ACCIDENTS

2-2-2 SAFETY INSPECTIONS

2-2-3 SAFETY TRAINING

2-2-4 INCIDENT RESPONSE PROGRAM

2-2-5 SAFETY RULES AND PROCEDURES

2-2-6 HARASSMENT POLICY

2-2-1: ACCIDENTS

(A) All accidents involving any City personnel, equipment or property shall be reported by the employee to their Department Head and to the Police Department, if appropriate.

(B) The Safety Coordinator shall determine whether any additional investigation of the incident is required by consulting with the Chief of Police and City Attorney.

(C) The Safety Coordinator and the Human Resources Director shall ensure that appropriate reports are prepared and submitted to CIRSA.

(D) The Safety Coordinator shall advise the City Attorney and City Manager on account of any incident which may give rise to a claim by a third party against the City whether or not any such claim is articulated.

(E) The Safety Coordinator shall maintain complete records of all accident reports, investigations, claims, lawsuits and the resolution of them.

2-2-2: SAFETY INSPECTIONS

(A) The Safety Coordinator shall conduct, or provide for the conduct of, safety inspections of all significant City property, equipment, machinery, work practices and conditions on a periodic basis, at least annually.

(B) The Safety Coordinator shall maintain records of the results of all such inspections.

(C) The Safety Coordinator shall implement a follow-up system to ensure that any necessary corrective action is taken. The Safety Coordinator shall keep the City Manager advised of the results of such inspections and corrective action.

2-2-3: SAFETY TRAINING

(A) The Safety Coordinator shall insure that all employees receive instruction and training periodically concerning the provisions of this Safety Program and all safety rules and procedures which form a part hereof, and shall arrange with Department Heads for additional training with respect to safe methods and procedures for performing tasks when frequent or severe accidents have occurred or could occur.

(B) The Human Resources Director shall maintain, or cause to be maintained, safety-training records on all employees in their personnel files.

(C) The Safety Coordinator shall arrange for relevant liability and loss control training for the City Council, Planning Commission and other Boards as appropriate. New Council members should receive such training within six months of taking office.

2-2-4: INCIDENT RESPONSE PROGRAM

The Safety Coordinator shall develop and maintain an Incident Response Program for dealing with foreseeable emergencies and incidents and ensure appropriate training is provided.

2-2-5: SAFETY RULES AND PROCEDURES

(A) The Safety Coordinator shall recommend safety rules and procedures to the City Manager for adoption and monitor compliance by all City employees. Violations shall be reported to the City Manager and appropriate Department Head for remedial action. Failure of any employee to comply with this Safety Program and safety rules may be reason for disciplinary action.

(B) All significant contracts involving the City shall be referred to the City Attorney for the inclusion where appropriate of indemnification, hold harmless, and insurance provisions including worker's compensation insurance requirements. Contractors shall be required to comply with applicable federal, state and local

safety and health laws, regulations and ordinance. Standard City contract forms with such provisions shall be used whenever feasible.

2-2-6: HARASSMENT POLICY

The harassment policy shall be distributed to all City employees through City personnel regulations.

CHAPTER 2-3

MOTOR VEHICLE SAFETY

Sections:

2-3-1 DEFENSIVE DRIVING TRAINING

2-3-2 SEATBELTS

2-3-3 DRIVING LICENSES AND RECORDS

2-3-4 VEHICLE MAINTENANCE AND INSPECTIONS

2-3-5 VEHICLE ACCIDENT REVIEWS

2-3-1: DEFENSIVE DRIVING TRAINING

All employees who operate a City-owned vehicle or equipment shall be required to attend a defensive driving training session at least once every 3 years and as otherwise required by the Department Head or, in the case of a Department Head, by the City Manager. In addition, additional defensive driving training sessions may be required as provided by federal, state, and local law, rules, or regulations. The Safety Coordinator shall maintain records of such training.

2-3-2: SEATBELTS

(A) Drivers and riders in all City vehicles equipped with seatbelts shall use said seatbelts.

(B) Seatbelts shall not be removed from vehicles equipped with seatbelts. Seatbelts shall be provided as required by law and as otherwise deemed appropriate by the Safety Coordinator.

(C) Seatbelts shall not be required in circumstances where such use would pose a greater risk than not using them. However, the circumstances involving such non-use shall be immediately reported to the Safety Coordinator for review as to appropriateness.

2-3-3: DRIVING LICENSES AND RECORDS

(A) The Human Resources Director shall check the motor vehicle records of all individuals being considered for employment by the City in any position where

they will be driving a City-owned vehicle and advise the Department Head concerned of the results.

(B) The Human Resources Director shall check the motor vehicle records of all City employees who operate City-owned vehicles annually and maintain records of all motor vehicle record checks in the employee's personnel files, and advise the Department Head of the results.

(C) Employees with poor driving records shall be evaluated for training, counseling or continued driving by the Department Head and Safety Coordinator. Loss of driver's license by an employee for any reason, when such license is required to perform the functions of the position, shall be referred to the City Manager and Department Head for consideration of disciplinary action, which may include termination.

(D) The Human Resources Director shall ensure that drug and alcohol testing for employee drivers with Commercial Driver's Licenses follows federal regulations and City procedures (see §2-14-1 et seq.)

2-3-4: VEHICLE MAINTENANCE AND INSPECTIONS

All Departments with vehicles or mobile equipment shall establish a preventive maintenance program and maintain appropriate maintenance records.

2-3-5: VEHICLE ACCIDENT REVIEWS

(A) The Safety Coordinator shall review all vehicular accidents involving City-owned vehicles with the Chief of Police to determine the cause and possible action to prevent similar accidents in the future.

(B) The Safety Coordinator and Department Head shall ensure that appropriate preventive action or additional policies are directed to the appropriate employees based upon accident review including counseling, training, or suspension of driving.

(C) In cases involving gross negligence, a continual series of accidents by an employee, violation of this safety program or procedures or other similar circumstances, the matter shall be referred to the City Manager and appropriate Department Head for consideration of disciplinary action.

(D) The Safety Coordinator shall maintain appropriate records of all accident reviews.

(E) Accidents may be subject to mandatory post-accident drug and alcohol testing in accordance with §2-14-1, et seq.).

CHAPTER 2-4

POLICE

Sections:

2-4-1 CERTIFICATION

2-4-2 PROCEDURES

2-4-3 HOLDING FACILITIES

2-4-1: CERTIFICATION

The Chief of Police shall ensure that all officers meet applicable State Police Officer's certification requirements.

2-4-2: PROCEDURES

(A) The Chief of Police shall maintain a Policies and Procedures Manual which at a minimum includes provisions for the following:

(1) Emergency and pursuit driving

(2) Use of force/Use of deadly force

(3) Use of other force

(4) Arrest procedures

(5) Firearm qualification requirements

(6) Blood-borne pathogens (See § 2-11-1 et seq.)

(7) Juvenile status offenders

(8) Non-lethal defensive tool training

(B) The Chief of Police shall review Police Policies and Procedures annually, consult with the City Attorney and update them as necessary. Copies of Police Policies and Procedures and any amendments thereto shall be provided to the City Manager. The Chief of Police shall provide periodic training to policemen concerning procedures and maintain records of such training.

2-4-3: HOLDING FACILITIES

(A) The City of Montrose does not currently operate any holding facilities, but to the extent incarceration is necessary, shall use facilities provided by the County and other agencies as allowed by law. Detainees in need of immediate medical assistance while under the City's jurisdiction shall be referred to Montrose Memorial Hospital.

CHAPTER 2-5

PUBLIC WORKS

Sections:

2-5-1 INSPECTION AND MAINTENANCE PROGRAMS

2-5-2 COMPLAINT LOG

2-5-3 BLASTING OPERATIONS

2-5-4 WORK ZONE PROTECTION

2-5-5 LOCATING UNDERGROUND UTILITIES

2-5-6 TRENCHING AND EXCAVATING

2-5-7 CONFINED SPACE ENTRY SAFETY

2-5-8 SEWER INSPECTION AND SERVICING

2-5-9 HEAVY EQUIPMENT OPERATION

2-5-1: INSPECTION AND MAINTENANCE PROGRAMS

(A) The Public Works Director shall conduct or arrange for an inspection of all official traffic control devices and all streets, roads and bridges under the City's control at least once each year.

(B) The results of such inspections shall be documented and the Safety Coordinator shall maintain appropriate inspection records.

(C) The Public Works Director shall maintain a pothole correction program.

(D) A priority system for correcting any defects shall be developed and maintained by the Public Works Director.

2-5-2: COMPLAINT LOG

(A) The Safety Coordinator shall maintain a record of all complaints, notices of hazardous conditions concerning any City property and requests for service.

(B) Any City employee noticing any hazardous conditions on City-owned property or of traffic control devices shall report the condition to the Safety Coordinator.

(C) The Safety Coordinator shall conduct such investigation as appropriate to determine if corrective action is necessary and if so, shall issue a Service Request to the appropriate department for corrective action.

(D) The Safety Coordinator shall maintain records and follow up all corrective actions.

(E) The Safety Coordinator shall provide copies of such records to the Public Works Director.

2-5-3: BLASTING OPERATIONS

No blasting operations shall be conducted by the City unless the City Attorney is first consulted.

2-5-4: WORK ZONE PROTECTION

(A) All work by City employees on streets and alleys shall provide area protection in accordance with the Manual for Uniform Traffic Control Devices.

(B) Any work done on City streets or alleys by contractors for the City shall include contractual requirements to comply with the Manual for Uniform Traffic Control Devices.

(C) Any excavation permit granted by the City for work in City streets and alleys shall require compliance with the Manual for Uniform Traffic Control Devices.

(D) Any work on City property other than streets and alleys shall provide for barricades and other safety precautions necessary to protect and warn persons of excavations or other hazards.

(E) Employee training shall be conducted annually and documented.

2-5-5: LOCATING UNDERGROUND UTILITIES

(A) City employees shall comply with the provisions of Title 9, Article 1.5, C.R.S., for location of underground utilities with respect to any excavation.

(B) Contractors doing work for the City shall be required by contract provisions to comply with the provisions of Title 9, Article 1 .5, C.R.S.

(C) Any person obtaining an excavation permit to do work on City-owned property shall be required to comply with the provisions of Title 9, Article 1.5, C.R.S.

(D) The Safety Coordinator shall provide training to appropriate employees for locating underground utilities.

2-5-6: TRENCHING AND EXCAVATING

(A) City employees shall be required to comply with the procedures for trenching and excavating operations pursuant to the City policy (see §2-12-1 et seq.)

(B) The Safety Coordinator shall ensure that the City employees annually receive training in the trenching and excavating standards, which shall be documented.

2-5-7: CONFINED SPACE ENTRY SAFETY

(A) No City employee shall enter any manhole or other confined entry space except in compliance with the procedures established by the City (see § 2-13-1 et seq.).

(B) The Safety Coordinator shall ensure that employees receive annual training in such procedures, which shall be documented.

2-5-8: SEWER INSPECTION AND SERVICING

The Public Works Department shall inspect all City sewers on a periodic basis and service them on a periodic basis. Records shall be maintained of inspections and service.

2-5-9: HEAVY EQUIPMENT OPERATION

Training shall be provided to employees who operate heavy equipment at least once every two years.

CHAPTER 2-6

WATER AND WASTEWATER TREATMENT PLANTS

Sections:

2-6-1 OPERATOR CERTIFICATION

2-6-2 CONFINED SPACE ENTRY

2-6-3 SITE SECURITY

2-6-1: OPERATOR CERTIFICATION

The City does not own or operate a water treatment facility. With regard to the Wastewater Treatment Plant (WWTP), the Plant Superintendent shall ensure that all City Plant operators meet the applicable certification requirements of State law. The emergency response procedures for the WWTP are specifically set forth in the Emergency Response and Operating Program. Summaries of certain safety procedures are provided herein.

2-6-2: CONFINED SPACE ENTRY

Wastewater treatment plant personnel shall be trained and comply with the City's Confined Space Entry Safety procedures (see § 2-13-1 et seq.)

2-6-3: SITE SECURITY

The City wastewater treatment plant shall be fenced, the fence maintained in proper condition and posted to prohibit entry of unauthorized people.

13-Mar-02

CHAPTER 2-7

FIRE AND EMERGENCY MEDICAL SERVICES

Sections:

2-7-1 FIRE DEPARTMENT

2-7-2 EMERGENCY MEDICAL SERVICES PROVIDED BY CONTRACT.

2-7-1: FIRE DEPARTMENT

The city does not maintain a fire department.

2-7-2: EMERGENCY MEDICAL SERVICES PROVIDED BY CONTRACT.

Emergency medical services are provided by contract. Any City contract for emergency medical services shall include a provision that all paramedics and emergency medical technicians shall be trained and qualified as required by State law, rules and regulations.

CHAPTER 2-8

PARKS AND RECREATION

Sections:

2-8-1 INSPECTION

2-8-2 SERVICE REQUESTS

2-8-3 SWIMMING POOL SAFETY

2-8-4 INFORMED CONSENT AND WAIVER OF LIABILITY FORMS

2-8-5 TRAINING

2-8-1: INSPECTION

(A) The Public Works Director shall provide for a safety inspection of all parks, playgrounds and recreational facilities at least once a year.

(B) The Public Works Director shall document the results of such inspections and the Safety Coordinator shall maintain records of such inspections.

2-8-2: SERVICE REQUESTS

The Safety Coordinator shall maintain a Complaint and Service Request Log for Parks and recreation facilities together with the similar logs for Public Works.

2-8-3: SWIMMING POOL SAFETY

The City does not operate a swimming pool.

2-8-4: INFORMED CONSENT AND WAIVER OF LIABILITY FORMS

(A) In the event the City sponsors any recreational activities, the Safety Coordinator shall confer with the City Attorney to determine if it would be appropriate to obtain Informed Consent and Waiver of Liability forms from the participants.

(B) The Safety Coordinator shall maintain records of all such forms.

13-Mar-02

2-8-5: TRAINING

The Safety Coordinator shall ensure that all employees including seasonal employees receive periodic training concerning hazards, safety precautions, incident reporting and emergency procedures regarding parks and recreational facilities and maintain records of such training.

CHAPTER 2-9

WORKER'S COMPENSATION MEDICAL AND CLAIM MANAGEMENT STANDARDS

Sections:

2-9-1 DESIGNATED PHYSICIAN

2-9-2 MODIFIED DUTY WORK PROGRAM

2-9-3 PHYSICAL EXAMINATION

2-9-4 BACK INJURY CONTROL PROGRAM

2-9-5 CLAIM REPORTING PROCEDURES

2-9-6 THE FIRST-AID TRAINING

2-9-7 OFFICE ERGONOMICS

2-9-8 HAZARD COMMUNICATION PROGRAM

2-9-1: DESIGNATED PHYSICIAN

A physician designated by the City shall treat all municipal employees who sustain on-the-job injuries or illnesses.

2-9-2: MODIFIED DUTY WORK PROGRAM

The Human Resources Director shall determine if a program of modified duty can be developed for any employees who are injured on the job and make appropriate recommendations to the City Manager based upon available work and the needs of the City.

2-9-3: PHYSICAL EXAMINATION

All personnel whose duties require significant physical exertion shall be required to have physical examinations prior to being hired and periodically thereafter to determine whether they are capable of performing their job in a safe manner.

2-9-4: BACK INJURY CONTROL PROGRAM

The Safety Coordinator shall provide for the participation of appropriate employees in the CIRSA Back Injury Control Program and maintain records of such activities.

2-9-5: CLAIM REPORTING PROCEDURES

The Human Resources Director shall ensure that required reports of on-the-job injuries are filed promptly and maintain close liaison with CIRSA, the adjuster, the employee and the physician.

2-9-6: THE FIRST-AID TRAINING

The Human Resources Director shall ensure that first-aid training is provided to Department Heads and other key employees and maintain records of such training.

2-9-7: OFFICE ERGONOMICS

The Safety Coordinator and ADA Coordinator shall evaluate all computer workstations to ensure they are set up in a proper ergonomic manner to prevent repetitive motion injuries. Employees who operate VDT's shall be given training to prevent injuries.

2-9-8: HAZARD COMMUNICATION PROGRAM

The Safety Coordinator shall develop and implement a hazard communication program consistent with OSHA standards with and including provisions from chemical inventories, materials safety data sheets, container labeling and employee training.

CHAPTER 2-10

THREATS AND VIOLENCE POLICY

Sections:

2-10-1 WORKPLACE

2-10-2 PUBLIC ACCESS TO CITY HALL

2-10-3 PANIC BUTTONS

2-10-4 VIDEO CAMERAS

2-10-1: WORKPLACE

(A) The City shall strive to maintain a work environment free from intimidation, threats, or violent acts. This includes, but is not limited to, intimidating, threatening or hostile behaviors, stalking, physical abuse, vandalism, arson, sabotage, use of weapons, carry weapons on to city property, or any other act which, in management's opinion, is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior are not tolerated.

(B) Any employee who feels subjected to or who observes or has knowledge of any of the behaviors listed above should immediately report the incident to the head of his or her department. Complaints will receive attention and the situation will be investigated. Based upon the results of the inquiry, disciplinary action or other action as deemed appropriate may be taken against the offender.

(C) Any employee who feels subjected to intimidation, threats, or violent acts as stated in the City's Threats and Violence Policy should report the incident immediately to the head of his or her department. If the Department Head is not immediately available, the incident should be reported to the City Manager.

(D) Department Head and the employee will meet to assess the threat and attempt to come to a consensus as to its seriousness. If a consensus is reached that the threat was not serious, the Department Head will informally document the incident and no further action will be taken.

(E) If a consensus is reached that the threat is a serious one, or if no consensus is reached, the incident will be formally documented and referred to the Human Resources Director.

(F) The Human Resources Director will assess the incident and will make recommendations concerning further action.

2-10-2: PUBLIC ACCESS TO CITY HALL

Public access to City Hall should be restricted to the minimum doors necessary in which to conduct business.

2-10-3: PANIC BUTTONS

Panic buttons are installed in employee areas that are isolated or subject to potential public threats. The alarms from the panic buttons should be directed to a continuously monitored receiving station.

2-10-4: VIDEO CAMERAS

Video cameras are installed at strategic locations to help deter potential threatening public behavior as well as to monitor public actions in the more remote sections of the building.

CHAPTER 2-11

BLOODBORNE PATHOGENS

Sections:

2-11-1 PROTECTION PROCEDURES

2-11-2 DECONTAMINATION/DISINFECTION

2-11-3 EXPOSURE AND TREATMENT

2-11-1: PROTECTION PROCEDURES

(A) When protective gear is available no employee shall refuse to arrest any person who may carry HIV or HBV viruses.

(B) All employees shall use protective gear whenever there is possibility of exposure to bloodborne pathogens, unless the employee can demonstrate that this would cause injury to himself or herself, or injury to another officer. "Protective gear" shall include the following:

(1) Disposable gloves (shall be worn at all times when in contact with blood or other body fluids, or when caring for individuals with bleeding wounds, or in any high risk situation).

(2) Masks in combination with eye protection (should be used when risk of infection by splashes or sprays of infectious material exists).

(3) Plastic mouthpieces (should be used when mouth-to-mouth resuscitation is performed).

(C) All employees shall exercise extreme caution when handling sharp objects such as knives or needles, which may be contaminated.

(1) Protective gloves should be worn when searching persons or places such as accident scenes, where sharp objects and body fluids are likely to be present.

(D) Any evidence contaminated with any body fluids shall be completely dried, double-bagged in paper bags, marked and identified as being potentially contaminated.

(E) With regard to custody and transportation of prisoners, all individuals with body fluids on their person should be transported in separate vehicles from other persons.

2-11-2: DECONTAMINATION/DISINFECTION

(A) All equipment and work surfaces must be cleaned and decontaminated after exposure to blood or any other infectious material. Receptacles used to hold actual or potentially contaminated items shall be labeled "biohazardous", and decontamination should be performed as soon as possible. Officers shall remove all clothing that has been contaminated as soon as possible with as little handling as possible. Contact with skin shall be cleaned in the prescribed fashion.

(1) Any unprotected skin surfaces that come into contact with body fluids or potentially contaminated infectious materials shall be thoroughly washed with soap and hot water for 15 seconds before rinsing and drying.

(2) Alcohol or antiseptic towelettes may be used instead of soap and water.

(3) Disposable gloves should be rinsed before removal.

(4) All open cuts and abrasions shall be covered with waterproof bandages before reporting to duty.

(B) Whenever body fluids are spilled in a departmental vehicle or upon non-disposable equipment, the following procedure shall apply:

(1) Excess body fluids shall be removed with an absorbent cloth. Gear shall be worn accordingly.

(2) The affected area will be disinfected with a solution of bleach (or alcohol) and detergent and allowed to air-dry.

(3) Supervisors will be notified if equipment or vehicles cannot be decontaminated immediately and posted with a contamination warning sign.

(C) All police department vehicles will be stocked with the following:

(1) Protective equipment, including face and eye protection, gloves, and leak-proof containers for needles and other sharp objects, barrier resuscitation equipment and leak-plastic bags.

(2) Germicidal cleaner

(3) Disposable towelettes

(4) Waterproof bandages and first aid kit

(5) Absorbent cleaning materials

(6) All officers are required to keep disposable gloves in their possession at all times while on duty.

2-11-3: EXPOSURE AND TREATMENT

(A) With regard to exposure, all department members who are at risk of exposure to the hepatitis B virus shall be given an opportunity to receive the vaccination series shots at no cost to those members. The vaccination series shall be provided if the employee has not already received the vaccination series. In case of exposure, a supervisor shall complete appropriate worker's compensation forms, and document the circumstances of how the exposure happened.

(1) Immediately after such exposure the officer will respond to a physician for tests of evidence of infection and treatment.

(2) Unless authorized by the employee all test results are confidential.

(B) The department shall ensure that all employees are trained in the prevention of bloodborne diseases prior to their assignment.

(1) All employees will receive updated training when procedures are modified.

(2) All trainees will have access to federal and state regulations pertaining to bloodborne diseases.

(3) The Human Resources Director shall ensure that complete records are maintained on the employee's training to include information on the dates and content of training sessions, names, and qualifications of the persons conducting said training.

CHAPTER 2-12

TRENCHING AND EXCAVATION

Sections:

2-12-1 PURPOSE

2-12-2 PROCEDURE

2-12-3 TRENCH WIDTH

2-12-4 SLOPED SIDEWALLS

2-12-5 TRENCH DEPTH

2-12-6 FIRM EARTH EXCAVATION

2-12-7 UNSUITABLE FOUNDATION MATERIAL

2-12-8 ROCK OR HARD CLAY

2-12-9 EXCAVATION IN PAVED AREAS

2-12-10 WATER DISPOSAL

2-12-1: PURPOSE

This section covers excavations, and trenching for the structures, pipelines and appurtenances.

2-12-2: PROCEDURE

Except where shown otherwise on approved drawings, and except when the Engineer gives written permission to do otherwise, all trench excavation shall be made by open cut to the depth required to construct the pipeline as shown on the drawings. Where depth of ditch and other conditions will allow it, tunneling, boring or jacking may be required under sidewalks, curb and gutter, or other structures. Written permission from the Engineer must be obtained prior to any tunneling or jacking. In no case will tunneling be permitted for distances greater than ten (10) feet. When jacking is permitted, only persons experienced in that work, using suitable equipment, shall perform the jacking operation. The length of trench to be open at any one time may be limited when, in the opinion of the Engineer, such limitation is necessary for the safety and convenience of the public. Topsoil shall be removed and piled separately for use in finish grading the grounds. During excavation, material suitable for backfilling shall be piled in an orderly manner a sufficient distance from the banks to avoid overloading and to prevent slides or cave-ins. All excavated materials not suitable for backfill shall be removed from the site at the Contractor's expense.

2-12-3: TRENCH WIDTH

(A) Trenches shall be excavated to the width necessary to permit the pipe to be properly bedded, laid and jointed, and backfill materials placed as specified in this Section. No trench shall have a width of less than the outside diameter of the pipe plus twenty-four (24) inches. The maximum clear trench width measured one (1) foot above the top of the pipe barrel shall not be greater than that shown in the following table unless otherwise specified.

TRENCH WIDTH TABLE

Pipe Diameter Inches	Maximum Trench Inches	Pipe Diameter Inches	Maximum Trench Inches
8	28	30	56
10	30	33	60
12	33	36	68
15	36	42	75
18	40	48	82
21	44		
24	48		
27	52		

2-12-4: SLOPED SIDEWALLS

In the event that sidewalls of the trench are sloped to meet safety requirements, the sloping shall terminate at a depth not less then one (1) above the top of the pipe barrel, and from that point down the trench width shall be limited to that shown on the preceding table of the Section.

2-12-5: TRENCH DEPTH

Unless otherwise specified by the Engineer, the trench shall be excavated to the proper depth, and the trench bottom shall be graded to provide uniform bearing and support for the entire length of pipe. A continuous trough shall be excavated to receive the bottom quadrant of the pipe barrel, bell holes shall be provided at each joint to permit the jointing to be performed properly and so that the pipe will be uniformly supported on the barrel portion of the pipe only.

2-12-6: FIRM EARTH EXCAVATION

When the excavation is in firm earth, care shall be taken to avoid excavation below the established grade plus the required specified over depth to accommodate the granular bedding. All unauthorized excavation below the established depth made without the written authorization of the Engineer shall be refilled with approved granular material and compacted by and at the expense of the Contractor.

2-12-7: UNSUITABLE FOUNDATION MATERIAL

In case soft or otherwise unsuitable foundation material is encountered in the trench bottom, such soil shall be removed to a depth as directed by the Engineer. It shall be replaced with Engineer approved backfill material and compacted to provide a suitable foundation for the pipe. If groundwater enters the trench as it is being excavated, only enough trench shall be opened so as to permit the laying of one (1) joint of pipe.

2-12-8: ROCK OR HARD CLAY

When rock or hard clay is encountered in the trench bottom, the trench shall be over excavated six (6) inches. The over excavated material shall be replaced with Engineer approved material and compacted.

2-12-9: EXCAVATION IN PAVED AREAS

(A) Where excavation is required under paved areas, the pavement shall be cut in such a manner as to effect a smooth, straight cut edge and as a vertical face six (6) inches minimum beyond the trench wall. The maximum width of pavement removed shall not exceed ten (10) feet, as may be otherwise allowed for large pipe diameters.

(B) Replacement of sub-base material may be granular base material (Class 6) installed surrounding and to a maximum of twelve inches (12") above the pipe.

(C) Replacement of base material shall be flowable fill with a 28-day compressive strength not to exceed 60 p.s.i. to ensure the backfill can be re-excavated. A vibrator is required to improve the consolidation of the flowable fill mix. The flowable fill shall be placed even with adjacent surfaces to ensure drainage away from the trench.

(D) All replacement materials and procedures shall be subject to the inspection and approval of the City Engineer according to these specifications.

2-12-10: WATER DISPOSAL

The Contractor shall provide and maintain at all times ample means and devices to promptly and properly dispose of all water entering the trench excavation. Water shall be disposed of in a suitable manner without damage to adjacent property or without being a menace to public health and convenience. Unless authorized, in writing, trench water shall not be allowed to enter any sewer lines either by gravity or by pumping. All open ends of the pipe shall be tightly plugged at the end of each days work to ensure that no water can flow into the sewer line in the event of a storm or a pump failure. All manholes under construction shall be sealed tightly to prevent flows from entering the system unless otherwise directed in writing.

13-Mar-02

CHAPTER 2-13

CONFINED SPACE ENTRY

Sections:

2-13-1 DEFINITION

2-13-2 PERMIT ENTRY

2-13-3 EQUIPMENT

2-13-4 BUDDY SYSTEM

2-13-1: DEFINITION

This section covers entry into confined spaces. A "confined space" is defined as a place not intended for continued employee occupancy, has a restricted entry and exit, and may contain a hazardous condition. Such hazardous conditions may include atmospheric hazards, mechanical and electrical hazards, potential for entrapment, and potential for engulfment.

2-13-2: PERMIT ENTRY

Many injuries and fatalities occur in confined spaces because a worker enters a confined space without telling anyone or because management fails to alert the worker to a known hazard that the worker may be unaware of. To prevent these tragic occurrences, a permit entry system shall be established that requires any worker to first obtain a permit prior to entering a confined space. The permit, a copy of which shall be attached hereto for reference, shall be completely filled out by the worker. The permit requires preliminary testing of the atmosphere, safety equipment, attendants and equipment. Authorization for entry must be obtained by issuance of Entry Permit prior to entry into any confined space.

2-13-3: EQUIPMENT

Testing for atmospheric hazards shall be performed prior to entry. Gas monitoring equipment, ventilation equipment, respiratory apparatus, and personal protection equipment shall be utilized as necessary, and as required by the Entry Permit. For prolonged periods of time to be spent in confined spaces, there must be a continuing monitoring of the space. Ventilation may be required in manhole and sewer lines. Full body harnesses with attached retrieval lines should be worn by all entrants.

2-13-4: BUDDY SYSTEM

Authorized attendants must remain outside of the confined space and continually monitor the activities and communications of the person within the space.

CITY OF MONTROSE
CONFINED SPACE ENTRY PERMIT

_____ _____
DATE ADDRESS OF CONFINED SPACE

_____ _____ _____
CITY HALL NOTIFICATION TIME ACTUAL ENTRY TIME PURPOSE OF ENTRY

AUTHORIZATION TO ENTER: SIGNATURE _____

NAME(S) OF EMPLOYEE(S) ENTERING CONFINED SPACE:

_____
_____
_____

NAMES OF OBSERVERS:

_____
_____
_____

GAS MONITOR USED: _____ _____ _____
DATE CALIBRATED BY WHOM

TEST CONDUCTED	Acceptable Limits	Time	Results	Time	Results	*ALARM MODE* ACTIVATED Time	Results
Oxygen Level	(19.5%-21%)	_____	_____	_____	_____	_____	_____
Hydrogen Sulfate	(10 ppm)	_____	_____	_____	_____	_____	_____
Carbon Monoxide	(50 ppm)	_____	_____	_____	_____	_____	_____
Explosives	(>10% L.E.L.)	_____	_____	_____	_____	_____	_____
Meter Elapsed Time (hrs.)		_____					

*IF ALARM MODE IS ACTIVATED - LEAVE METER ON
You must maintain communications with City Hall
Call and log your time every 20 minutes _____ _____ _____
_____ _____ _____

TIME WORK COMPLETED: _____

COMMENTS: _____
_____

SIGNATURE OF AUTHORIZED PERSON: _____

CHAPTER 2-14

DRUG AND ALCOHOL TESTING

Sections:

2-14-1 COMMERCIAL DRIVERS

2-14-2 REQUIRED TESTING - PRE-EMPLOYMENT

2-14-3 REQUIRED TESTING -POST-ACCIDENT

2-14-4 RANDOM TESTING

2-14-5 REASONABLE SUSPICION TESTING

2-14-6 RETURN-TO-DUTY TESTING

2-14-7 FOLLOW-UP TESTING

2-14-8 PRE-EMPLOYMENT PHYSICAL

2-14-9 METHODS OF TESTING - DRUGS

2-14-10 METHODS OF TESTING - ALCOHOL

2-14-11 TEST RESULTS - DRUGS

2-14-12 TEST RESULTS - ALCOHOL

2-14-13 COMMUNICATIONS

2-14-14 EDUCATION

2-14-15 CONFIDENTIALITY

2-14-1: COMMERCIAL DRIVERS

(A) Drug and alcohol testing will be conducted on any current and/or prospective driver who is subject to commercial drivers license (CDL) and who may have to operate a commercial motor vehicle, having a gross combined total weight rating in excess of 26,000 pounds, or of any size used to transport hazardous materials that requires the vehicle to be placarded, or designed to transport sixteen or more passengers including the driver. For employees subject to having a CDL (referred to herein as "Drivers"), the following conduct is strictly prohibited:

(1) Drivers are prohibited from using, being under the influence of, or possessing illegal drugs

(2) Drivers are prohibited from using or being under the influence of legal drugs that are being used illegally or outside of prescribed dosage

(3) Drivers are prohibited from using or being under the influence of legal drugs whose use can adversely affect the ability of the driver to perform his or her job safely

(4) Drivers are prohibited from using or being under the influence of alcohol at any time while driving or performing any other safety-function

(B) For purposes of these regulations, performing a "safety-sensitive" function means any of the following:

(1) driving,

(2) waiting to be dispatched at a carrier's or shipper's terminal, plant, facility or other property,

(3) inspecting, serving or conditioning equipment,

(4) being in or on a commercial motor vehicle,

(5) loading or unloading, including supervising or assisting in loading or unloading,

(6) securing the vehicle, or

(7) repairing, or attending a disabled vehicle.

2-14-2: REQUIRED TESTING - PRE-EMPLOYMENT

(A) This test is required before any driver-applicant will be hired. This test is also required before any existing worker will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle.

(B) Any applicant who refuses or fails to execute the release to be drug tested form, who refuses or fails to execute authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment / pre-duty drug test as directed, or whose result is positive, will not be considered eligible to work.

(C) Existing workers who test positive will not be considered qualified for the position for which they are applying and will also be subject to the disciplinary action.

2-14-3: REQUIRED TESTING -POST-ACCIDENT

(A) A driver who is performing a safety-sensitive function must submit to a post-accident drug and a post-accident alcohol test as soon as possible after the occurrence of any accident that involves the death of a human or which results in the issuance of a citation to the driver and either (I) a person is injured in the accident requiring immediate medical attention or (ii) one of the vehicles involved in the accident must be transported away from the accident scene by a tow truck or other vehicle.

(B) Whenever a driver is involved in an accident as described above and is not tested for drugs and alcohol by a law enforcement official, the driver is required to immediately report for a test.

(C) A driver who is required to take a post-accident drug and/or alcohol test will, at the City's discretion, either be assigned to a non-safety sensitive function, or placed on non-disciplinary suspension with pay, awaiting the post-accident test results.

(D) A driver who tests positive for drugs and/or alcohol, who refuses or fails to submit to a post-accident drug and alcohol test as required, unnecessarily delays reporting to the test site following an accident, or who otherwise fails to comply with the City's post-accident testing procedures, will be subject to disciplinary action, and possibly discharge.

(E) A driver who is seriously injured and cannot provide a specimen at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances or alcohol in his/her system.

2-14-4: RANDOM TESTING

(A) The City is required to test drivers on an unannounced random basis. City shall conduct random drug test for 50% of the covered employees every twelve months; and shall conduct random alcohol test for 25% of the covered employees every twelve months. The tests shall be conducted on a quarterly basis. Every driver shall have an equal chance of being selected every time the selection is conducted.

(B) The identity of individual drivers shall not be announced prior to notification of required immediate testing for the selected employees. A driver who tests positive or who refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.

(C) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the performing of such functions, or just after.

(D) A driver who tests positive or who refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function. A driver who refuses to submit to a random test, who fails to report for the test as directed, or who tests positive, shall be subject to disciplinary action, up to and including discharge.

2-14-5: REASONABLE SUSPICION TESTING

(A) Each driver is required to submit to a drug and/or alcohol test whenever the City has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of federal regulations and/or these Regulations.

(B) Reasonable suspicion will exist when a driver's appearance, behavior, or body odors indicate drug or alcohol use, or the chronic and withdrawal effects of drugs. Such observations must be personally observed and documented by at least one City supervisor who has received training covering the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

(C) Whenever a driver is notified that there is reasonable suspicion to be tested, the driver shall be expected to report to the test site immediately to be tested.

(D) The City shall attempt to make arrangements for transporting the driver upon completion of the test.

(E) If the driver rejects the City's efforts in this regard and instead insists on driving his/her personal vehicle, the City reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement personnel and imposing disciplinary action, up to and including discharge.

(F) A driver who is required to take a reasonable suspicion test will be considered by the City as unqualified to work and placed on immediate suspension, without pay, pending the results of his/her test. A driver whose test results are negative will be reimbursed for the time of his/her suspension. A driver whose test results are positive will not be reimbursed for the time of the suspension.

(G) A driver whose reasonable suspicion test is positive, or who fails or refuses to submit to a reasonable suspicion test when directed to do so, will be subject to disciplinary action, up to and including discharge.

2-14-6: RETURN-TO-DUTY TESTING

(A) Before a driver is allowed to return to the duty of performing a safety sensitive function following a verified positive drug test results, an alcohol result of 0.04 or greater, a refusal to submit to a test, or any other activity that violates these regulations, that employee must first be evaluated by a Substance Abuse Professional (SAP) and pass a return-to-duty test.

(B) The purpose of the return-to-duty test is to provide some degree of assurance to the City that the individual is presently free of alcohol and/or any prohibited drugs and is able to work without undue concern about continued abuse.

(C) Before a return-to-duty test is performed, the employee must be evaluated by a SAP to determine whether the driver has followed the recommendations for action by the SAP, including participation in any rehabilitation program.

(D) The driver must have a verified negative drug test result or an alcohol test result of less than 0.02 to return to a safety-sensitive function. If a drug test result is canceled, the City shall require the employee to submit to and pass another drug test.

2-14-7: FOLLOW-UP TESTING

(A) Once allowed to return-to-duty, the driver shall be subject to unannounced follow-up testing for at least 1 2 but not more than 60 months. The frequency and duration of the follow-up testing will be recommended by the SAP as long as a minimum of six tests are performed during the first 1 2 months after the employee has returned to duty.

(B) Follow-up testing is separate from and in addition to the regulated random testing program. Employees subject to follow-up testing will remain in the random pool and will be tested whenever their names come up for random testing, even if that means duplicate tests may be performed the same week, month, etc.

2-14-8: PRE-EMPLOYMENT PHYSICAL

The City requires all driver applicants to undergo a comprehensive pre-employment physical.

2-14-9: METHODS OF TESTING - DRUGS

(A) To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with procedural protocols and safeguards set forth in Part 40 of Title 49 of the Federal Code of Regulations. This includes, among other things:

(1) procedures to ensure the correct identity of each driver at the time of testing,

(2) a strict chain-of- custody procedure to ensure that the driver's specimen is not tampered with by the City,

(3) the use of a trained breath alcohol technical (BAT) and federal approved testing devices for conducting alcohol tests,

(4) the use of a laboratory that has been certified by the Department of Health and Human Services (DHHS),

(5) the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS),

(6) the confirmation of an initial positive alcohol screen by a second analysis, and

(7) the City's appointment of a qualified Medical Review Officer (MRO) to review the drug test results before they are reported to the City's designated representative.

(B) To further facilitate the integrity and accuracy of each test, the City will provide the drivers with written and/or oral instructions regarding the conduct of the specific test before each testing event. The City considers all such instructions to be a part of these Regulations.

Drivers who refuse or otherwise fail to comply with all such instructions will be subject to disciplinary action, up to and including discharge.

(C) All drug tests conducted under this Policy require that the driver must provide a specimen of his/her urine. At a minimum, urine specimens will be analyzed for the presence of the following drugs:

(1) Marijuana;

(2) Cocaine

(3) Opiates

(4) Amphetamines; and

(5) Phencyclidine

Specimens will also be analyzed for such other substances as federal regulations may from time-to-time direct.

(D) In general, drivers will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. However, a driver forfeits this right whenever there is a reason to believe that he/she may alter or substitute a specimen.

(E) All drug tests will be administered using the split sample methodology required by federal regulation. Under this methodology, the driver must provide at least 45 milliliters (ml) in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) ml will be poured into one bottle and fifteen (1 5) into a second bottle. Both bottles will be sent to the laboratory. The bottle containing 3Oml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory to be sent to another lab at the driver' s request in the event that the primary specimen is verified a positive. In the event that primary specimen is verified as positive, the driver will be notified by the City's MRO of the positive test and given the option to, within 72 hours, request to have the second bottle sent to a different laboratory for analysis.

(F) Except for the use of methadone and medications containing alcohol, in this policy prohibits a driver's use of a medication legally prescribed by a licensed physician: (I) who is familiar with the driver's medical history and specific safety-sensitive duties, and (ii) who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle safely. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

(G) Before being tested for drugs, drivers may list on their copy of the chain-of-custody form, any prescription and non-prescription medications being lawfully used by that driver at that time. This list will remind the driver of any medications being taken at the time of the collection, in the event of an MRO interview.

A "positive" drug test may be declared `negative" by the City's MROI if the driver can provide the MRO with clear and convincing evidence that the drug that was used was prescribed by a licensed physician who is familiar with the driver's medical history and specific duties. determination of this will be made by the City's MRO.

2-14-10: METHODS OF TESTING - ALCOHOL

(A) All alcohol tests conducted under these regulations require that the driver must provide a breath specimen for any test conducted by, or on behalf of, the City. In the case of an alcohol test conducted by a federal, state or local law enforcement officer following an accident, driver must provide either a blood or breath specimen, as directed by the law enforcement officer.

(B) Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved evidential breath testing device (EBT)I except in cases of on-scene post-accident testing conducted by federal, state, or local officials.

(C) In the event that a driver is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the driver will be required to submit to an evaluation by a licensed medical physician to determine whether valid medical condition does exist, the test result will be reported to the City as "negative." If the physician determines that a valid medical condition does not exist, the test result will be reported to the City as a "confirmed positive".

2-14-11: TEST RESULTS - DRUGS

(A) Before a driver's test result will be confirmed positive for drugs, the driver will be given the opportunity to speak with the City's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the City as "negative".

(B) If the MRO determines that a legitimate medical reason does not exist, test result be reported to the City as a ``confirmed positive.

(C) Except as provided otherwise for pre-employment testing, a driver whose test result is confirmed positive for drugs will be considered unqualified to perform or continue performing his/her functions safely and shall be subject to disciplinary action, which may include immediate discharge. In addition, a driver whose test result is confirmed positive for drugs may also be subject to civil and criminal penalties imposed by law.

(D) In the event that the test result of a drivers primary specimen is confirmed positive, the driver will be notified by the City1s MRO and advised that he/she has 72 hours to request that the MRO send his/her secondary specimen to a second, DHS approved laboratory for analysis. Pending the outcome of this additional analysis, the driver will continue to be considered unqualified to work.

2-14-12: TEST RESULTS - ALCOHOL

(A) In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a negative1 and no additional test will be required at that time.

(B) In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a second, confirmatory test will be performed. In the event that the driver provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the City as negative.

(C) Any driver who' s confirmatory test registers 0.02 or more but less than 0.04 is prohibited from performing or from continuing to perform any safety-sensitive function until the drivers next regularly-scheduled duty period, but for no less than 24 hours. Except as provided herein (concerning pre-employment and pre-duty tests), a driver who, after providing an adequate breath specimen, has a confirmatory test that registers 0.02 or more but less than 0.04 will, at a minimum be suspended without pay until his/her next regularly-scheduled duty period, not less than 24 hours, and may be subject to additional disciplinary action, up to and including discharge.

(D) A driver who, after providing an adequate breath specimen, has a confirmatory test that registers 0.04 or greater will, at a minimum be suspended without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours.

2-14-13: COMMUNICATIONS

(A) Drivers who are tested for drugs are required to remain in contact with the City and the City's MRO and are also required to advise the City of their whereabouts and the telephone number where they can be reached at this time.

(B) A driver who refuses or fails to remain in contact with the City and the City's MRO will be subject to disciplinary action, up to and including discharge. In addition, a driver who fails to remain in contact may waive his/her right to speak with the City's MRO before a test is confirmed positive.

2-14-14: EDUCATION

(A) The City is required to provide educational materials for all drivers, the federal requirements and the City's policies and procedures to meet those requirements.

In addition to these regulations, the City will provide drivers with information concerning:

(1) the effects of drugs and alcohol on an individual's health, work, and personal life;

(2) the signs and symptoms of a drug or alcohol problem;

(3) the available methods of intervention when a problem does exist.

(B) Each driver is required to certify that he/she has been given a copy of these regulations and other drug and alcohol information by the City are required to execute the certification as a condition of being hired. An applicant who refuses to do so will not be hired.

(C) Any existing driver who engages in any conduct prohibited under these regulations shall be provided with information concerning the resources available to evaluate and resolve a drug or alcohol problem.

2-14-15: CONFIDENTIALITY

(A) The results of all individual drug and alcohol tests shall be confidential and kept in the personnel files.

(B) The release of any such information shall only be given in accordance with an individual's written authorization, or as otherwise provided by law.

CHAPTER 2-15

HAZARD COMMUNICATION PROGRAM

Sections:

2-15-1 PURPOSE AND SCOPE

2-15-2 OUTLINE OF BASIC REQUIREMENTS

2-15-3 WRITTEN PROGRAM

2-15-4 THE CHEMICAL INVENTORY

2-15-5 MATERIAL SAFETY DATA SHEETS

2-15-6 CITY-WIDE HAZARD COMMUNICATION REGULATIONS

2-15-1: PURPOSE AND SCOPE

The following introduction describes the purpose and scope of Hazard programs as defined by OSHA. It is intended to assist in educating safety representatives and employees concerning hazardous substances, and provide guidance in implementing facility-specific Hazard Communication Programs. Each facility that deals with hazardous substances must have a Hazard Communication Program conforming to these general guidelines. Following the Introduction is the section that includes the hazard communication safety regulations for use throughout the City, and in facilities without a facility-specific program.

The basic goal of a hazard communication program is to provide information to City employees about the chemical hazards they work with and how to protect themselves. This knowledge, in turn, should help to reduce the incidence of chemical source illnesses and injuries.

About 32 million workers are potentially exposed to one or more chemical hazards. There are an estimated 575,000 existing chemical products, and hundreds of new ones are being produced annually. Chemical exposure may cause or contribute to many serious health effects. Also, chemicals may also present safety hazards and have the potential to cause fires, explosions and other serious accidents. Due to these hazards the Occupational Safety and Health Administration (OSHA) issued a rule in 1983 called Hazard Communication. The scope of this rule was expanded in 1987 to include employers in the non-manufacturing sector. To underscore the pertinence of Hazard Communication for municipalities, a partial list of hazardous chemicals often associated with municipal operations include:

Formaldehyde	Hydrochloric acid	Nitric acid	Sulfuric acid	Stoddard Solvent
Mercury	Sodium hydroxide	Acetone	Toluene	Isopropanol
Trichloroethane	Lead	Hydrazine	Ammonia	Ethylene glycol
Phenol	Ethyl acetate	Pesticides	Crystalline Chlorine	Sulphur
Carbon monoxide	Asbestos	Freon	Hydrogen sulfide	
Nitrous oxides	Asphalt	Mineral Spirits	Portland cement	
Sulphur Dioxide	Ferrous Sulfide	Silica	Ferric Chloride	

Please note that the above is only a partial listing.

2-15-2: OUTLINE OF BASIC REQUIREMENTS

It is prudent for all facilities using chemicals to have a program based on the Hazard Communication rule CFR 1910.1200. The following outlines the requirements of such a program and explains the various elements.

(A) There are five basic requirements under the OSHA Hazard Communication Standard:

(1) A written plan must be established explaining how the Hazard Communication Program works for the facility and who is responsible for various items in the implementation of the program.

(2) An inventory of on-site chemicals must be assembled on a list that identifies each one of them consistently with the label.

(3) A procedure must be developed for inspecting, creating, and maintaining container labels.

(4) Material Safety Data Sheets (MSDS) must be collected for all products containing more than one percent of a hazardous chemical. These sheets must be accessible to employees, contractors and medical personnel.

(5) Employees must be trained regarding the possible chemical hazards specific to their worksite. This training should also include procedures for safe handling of chemicals and protective devices that should be worn to limit exposure in the event of a spill or release.

2-15-3: WRITTEN PROGRAM

(A) The Hazard Communication Standard requires a written program, whether or not the City introduced the hazard in the workplace. The written program must address the following items:

(1) Labeling

(a) The designation of the person(s) responsible for ensuring labeling of containers within the facility.

(b) Designation of person(s) responsible for ensuring labeling on shipped containers. For the City, this responsibility generally relates to DOT regulations with regard to hazardous waste that is not a part of the Hazard Communication Standard. The City seldom ships hazardous products that are not in the form of waste.

(c) Description of the labeling system used.

(d) Description of written alternatives to labeling of facility containers, where applicable.

(e) Procedures to review and update label information when necessary.

(2) Material Safety Data Sheets (MSDS)

(a) Designation of person responsible for obtaining/maintaining the MSDS.

(b) How such sheets are to be maintained (e.g., in notebooks in the work area, via a computer terminal, in a pick-up truck at the jobsite, via telefax) and how employees obtain access to them.

(c) Procedures to follow when the MSDS is not received at the time of the first shipment from the supplier.

(3) Training

(a) Designation of the person(s) responsible for conducting training

(b) Format of the program to be used (audiovisuals, classroom instruction, etc.).

(c) Elements of the training program - (discussed in the following).

(d) Procedures to train new employees at the time of their initial assignment and when a new **hazard** is introduced into the workplace.

(e) Procedures to train employees of new hazards they may be exposed to when working on or near another employer's worksite (i.e., hazards introduced by other employees).

2-15-4: THE CHEMICAL INVENTORY

An inventory of the hazardous chemicals present at the facility should be assembled. It is prudent to keep this list near the front of every book of MSDS with product names as they appear on the MSDS. This can be used as a cross reference which allows the user of a chemical to readily find needed information.

(A) Definition.

A hazardous chemical is any chemical that presents a physical and/or health hazard as shown by at least one study where the hazard was recognized at a level showing statistical significance. If OSHA has published a Permissible Exposure Limit (PEL), or the American Conference of Governmental Industrial Hygienists (ACGIH) has established a Threshold Limit Value (TLV) for the chemical, the chemical is automatically deemed hazardous. With the exception of highly toxic or cancer-causing chemicals, all chemicals present in quantities greater than one percent in a product must be listed in the inventory. Chemicals that are more toxic (e.g., benzene) must be listed if in a product at greater than 0.1 percent.

(B) Inventory Content.

The chemical inventory should include the manufacturer's product name, location, and telephone number, and the work area where the product is used. Hazardous chemicals that may be generated in the work operation by the municipality must also be listed (e.g., welding fumes). After the inventory is assembled, a central coordinating department such as purchasing, should be consulted to determine whether all hazardous chemicals purchased are on the list. A procedure should be developed to keep the list current when new substances are purchased and used. It is very helpful to use the purchasing department to approve all purchases of hazardous chemicals and track the inventory in a database. If any product containing a hazardous chemical is used in greater frequency or quantity than typical consumer use, the product or chemical should be included on the chemical inventory.

(C) Organization.

A helpful way to organize the chemical inventory is to separate the chemicals and/or products into various classifications (e.g., flammable highly toxic, carcinogenic, etc.). The National Fire Protection Association (NFPA) has a system that classifies chemicals having acute effects into certain groups in accordance with similar characteristics. These classifications are helpful to train workers on the types of hazards in the workplace. However, the classifications are based on how the chemicals react in the event of a fire. This may or may not be indicative of how the chemicals behave at room temperature. Until a standardized labeling and classification system is developed, a combination of communication measures may be appropriate.

(D) Labeling.

The standard requires that any container, bag, barrel, box, bottle, etc. be labeled if it contains hazardous materials and is not used merely by one person during one work shift. Given these criteria, a pail or beaker of hazardous material must be labeled if used to transfer material from a larger receptacle such as a 55-gallon drum. The labels on both the larger receptacle and the container used for transfer must have the same information. The chemical or trade name and the labels should be the same as that on the Material Safety Data Sheet. Labels must include the following:

(1) The chemical or mixture's trade name.

(2) The name and address of the manufacturer.

(3) A warning with regard to the potential health effect or hazard - NFPA labels can be used for this in most cases.

(E) Optional information

(1) The Personal Protective Equipment (PPE) appropriately worn during the product's use.

(2) The organ(s) affected by exposure to the chemical or mixture (e.g., blood, liver, kidneys, etc.) This is referred to as the target organ.

2-15-5: MATERIAL SAFETY DATA SHEETS

(A) If a product is purchased containing more than one percent of a hazardous chemical, an MSDS should accompany the shipment of the product. If an MSDS is not attached, a system to ensure that the appropriate MSDS is received should be put in place. The purchasing department also has the option to implement a policy that will refuse all shipments of hazardous materials not accompanied by an MSDS. Hazardous products bought at the hardware store that are used with greater frequency or amounts than typical consumer use must also have an MSDS. However, these items will not typically be bought with an MSDS. Therefore, the hardware store should be contacted to determine the supplier who sold the product. This supplier should then send an MSDS upon request.

(B) After obtaining the MSDS, the data sheet should be checked to determine whether all the necessary items are included. The following is a list of required items:

(1) Product or chemical identity used on the label.

(2) Manufacturer's name and address.

(3) Chemical and common names of each hazardous ingredient (including CAS numbers).

(4) Name, address, and phone number for hazard and emergency information.

(5) Preparation or revision date of the MSDS.

(6) The hazardous chemical's physical and chemical characteristics, such as vapor pressure and flashpoint.

(7) Physical hazards, including the potential for fire, explosion, and reactivity.

(8) Known health hazards (including signs and symptoms of exposure or any medical conditions aggravated).

(9) OSHA Permissible Exposure Limit (PEL), ACGIH Threshold Limit Value (TLV), or other exposure limits.

(10) Emergency and first aid procedures.

(11) Whether OSHA, NTP or IARC lists the ingredient as a carcinogen.

(12) Precautions for safe handling and use.

(13) Control measures such as engineering controls, work practices, hygienic practices or personal protective equipment required.

(14) Primary routes of entry.

(15) Procedures for spills, leaks, and clean-up.

One quick way to check the MSDS is to see if all blocks/spaces are filled out as is required by the standard. The MSDS can be in any format as long as it has the above information. If the MSDS does not give adequate information, it may be best to contact the supplier for a more complete MSDS or to send the product back and refuse to use that vendor unless an adequate MSDS can be obtained.

(C) The MSDS must be available to employees, their designated representatives, emergency personnel such as fire departments, and to appropriate government agencies.

(D) The purpose of the MSDS is to communicate the chemical hazards, safe handling and emergency procedures, and contact information for further assistance if needed; for routine use as well as emergencies.

(E) All the chemical ingredients of the product will be listed if in a percentage greater than one percent. Many times, manufacturers and suppliers will not disclose the ingredient for proprietary reasons. This is permissible for ingredients that are not considered hazardous.

(F) The Chemical Abstract System (CAS) number which is a unique number assigned to each chemical, should be included on the MSDS next to that chemical. The CAS number relates to a chemical registry that allows one to find a particular chemical and information regarding it in a computer database. Chemicals can be known under a number of different synonyms so the number is assigned to assure the chemical's accurate identity.

(G) Some products during normal use or during heating may give off hazardous by-products even though they may not be hazardous in their original form. This information is important to protect against potential hazardous exposures. Any material that may emit hazardous components when being formed, welded, sawed, etc. must have an MSDS. For example, bricks may require an MSDS if the bricks are sawed and present an exposure to silica dust (sand).

(H) Interpretation of the Standard Regarding MSDS

(1) MSDS must be written in English, but can be translated into other languages for the purposes of training.

(2) Hazardous chemicals need not be reported on the MSDS if it can be demonstrated that the hazardous components are bound in such a way that there is no potential for exposure to it. The standard defines exposure as potential as well as measurable exposure by any route of entry, either under normal conditions of use or in a foreseeable emergency. If there is no potential exposure given this definition, the chemical is not covered under the standard.

(3) Computer generated MSDS do not have to include fields which do not apply to the chemicals for which it is being used. In "standardized" forms where the information does not apply, this should be noted appropriately (e.g., N/A).

(4) Where evidence indicates that a class or family of chemicals presents similar health hazards, it is appropriate to report those findings on the MSDS with respect to the entire class or family. NFPA classes of chemicals can be used in such a way.

(5) The standard requires readable MSDS or electronically accessible MSDS to be maintained on site. This may be accomplished by the use of computers with printers, microfiche machines, and/or telefax machines. The key issue in compliance is that no barriers to access needed information exist during the work shift. For highly toxic chemicals, it may be helpful to have MSDS (available within 15 minutes) at each job site. For less hazardous chemicals, accessibility during the work shift is appropriate.

(6) Communication of the hazard information via telephone does not satisfy the requirements of the standard. However, if employees are working at remote stations, (trucks, construction trailers, etc.), vital information related to an emergency can be communicated via telephone, CB radio, etc. with subsequent sending of hard copy MSDS via mail, fax or delivery. In this scenario, a person must be stationed whenever appropriate at the central location to disseminate information to those at remote locations.

(7) A system for retrieval of MSDS should not require that a supervisor be contacted. The locations where the MSDS books or computer terminals having the same information are kept should not be locked up preventing access. If computers or telefax systems are used exclusively to communicate hazard information, all employees must be trained on their proper use. On multi-employer jobsites with contractors, municipalities must provide contract personnel foremen/supervisors with MSDS of products or chemicals that they may contact either routinely or in a foreseeable emergency in the scope of their work. If the contract employer(s) bring hazards to the municipality's worksite, they must submit

MSDS to the appropriate city personnel and any other contractor's foreman if exposure is possible for other's employees.

(I) Arrangement of MSDS Books

Although there is no prescribed system for arranging the MSDS books, some suggestions are appropriate:

(1) A comprehensive book having all the MSDS will be kept in one department such as Purchasing. This book shall be updated by one person. Copies of the new/revised MSDS should then be sent to the departments that are using that product or chemical. This is one reason why purchasing or a central coordinator must be advised of any new hazardous chemical that enters the system.

(2) Books for MSDS of chemicals/products that are used at a particular worksite should be kept within that worksite. These smaller MSDS books will more readily allow an employee to find the MSDS of concern.

(3) A chemical inventory for that particular department should be kept at the front of each MSDS book, with an exhaustive inventory kept in the book discussed in suggestion (1).

(4) The books should be divided in a logical manner. One way to separate the books is by class of chemical (e.g., acids, bases, flammables, carcinogens). Another way to separate the book is by type of use (e.g., lubricants, cleaning products, compressed gas, welding products, adhesives, paints). After these divisions are made, it is most helpful to compile the products/chemicals alphabetically by trade name.

(5) After organizing the book, it is helpful to use the chemical inventory as an index, noting the page number or section that the MSDS for the chemical resides. There should be some method to update the index as new MSDS are placed in the book.

(6) It is highly recommended that the Hazcom Written Program be placed near the front of each MSDS book.

(7) The MSDS books at each location must be periodically updated by a designated person.

2-15-6: CITY-WIDE HAZARD COMMUNICATION REGULATIONS

(A) Review the Hazard Communication Program of the department or facility before working with any chemicals. Check material safety data sheets of chemicals prior to use.

(B) Wear appropriate personal protective equipment as recommended by material safety data sheets when working with chemicals.

(C) All personnel working with chemicals shall be adequately trained in potential hazards of the chemicals they are using.

(D) Report all injuries or accidents immediately.

(E) Clean up all minor spills.

(F) Evacuate and cordon off the area, call 911, and contact **your supervisor** if a major spill of hazardous materials should result. DO NOT attempt to clean up a hazardous materials spill alone.

(G) Properly store chemicals in such a way that chemical incidents do not result.

(H) Properly label all containers containing flammable, poisonous, toxic, or otherwise dangerous materials.

(I) Store insecticides, pesticides, herbicides, flammables, and strong acids in storage that is locked from public access.

(J) Post signs informing personnel that hazardous chemicals are located in cabinets, lockers, closets, etc.

(K) Employees required to wear respiratory equipment must be qualified to do so. This includes but is not limited to training, medical qualifications, and fit testing of respirators.

(L) Only approved solvents will be used to clean parts and materials.

(M) Gasoline, kerosene and other potentially dangerous materials will not be used as cleaning solvents.

(N) Employees shall wear as a minimum gloves and goggles when working with cleaning solvents.

(O) Maintain adequate ventilation when working with chemicals.

(P) Employees should know the location of the nearest fire extinguisher, first aid kit, emergency eyewash, emergency shower and telephone when working with chemicals.

26-Nov-07

CHAPTER 2-16

EMERGENCY PROCEDURES

Sections:

2-16-1 INTRODUCTION

2-16-2 RESPONSIBILITIES

2-16-3 MEDICAL EMERGENCIES

2-16-4 MAJOR NATURAL DISASTERS

2-16-5 TORNADO PROCEDURES

2-16-6 BOMB THREAT

2-16-7 FIRE PROCEDURE

2-16-8 PANIC ALARM RESPONSE

2-16-9 EMERGENCY ELEVATOR PROCEDURES

2-16-1: INTRODUCTION

(A) The following information will provide guidelines, reference information and check list procedures to City of Montrose Employees. These emergency procedures provide direction to City of Montrose Employees in the event of the following types of emergencies:

(1) Medical

(2) Major natural disaster/tornado

(3) Fire

(4) Bomb threat

(5) Violent situation/panic alarm

(B) The objectives of the emergency plan are to:

(1) Minimize the extent of injuries to employees and visitors

(2) Minimize property and equipment losses.

(3) Minimize downtime or interruption of service to the residents of the City of Montrose.

2-16-2: RESPONSIBILITIES

During an emergency, each employee should be familiar with these procedures to ensure his personal safety. In addition, the following situations require specific responsibilities:

(A) DEPARTMENT HEADS

During any type of emergency situation, department heads or acting department heads should account for all their employees. In the event that there is a need to activate the Disaster Plan for the entire City, those department heads and employees who have specific assignments in accordance with the Disaster Plan should report immediately to their designated location.

(B) ASSEMBLY AREAS

(1) City Hall/City Hall Annex

If City Hall and/or City Hall Annex buildings are evacuated, the primary assembly area is Centennial Plaza, Pavilion area. The secondary assembly area is the City Employee' s Parking Lot on South 2nd Street.

(2) Elks Civic Building, Police Department and South 2nd Building

If the Elks Civic Building, Police Department and/or South 2nd Building are evacuated the primary assembly area is the City Employee's Parking Lot on South 2nd Street. The secondary assembly area is Centennial Plaza.

(3) Pavilion

If the Pavilion is evacuated the primary assembly area is the south lawn in front of the Botanical Gardens. The secondary assembly area is the southwest parking lot at the south end.

(4) Waste Water Treatment Plant

If the Waste Water Treatment Plat is evacuated the primary assembly area is the Admin Building (if the emergency is not in the Admin Building). The secondary assembly area is the parking lot.

(5) Public Works Building

If the Public Works Building is evacuated the primary assembly area is on the north side of the shop by the storage units. The secondary assembly area is west of the shop, in the parking lot.

(6) Animal Shelter

If the Animal Shelter is evacuated the primary assembly area is the west fence and the secondary assembly area is the Police Department.

(C) VISITORS

If you have a visitor in the office or if you discover an unattended visitor, please take responsibility for them. If the emergency requires an evacuation, help to guide the visitor to the proper exit.

(D) COMPUTERS

In the event of a fire, shut down your computer equipment if at all possible.

(E) TELEPHONES

In the event of an office evacuation or other emergency that will leave the phones unattended, the phone system will automatically access the voice mail system and invite the caller to leave a message (no intervention required). If the evacuation is planned and time allows, a custom message may be created on the voice mail system which can be set to expire at the end of regular hours (4:30 PM) or any other desired time. To do this, follow the procedure below.

To set up an **alternate greeting** in the voice mail system, which will expire at a given time, follow these steps:

1. Enter the voice mail setup by dialing 333 or pressing the message button. (Password required)
2. Press the number **4 key** for setup options.
3. When prompted press the number **1 key** for greetings then when prompted press the number **2 key** to switch to the alternate greeting.
4. Now press the number **1 key** to set an end time/date. Listen carefully for the options and respond accordingly to set the end date. You will then be asked for the end time. Just use your keypad to press the numbers representing the hours and minutes e.g. Press 430 if you wish the end time to be 4:30. The system will ask for AM or PM at the next prompt.

After the current greeting plays, you can re-record the message by pressing 1.

(F) VAULT/CENTRAL FILES, CASH DRAWERS, POLICE DEPARTMENT REPORT FILES, AND EMERGENCY SHUT OFF VALVES

In the event of an office evacuation or other emergency that will leave the buildings unattended, the following should be secured and the following employees shall be responsible for these tasks:

Vault/Central Files- Customer Service Supervisor or City Clerk
Cash Drawers - Customer Service Representatives to lock and take key
Police Department Report Files and Lights – Records Techs lock down report file and turn of lights if possible.
Emergency Shut Off Valves *(for fuel tanks, located on the west side of the shop area)* – Shop Superintendent or Public Works Manager.

The Administrative Services Director will be responsible for securing the building so that people do not re-enter the building until it is safe to do so.

EMPLOYEES SHOULD COMPLETE THESE TASKS ONLY IF POSSIBLE WITHOUT EXPOSING THEMSELVES TO AVOIDABLE INJURY.

2-16-3: **MEDICAL EMERGENCIES**

In the event of a medical emergency (heart attack, serious injury, seizure, etc.) emergency medical services should be called by dialing 911.

(A) Give the operator this information:

(1) Identify yourself.
(2) Describe what kind of emergency it is.
(3) Your location or the location of the emergency.
(4) The best way to have emergency personnel to respond or who to meet.

DO NOT move an injured or ill person, unless they are in eminent danger of a greater risk. Try to make them comfortable. If available personnel are First Aid/CPR trained, immediate care should be administered as needed until medical services arrive. If possible, have someone meet the emergency unit at the entrance to direct to the area where medical assistance is needed.

(B) There are Automated External Defibrillators, which can be used for persons whose heart has stopped, located in the following areas:

(1) Police Department – Behind Customer Service
(2) Elks Civic Building – To Be Determined
(3) City Hall – To Be Determined
(4) City Hall Annex – In center office on east wall.

2-16-4: **MAJOR NATURAL DISASTERS**

Disasters and emergencies affecting large areas and many people can sometimes develop quickly. Flash floods and earthquakes for example can strike with little or no advance warning.

There are certain things you can learn and do that will help you get ready for and cope with almost any type emergency.

Perhaps the most basic thing to remember is to KEEP CALM. TAKE TIME TO THINK.

Whenever a major storm or other peacetime disaster threatens keep your radio or television set tuned to hear weather reports and forecasts issued by the National Weather Service as well as other information and advice that may be broadcast by your local government.

Use your telephone only to report important disaster events to authorities. If you tie the telephone lines up to get information you may prevent emergency calls from be completed.

Stay away from disaster areas.

2-16-5: TORNADO PROCEDURES

(A) Tornado Warning

By definition, a tornado warning is an alert by the national Weather Service confirming a tornado sighting and location. The weather service will announce the approximate time of detection and direction of movement. Wind will be 75mph or greater.

(B) Action To Take

(1) Get away from the perimeter of the building and exterior glass.

(2) Leave your exterior office – close door. IF YOU ARE TRAPPED IN AN EXTERIOR OFFICE, SEEK PROTECTION UNDER A DESK.

(3) Go to the center corridor of building – main corridor of floor.

(4) Sit down in corridor and protect yourself by putting head as close to your lap as possible, or kneel protecting your head.

(5) Do not go outside of building.

(6) Keep your radio tuned to a local station for information.

(7) Do not use the telephone to get information or advice. Information and directions will be given to you by emergency personnel.

(8) Keep Calm

2-16-6: **BOMB THREAT**

All bomb threats must be taken seriously. If the caller is familiar with the building and specific about the location of the bomb, the call should be regarded with a high degree of urgency. Here is the ATF Bomb Threat Checklist that will be helpful to emergency crews:

Exact time of call:_____

Exact words of caller:_____

_____

QUESTIONS TO ASK:

1. When is bomb going to explode?_____
2. Where is the bomb?_____
3. What does it look like?_____
4. What kind of bomb is it?_____
5. What will cause it to explode?_____
6. Did you place the bomb?_____
7. Why?_____
8. Where are you calling from?_____
9. What is your address?_____
10. What is your name?_____

CALLER' S VOICE (circle)

Calm	Disguised	Nasal	Angry	Broken
Stutter	Slow	Sincere	Lisp	Rapid
Giggling	Deep	Crying	Squeaky	Excited
Stressed	Accent	Loud	Slurred	Normal

If voice is familiar, whom did it sound like?_____

Were there any background noises?_____

Remarks:_____

Person receiving call:_____

Telephone number call received at:_____

Report call immediately to Montrose Police Department at 249-6609. Police Department Personnel will search all public areas. DO NOT TOUCH SUSPICIOUS OBJECT. Do not discuss a bomb threat with anyone other than police or your supervisory personnel.

2-16-7: FIRE PROCEDURE

(A) FIRE ALARM RESPONSE PROCEDURES

If building alarm sounds, all employees and visitors shall immediately proceed to the nearest exit. If the upstairs exits are blocked, there are locations where fire escape ladders are located. Every employee should make themselves familiar with the escapes.

The fire escapes in City Hall and Annex are located on the upper deck area; the window area in the southwest corner of City Hall; and the window area in the hallway near the upstairs break room. Close your office door as you exit.

The fire escape for the Elks Civic Building is located on the east side of the Council Chambers.

All employees and visitors shall report to their assembly area to be accounted for. Each department head or acting department head should account for all their employees.

All employees and visitors shall remain in the assembly area until given authorization to return by Fire Department Personnel.

If a City Employee knows that the Fire Alarm has been pulled as a prank, notify the Fire Department at 249-9181 immediately. They will come and reset the alarm, but will not have to bring fire equipment.

(B) UPON DISCOVERY OF A FIRE:

(1) Call 911

(a) Give name of building
(b) Floor of emergency
(c) Details of fire emergency
(d) Pull fire alarm box.

(i) Fire alarm boxes are located in the main lobby of City Hall South Entrance waiting area; East entrance of City Hall before upstairs; Upstairs in hallway at top of the stairs; On west side near entrance to upper deck.

.

(ii) In City Hall Annex Building; In center office on north wall; In small conference room near Centennial Meeting Room.

(iii) Elks Civic Building Basement near the emergency door on the north east side; the bottom of the stairs into the basement and near the boiler/mechanical room; Elks Civic Building First Floor on the south side of the lobby and near the restrooms; Elks Civic Building 2nd Floor – Council Chambers near emergency exit and near restrooms.

(There are no fire pulls in the Police Department or the South 2nd Building)

(2) Contact your supervisor.
(3) If evacuation is necessary -- follow directions as outlined above.

DO NOT attempt to fight a fire unless containable within an ashtray or wastebasket.

If caught in heavy smoke – take short breaths, breathe through your nose and crawl on hands and knees or walk in crouched-over position to the exit. Do not crawl on stomach – toxic vapors settle to 6” above floor.

2-16-8: PANIC ALARM RESPONSE

This procedure is designed to guide all city employees who use the panic alarm system, and to allow them to help law enforcement seek peaceful solutions to potential conflicts. Do not panic if you are unable to give this information. This information is not required to have an officer respond for assistance. This information is only used to assist the officer(s) once they arrive on scene. **This information pertains to the panic alarms at City Hall, 433 S. First Street, and the Elks Civic Building, 107 S. Cascade.**

(A) ACTIVATED ALARM

If your alarm is activated, police dispatch will send an officer and will call you to ask:

"Did you activate your alarm?" (Yes or Accidental)

If the answer is yes, you will then be asked a series of questions that will help dispatch determine what type of assistance you need. The police will be enroute at this time, so do not panic.

"Are you all right?" (Yes or No)

"Do you need the police?" (Yes or No)

"Have you been threatened?" (Yes or No)

"Are you injured?" (Yes or No)

"Are the suspect(s) present" (Yes or No)

"How many?"

(B) SECURITY CAMERAS AND SUSPECT DESCRIPTION

There are security cameras in City Hall covering the Customer Service area; the hallway near the stairs on the west end of the building; across the street on the Police Department Building facing City Hall; outside facing Centennial Plaza and the parking lot on the west side of the building.

The Elks Civic Building has cameras in the Cascade Meeting Room, basement hallway and basement stairs; main lobby and main hallway and the 2nd floor stairs and 2nd floor by Municipal Court.

If you are in an area that has a security camera, the police department will be able to obtain a description of the suspect (s) off of the camera. If you are not in one of these areas, the following questions will be asked as yes or no questions if the suspect (s) are still present:

(1) Male/female
(2) White/black/Hispanic/Asian/other
(3) Height - tall/medium/short
(4) Weight - thin/medium/heavy
(5) Eyes - brown, blue, hazel, green
(6) Clothing

You will also be asked questions regarding possible weapons the suspect (s) might have in their possession. If the suspect (s) are still present, the question will be phrased as yes or no.

(1) Gun
(2) Knife
(3) Bomb
(4) Club
(5) Concealed
(6) Unknown

If the suspect (s) are still present, the police department will simply ask you to answer their questions with a yes or no. They will go down the line and when they get to the correct response, simply answer yes.

(C) ADDITIONAL INSTRUCTIONS

(1) Cooperate fully with any demands and do not antagonize the suspect (s).

(2) If the suspect (s) try to leave or escape, do not interfere with their actions.

(3) See and hear as much as possible. Be a good witness.

(4) Follow all instructions by police personnel immediately. This is for your own safety.

2-16-9: **EMERGENCY ELEVATOR PROCEDURES**

Emergency response for all elevators shall be conducted in accordance with this policy. Elevators include all passenger elevators and lift elevators.

(A) AUTHORITY AND RESPONSIBILITY

(1) All Departments are responsible for coordinating this policy.

(2) Municipal Building Services is responsible for testing the communication systems in elevators on an annual basis.

(3) All *employees* are responsible for Understanding the City's Emergency Elevator Procedures; and complying with lockout/tagout procedures during servicing and maintenance activities.

(B) UNOCCUPIED ELEVATOR FAILURES

(1) If an unoccupied elevator fails, contact Municipal Building Services. When reporting an elevator failure, provide the location of the elevator. Municipal Building Services will dispatch an employee to respond to the call; confirm that there are not any entrapments; contact their elevator contractor for a service request and determine the estimated time of arrival; and Place an "Out of Service" sign on the elevator if the estimated time of arrival is in excess of sixty minutes.

(2) No unauthorized City employee shall attempt to reset the elevator or open the shaft.

(C) OCCUPIED ELEVATOR FAILURES

(1) If you are trapped inside an elevator, activate the elevator emergency phone to notify the Fire Department. If you are outside an elevator and have knowledge of someone trapped inside the elevator, contact Municipal Building Services.

(2) When reporting an elevator failure, provide the following: your name; location; elevator location call back number; problem (e.g., stalled, stuck between floors, people trapped); number of people trapped; any injuries, life threatening conditions or additional information. The Municipal Building Services shall contact their elevator contractor for a service request and determine the estimated time of arrival. If the estimated time of arrival is in excess of thirty minutes, Municipal Building Services may reset the elevator ONCE to assist in bringing it to a floor. If the elevator does not reset, the employee shall notify the Fire Department immediately; communicate to the trapped persons inside the elevator that help is on the way; ascertain if there are any injuries, severe sense of panic or life threatening conditions inside the elevator; maintain communication with the elevator contractor at all times to avoid activities that could endanger passengers, mechanics, or other people responding to the scene.

(3) No unauthorized City employee shall attempt to open the shaft.

1-Sep-05

CHAPTER 2-17

LOCKOUT / TAG OUT PROCEDURES

Sections:

2-17-1 WORKPLACE

2-17-2 LOCKOUT PROCEDURES

2-17-3 TAG OUT PROCEDURES

2-17-4 RESTORING TO NORMAL OPERATION

2-17-1: WORKPLACE

(A) The City shall strive to maintain a work environment that is safe, by providing Lockout/Tag Out training to employees periodically.

(B) The reasons to follow the Lockout/Tag Out procedures is to avoid death and injury to persons; and to avoid damage to equipment.

2-17-2: LOCKOUT PROCEDURES

(A) Announce the shut down: inform the person responsible for the operation of the equipment that it is to be turned off or shut down.

(B) Shut down the machine: using normal shut down procedures.

(C) Disconnect all energy sources: Including mechanical, electrical, nuclear, hydraulic, chemical and thermal coming to the machine or equipment. Use energy-isolating devices, such as manually operated circuit breaker or an isolating switch to disconnect the energy sources.

(D) Apply Lock Out: Use lock-out devices such as padlock over the energy-isolating devices to ensure that energy cannot be restored unexpectedly or accidentally while work is being carried out on the machine.

(F) Verify the isolation and lockout: Never assume that the isolation and lock-out has worked. Release any residual or stored energy such as energy capacitors. Operate the machine's controls to confirm that the machine has been isolated and cannot be re-energized. Return the controls to the neutral position.

2-17-3 TAG OUT PROCEDURES

(A) Announce the shut down: inform the person responsible for the operation of the equipment that it is to be turned off or shut down.

(B) Shut down the machine: using normal shut down procedures.

(C) Disconnect all energy sources: Including mechanical, electrical, nuclear, hydraulic, chemical and thermal coming to the machine or equipment. Use energy-isolating devices, such as manually operated circuit breaker or an isolating switch to disconnect the energy sources.

(D) Apply tags to indicate that persons are working on the machine. Tags should be red or orange. Include name of employee working on equipment on the tag and the date and the reason for shut-off.

(E) Verify the isolation and tag out: Never assume that the isolation and lockout has worked. Release any residual or stored energy such as energy capacitors. Operate the machine's controls to confirm that the machine has been isolated and cannot be re-energized. Return the controls to the neutral position.

2-17-3: RESTORING TO NORMAL OPERATIONS

(A) Check to ensure that all tools have been removed from the machine and safety guards, if previously removed, have been replaced on the machine.

(B) Verify that all personnel are safely clear of the machine.

(C) Announce that the machine will be turned on.

(D) Remove tags and lockout devices and re-energize the machine.

(E) Inform those personnel whose machine was shut down that the machine is now ready for operation.

TITLE 3

ADMINISTRATIVE REGULATIONS

Chapters:

3-1	**FEE SCHEDULE**
3-2	**BUSINESS LICENSING (Repealed, Res. 2003-13)**
3-3	**CEMETERY REGULATIONS**
3-4	**TREE CARE SPECIFICATIONS**
3-5	**REGULATIONS REGARDING PERMITTED USE OF CITY RIGHTS OF WAY**
3-6	**REGULATIONS REGARDING USE OF CITY PARKS AND FACILITIES**
3-7	**ANTENNA, TOWER AND TELECOMMUNICATIONS FACILITIES LOCATION**
3-8	**GOVERNMENT AND EDUCATION ACCESS CHANNEL POLICY**
3-9	**ACCIDENT REPORTING**
3-10	**TRAVEL EXPENSES, CREDIT CARD USAGE AND PETTY CASH**
3-11	**COST CONTROL**
3-12	**UNIFORM CLOTHING POLICY**
3-13	**DRIVEWAY/SIDEWALK REMOVAL AND REPAIR**
3-14	**USE OF SCRAP MATERIAL**
3-15	**STREET PAVING AND MAINTENANCE**
3-16	**ANIMAL SHELTER POLICIES**
3-17	**MUNICIPAL COURT POLICIES**
3-18	**ENFORCEMENT OF SMOKING ORDINANCE RELATIVE TO BUSINESS WISHING TO PROVIDE SMOKING AREAS**
3-19	**GIS DATA DISTRIBUTION POLICY**
3-20	**ADMINISTRATIVE FEES FOR THE POLICE DEPARTMENT**
3-21	**ADDRESSING AND STREET NAMING REGULATIONS**
3-22	**FLEET MANAGEMENT POLICY**
3-23	**WEBSITE POLICY**
3-24	**CELLULAR TELEPHONE POLICY**
3-25	**MUNICIPAL BUILDING REGULATIONS**
3-26	**VOLUNTEER REGULATIONS**

CHAPTER 3-1

FEE SCHEDULE

Sections:

3-1-1 FEE SCHEDULE

(A) Administrative Fees

Application/Permit/License	Fee	Code Reference
Cable Television System Permit Application	$ 2,000.00	9-9-4(A)(1) *MC* Res. #2003-13 Ord. #1944
Carnival License	$ 250.00 per day	5-1-1(C) *MC* Res. #2003-13 Ord. #1944
False Alarms	First one free each year beginning May 1, then $45.00 for each false alarm thereafter	5-3-5(D) *MC* Res. #2007-9 Ord. #2153
Firearms/Agricultural Use	$ 25.00	6-1-13(B)(5) *MC* Res. #2003-13 Ord. #1944
Fire Hydrant Use	$ 50.00 service charge and water metered (fee set in the City Code, Section 3-5-19)	3-5-19 *MC* Res. #2003-55 Ord. #1992
Fireworks Display	$ 50.00	7-4-6(A) *MC* Res. #2003-13 Ord. 1944
Fireworks Stands	$ 50.00	7-4-6(H)(3) *MC* Res. #2003-13 Ord. #1944
Gasfitter's License	$ 50.00	4-1-4(A)(3)(a) *MC* Res. #2003-13 Ord. 1944
Home Occupation	$ 25.00	4-4-23(A)(1) *MC* Res. #2003-13 Ord. #1944
Nuisance Abatement	$ 100.00	6-4-3(E) *MC* Res. #2003-55 Ord. # 1992
Pawnbroker's License	$ 200.00	5-11-1(B)(1) *MC* Res. #2007-9 Ord. #2153
Pellet Gun Permit	$ 10.00	6-1-13(B)(3) *MC* Res. #2003-13 Ord. #1944

Application/Permit/License	Fee	Code Reference
Plumber's License	$ 25.00	4-1-4(B)(3)(a) *MC* Res. #2003-13 Ord. #1944
Police Alarm License	$ 100.00 $ 25.00 renewal	5-3-1(C) *MC* Res. #2003-13 Ord. #1944
Returned Check Fee (Dishonored Check Policy)	$ 30.00 for each check returned	5-9-3(A)(1) *Regs* Res. #2003-55 Ord. #1992
Right of Way Encroachment	$ 50.00	3-5-4(D) *Regs* Res. #2009-1 Ord. #1974
Sales Tax License	$ 35.00 $ 15.00 renewal	5-15-3(A) *MC* Res. #2003-13 Ord. #1944
Sign Installation (no trespass)	$ 25.00 for each sign $ 35.00 for installation $ 35.00 for each post	6-1-11(A)(2) *MC* Res. #2007-9 Ord. #1992
Special Waste Collection	$ 15.00 minimum fee for non-scheduled residential collections; time, equipment and landfill fees where applicable are in addition to the minimum fee. $ 30.00 minimum fee for non-scheduled large residential collections; time, equipment and landfill fees where applicable are in addition to the minimum fee. $ 50.00 minimum fee for non-scheduled commercial collections& time, equipment and landfill fees where applicable are in addition to the minimum fee. $ 150.00 for large non-scheduled commercial collections& time, equipment and landfill fees where applicable are in addition to the minimum fee. $ 30.00 per half hour for tree trimmings $ 50.00 per hour for tree trimmings $ 18.00 Freon disposal fee (in addition to any applicable collection fee) $45.00 for 350 gallon trash container – includes delivery and one empty. $30.00 for each additional empty. $15.00 for 90 gallon trash container – includes delivery and one empty. $15.00 for each additional empty.	6-1-4(A) *Regs* Res. #2007-9 Res. #2007-17 Ord. #1992
Transient Vendor's License	$ 50.00	5-6-2(C) *MC* Res. #2003-13 Ord. 1944

Application/Permit/License	Fee	Code Reference
Trash Collection Container Pickup from Customer Not Requiring Service	$15.00	3-1-7(D) *MC* Res. #2006-36 Ord. # 2140
Trash Collection Return of Container to Customer upon Request	$15.00	3-1-7(D) *MC* Res. #2006-36 Ord. # 2140
Tree Trimming License	$ 50.00	3-4-9(C) *Regs* 9-3-2(B) *MC* Res. #2009-1 Ord. #1974
Vendor's Permit on Public Right of Way	$ 200.00 per year (pro-rated) $ 50.00 electricity Insurance certificate required	3-6-3 & 3-5-5(C) *Regs* Res. #2003-35, 2003-55 Ord. #1974 & 1992
Water & Sewer Service Deposit	$50.00; interest thereon is earned and payable per §3-5-2(D) of the City of Montrose Municipal Code	3-5-2(B), (D) *MC* 3-5-16 (G) *MC* Ord. 2113
Water & Sewer Delinquency Fee	$50.00	3-5-16(G) *MC* Ord. 2113

(B) Animal Control Fees

Application/Permit/License	Fee	Code Reference
Dog License - Spayed or Neutered (New License or Renewal)	$ 5.00 per license, for a term equal to the length of time for which a dog's rabies vaccination is valid. Proof of rabies vaccination required.	6-2-2(A)&(B) *MC* Ord. 2028
Dog License - Unspayed or Unneutered (New License or Renewal)	$ 15.00 per license, for a term equal to the length of time for which a dog's rabies vaccination is valid. Proof of rabies vaccination required.	6-2-2(A)&(B) *MC* Ord. 2028
Impound Fee	Owners of pet animals reclaimed on the first day that have received a vaccination will be charged $8.00 per dog and $4.00 per cat. $20.00 fee plus $5.00 per day boarding fee for all pets reclaimed after the first day.	3-16-4 *Regs* Res. 2009-1
Interagency Fees	Covered under separate agency contracts.	Res. #2004-17
Relinquishment Fees	$ 20.00 Cats -personal pets $ 10.00 Kitten Litters - $10.00 for first kitten $ 5.00 for each additional	3-16-3(A) *Regs* Res. #2009-1

Application/Permit/License	Fee	Code Reference
	$ 35.00 Dogs $ 25.00 Puppy Litters - $ 25.00 for first puppy $ 5.00 for each additional	
FEES PAID TO VETERINARIANS FOR MANDATORY SPAY/NEUTER		
Female Dogs	$95.00 / per dog	3-16-2 *Regs* Res. #2009-1
Male Dogs	$75.00 / per dog	3-16-2 *Regs* Res. #2009-1
Female Cats	$65.00 / per dog	3-16-2 *Regs* Res. #2009-1
Male Cats	$40.00 / per dog	3-16-2 *Regs* Res. #2009-1
PET DOG AND CAT ADOPTION FEES		
Dogs 8 weeks to 1 year of age	$75.00 / per dog adopted	3-16-1 *Regs* Res. #2009-1
Dogs over 1 year of age	$60.00 / per dog adopted	3-16-1 *Regs* Res. #2009-1
Cats 8 weeks to 1 year of age	$50.00 / per cat adopted	3-16-1 *Regs* Res. #2009-1
Cats over 1 year of age	$30.00 / per cat adopted	3-16-2 *Regs* Res. #2006-8

(C) Cemetery Fees

Application/Permit/License	Fee	Code Reference
Cemetery	$ 400.00 lot sale $ 325.00 open/close $ 150.00 open/close ashes $175.00 additional fee for Saturdays or weekdays after 4:00 p.m. $ 2000.00 disinterment $ 500.00 disinterment ashes	3-3-4 *Regs* 3-3-5 3-3-6 Res. #2003-35 Ord. #1974
Columbarium	$ 300.00 niche space $ 100.00 open/close $ 75.00 open/close 2nd burial $100.00 additional fee for Saturdays or weekdays after 4:00 p.m. $ 100.00 disinterment	3-3-8(A)(H) *Regs* Res. #2004-17

(D) Land Use Fees

Application/Permit/License	Fee	Code Reference
Administrative Review Hearing	$ 50.00	4-7-11(A) *MC* Res. #2004-15 Ord. #1999
Amended Plat Filing	$ 200.00	4-7-10(A) *MC* Res. #2003-3, 2004-25 Ord. #2005
Annexations	$ 900.00	*C.R.S.* Res. #2005-60 Ord. #1940
Big Box Retail	$ 1,000.00	4-1-16(E)(3) MC Res. # 2003-3 Ord. #1490
Boundary/Lot Line Adjustment	$ 100.00	Res. #2005-60 Ord. #1940
Change in Non-Conforming Use	$ 100.00	4-4-29(I) *MC* Res. #2005-60 Ord. #1940
Conditional Use	$ 300.00	4-4-29(I) *MC* Res. #2003-3 Ord. #1940
De Novo Hearing (Review Hearing Before City Council)	$ 100.00	4-4-29(I) *MC* Res. #2007-9 Ord. #1999
Development Permit for Flood Plain	No fee	4-2-2(B) *MC* Res. #2004-15
Final Plat	$ 300.00	4-7-5(C)1(c) *MC* Res. #2003-3, 2004-25 Ord. #2005
Gas Permit	$ 50.00 Residential $ 100.00 Non-residential	4-1-3 (H) *MC* Res. #2004-15 Ord. #1999
Large Retail Site Development	$ 1000.00	4-1-16 (E)(3) *MC* Res. #2009-1 Ord. 2005
Minor Subdivision Plat Filing	$ 200.00	4-7-9(B) *MC* Res. #2003-3, 2004-25 Ord. #2005
Mobile Home Park	$ 300.00	4-12-5 (E) *MC* Res. #2004-15 Ord. #1999
Mobile Home Set Up	$ 30.00	4-12-11(A) *MC* Res. #2004-15 Ord. #1999
Planned Development	$ 100.00	4-4-29(B) *MC* Res. #2005-60 Ord. #1940
Preliminary Plat	$ 300.00 plus $50 per acre for all acreage platted, rounded to the nearest half-acre, and	4-7-5(B)(1) *MC* Res. #2003-3, 2004-25 Ord. #2005

Application/Permit/License	Fee	Code Reference
	subject to a maximum of $5,000.00, shall be submitted upon filing of the Preliminary Plat. The $50.00 per acre fee shall not apply to acreage reserved for future development in another filing.	
REDO Overlay Zone Administrative Review	$50.00	Res. #2008-31, Ord. # 2200
First Rezone Application Specifically Requesting Inclusion within the "REDO" Overlay Zone, for any given Parcel(s) of Real Property	$0.00 All land use filing, application, submittal, and review fees for a rezone application, specifically requesting inclusion within the "REDO" Overlay Zone, shall be waived for the initial application made to include any given parcel(s) of real property in said zone. Said fees shall not be waived for subsequent applications for the same parcel(s).	Res. #2008-31, Ord. # 2200
Review Hearing before City Council	$ 50.00	4-7-11(A) *MC* Res. #2004-15 Ord. #1999
Revised Preliminary Plat	$ 200.00	Res. #2003-3, 2004-25, 2005-60 Ord. #1940 & 2005
Rezone	$ 300.00	4-4-29(I) *MC* Res. #2003-3 Ord. #1940
Sketch Plan	$ 300.00	4-7-5(A)(4) *MC* Res. #2003-3, 2004-25 Ord. #2005
Sign Permit – Temporary, Banner, and Pennant	$10.00 per sign	4-4-22 (D)(6)(b) *MC* Res. #2008-2 Ord. #2179
Sign Permit – Real Estate and Construction: for real estate and construction signs over six square feet (6 ft^2) in size	$15.00 per sign	4-4-22(D)(15); 4-4-22(C)(1) *MC* Res. #2008-2 Ord. #2179
Sign Permit - Secondary	$15.00 per sign	4-4-22(C)(1) *MC* Res. #2008-2 Ord. #2179
Sign Permit - Primary	$30.00 per sign	4-4-22(C)(1) *MC* Res. #2008-2 Ord. #2179
Sign Plan – New Coordinated Review Fee	$ 200.00	4-4-22(F)(2)(f) *MC* Res. #2007-14 Ord. #2155
Sign Plan – Amended Coordinated Review Fee	$ 100.00	4-4-22(F)(2)(f) *MC* Res. #2007-14 Ord. #2155
Site Development	$ 100.00	4-1-12 (B) *MC* Res. #2004-15 Ord. #1999

Application/Permit/License	Fee	Code Reference
Street Cut Permits (Street Excavation) **A deposit of $200.00 is required <u>prior</u> to issuance of a street cut permit; said deposit may be used in the sole discretion of the City to pay the application fee after the street cut is made and measured or for any damages; any excess shall be refundable to the applicant.*	$ 70.00 Application Fee + Asphalt: $2.00 / square foot Earth: $.25 / square foot Concrete: $2.00 / square foot Bore: $1.00 / lineal foot Minimum trench width = 2 foot (all types of surfaces)	9-7-7 *MC* Res. #2004-15 Res. #2007-17 Ord. #1999
Street Name Change	$ 100.00	3-21-1(A)(1) *Regs* Res. #2004-20
Temporary Location or Occupancy of Travel Home	$ 50.00	4-12-4(A) *MC* Res. #2004-15 Ord. #1999
Temporary Permit for Structure	$ 50.00	4-1-3(N)(3)(g) *MC*
Temporary Use Permit for Premises	Permit Process is Pending	4-4-23(G) *MC* Res. #2004-15
Third Primary Sign	$ 25.00	4-4-22 (C)(1) *MC* Res. #2003-3 Ord. #1940
Tower Citing	$ 150.00	4-4-23(J)(5)(vii) Res. #2004-15 Ord. #1999
Travel Home Park	$ 300.00	4-12-7(E) *MC* Res. #2004-15 Ord. #1999
Variance	$ 100.00	4-4-29(I) *MC* Res. #2003-3 Ord. #1940 & 1999

(E) Liquor Fees

Application/Permit/License	Fee	Code Reference
Liquor Licensing	City fees shall equal the maximum fee allowed by Colorado State Statute or regulation, as amended from time to time.	5-12-1(C) *MC* Res. #2007-15 Ord. #1944

(F) Parks/Private Use of Public Property

Application/Permit/License	Fee	Code Reference
Alcohol Consumption Permit	$ 50.00 $ 100.00 deposit	3-6-2(D) *Regs* Res. #2003-35 Ord. #1974
Alcohol Consumption Permit in conjunction with Events Permit or Centennial Plaza Permit	$50.00 per hour multiplied by the # of hours alcohol is served multiplied by the number of officers required (minimum of two officers). *number of officers to be determined at the discretion of the City. **fee is based on actual median wage of officers and sergeants. ***this fee will be updated annually to increase with increased wages of officers and sergeants.	3-6-1(G)(2) *Regs* Res. #2009-1 Ord. #1974
Centennial Plaza and Uncompahgre Events Plaza Fees	See Events Use Permit	3-6-1(C) *Regs* Res. #2012-11 Ord. #1974
Events Use Permit	$50.00 Events Use Permit Fee (for all facilities not specifically listed below) $25.00 Centennial Plaza Fee $25.00 Uncompahgre Events Plaza Fee $40.00 Fee for Combined use of Centennial Plaza and Uncompahgre Events Plaza $50.00 Street Closure/Parade Fee* $100.00 deposit required for all events Certificate of insurance required. Additional fees required if alcohol permits are issued. *This fee is charged in addition to other fees above if the street closure is an additional venue.	3-6-1(C) *Regs* Res. #2012-11 Ord. #1974
Festival Event Permit	$100.00 permit fee $100.00 deposit Surety bond and/or insurance certificate required. Festivals or events under one thousand (1,000) attendees: fifty cents ($.50) per day per ticket; Festivals or events with one thousand (1,000) to two thousand nine hundred ninety-nine (2,999) attendees: one dollar	3-6-9 *Regs* Res. # 2010-41

Application/Permit/License	Fee	Code Reference
	($1.00) per day per ticket; Festivals or events with three thousand (3,000) and over attendees: two dollars and fifty cents ($2.50) per day per ticket.	
Insurance Certificate	Actual cost of insurance certificate through the City's insurance provider, added to permit fee.	3-6-1(E) *Regs* Res. #2003-55 Ord. #1992
Lion's Community Building	$ 25.00 w/o kitchen for five hours, $5.00 per hour thereafter $ 40.00 w/ kitchen for five hours, $5.00 per hour thereafter	3-6-5(P)(4) *Regs* Res. #2003-35 Ord. #1974
Main Street Closure Permit	$500.00 permit fee for up to a three (3) block closure, for up to four (4) hours. $50.00 fee for each hour closed beyond four (4) hours, maximum of ten (10) hours. City Council may approve additional hours for additional fees. $100.00 fee for additional blocks. Closures on City-observed holidays will be charged an additional 50% per fee. $100.00 deposit Surety bond and/or insurance certificate required.	Res. # 2010-41
Parks Use Permit	No Fee	3-6-2 *Regs* Res. #2003-35 Ord. #1974
Shelter Reservation	$ 10.00 (includes electricity)	3-6-2(C) *Regs* Res. #2009-1 Ord. #1974
Street Closure	$ 50.00 $ 100.00 deposit Insurance certificate required	3-5-2(C) *Regs* Res. #2003-35 Ord. #1974

(G) Police Department Administrative Fees

Application/Permit/License	Fee	Code Reference
Administrative Fees Copies	$ 2.00 for each copy of police report $ 5.00 for each criminal history report	3-20-1 *Regs* 3-20-2 Res. #2009-1 Ord. #1992
Administrative Fees Impound Fees	$ 4.00 per day for vehicles impounded in the City lot	3-20-4 *Regs* Res. #2003-55 Ord. 1992
Administrative Fees Sex Offender Registration	$ 40.00 initial registration fee $ 20.00 annual registration fee	3-20-5 *Regs* Res. #2004-39

Application/Permit/License	Fee	Code Reference
Administrative Fees Towing	Varies based on City contract	3-20-4 *Regs* Res. #2009-1 Ord. #1992
Administrative Fees VIN Inspections	$ 10.00 VIN Inspection, at Police Dept. $ 15.00 VIN Inspection at residence within City Limits set by C.R.S. Certified VIN Inspection	3-20-3 *Regs* Res. #2003-55 Ord. #1992

(H) Building Code Fees (Res. 2005-45, 7-21-2005)

(1) Building Permit Fees

(a) The fee for each building permit issued under the IBC or IRC shall be set forth in Subsection 6. The determination of value or valuation under any of the provisions of the building codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, any other permanent equipment, landscaping, parking and maneuvering areas.

(2) Plan Review Fees

(a) When submittal documents are required by Section 106.1 or R106.1 of the IBC and IRC respectively, a plan review fee shall be paid at the time of permit issuance. Said plan review fee shall be 65 percent of the building permit fee as shown in Subsection (6) for commercial projects and 50 percent for residential projects.

(b) The plan review fees specified in this section are separate fees from the permit fees specified in Subsection (1) and are in addition to the permit fees.

(c) When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Subsection 106.3.4.2 of the IBC, an additional plan review fee shall be charged at the rate shown in Subsection (6).

(3) Expiration of Plan Review

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter 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 exceeding 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(4) Investigation Fees: Work without a Permit.

(a) Investigation. 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.

(b) Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by Subsection (6). The minimum investigation fee shall be the same as the minimum fee set forth in Subsection (6). The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

(5) Fee Refunds

(a) The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

(b) The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

(c) The building official may authorize refunding of not more than 80 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 cancelled before any plan reviewing is done.

(d) The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

(6)

CONSTRUCTION VALUE	FEE
$1.00 to $500.00	$23.50
$501.00 to $2,000.00	$23.50 for the first $500.00 plus $3.05 for each additional $100.00, or fraction thereof, to and including $2,000.00
$2001.00 to $25,000.00	$69.25 for the first $2,000.00 plus $14.00 for each additional $1,000 or fraction thereof, to and including $25,000.00
$25,001.00 to $50,000.00	$391.25 for the first $25,000.00 plus $10.10 for each additional $1,000.00, or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$643.75 for the first $50,000.00 plus $7.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00.
$100,001.00 to $500,000.00	$993.75 for the first $100,000.00 plus $5.60 for each additional $1,000.00, or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$3,233.75 for the first $500,000.00 plus $4.75 for each additional $1,000.00, or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$5,608.75 for the first $1,000,000.00 plus $3.15 for each additional $1,000.00, or fraction thereof

(7) The fees for a gas permit are $50.00 for residential and $100.00 for non-residential.

(8) The fees for plumbing permits are $50.00 for residential and $100.00 for non-residential.

(9) Electrical Permit fees are set by State laws.

3-1-2 PAVILION FEE SCHEDULE

(A) Pavilion Fee Schedule

Service	Fee	Code Reference
AV EQUIPMENT		
CD Player	$12.00	Res. #2009-1
Full Sound System	$375.00	Res. #2009-1
Small Sound System (8 ch)	$62.00	Res. #2009-1
Cordless Microphone Receiver	$10.00	Res. #2009-1
DVD Player	$18.00	Res. #2009-1
LCD Projector	$40.00	Res. #2009-1

Service	Fee	Code Reference
Dell Laptop Computer	$25.00	Res. #2009-1
Television (19”) VCR	$17.00	Res. #2009-1
Phone Connection	$125.00 each	Res. #2009-1
Extension Cord Use	$5.00 each	Res. #2009-1
Multi Plug Use	$5.00 each	Res. #2009-1
Electric Plug Connections	$5.00 each	Res. #2009-1
Laser Pointer	$5.00	Res. #2009-1
Cassette Player	$10.00	Res. #2009-1
Audio Taping of Concerts (auditorium only)	$45.00	Res. #2009-1
Overhead Projector	$12.00	Res. #2009-1
FURNITURE		
Marley Dance Floor (auditorium only)	$200.00	Res. #2009-1
Pitt Cover Removal	$250.00	Res. #2009-1
Podium with Wired Microphone	$10.00	Res. #2009-1
Portable Bar	$50.00	Res. #2009-1
Portable Dance Floor	$100.00	Res. #2009-1
Portable Stage	$15.00	Res. #2009-1
Art Divider/Room Divider (8’x9’5”)	$20.00	Res. #2009-1
Screen 12 x 12	$20.00	Res. #2009-1
Chairs	No charge	Res. #2009-1
Tables	No charge	Res. #2009-1
Use of Pianos	Tuning fee plus 50%	Res. #2009-1
LINENS		
Napkins	$.50 per each	Res. #2009-1
Tablecloth	$5.00 per each	Res. #2009-1
ADMINISTRATIVE SERVICES		
Copies (black and white)	$.20 per each	Res. #2009-1
Fax Transmission	$2.00 first page $1.25 subsequent pages each	Res. #2009-1
Internet Connection	$10.00	Res. #2009-1
Flipchart and Paper	$15.00	Res. #2009-1
BEVERAGES		
Alcohol	15% increase - Call for quote	Res. #2009-1
Coffee Service for approx 30	$15.00	Res. #2009-1
Hot Tea Service for approx 30	$15.00	Res. #2009-1
Hot Cocoa Service	$1.00	Res. #2009-1
Hot Cider Service	$1.00	Res. #2009-1
Iced Tea Service for approx 30	$15.00	Res. #2009-1
Lemonade Service for approx 30	$18.75	Res. #2009-1
Fruit Punch for approx 30	$18.75	Res. #2009-1
Soda Pop assorted	$1.00 per each	Res. #2009-1
Bottled Water	$1.00 per each	Res. #2009-1

Service	Fee	Code Reference
BARS		
Portable Bar (Soda Fountains)	$50.00	Res. #2009-1
Portable Bar with Bartender	$12.65 per hour	Res. #2009-1
FOOD SERVICE		
Sweet Rolls	$1.75	Res. #2009-1
Cookies	$18.75 per dozen	Res. #2009-1
CATERING FEES AND KITCHENS		
Catering Fee	$.50-$2.50 per person	Res. #2009-1
Main Kitchen	$50.00	Res. #2009-1
Center Kitchen	$50.00	Res. #2009-1
North Kitchen	$50.00	Res. #2009-1
ROOM RENTALS – Fee for first 8-hour period, additional fees apply for additional hours.		
Auditorium with Technician	$550.00	Res. #2009-1
Auditorium Rehearsal (non-event day)	$50.00	Res. #2009-1
Commons/Front Lawn "Rain or Shine Performance/Event Only" rate - If an inclement weather plan requires inside performance/event, the inside room rate for required space will be charged.	$200.00	Res. #2009-1
Center Room	$209.00	Res. #2009-1
Courtyard/Patio	$214.50	Res. #2009-1
Exhibit Gallery/Lobby	$214.50	Res. #2009-1
Full Conference	$682.00	Res. #2009-1
North Room	$313.50	Res. #2009-1
North to Center	$522.50	Res. #2009-1
Ballroom with Full Conference	$896.50	Res. #2009-1
Ballroom with Lobby	$676.50	Res. #2009-1
Ballroom	$517.00	Res. #2009-1
South Room	$209.00	Res. #2009-1
South to Center	$440.00	Res. #2009-1
Terrace Room	$187.00	Res. #2009-1
Load-In/Load-Out/Rehearsals/Set-up – Non Event Day	$50.00	Res. #2009-1

(B) Resident Discount: For the purposes of this Section 3-1-2 (A) and (B) herein, "Resident" shall mean a natural person with a permanent, fixed domicile which is intended to be its residence within the City limits of the City of Montrose; or "Resident" shall also mean any lawful business entity authorized by all applicable provisions of Colorado law, and the City of Montrose Municipal Code and Regulations Manual to do business within the City of Montrose. The discount applicable to residents as defined herein shall be thirty-five percent (35%).

(C) Additional Hours: Each additional hour after eight (8) hours of scheduled event time shall be surcharged at fifty U.S. Dollars ($50.00) per hour.

CHAPTER 3-3

CEMETERY REGULATIONS

Sections:

3-3-1 LOT CARE AND IMPROVEMENTS

3-3-2 GRAVE OPENINGS

3-3-3 MINIMUM GRAVE DEPTHS

3-3-4 LOT PRICES

3-3-5 GRAVE OPENING FEES FOR BURIALS

3-3-6 GRAVE OPENING FEES FOR DISINTERMENTS

3-3-7 RECORDS

3-3-8 COLUMBARIUM REGULATIONS

3-3-1: LOT CARE AND IMPROVEMENTS

The use of cemetery lots shall be subject to the following regulations:

(A) The City is not responsible for the repair and maintenance of monuments, markers, curbing, urns or other structures erected upon any cemetery lot; nor will the City be responsible for the theft or vandalism of flowers, vases, urns, benches, monuments, markers or other articles or structures on any lots.

(B) Any general landscaping and planting will be done by the City.

(C) No trees, shrubs or foliage may be planted on any lot without prior approval of the City. The City shall have the right to remove any trees, shrubs or foliage at any time at its discretion without notice. (Res. 2010-40, 12-16-10)

(D) The City may remove any funeral designs, floral arrangements, dried or artificial flowers or plants as appropriate at its discretion without notice. (Res. 2010-40, 12-16-10)

(E) No open holes shall be made in concrete for the purpose of placing flowers. If a vase is used, it shall be of the inverted style. (Res. 2010-40, 12-16-10)

(F) No grave frames may be constructed in any section of the cemetery. Old frames that have begun to deteriorate, crack or settle may be removed by the City.

(G) No fencing, coping, railing, or embankments may be used on any lot to define a grave site. No lot or portion thereof may be filled above the established surrounding grade.

(H) Concrete posts no larger than 4” x 4” may be used as corner markers for lots, if they are placed flush with or below the grade of the lot.

(I) All monuments shall be set back at least 1’ from all lot edges.

(J) All monuments, including flush markers, shall be placed on an adequate concrete base at least 6” thick with rebar. The base shall extend out from the monument by at least 6” all around and flush with grade except the flush markers.

(K) If a second monument is placed on a gravesite, the second monument must be ground level.

(L) Any monument over 8” in height shall not be secured to the slab.

(M) Granite or marble seats may be placed on a lot only if prior approval of the City has been obtained and the seat is not on top of a grave and should be placed on a solid concrete slab at least 6 “ thick with rebar.

(N) No monuments shall be constructed of any material except granite, marble and bronze without prior approval of the City.

(O) No mausoleum may be constructed or placed on any lot without prior approval of the City in writing. (Res. 2010-40, 12-16-10)

(P) No monuments except those flush with the ground and no trees, shrubs or foliage shall be allowed in Section P of the cemetery.

(Q) All lot sales made by the City are final. The City will not buy back or assist in the sale of previously sold lots. Individuals wishing to sell previously purchased lots may do so at their own expense. The City shall receive a copy of a bill of sale or proof of transfer of deed at the time of sale. (Res. 2010-40, 12-16-10)

(R) Veterans’ lots in the veterans’ section or elsewhere in the cemetery shall be sold at no cost to veterans; proof of veteran status is required before a deed will be issued for a lot. Opening/closing costs at the time of burial do not apply. Spouses are the only family members of veterans permitted to be buried in the veterans’ section, either in the form of cremains in the same lot at no lot cost, or next to the veteran’s lot in a casket, or as cremains at the regular lot cost. No other family members shall be permitted for burial in the veterans’ section. (Res. 2010-40, 12-16-10)

3-3-2: GRAVE OPENINGS

(A) All requests to open a grave shall be made at least two (2) working days in advance. The City reserves the right to deny requests for after-hours and holiday burials in its sole discretion.

(B) Graves shall be opened, filled or sodded only by the City, unless otherwise authorized in writing by the City.

(C) The maximum number of burials is three (3) per lot, in the form of one (1) full burial and two (2) cremains; however, three (3) or more cremains are not permitted in a single lot. Full burials must be the first burial in the lot.

(D) All fees shall be as set forth in Section 3-1 of the City of Montrose Regulations Manual. Grave opening/closing fees cannot be collected at the time of a lot sale unless a burial is scheduled concurrently. All fees shall be paid in full prior to the time of burial. The fee schedule in effect at the time payment is made shall apply. Grave openings may be authorized solely by the lot owner or designee. Proof of ownership and other identification may be required to verify authorization.

(E) For disinterment of full burials within the cemetery, and for reburials of disinterments from other locations, written permission of the applicable county clerk must be obtained.

(F) All vaults shall be constructed of fiberglass, steel, or concrete unless otherwise approved in writing by the City. All vaults, other than fiberglass, shall be placed in the gravesite by the mortuary, and the cemetery sexton must be notified twenty-four (24) hours in advance when a concrete vault is to be used. A vault is required in all cases, except for the burial of cremains.

(G) No lots or burials shall be allowed in the Potter's Field area.

(H) No burials shall take place on Sundays or City-recognized holidays. When a holiday falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday is observed.

(I) No animal burials are permitted.

(J) An additional fee shall be charged for Saturday burials, and burials requiring hours worked beyond the normal working day, i.e. after 4:00 p.m. on weekdays.

(Res. 2010-40, 12-16-10)

3-3-3: MINIMUM GRAVE DEPTHS

(A) Adults and children - 5 feet.

(B) Infants - 3 ½ feet.

(C) Cremains – 24”

3-3-4: LOT PRICES

All fees for the sale of lots shall be set forth in the fee schedule, located in the City of Montrose Regulations Manual, Chapter 3-1, with the exception of lots sold to veterans, which are conveyed at no cost to veterans. (Res. 2010-40, 12-16-10)

3-3-5: GRAVE OPENING FEES FOR BURIALS

(A) As set in the fee schedule in the Montrose City Regulations Manual 3-1.

3-3-6: GRAVE OPENING FEES FOR DISINTERMENTS

(A) As set in the fee schedule in the Montrose City Regulations Manual 3-1.

3-3-7: RECORDS

(A) The City shall maintain records of grave locations, names, and dates of birth and death of the deceased. The City shall also maintain records of lots sold by the City and lots available for sale from the City. (Res. 2010-40, 12-16-10)

3-3-8: COLUMBARIUM REGULATIONS

The use of the Columbarium lot spaces shall be subject to the following regulations:

(A) All fees for the sale of Columbarium lot spaces shall be set in Section 3-1 of the City of Montrose Regulations Manual.

(B) No more than two cremains may be placed in any Columbarium lot space. Urns must be of a standard size and fit in an 11 ½ square niche.

(C) Plaques on the Columbarium lot space must be specified by the City of Montrose and must be purchased by the owner of the lot space or his representatives through the City of Montrose. The cost of the plaque shall be the actual cost of the plaque to the City of Montrose.

(D) No decorations, memorial items or flowers may be placed on the Columbarium. Flowers may be placed on the ground near the Columbarium.

(E) All fees for the opening and close of the Columbarium lot space shall be as set in Section 3-1 of the City of Montrose Regulations Manual.

(F) All requests to open a niche shall be made at least two (2) working days in advance. The City reserves the right to deny requests for after-hours and holiday openings in its sole discretion. (Res. 2010-40, 12-16-10)

(G) Opening/closing fees cannot be collected at the time of a Columbarium lot sale, unless an inurnment is scheduled concurrently. All fees shall be paid in full prior to the time of inurnment. The fee schedule in effect at the time payment is made shall apply. Openings may be authorized solely by the Columbarium lot owner or designee. Proof of ownership and other identification may be required to verify authorization. (Res. 2010-40, 12-16-10)

(H) Columbarium lot space disinterment fees shall be as set in Section 3-1 of the City of Montrose Regulations Manual.

(I) The City shall maintain records of Columbarium lot space locations, as well as names, and dates of birth and death of the deceased. The City shall also maintain records of Columbarium lot spaces sold by the City, and Columbarium lot spaces available for sale from the City. (Res. 2010-40, 12-16-10)

CHAPTER 3-4

TREE CARE SPECIFICATIONS

Sections:

3-4-1 **AUTHORITY AND APPLICABILITY**

3-4-2 **GENERAL PROVISIONS**

3-4-3 **REMOVAL OF TREES**

3-4-4 **TRIMMING REGULATIONS**

3-4-5 **AUTHORIZED TRIMS**

3-4-6 **RECOMMENDED TREES**

3-4-7 **SPACING OF TREES**

3-4-8 **DEVIATIONS**

3-4-9 **TREE TRIMMING LICENSE**

3-4-1: AUTHORITY AND APPLICABILITY

(A) These specifications and regulations are adopted by the City Manager pursuant to Section 9-3-3 of the Official Code of the City of Montrose, Colorado.

(B) These specifications and regulations apply to all City-owned trees and City-owned property. Failure to comply with these regulations may result in license revocation or prosecution. These specifications are recommended for trees on non-City owned property.

3-4-2: GENERAL PROVISIONS

(A) All tree care work shall be conducted in a safe workmanlike manner, with minimum interference to vehicular traffic, pedestrians, or the use of public or private property.

(B) Any injury to persons or damage to property resulting from tree care operations shall be reported as soon as reasonably possible to the City Clerk.

(C) All leaves, branches, limbs and other debris shall be removed at the end of each workday and upon completion of operations.

(D) No severed or partially severed limbs or branches shall be left in the upper portion of any tree.

(E) Warning devices and signs for vehicular and pedestrian traffic shall be used as reasonably required. Barricades, ropes and flagmen shall be utilized as reasonably required- for safety. At least one workman shall be on the ground at all times during operations for safety purposes. No barricades may be placed in any street without prior permission from the City Clerk.

(F) Ropes shall be used to lower all large limbs to the ground.

(G) When any public utility line, pole, pipe or other structure may be affected by tree operations, the proper utility shall be notified, and any safety precautions specified by the utility shall be followed.

(H) Nothing may be attached to any tree other than standard tree wound dressings without written permission from the Parks Superintendent. No tree or utility pole shall be used for the purpose of anchoring or levering any equipment while removing or treating other trees.

3-4-3: REMOVAL OF TREES

The following provisions apply to removing any tree in addition to the following provisions:

(A) No tree may be removed without express written permission of the Parks Superintendent.

(B) The remaining stump shall be cut to a level of at least six (6) inches below normal ground level.

(C) All holes remaining after trees are removed shall be immediately filled and properly compacted with clean earth fill- to ground level.

(D) Roots may not be cut which would eliminate adequate support of a tree until such time that the upper portions of the tree have been removed.

3-4-4: TRIMMING REGULATIONS

These regulations apply to trimming operations in addition to the general provisions:

(A) No tree shall be topped or trimmed to such an extent or in such a manner that its health or structural integrity is impaired.

(B) No sound, healthy limbs in excess of six (6) inches in diameter may be cut.

(C) When trimming side limbs, a cut should be made at a point above its juncture with another healthy limb which is at least one third (1/3) the diameter of the limb to be cut, and is capable of producing adequate foliage and woody growth to heal the cut within a reasonable period of time.

(D) Whenever a cut is to be made which will remove a limb too large to hold securely in one hand during the cut, an initial cut, one (1) to two (2) feet beyond the area of the final cut shall be made.

(E) All final cuts shall be made in a manner to encourage the early healing of the wound by natural callous growth. No excessively deep flush cuts which produce large wounds or weaken the tree at the cut shall- be made. Proper restraints shall be used upon all limbs to be removed to avoid damage to other parts of the tree or to other property.

(F) Equipment and saws used on any diseased or infected tree shall be disinfected and cleaned immediately after work on such tree. All equipment and saws shall be maintained in good operating condition and shall be sharpened to insure clean cuts.

(G) Hard maple, birch and walnut trees shall not be trimmed except when in leaf.

(H) Roots shall not be cut to the extent that the health or structural integrity of the tree is impaired. Root wounds shall be treated to prevent decay or infestation.

3-4-5: AUTHORIZED TRIMS

(A) Complete Trim: This operation consists of the removal of most branches and limbs which may have the potential to cause health problems or adversely affect the strength and attractiveness of the tree. The following operations may be made:

(1) Removal of all dead, dying and diseased branches over one-half (1/2) inch in diameter.

(2) Removal of all broken or loose branches in the tree.

(3) Removal of all dead, live stubs, and previously broken or poorly cut branches.

(4) Removal of live branches which interfere with the tree's structural strength and health, including the following:

(a) Limbs which rub upon a more important branch.

(b) Weak limbs which are not important to the framework of the tree.

(c) Limbs which could wedge apart the junction of more important branches.

(d) Limbs with twigs and foliage obstructing the development of more important branches.

(e) Limbs forming multiple leaders in a single leader type tree.

(f) Branches near the end of a limb which weigh more or offer more wind resistance than the limb can support.

(g) Undesirable sucker and sprout growth.

(h) One (1) or more developing leaders where multiple branch growth exists near the end of broken limbs or sub-limbs.

(i) Branches which project outward beyond the symmetrical form of the tree.

(j) Exposed roots which prevent proper expansion and growth of other major roots or restrict the base of the tree.

(B) Safety Trim: This operation consists of the minimum cuts necessary to correct safety hazards. The following operations are authorized:

(1) Removal of all dead and dying branches of two (2) inches or more in diameter.

(2) Removal of all broken or loose branches two (2) inches or more in diameter.

(3) Elimination of limbs which extend beyond the symmetrical form of the tree.

(4) Removal of branches necessary to reduce weight to avoid breakage.

(C) Head back Trim: This operation consists of reducing the height of the spread of the tree by not more than one-third (1/3) and is allowed only when necessary to control extended growth which may interfere with utility lines or adjacent structures. Authorized operations include the removal of the perimeter branches at their lower junction with shorter side branches (drop crotching).

(D) Spot Trim: This operation consists of removing one (1) or more branches localized in a particular area of the tree's crown. Authorized operations include:

(1) Removal of branches and foliage to a height of thirteen feet six inches (131611) above any street and over eight (8) feet above any sidewalk or pedestrian way.2. Removal of all sprouts and limbs to eight (8) feet above ground level, except for young trees which would be damaged by such action.

(2) Removal of all sprout and limbs to eight (8) feet above ground level, except for young trees which would be damaged by such action.

(3) Removal of dead or broken limbs.

3-4-6: RECOMMENDED TREES

(A) Although not mandatory, the City recommends that the following trees be planted within the City:

(1) Large Shade Trees – will exceed 30 feet in height when fully grown:

(a) Ash, American – Yellow fall color

(i) Ash, Purple – Reddish purple fall color

(ii) Many other good varieties

(b) Honeylocust, Thornless

(i) Shademaster – Dark green fern-like foliage

(ii) Skyline – Compact dark green foliage

(c) Japanese Pagodatree – Flowers in mid summer

(d) Linden, Littleleaf – Dense foliage

(i) Greenspire – Dark green leaves

(ii) Other good varieties

(e) Maple, Norway

(i) Columnar – Good for narrow locations

(ii) Schwedler – Red foliage in spring changing to bronze and green

(f) Oak, Bur – tolerates alkaline soils and drought

(g) Oak, Swamp White – adapts best of all oaks to clay soils and irrigation

(h) Green Ash – Good street tree, adapts to a wide range of soils

(i) Kentucky Coffeetree – Nice shape but does have leathery seed pods

(2) Small Ornamental Trees – under 30 feet in height

(a) Cherry, Canadian Red – Has both red and green leaves

(b) Cherry, European Bird – Fragrant white flowers

(c) Chokecherry – White flowers with orange-red bark

(d) Crabapple

(i) Bechtel – Double pink flowers and usually no fruit

(ii) Red Splendor – Single rose red flowers and purple fruit

(iii) Radiant – Pink or rosy red flowers

(iv) Snowdrift – White flowers and red fruit

(v) Spring Snow – Usually fruitless

(vi) Dolgo – White flowers, fruit good for jellies

(vii) Centurion, Red Baron – Rosy red flowers and fruit

(viii) Many other good varieties

(e) Hawthorn, Washington – White flowers and orange-red fruit and fall color

(f) Pear, Aristocrat – White flowers and bronze fall color

(g) Plum, Newport – Pink flowers followed by red foliage. Avoid planting in real wet areas

(3) The City of Montrose recommends that these trees are <u>not</u> planted within the City:

(a) Aspens – They generally have a short life span here in the valley

(b) Russian Olives – Many thorns and usually grows wide

(c) Willows – Wide spread and prone to splitting

(d) Siberian Elm – This tree is short lived and requires frequent pruning

(e) Poplars, Cottonwoods, Lobardy, etc. – The cotton is a nuisance

(f) Tree of Heaven – Weak wooded, short lived

(g) Evergreens - Evergreens are not recommend to be planted as <u>street trees</u>, because they eventually grow large and wide making it difficult to see around and crowd out the sidewalks.

3-4-7: SPACING OF TREES

(A) These regulations are not mandatory, however, any tree located on City property that creates a safety hazard, interferes with traffic, or otherwise creates a nuisance, may be removed by the City at any time. Problems can be avoided in most instances by following the following recommendations:

(1) The tree shall be planted midway between the sidewalk and the curb. It shall be no closer than thirty-five,(35) feet to the intersection of any street.

(2) No tree shall be planted closer than five (5) feet to any driveway or alley, or in any location which will interfere with fire hydrants, utility lines or in-ground pipes, street lights, traffic signs, and traffic lights.

(3) Trees shall be planted at least five (5) feet away from any concrete works.

(4) Trees shall be spaced at least twenty (20) feet apart from one another.

3-4-8: DEVIATIONS

The Parks Superintendent may authorize deviations from these regulations when necessary to protect the public health, safety and welfare or when unusual conditions exist and the deviation will more effectively protect the health or safety of the tree or avoid the creation of a safety hazard.

3-4-9: TREE TRIMMING LICENSE

The following procedure will be followed in obtaining a tree-trimming license:

(A) Obtain the application from the City Clerk.

(B) The applicant will receive an application, tree-trimming ordinance, and tree trimming specifications.

(C) The applicant is required to read the ordinance and the specifications, and after doing so, shall return the application, which shall be accompanied by insurance certificates and appropriate fee as set forth in the fee schedule in the Montrose City Regulations Manual 3-1.

(D) After application is received with certificates of insurance, the license will be issued.

(E) Permanent license files will be kept by the City Clerk.

CHAPTER 3-5

REGULATIONS REGARDING PERMITTED USE OF CITY RIGHTS OF WAY

Sections:

3-5-1 STREET CLOSURE PERMITS

3-5-2 MAIN STREET CLOSURE PERMIT

3-5-3 RIGHT OF WAY USE PERMIT

3-5-4 RIGHT OF WAY ENCROACHMENT PERMIT

3-5-5 MOBILE VENDOR PERMIT

3-5-6 STREET CLOSURE BY CITY CREWS

3-5-7 ENTERTAINMENT PERMIT

3-5-1: STREET CLOSURE PERMITS

(A) Persons or organizations requesting a parade or other event involving street closure within the City limits must apply in writing to the City Clerk for a Street Closure Permit. The City Clerk is authorized to administer such permitting, subject to review and approval by the City Manager, and shall provide all requisite City permit application forms for submittal.

(B) The issuance of a Street Closure Permit shall be in accordance with applicable provisions herein, the provisions for street closure as set forth below, and applicable provisions regarding the private usage of public property set forth in Chapter 9-8 of the Official Code of the City of Montrose. Such Permits are revocable by the City.

(C) The fees and deposits for submittal of a Street Closure Permit application shall be as set forth in the fee schedule in the Montrose City Regulations Manual 3-1. The deposit shall be returned to the applicant subsequent to the event and upon City determination that the street and adjoining area is returned to the same condition as prior to the closure.

(D) The application shall be submitted to the City Clerk no less than sixty (60) days in advance of the event.

(E) The City Clerk shall not approve any street closure if the City does not have sufficient resources to properly manage the event in a manner consistent with the

preservation of the public peace, health and safety and to provide for adequate traffic control, or if an adequate alternate route is not available if applicable.

(F) The applicant shall provide proof of a general liability insurance policy in a minimum coverage equal to that specified in the Colorado Revised Statutes Section 24-10-114 which names the City, its officers, agents and employees as additional insureds for claims arising out of the event.

(G) The closure shall be implemented and the route chosen in a manner that will cause the least inconvenience to the driving public, adjacent residents or businesses consistent with the reasonable requirements of the event. The applicant shall submit and implement an adequate plan to control and organize the event in a manner consistent with all applicable Regulations and Ordinances of the City.

(H) No State-issued Special Events Permit shall be permitted in conjunction with a Street Closure Permit, and applicable open container laws within the City shall apply in all street closure events, unless otherwise approved by City Council.

(I) Applicants shall also provide, as a requirement of Permit issuance, written proof of street closure notification to all adjoining property owners and businesses.

(J) Applicants shall also provide a detailed description of any vending or commercial activity occurring coincident with the event. Separate Vending Permits shall not be required for all such commercial activities so described, but vendors shall be subject to all other permitting requirements, including but not limited to sales tax licenses and food service licenses.

(K) For street closure events, the City shall provide barricades, for applicant/permittee to install, and necessary trash containers.

(L) Street closures shall not exceed ten (10) hours in duration on any one day, unless the street closure is in conjunction with an event at Centennial Plaza and is located on Uncompahgre Avenue between Main Street and Centennial Plaza. Multiple day closures shall be at the sole discretion and direction of City Council, and additional fees may be imposed to cover the costs to the City as a result of the closure.

(M) The City, upon permit approval, shall notify all emergency service providers accordingly.

(N) Street closures shall include the public roadway, up to but not including the sidewalk or pedestrian cross walks. Sidewalks and crosswalks cannot be blocked to pedestrian traffic.

(Res. 2010-39, 12-16-10)

3-5-2: MAIN STREET CLOSURE PERMIT

(A) Applications requesting a permit for closure of Main Street shall be made in conformance with applicable City Regulations and Ordinances governing street closures. Such permits are revocable at will by the City. The following sections governing closures of Main Street shall be in addition to other City ordinances and Regulations; whenever the same matters are addressed more specifically in this § 3-5-2, this § 3-5-2 shall control. For matters not addressed in this § 3-5-2, other applicable City Ordinances and Regulations shall control.

(B) Main Street closures shall be permitted for up to three (3) blocks at a time for up to four (4) hours at a time. Main Street closure application fees, fees for additional hours and blocks closed, and deposits shall be as set forth in the fee schedule in Chapter 3-1 of the City of Montrose Regulations Manual. The deposit shall be returned to the applicant within a reasonable time after the event, and upon the City's determination that the street and adjoining area is returned to the same condition as prior to the closure.

(C) The application shall be submitted to the City Clerk no less than ninety (90) days in advance of the event. Applications received less than ninety (90) days in advance of the event may be approved by the City Manager, or its designee, as long as the application has been received at least forty-five (45) days in advance of the event. This decision may be appealed to City Council. Deadlines for City Council agenda items apply.

(D) Closures on City observed holidays will be charged an additional 50% per fee associated with a Main Street Closure.

(E) The City may request security adequate, in the City's sole discretion, to cover any potential claims or damages that may result from a closure of Main Street.

(F) As a requirement of Permit issuance applicants shall also provide written proof of street closure notification to all property owners and businesses within a one (1) block radius of the proposed closure. Applicants seeking a Main Street closure permit shall notify property owners and businesses on the north side of North 1st Street and the south side of South 1st Street, as well as the east and west sides of any side streets affected by the closure.

(G) For Main Street closures the City shall provide, set-up and install necessary barricades to insure the closure is conducted safely.

(H) For Main Street closures the City may provide additional trash containers as requested by the applicants or as deemed necessary by City staff.

(I) Events and event teardown shall conclude no later than 11:00 p.m. on the day of the Main Street closure

(Res. 2010-39, 12-16-10)

3-5-3: RIGHT OF WAY USE PERMIT

(A) Persons and/or organizations requesting temporary occupation or use of portions of public right of ways for construction, remodeling, special events not involving street closure and temporary parking of commercial or oversized vehicles not otherwise allowed, must apply in writing to the City Clerk for a Right of Way Use Permit. The City Clerk is authorized to administer such permitting, subject to review and approval by the City Manager, and shall provide all requisite City permit application forms for submittal.

(B) The issuance of a Right of Way Use Permit shall be in accordance with applicable provisions herein and applicable provisions regarding the private usage of public property set forth in Chapter 9-8 of the Official Code of the City of Montrose. Such Permits are revocable by the City.

(C) There is no fee for submittal of a Right of Way Use Permit application.

3-5-4: RIGHT OF WAY ENCROACHMENT PERMIT

(A) Encroachments into public rights of way involving landscaping, fencing, driveway and access improvements may be allowed, without issuance of permit, in accordance with Chapter 9-8 of the Official Code of the City of Montrose. Fencing shall be in accordance with City specifications and restrictions.

Encroachments of new buildings and other improvements into public rights of way shall not be allowed. Encroachments of any type into public park, open space, buffer, trail corridor, and other public areas shall not be allowed.

(B) Persons and/or organizations requesting encroachment of existing buildings and improvements into public right of ways shall apply in writing to the City Clerk for a Right of Way Encroachment Permit. The City Clerk is authorized to administer such permitting, subject to review and approval by the City Manager, and shall provide all requisite City permit application forms for submittal.

(C) The issuance of a Right of Way Use Permit shall be in accordance with applicable provisions herein and applicable provisions regarding the private usage of public property set forth in Chapter 9-8 of the Official Code of the City of Montrose. Such Permits are Revocable by the City.

(D) The fee for submittal of a Right of Way Encroachment Permit application shall be set in the fee schedule in the Montrose City Regulations Manual 3-1. Such Permits are revocable by the City.

3-5-5: MOBILE VENDOR PERMIT (Res. 2005-31, 06-02-2005)

DEFINITIONS

MOBILE VENDOR – A person who peddles, vends, sells, displays or offers to sell goods, wares or food from a mobile vending unit or vendor cart. This term does not include a mobile vending unit that visits private property sites by appointment for no more than (1) hour per site.

MOBILE VENDING UNIT – Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or device designed to be portable and not permanently attached to the ground, which is used to sell wares, merchandise or food. Mobile vending units that are located in one location more than one (1) hour must comply with restrictions in Montrose City Regulations 3-5-5(D)(5).

MOBILE VENDING CART – Mobile cart that is to be used on City sidewalks. Mobile Vending Carts must comply with restrictions in Montrose City Regulations 3-5-5(D)(4).

(A) Persons and/or organizations requesting temporary usage of public rights of way for purposes of vending food, wares or merchandise must apply in writing to the City Clerk for a Mobile Vendor's Permit. The City Clerk is authorized to administer such permitting, subject to review and approval by the City Manager and the Community Development Department and shall provide all requisite City permit application forms for submittal.

(B) The issuance of a Mobile Vendor’s Permit shall be in accordance with applicable provisions herein and applicable provisions regarding the private usage of public property set forth in Chapter 9-8 of the Official Code of the City of Montrose. Such Permits are revocable by the City.

(C) The fee for submittal of a Mobile Vendor's Permit application shall be set in the fee schedule in the Montrose City Regulations Manual 3-1. If electrical power is required, there shall be an administrative fee as set in the fee schedule in the Montrose City Regulations Manual 3-1 to be paid with the Permit application. Such Permits are revocable by the City.

(D) Requests shall be submitted to the City Clerk, in writing and no less than sixty (60) days in advance of occupancy. The request shall provide:

(1) The duration of occupation (limited to not more than one (1) year for each permit), after which a permittee must reapply for a Mobile Vendor Permit, if the vendor intends to continue vending in the City of Montrose. All Mobile Vendor Permits shall expire on December 31 of each year. All permit applications shall be filed in the same calendar year for which the permit is to be valid (Res.2010-39, 12-16-10).

(2) The proposed site of location of the vending business shall be submitted by a sketch plan and reviewed by the City. The location of the mobile vending unit or [vendor cart] shall be designated in a location approved by the City of Montrose. Mobile vendors that setup or stay at one location for more than (1) one hour shall only be located in the "B-1" Central Business District and "B-2" Highway Commercial and Service District. Mobile Vendors that do not stop for more than (1) one hour at a time in a specific location shall not be limited to the "B-1", Central Business District and "B-2", Highway Commercial and Service District.

(3) A description of the business, and hours of operation.

(4) Mobile Vendor carts that will be located on sidewalks must comply with the following:

(a) A photograph of the vendor cart or vehicle to be used shall be provided to the City

(b) Mobile Vendor carts must be mobile and must be movable by one attendant if the cart is located on a sidewalk. The cart must have wheels at least 6" in diameter.

(c) Mobile Vendor carts must be under 4 feet (4') in width, 10 feet (10') in length and 8 feet (8') in height, swing up towing hitches will not be included in the length measurement, but a fixed towing hitch will be included.

(d) Display lighting on the cart shall be directed at the merchandise only and shall not be directed at passing pedestrians or motorists.

(e) Signs or graphics on the mobile vendor cart shall convey the theme of the business, shall be no larger than 6 feet square and shall be attached to the cart.

(f) Mobile Vendor carts shall be made of suitable materials for extended outdoor use and comply with all applicable health and safety standards. All surfaces, edges and details must be designed and finished to avoid potential hazards. High-quality materials and standards for detailing are essential and may include materials such as wood, stone, canvas, tile, metal, glass or Plexiglas.

(g) No Mobile Vendor cart shall be incompatible with the health, safety and welfare of the people of the City of Montrose, with due regard for the width, grade, and geometric shape of the proposed site for use of the cart, the proposed positioning of the cart, traffic safety concerns due to field of vision or driver distraction, and other uses of streets, rights-of-way, and other public property; an aesthetic compatibility assessment may also be required, to ensure that the cart and its proposed use will be in keeping with the traditional use and character of the proposed site. The City shall evaluate mobile vendor permit applications using the guidelines in this Paragraph, and shall not issue a mobile vendor permit until establishing that the cart and its location are compatible with the guidelines in this Paragraph.

(5) Mobile Vending Units that will be located in one location more than one (1) hour must comply with the following:

(a) A photograph of the vending unit or vehicle to be used shall be provided to the City

(b) Display lighting on the unit shall be directed at the merchandise only and shall not be directed at passing pedestrians or motorists.

(c) Signs or graphics on the mobile vending unit shall convey the theme of the business, shall be no larger than 6 feet square and shall be attached to the cart.

(d) Mobile Vending units shall be made of suitable materials for extended outdoor use and comply with all applicable health and safety standards. All surfaces, edges and details must be designed and finished to avoid potential hazards. High-quality materials and standards for detailing are essential and may include materials such as wood, stone, canvas, tile, metal, glass or Plexiglas.

(e) No Mobile Vending units shall be incompatible with the health, safety and welfare of the people of the City of Montrose, with due regard for the width, grade, and geometric shape of the proposed site for use of the cart, the proposed positioning of the cart, traffic safety concerns due to field of vision or driver distraction, and other uses of streets, rights-of-way, and other public property; an aesthetic compatibility assessment may also be required, to ensure that the cart and its proposed use will be in keeping with the traditional use and character of the proposed site. The City shall evaluate mobile vendor permit applications using the guidelines in this Paragraph, and shall not issue a mobile vendor permit until

establishing that the cart and its location are compatible with the guidelines in this Paragraph.

(f) The mobile vending unit must have wheels at least six inches (6") in diameter

(6) All other necessary licensing and approvals, including but not limited to, sales tax license, state health certificate and transient merchant's license must be acquired before a mobile vendor's permit may be issued.

(E) In addition to all other applicable requirements and regulations, the following restrictions shall apply:

(1) The mobile vendor's business shall be limited to the site and hours of operation as set forth within the Permit. All applicants, assistants and employees must provide a copy of a government issued picture identification card to the City Clerk.

(2) For mobile vendors seeking to utilize multiple rights-of-way for vending business that setup or stay at one location for more than (1) one hour, such usage shall be restricted to local and collector streets only in the "B-1" and "B-2" zones. All traffic and parking restrictions shall apply, mobile vendors shall not be allowed to stop vehicular traffic. Permitted mobile vendors shall not solicit door-to-door, as such activity is prohibited (Chapter 5-7 of the Official Municipal Code).

(3) No more than three (3) mobile vendors may occupy either Centennial Plaza or Demoret Park at any time, unless the vendor is associated with an Events Use Permit approved by the City in accordance with the provisions herein. Demoret Park vendor sites will be determined at the discretion of the City. Consideration will be given to the order that complete applications and payment of all associated fees were received for any calendar year. Applications for the current calendar year may be made beginning on the first business day after January 1st of each year. Reservations will only be made with a completed Mobile Vendor Permit application and payment of all associated fees. Any conflicts will be resolved through a lottery system. (Res.2010-39, 12-16-10)

(4) The mobile vending business shall not constitute any nuisance to the public. The amplified emission of sound shall be prohibited. The vendor shall be responsible for keeping all sites of business clean of debris and litter resulting from the business.

(5) The applicant shall provide proof of a general liability insurance policy in a minimum coverage equal to that specified in the Colorado Revised

Statutes Section 24-10-114 which names the City, its officers, agents and employees as additional insureds for claims arising out of the event. Mobile food vendors shall also provide proof of auto liability insurance policy in the same minimum coverage.

(6) No food vending shall be allowed within 500 feet of:

(a) Schools on school days;

(b) Restaurants or other food establishments or concessions; except for permitted vendors utilizing Demoret Park or Centennial Plaza.

(c) Permitted events or street closures unless such vending is specifically approved and associated with the respective street closure or events use permit. Permitted events, regardless of when they are scheduled, will have priority use of Centennial Plaza. Mobile vendors may be asked to leave. (Res.2010-39, 12-16-10)

(7) No mobile vending shall be allowed:

(a) Within 20 feet of a corner at an intersection in the “B-1” zone or 25 feet of a corner at an intersection in the “B-2” zone.

(b) Within 10 feet of a driveway

(c) Within 15 feet of another vendor (except at a permitted event)

(d) If there is not at least 4 feet of unobstructed pedestrian space on the sidewalk

(e) On the median strip of a divided street

(f) Against display windows of a fixed business location

(g) Within 15 feet of a fire hydrant

(h) Within the area between the curb/street edge and any tree/light fixture, to ensure pedestrian access

(i) Within 10 feet of any handicap parking space or access ramp

(j) City Parks unless as provided in Section 3-5-5(E)(9) (event licensing procedures) of the City of Montrose Regulations.

(8) Mobile Vendors are not required to obtain a separate Mobile Vendor Permit if the vendor is part of an event that is licensed by the City, however the event holder must authorize the vendor.

(9) Mobile Vendors are allowed in City Parks only if there is an event licensed by the City, however the event holder must then authorize the vendor.

(10) Mobile Vendors are not required to obtain a Mobile Vendor Permit if the vendor is located on private property and has complied with all other applicable sales tax, transient vendor, health requirements, and other regulations including but not limited to site plan requirements and location in the correct zoning district.

(11) Mobile Vendors are not allowed to sell or provide alcohol unless licensed by the State of Colorado and the City of Montrose.

3-5-6: STREET CLOSURE BY CITY CREWS

(A) Block closure in the downtown area or other business areas for street repair, overlay, reconstruction, etc. will require written notice delivered to the affected businesses a minimum of seven (7) calendar days prior to work proceeding.

(B) Weather interruption of the project will require the project to be rescheduled.

(C) In the case of parking space painting, only one half of the block may be painted per day. This will allow parking access to the businesses on that block.

(D) This policy will not apply to emergency situations such as water breaks, sewer back-ups, sink holes, etc.

3-5-7: ENTERTAINMENT PERMIT

(A) Any group or individuals who wish to use a City Park, right-of-way or other City Facility for entertainment purposes shall apply in writing to the City Clerk. The applicant shall provide a copy of general liability insurance as set forth in § 3-5-5(E)(5) Montrose City Regulations Manual. (Res. 2005-31, 06-02-2005)

CHAPTER 3-6

REGULATIONS REGARDING USE OF CITY PARKS AND FACILITIES

Sections:

3-6-1 EVENTS USE PERMIT

3-6-2 PICNIC SHELTER USE PERMITS; PARK USE NOTICE

3-6-3 MOBILE VENDOR PERMIT

3-6-4 USE OF CENTENNIAL PLAZA

3-6-5 USE OF LIONS COMMUNITY BUILDING

3-6-6 USE OF ALL OTHER CITY PARKS AND FACILITIES

3-6-7 BUCKHORN LAKE LAND USE

3-6-8 ENTERTAINMENT PERMIT

3-6-9 FESTIVAL EVENT PERMIT

3-6-1: EVENTS USE PERMIT

(A) Persons and/or organizations requesting an Events Use Permit for City parks or facilities must apply in writing to the City Clerk. An Events Use Permit is required when the event is advertised to the public, or more than seventy-five (75) persons are expected to attend the event. The City Clerk is authorized to administer such permitting, subject to review and approval by the City Manager, and shall provide all requisite City permit application forms for submittal. (Res. 2010-39, 12-16-2010)

(B) The issuance of such Events Use Permit shall be in accordance with applicable provisions herein and applicable provisions regarding the private usage of public property set forth in Chapter 9-8 of the Official Code of the City of Montrose. Such Permits are revocable by the City.

(C) The fee for submittal of an Events Use Permit application shall be set forth in the fee schedule in the City of Montrose Regulations Manual, chapter 3-1. Additionally, there shall be a deposit as set forth in the fee schedule in the City of Montrose Regulations Manual, chapter 3-1; such deposit shall be returned to the applicant subsequent to the event, and upon City determination that the event area is returned to the same condition as prior to the closure, and no rules have been broken or illegal activity documented. For events involving street closures, only one (1) security deposit shall be required. Fees shall apply to all applicants including non-profit and eleemosynary groups and entities. (Res. 2010-39, 12-16-2010)

(D) The application shall be submitted no less than sixty (60) days in advance of the event. The sixty (60) day timeframe may be waived for good cause. (Res. 2005-32, 06-02-2005)

(E) The applicant shall provide proof of a general liability insurance policy in a minimum coverage equal to that specified in the Colorado Revised Statutes § 24-10-114 which names the City, its officers, agents and employees as additional insureds for claims arising out of the event. The City may, in its sole discretion, elect to provide insurance coverage for the event(s) through its own insurance policy for the actual cost of the insurance coverage, which cost shall be added to the fee (Res. 2010-39, 12-16-2010)

(F) Applicants shall also provide a detailed description of any vending or commercial activity occurring coincident with the event. Separate Vending Permits shall not be required for all such commercial activities so described, but vendors shall be subject to all other permitting requirements, including but not limited to sales tax licenses and food service licenses. (Res. 2010-39, 12-16-2010)

(G) Applicants requesting a State-issued Special Events Permit in conjunction with an City Events Use Permit shall also provide, prior to permitting, the following:

(1) All documentation required by the State of Colorado Liquor Enforcement Division.

(2) For events involving a State-issued Special Event Permit for the sale of alcohol beverages, an additional payment shall be required as set forth in chapter 3-1 of the City of Montrose Regulations Manual for cost of police officers, or other City approved security personnel, if City officers are unavailable, to be present during the hours the applicant represents that alcohol is to be sold.

(Res. 2010-39, 12-16-2010)

(H) All requests for long term or continuous usage of City parks or facilities shall be referred to Council, and may be subject to contract or lease arrangements with the City if approved.

3-6-2: PICNIC SHELTER USE PERMITS; PARK USE NOTICE

(A) Persons and/or organizations requesting temporary use of shelters located within City-owned parks must apply in writing to the City Clerk for a Shelter Use Permit. The City Clerk is authorized to administer such permitting, subject to review and approval by the City Manager, and shall provide all requisite City permit application forms for submittal. (Res. 2009-1, 01-15-2009)

(B) The issuance of a Shelter Use Permit shall be in accordance with applicable provisions herein and applicable provisions regarding the private usage of public property set forth in Chapter 9-8 of the Official Code of the City of Montrose. Such Permits are revocable by the City. (Res. 2009-1, 01-15-2009)

(C) A fee for submittal of a Shelter Use Permit application is set forth in chapter 3-1 of the City of Montrose Regulations Manual to be paid with the Permit application (Res. 2010-39, 12-16-2010)

(D) In conjunction with a Shelter Use Permit, an alcohol consumption permit (beer and wine only) may be obtained for any park with a picnic shelter. This permit allows for possession and consumption only, and does not allow for service or sale of alcohol; for reference, the sale and service of alcohol in this context would be permitted through a State-issued Special Events Permit. The permitted area shall include the shelter reserved, and a twenty (20) foot perimeter around the shelter. Alcohol shall not be consumed in a park adjacent to a school while school is in session. The fee for the alcohol consumption permit shall be as set forth in the fee schedule in chapter 3-1 of the City of Montrose Regulations Manual, with a deposit as set by said fee schedule. Alcohol consumption permits shall be revocable by the City in its sole discretion, including but not limited to a City police officer's discretion, based on a reasonable suspicion of unlawful activity. Acts with a deleterious effect on public health, safety and welfare may be considered by the City when revoking an alcohol consumption permit. (Res. 2010-39, 12-16-2010)

(E) The Shelter Use Permit allows for reservation of the shelter only, and does not entitle to the permittee the exclusive use of other park facilities. Please refer to § 3-6-9 of the City of Montrose Regulations Manual for exclusive use of a public park. (Res. 2010-39, 12-16-2010)

(F) Persons or organizations requesting temporary use of a City Park facility (other than a picnic shelter) are advised to provide the City Clerk with a Park Use Notice. A Park Use Notice shall provide the City with notice of usage for maintenance scheduling only, and such usage shall not be exclusive. (Res. 2010-39, 12-16-2010)

(G) The Notice shall be submitted in writing no less than thirty (30) days in advance of the event.

(H) Usage shall be in accordance with applicable rules and regulations, including park hours of operation and no consumption of alcohol, unless permitted.

3-6-3: MOBILE VENDOR PERMIT

(A) Mobile Vendors are only allowed in City Parks if there is an event licensed by the City, however the event holder must authorize the vendor.
(Res. 2005-31, 06-02-2005)

(B) Mobile Vendors are allowed on other City facilities by following the provisions in Section 3-5-5 of the Montrose City Regulations Manual.
(Res. 2005-31, 06-02-2005)

3-6-4: USE OF CENTENNIAL PLAZA

(A) An Events Use Permit is required for usage of Centennial Plaza (*see* § 3-6-1 herein), if the event is advertised to the public or involves more than seventy-five (75) people.

(B) All events held in Centennial Plaza shall conclude by 11:00 PM, and shall be limited to four hundred (400) persons at any one (1) time.

(C) The City shall coordinate use of electricity, sound system, trash containers and barricades and use of public restrooms if an Events Use Permit is obtained.

(D) Permittee shall provide a detailed description of any vending or commercial activity occurring coincident with the event. Separate Vending Permits shall not be required for all such commercial activities so described, but vendors shall be subject to all other permitting requirements, including but not limited to sales tax licenses and food service licenses.

(Res. 2010-39, 12-16-2010)

3-6-5: USE OF LIONS COMMUNITY BUILDING

(A) The Lions' Community Building may be subject to recurring event usage by permit if scheduling so allows. Recurring events shall require only one (1) application. (Res. 2010-39, 12-16-2010)

(B) No liquor in any form shall be allowed in the Lions' Community Building. Events where alcohol is discovered shall result in forfeiture of the deposit. All events for the Lions' Community Building shall conclude by 11:00 p.m., and shall be limited to maximum capacity of one hundred (100) people. (Res. 2010-39, 12-16-2010)

(C) Priority shall be afforded to established users of the facility, which established users are defined, for purposes of these provisions, to include those service

organizations and groups which utilize the facility on a recurring basis and in accordance with the provisions herein, and have done so for the past year.

(D) No dances or weddings and similar social events shall be allowed. (Res. 2010-39, 12-16-2010)

(E) It shall be the responsibility of any party using the Lions Community Building to keep the premises clean, including the kitchen and restroom areas.

(F) All property such as tables and chairs that are not the property of the City must be brought and set up by the permittee and removed from the Building at the end of such event.

(G) All users shall be responsible for their own setup and tear down of tables and chairs provided by the City and belonging to the City. (Res. 2010-39, 12-16-2010)

(H) No party shall use the fireplace within the Community Building.

(I) All decorations shall be removed from the Building at the close of all meetings and events. Decorations shall not be hung with nails or tacks. All equipment and fixtures installed in the Building shall be owned by the City, and shall be left in place. The City shall not be responsible for any property left in the Building.

(L) The City reserves the right to refuse the use of the Lions Community Building to any club, organization, person or persons.

(M) Property within the Lions Community Building shall not be loaned out to any person or organization, unless approved by the City Clerk in writing.

(N) All doors shall be unlocked prior to the scheduled meetings and events and locked following each such event. The kitchen shall remain locked unless arrangements for usage thereof are made in advance, in accordance with the fee schedule as set forth herein.

(O) The City shall ensure that the Lions Community Building is properly maintained and cleaned on a regular basis, and subject to the scheduled and permitted usage thereof.

(P) Fees for use of the Lions' Community Building shall be as set forth in the fee schedule in chapter 3-1 of the City of Montrose Regulations Manual. (Res. 2010-39, 12-16-2010)

(1) A damage deposit shall be required, as set forth in the fee schedule in chapter 3-1 of the City of Montrose Regulations Manual, of any party seeking to use the Building, which deposit may be used to defray the costs of any damages to the premises occurring during the use or for additional

clean-up costs. The deposit shall be retained if evidence of the presence or use of alcohol or illegal activity is found on the premises. Otherwise, the deposit shall be timely returned to the permittee, subject to these Regulations. The City Council may elect to waive damage deposits for those established users referenced above. (Res. 2010-39, 12-16-2010)

3-6-6: USE OF ALL OTHER CITY PARKS AND FACILITIES

(A) Other City parks and facilities may be subject to an Events Use Permit, as determined on a case-by-case basis by the City Clerk, subject to review and approval by the City Manager.

(B) Applicable fees, deposits and other consideration shall likewise be established by the City Clerk, subject to review and approval by the City Manager.

3-6-7: BUCKHORN LAKE LAND USE

As per the federal stipulation in the deed to the City of Montrose, Buckhorn Lakes and land is limited to strictly recreational use and purposes.

3-6-8: ENTERTAINMENT PERMIT

(A) A group or individual who wishes to use a City Park, right-of-way or other City Facility for entertainment purposes shall apply in writing to the City Clerk. The applicant shall provide a copy of general liability insurance as set forth in 3-6-3(E)(5) Montrose City Regulations Manual. (Res. 2005-32, 06-02-2005)

3-6-9: FESTIVAL EVENT PERMIT

(A) **Definitions**

Major festival event means an artistic, cultural, entertainment or amusement event or performance, in the City of Montrose, presented in concert or other organized format, which may be reasonably expected to draw or which draws three thousand (3,000) or more persons in attendance in any one (1) day.

Minor festival event means an artistic, cultural, entertainment or amusement event or performance, in the City of Montrose, presented in concert or other organized format, which may be reasonably expected to draw or which draws up to two thousand nine hundred ninety-nine (2,999) persons in attendance in any one (1) day.

Community impacts means negative effects upon facilities, systems and/or properties in the City of Montrose, including but not limited to the following: parking, sanitation, camping, transportation, cleanup of City parks or public facilities, medical services, police services and any other impacts identified by the City.

Event organizer means any person, promoter or sponsor obligated to account to the City of Montrose for fees collected or to be collected, or from whom a fee is due, under the terms of these Regulations.

Admission means the right of a person to enter and/or occupy a seat or area at any festival or event staged, produced, convened or held in City of Montrose facilities, property and/or public rights of way for which admission is charged, whether entrance is granted by purchase, sale or complimentary entrance.

(B) **Permit Required**

(1) No major or minor festival event shall be held in the City of Montrose parks, facilities, on City of Montrose property and/or rights-of-way unless a major or minor festival event permit is first obtained by the organizers. Persons or organizations requesting a major or minor festival event permit must apply in writing to the City Clerk. The City Clerk is authorized to administer such permitting, subject to review and approval of the City Manager, and shall provide all requisite City permit application forms for submittal. The permit may be incorporated into an agreement with the event organizers. The City Clerk may issue a permit only after agreement by the organizers to mitigate community impacts from the event. A fee for submittal of a Festival Events Permit application is set forth in chapter 3-1 of the City of Montrose Regulations Manual to be paid with the Permit application.

(2) Mitigation and control of community impacts may include, in the discretion of the City Clerk, requirements for:

(a) Payment for rental of City of Montrose property, park and related facilities, as determined by the City Clerk.

(b) Payment for law enforcement costs incurred by the City of Montrose or the County not otherwise paid for by the admissions fee receipts.

(c) Provisions for additional security working under the City Police direction and control.

(d) Provisions for appropriate medical and ambulance facilities.

(e) Provisions for trash removal and cleanup of the park and permitted facilities.

(f) A plan for providing proof of adequate camping, transportation, and parking facilities and a plan for securing areas that are not authorized for camping or parking.

(g) A plan for providing adequate sanitation facilities in the City of Montrose property, park and related facilities and a plan for providing such facilities to areas not within the festival area, but which may be in an area which may suffer impacts. This shall include a plan for complying with all County Health and Sanitation Department requirements for the disposal of waste and for handling of food.

(h) Submittal of a plan to limit ticket sales to twenty thousand (20,000) persons per day in the case of a major event, and/or under two thousand nine hundred ninety-nine (2,999) persons per day for a minor festival event.

(i) Provisions for festival staff in the City and in areas of high impact to provide information and direction and to help enforce the applicable portions of this Regulation (i.e. camping, vending, parking, loitering, etc.) under the City of Montrose Police Department direction and supervision.

(j) A plan for providing that all public facilities, including landscaping, ball fields, rest rooms, parking lots and buildings, will be protected from damage during the festival period.

(3) A festival event permit shall be conditioned upon continuing compliance with all applicable requirements of these Regulations, and other applicable requirements including business license taxes, liquor licensing and vendor license taxes. The permit shall not be assignable. The City may request security adequate, in the City's sole discretion, to ensure compliance with all permit requirements. Such security shall be in an amount and form acceptable to the City, and shall be required for all major festival events in an amount that exceeds the projected totals for admissions fee, damages, repairs, cleanup and rental fees. Such security may be required for all minor festival events at the sole discretion of the City.

(4) Noncompliance with permit conditions as determined by the City Clerk may result in summary revocation of the permit by the City of Montrose.

(5) This regulation and each permit shall be administered so as to promote orderly use of the City of Montrose parks, facilities and properties for major and minor festival events while preventing or mitigating financial, safety and health-related impacts from such events to the City of Montrose, the region and its residents.

(C) **Admissions Fee**

(1) Purpose of Fee: The City of Montrose declares that every person who purchases or accepts admission to a festival or event and every vendor who sells an admission or provides a complimentary or free admission, unless otherwise excluded by these Regulations shall collect the fee imposed by these Regulations. The proceeds of the fee shall be used to defray law enforcement and other service-related expenses associated with festivals or events incurred by the City pursuant to any intergovernmental agreement, and for such City Park administration, operations and improvements as the City Council may designate.

(2) Admission Fee Levied: There is imposed and levied upon every person who pays or contributes an admission charge or receives a complimentary or free admission to any festival or event that charges admission in City of Montrose facilities, on City of Montrose property or rights-of-way, an admission fee according to the following schedule:

(a) Festivals or events under one thousand (1,000) attendees: fifty cents ($.50) per day per ticket;

(b) Festivals or events with one thousand (1,000) to two thousand nine hundred ninety-nine (2,999) attendees: one dollar ($1.00) per day per ticket;

(c) Festivals or events with three thousand (3,000) and over attendees: two dollars and fifty cents ($2.50) per day per ticket.

(3) Exclusions: The following shall be excluded from the fees set forth above:

(a) All sales to or by the United States government or the State, its departments or institutions, and the political subdivisions thereof, in their governmental capacity only; and all sales to or by the City of Montrose or any department thereof.

(b) Complimentary admissions up to a maximum of fifteen percent (15%) of the total allowable attendees with approval of the City Manager; provided that such tickets are given to persons pursuant to the provisions of these Regulations.

(4) Collections and remittance of fee.

(a) The fee imposed under these Regulations shall be collected at the time an admission charge is paid. Said fee shall be deemed to be held in trust by the person required to collect the same until remitted to the City Clerk.

(b) Every vendor collecting any fee imposed by these Regulations shall, within thirty days (30) following the last day of the event for which an admission charge is required, file with the City Clerk, for review by the Finance Director, a statement upon forms provided by the Finance Director, indicating the amount of fees collected by such person during the admissions sales period, and such further information as the City Clerk and Finance Director may deem necessary to determine the amount of fees collected and payable.

(5) Failure to remit; penalties for nonpayment: Every vendor required to collect an admission fee by these Regulations who fails to collect the same or fails to remit the fee shall be personally liable to the City of Montrose for the amount of the fee. Any person required to collect or remit the fee imposed by these Regulations who fails to remit the amount of fee when due shall, in addition to all other penalties, pay a penalty of fifteen percent (15%) of the amount due. For each successive thirty (30) days elapsing before payment, there shall be added an additional penalty of five (5%) on the original unpaid amount of fee due.

(6) Determination of fee due: If any person required to collect and remit the fee imposed by these Regulations fails to file a statement and a remittance, or if the City Manager has reasonable cause to believe that an erroneous statement has been filed, the City Manager may proceed to determine the amount due to the City and, in connection therewith, shall make such testimony and other evidence as may be necessary; provided, however, that notice and opportunity to be heard shall be given any person who may be liable for the amount owing prior to final determination by the City Manager.

(7) Right of inspection and audit: It shall be the duty of every vendor to keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be necessary to determine the amount of fee for collection or payment of which the vendor is liable under these Regulations. The City Manager may make, permit or cause to be made the examination, inspection or audit of books, invoices, accounts and other records so kept or maintained by such vendor.

(8) Collection and payment of disputed fee: Should a dispute arise between the purchaser and vendor or between the vender and the City as to whether or not the sale of admission is exempt under these Regulations, the vendor or City shall collect and the purchaser or vendor shall pay such fee, and the vendor or the City shall thereupon issue a receipt or certificate, showing the names of the purchaser and vendor, the date, price and amount of fee paid, and a brief statement of the claim of exemption. The purchaser or vendor thereafter may apply to the City for a refund of such fees, and it shall be the duty of the City to thereupon determine the question of exemption and to provide a refund if necessary.

(9) Use of proceeds: The proceeds of all admissions fees collected by the City shall be deposited into the General Fund. Up to fifty percent (50%) of all admission fee revenues collected may be utilized for reimbursement of extraordinary law enforcement services provided by the City of Montrose Police Department for festivals and events and may also be used to reimburse extraordinary law enforcement and traffic control services of the County Sheriff necessitated by a major festival event. Prior to any reimbursement of the extraordinary expenses of the County Sheriff, the Board of County Commissioners shall execute a written contract with the City.

(D) **Advanced Notice of Impacts**

The organizers of any major festival event shall notify the City of the calendar date of the event no less than ninety (90) days prior to the event. Any application received less than sixty (60) days prior to the event shall require City Council approval. The notice shall fully describe all anticipated community impacts and shall propose impact control and mitigation measures responsive to the permit requirements.

(E) **Crowd Size Limit for Major Festival Events in Clifford E. Baldridge Regional Park**

The maximum number of persons admitted to a major festival event in Clifford E. Baldridge Regional Park shall not exceed twenty thousand (20,000) persons on any one (1) day of the festival, including staff, performers, guests and concessionaires.

(F) **Indemnification and Insurance**

(1) The organizers of every major and minor festival event shall agree to defend and indemnify the City of Montrose and its officers, agents and employees and to hold them harmless as to any claim, demand, liability or

damages, including attorney fees and court costs, arising directly out of, or indirectly resulting from the conduct of the major or minor festival event.

(2) The organizers of every major or minor festival event shall provide at their expense general liability insurance coverage in an amount and form acceptable to the City of Montrose, insuring the City of Montrose and its officers, agents and employees against any and all liability and damages which may arise out of directly or indirectly result from the conduct of the major or minor festival event. The minimum limits of the coverage shall be a one-million-dollar combined single limit, which limit may be increased or decreased by the City Manager. In addition, when applicable, a liquor liability insurance policy and coverage may be required by the organizers, providing coverage and limits equivalent to that set forth above for general liability insurance, if liquor is to be served.

(3) Evidence of such coverages and, upon request, a copy of the policy, shall be provided the City of Montrose at least thirty (30) days prior to commencement of the event. The insurance policy shall be non-cancelable without thirty (30) days prior notice to the City of Montrose. The insurance policy shall provide that it is primary insurance and that its coverage will apply prior to utilization of the City of Montrose general liability coverage.

(G) **Exemption Procedure**

The City Council may by motion exempt a major or minor festival event from requirements of all or part of these Regulations, or City Council may conditionally waive the applicability of sections of these Regulations to such events or their organizers, except that no exemption shall be granted as it pertains to crowd size.

(H) **Violations**

Failure to follow these Regulations shall constitute *prima facie* evidence of a public nuisance, in accordance with § 6-4-1 (B) of the Official Code of the City of Montrose.

(Res. 2010-39, 12-16-2010)

7-Dec-06

CHAPTER 3-7

ANTENNA, TOWER AND TELECOMMUNICATIONS FACILITIES LOCATION

Sections:

3-7-1 APPLICATION

3-7-2 GENERAL REQUIREMENTS

3-7-3 SPECIFIC REQUIREMENTS

3-7-1: APPLICATION

All applications for approval of the location or relocation of antennas, towers, and telecommunications facilities as defined by Section 4-4-23(J) of the Official Code of the City of Montrose are subject to the City Regulations as provided hereinbelow.

3-7-2: GENERAL REQUIREMENTS

(A) To comply with the general requirements, towers shall:

(1) Be considered permitted conditional uses when located in the allowed zones and the existence of another structure or use on the same zone lot shall not preclude the installation of a tower subject to the separation requirements contained in 3-7-3(D)(6) hereinbelow.

(2) Comply with the provisions contained herein and the zone district regulations for permitted structures in the zone district in which it is located. The dimensions of the entire zone lot shall apply and not the dimensions of the leased parcel.

(3) Have a diameter of not more than forty-eight (48) inches measured at the base of the tower.

(B) Antennas which are not attached to a tower and their associated telecommunications support facilities:

(1) May be located on any nonresidential structure or multiple unit dwelling structure containing eight (8) or more dwelling units that is at least thirty-five (35) feet in height

(2) Are considered a permitted use and the existence of another structure or use on the same zone lot shall not preclude the installation of an antenna.

(C) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of the issue date of the notice to remove the tower or antenna.

(D) Antennas, towers, and alternative tower structures, their associated antennae and arrays and telecommunications support facilities shall be subject to design review and approval pursuant to the procedures outlined in Section 4-4-23(J) of the City Code and in these regulations.

3-7-3: SPECIFIC REQUIREMENTS

(A) The design of antennas, and telecommunications support facilities shall use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting and surrounding structures.

(B) Signs related to the tower/antenna shall be limited to those signs required for cautionary or advisory purposes only.

(C) The mass of antennas or an antenna on a tower shall not exceed four hundred fifty (450) cubic feet per user, with no one (1) dimension exceeding fourteen (14) feet per user. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array.

(D) Towers. Towers shall meet all of the following criteria:

(1) Setbacks. The minimum zone district setback requirements shall apply to all towers.

(2) Height. The height and bulk of the tower shall be controlled by the district regulations of the zone district in which the tower is located, but in no case shall it exceed the following maximum height

(a) Single users - not more than seventy-five (75) feet in height.

(b) Two or more users - not more than ninety (90) feet in height.

(3) Color. Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

(4) Support facilities associated with towers shall:

(a) Not contain more than three hundred fifty (350) square feet of gross floor area or be more than twelve (12) feet in height per user;

(b) Maintain the minimum setback and bulk plane requirements of the zone district in which it is located;

(c) Provide solid view-obscuring security fencing not less than six (6) feet in height

(d) Provide landscaping in accordance with the following requirements:

(i) The tower compound shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base and compound from property used for residences. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound and shall provide for and maintain approved landscaping on the remainder of the zone lot;

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived in accordance with variance procedures set forth in Code Section 4-4-26.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Towers located on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer.

(5) Lighting. Towers shall not be artificially illuminated unless required by the FAA or other government regulation. Ground level security lighting not more than twenty (20) feet in height may be permitted if designed to minimize impacts on adjacent properties;

(6) Separation requirements. The following separation requirements shall apply to all towers.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1 of Appendix A of this Chapter, except as otherwise provided in Table 1.

(b) Separation distances between towers shall be maintained and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower, pursuant to a site plan, of the proposed tower. The minimum separation distances shall be as provided in Table 2 of Appendix A of this Chapter.

(E) Antennas Installed on a structure other than a tower shall meet the following criteria:

(1) Height and bulk plane: Height and bulk of the antenna shall be controlled by the district regulations of the zone district in which it is located, except that antennas shall not extend more than twelve (12) feet beyond the highest point of the building or structure to which it is attached.

(F) Telecommunications support facilities shall meet all of the following criteria:

(1) Telecommunications support facilities may be located on the roof of a building.

(2) The antenna and telecommunications support facilities shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure, subject to FAA regulations.

(3) The telecommunications support facilities shall not contain more than three hundred fifty (350) square feet of gross floor area or be more than twelve (12) feet in height per user.

(4) If the telecommunications support facilities are located at grade, they shall comply with all the same requirements as those for towers in the specific requirements contained in 3-7-3(D)(4) herein.

(G) Collocation. Antennas may be attached to an existing tower, which is in compliance with all the requirements herein, as long as the height of the tower is not increased. The new antenna and any telecommunications support facilities must comply with all application regulations herein. A tower may be modified or constructed to accommodate the collocation of additional antennas under all of the following conditions:

(1) The tower shall be the same type as the existing tower, unless the tower is replaced by a monopole not more than forty-eight (48) inches in diameter

(2) An existing tower, to accommodate the collocation of an additional antenna, may be modified or rebuilt only once to a taller height, not to exceed thirty (30) feet more than the towers existing height;

(3) The additional height referred to in 3-7-3(G)(2) hereinabove shall not require an additional distance separation as set forth in Table 2 of Appendix A of this Chapter. The tower's pre-modification height shall be used to calculate distance separations;

(4) The existing tower shall comply with the separations from certain uses and zones in Table 1 of Appendix A of this Chapter.

(5) If a tower is replaced to accommodate collocation, only one (1) tower may remain on the zoned lot

(6) If a tower is relocated on-site in compliance with all setback requirements, and within a twenty-five (25) feet radius of its existing location, under the terms and conditions of this Section, it shall not be deemed a violation of the separation requirements of this Section.

APPENDIX A

Table 1. Tower Separation Requirements from Certain Uses and Zones

Off-Site Use/Designated Area	Separation Distance
Single or two-unit dwellings and vacant platted or unplatted residential zoned property.	500 feet or 3 times the height, whichever is greater
Existing multi-family residential units	500 feet or the height of tower, whichever is greater
Parks	1,000 feet
Non-residential zoned lands with non-residential uses	None; only setbacks apply

Table 2. Minimum Separation Between Towers (in feet)

	Existing Towers - Types			
Proposed Tower - Types	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole not more than 75 feet in height
Lattice	2500	2500	1500	1000
Guyed	2500	2500	1500	1000
Monopole 75 feet in height or greater	1500	1500	1500	1000
Monopole not more than 75 feet in height	1000	1000	1000	1000

CHAPTER 3-8

GOVERNMENT AND EDUCATION ACCESS CHANNEL POLICY

Sections:

3-8-1 POLICY

3-8-2 PROGRAMMING

3-8-3 GUIDELINES

3-8-1: POLICY

The programming policy shall be to provide a communication link between the City of Montrose and area citizens. The City of Montrose is responsible for all program scheduling and maintains ultimate authority over the content and usage of Channel 10. Channel 10 is owned and operated by the City of Montrose and is subject to the Federal Cable Act (47 U.S.C. 52l, et seq) and the Communications Act of 1934 (947 U.S.C. 101, et seq).

3-8-2: PROGRAMMING

Channel 10 will provide direct, non-editorial government and education information on City and publicly funded school sponsored events, programs and activities. The City of Montrose may make the Channel available to non-profit organizations for publicizing community events.

3-8-3: GUIDELINES

(A) Appropriate programming includes the following:

(1) Announcements regarding community events that are open to the general public and that comply with the requirements set forth herein.

(2) Official public information from the City of Montrose in accordance with applicable laws.

(B) Channel 10 is not available for public forum, and may not be operated under any arrangement by nongovernmental entities, except as described herein.

(C) The City of Montrose reserves the right to edit or disallow material it deems inappropriate for broadcast on Channel 10. Programming that is not permitted on Channel 10 includes the following:

(1) Advertising or promotional activity related to a commercial product or service.

(2) Material that identifies any product, service, trademark or brand name that is not reasonably related to the non-commercial use of the name.

(3) Any direct solicitation of funds.

(4) Material that would violate any federal, state, county or city statute or law.

(5) Obscene, indecent, defamatory or discriminatory material.

(6) Any appearances by or on behalf of candidates for public office, unless such an appearance is related to attendance and participation at official City of Montrose business activities.

(7) Endorsements of particular ballot issues. (Sample ballots and ballot listings may be permitted.)

(D) The following requirements apply to all announcements submitted for placement on Channel 10.

(1) A maximum of 30 items may be posted on Channel 10 at any given time and capacity will be allotted on a first-come, first-served basis. Official city information will have priority over all unofficial announcements.

(2) Community event announcements will be accepted no sooner than four (4) weeks prior to the event date and will be placed on the program for a maximum of two (2) weeks prior to the event.

(3) Events that recur on a weekly or monthly cycle are eligible for posting only once per month and must be resubmitted each time the event occurs. Announcements for non-recurring events will be given priority over recurring event announcements.

(4) Graphics or specialized formatting will not be provided. Requestors may select from a set of standardized announcement backgrounds.

(5) Announcements may contain up to 50 characters for the slide title and up to 250 characters for the body text. Each announcement should include the location, sponsor, date, time, contact information and brief description of the event.

(6) The Channel 10 program will be updated every Monday. Requests must be received no later than Monday at 7:30 a.m. on the week that they are to begin appearing on the program. When a city-observed holiday occurs on a Monday, the deadline and program update schedule will be the next scheduled business day.

(7) Announcement requests must be submitted online by using the official request form that is available on the city's website.

(8) Evidence of non-profit status must be supplied along with an organization's first announcement request. Non-profit status information will be kept on file for subsequent requests for two years, at which time the requestor will be required to provide updated status information.

CHAPTER 3-9

ACCIDENT REPORTING

Sections:

3-9-1 ACCIDENTS INVOLVING PROPERTY DAMAGE

3-9-2 ACCIDENT REVIEW

3-9-1: ACCIDENTS INVOLVING PROPERTY DAMAGE

(A) These rules should be observed, if an employee is involved in any type of accident or incident that involves damage to a citizen' s property or personal injury of any citizen when representing the City or when driving a city vehicle.

(1) Please be courteous to all persons involved. It does not help anyone to get angry.

(2) If a motor vehicle or other piece of equipment is involved in an accident, it should not be moved until a police officer has investigated the accident.

(3) You should not mention that insurance or the City "will take care of it." DO NOT state that you were at fault. You should state that you will make a prompt report to the proper City official and YOU WILL COMPLETE A REPORT THE SAME DAY.

(4) As an employee, you are NOT authorized to make a judgment as to who was at fault. Your duty is to report the facts in two ways:

(a) As the other party sees it, e.g. what he or she says.

(b) Your version.

(5) If the person wishes to give their version, or wishes to submit an insurance claim, they should be advised to call the Deputy City Clerk at 240-1435.

(6) If the accident or incident involved damage to city equipment, the operator must complete an equipment repair request. City Shop personnel must notify the Deputy City Clerk as to the amount of damage made to the equipment. Equipment damaged shall not be used until repairs are completed, unless approved as an exception to policy by the city manager.

(B) If accident or incident involved injury to a city employee, the immediate supervisor of the injured employee must complete and forward to Human Resources a Workman's Compensation Form (Employee's First Report of Accident or Occupational Disease).

3-9-2: ACCIDENT REVIEW

(A) Department Heads have the responsibility of investigating and recommending appropriate action to the City Manager for his review and concurrence. Accident review shall be done on a timely basis but no later than sixty (60) days following incident.

CHAPTER 3-10

TRAVEL EXPENSES, CREDIT CARD USAGE AND PETTY CASH

Sections:

3-10-1 TRAVEL EXPENSES

3-10-2 ADVANCE TRAVEL PROCEDURES

3-10-3 CITY CREDIT CARD USAGE

3-10-4 PETTY CASH

3-10-1: TRAVEL EXPENSES

(A) All persons traveling on City business shall be required to utilize City Travel Expense forms, and travel in accordance with existing advance travel procedures (Section 3-10-2). The specified timing for travel advances and submittal of completed forms upon return of travel shall be mandatory.

(B) Original receipts shall be required for all instances of expenditures. There will be no exceptions to this policy. It shall be incumbent upon the designated traveler to obtain copies of all lost receipts accordingly, prior to reimbursement; affidavits or requisition forms will not suffice, except for those instances in which no receipt is provided as part of the transaction (self-pay parking, etc.).

(C) With regard to mileage reimbursement, the City shall reimburse only for standard mileage to out of town locations. City vehicles or rental cars should be used for travel when they are available and when it is cost effective to do so. Employees subject to a monthly vehicle stipend shall be reimbursed for mileage in excess of 150 miles per trip.

(D) There will be no per diem reimbursement.

(E) Meals shall be subject to reimbursement only upon written receipt. Breakfast will not be reimbursed during travel for those days when the designated traveler departs for travel after 7:30 AM; dinner shall not be subject to reimbursement for those days when the designated traveler returns home by 5:00 PM. If the registration fee for the conference includes meals, then no additional expenses shall be charged separately for these meals.

(F) Tips shall be limited to a maximum of 20%, and only provided for those services customarily subject to customer tipping (i.e., served meals, taxi). There shall be no reimbursement for alcoholic beverages, except when expressly authorized by City Council.

(H) Meals purchased during travel shall be at reasonable costs and limited to three (3) meals per day.

3-10-2: ADVANCE TRAVEL PROCEDURES

(A) Advance Travel is available for employees, City Council members, and other persons designated by the City Manager to travel on behalf of the City of Montrose.

(B) The designated traveler may obtain the required form for such travel from the City's intranet or from their supervisor. The following guidelines need to be followed when utilizing advanced travel:

(1) The top of the form needs to be completely filled out by the designated traveler with the Department Head or City Council authorizing the travel. Because of the nature of advance travel, the funds will not be given to the employee more than two days in advance. If the designated traveler will be out of town prior to the travel or if they are working graveyard shifts, the Finance department will be flexible for those individuals.

(2) The form needs to be taken to Finance where the Finance Director, Assistant Finance Director, Finance Analyst, Budget Officer or Payroll Technician will give the designated traveler a check for the amount of the advance.

(3) The designated traveler will be given the advance travel form to fill out the grid section during their business travel with appropriate expenditures. This will then make it easier for the designated traveler to remember the specifics of their spending. When traveling on City business, the designated traveler will research the most cost effective mode of travel and take into consideration other designated travelers who are attending the same event or training. Designated travelers that use their personal vehicle for City travel will be reimbursed at a rate equal to what is set by the I.R.S. Section 1.12-4(A).

(4) When the designated traveler returns to Montrose, he/she will certify that the expenses were necessary for City business and submit it along with receipts to their supervisor for approval. Then a designated Finance employee will review the travel for accuracy and send it to the City

Manager for final signature. If the designated traveler has not closed their travel within five working days of completing the travel then they will receive a written request to do so from Finance. If the travel is outstanding in excess of fifteen days from the date of return then the designated traveler may be billed for the entire advance with interest accruing after 30 days.

(5) Any receipts that the designated traveler receives while traveling that have been paid for with a City check or City credit card need to be given to Accounts Payable for inclusion with the correct paperwork.

3-10-3: CITY CREDIT CARD USAGE

(A) All City credit card usage shall be for City business only. No personal usage is allowed.

(B) Employees must submit credit card vouchers in every instance, and within five working days of the transaction or return from travel. The original vouchers are to be returned. Employees shall be solely responsible for submitting copies of lost or misplaced vouchers; affidavits or requisition forms will not suffice. Employees shall be responsible for reimbursing the City for all credit card transactions if the vouchers are not timely submitted.

3-10-4: PETTY CASH

(A) The petty cash fund is a fund specifically earmarked for expenditures, which are not significant in amounts, and for transactions in which requisitions would not generally be warranted.

(B) Receipts shall be required for all petty cash expenditures. There will be no exceptions to this policy. It shall be incumbent upon the employee to obtain copies of all list receipts accordingly, prior to reimbursement; affidavits or requisition forms will not suffice, except for those instances in which no receipt is provided as part of the transaction (self-pay parking, etc.).

(C) Petty cash shall not be utilized for employee purchase of meals or beverages without a Department Head signature.

CHAPTER 3-11

COST CONTROL

Sections:

3-11-1 DEPARTMENTAL RESPONSIBILITIES

3-11-1: DEPARTMENTAL RESPONSIBILITIES

One of the major responsibilities of Department Heads, supervisors and employees is to help management keep operating costs down. This can be accomplished if supervisory personnel:

(A) Carefully study every potential chance of waste in their departments and plan concrete actions to eliminate waste of materials and duplication of functions. One individual in the department should be given the responsibility for correcting identified deficiencies.

(B) Constantly search for ways to improve work performed in the department. Each major job and function should be analyzed so that ways for improving performance can be identified and implemented. Within the framework of this suggestion, look for ways to save materials in the performance of specific vital tasks.

(C) Utilize cost data to eliminate waste, duplication, and inefficient methods of operation. Department Heads and other supervisory personnel should maintain records of operating costs, cost savings, and other successful approaches to reduce the cost of doing business. As supervisory personnel become successful, they will be motivated to institute even better cost-control procedures.

(D) Pass down the directive to be cost conscious to persons in close contact with the citizen and in other functions.

(E) Institute a regulatory code of safety procedures within the department in order to reduce the chance of accidents occurring.

(F) Arrange work schedules and job procedures in such a way that employees can perform their specified tasks with as little wasted effort and backtracking as possible.

(G) Inspect equipment, tools, and supplies to see that they are in good working condition. If equipment does not function efficiently, time is lost, performance is not up to standard, and costs increase.

(H) Training programs should be instituted for new employees. Oversee their work, to be sure they understand their jobs and know exactly what they are expected to do.

(I) Evaluate use of equipment, machines, and the overall office production areas to see that the most efficient and economical procedures and processes are used.

(J) Institute procedures to see that workers arrive on time and work until quitting time, taking only authorized and contracted breaks.

(K) Strive to keep workers' morale as high as possible. This means that employee complaints and grievances should be settled as quickly as possible. A happy worker is a productive one.

(L) Ask employees for suggestions on improving job performance and reducing waste and cost.

4-Oct-05

CHAPTER 3-12

UNIFORM CLOTHING POLICY

Sections:

3-12-1 APPLICABILITY

3-12-2 PURPOSE

3-12-3 CLOTHING PROVIDED

3-12-4 UNIFORM WORK CLOTHING GUIDELINES

3-12-5 ADDITIONAL REQUIREMENTS

3-12-1: APPLICABILITY

(A) The City of Montrose may provide uniform work clothing to full time Public Works, Inspection, Maintenance, Code Enforcement, Pavilion and Animal Control employees and non-uniformed Police Department detectives according to the following guidelines. (Amended, 10-4-05)

(B) This policy does not apply to uniformed police officers and animal control officers who are covered under a more comprehensive policy in the Montrose Police Department Policies and Procedures Manual, and in lieu of the allocations provided herein.

3-12-2: PURPOSE

(A) The purpose of this policy is to provide the City of Montrose employees with uniform work clothing that will address the following objectives:

(1) SAFETY
Items will protect employee while on the job;

(2) CONSISTENCY
Items will identify all City employees, provide consistency and enhance the image of the City of Montrose;

(3) IDENTIFICATION
Items will facilitate ease in identification by the public through use of City logo and color scheme. It may also assist with directing residents and visitors to "the right person or department"; and

(4) PUBLIC RELATIONS
Items will enhance customer service and provide information to the public regarding roles within the department and/or City government. Items will market the City of Montrose and its employees at special events, conferences, and meetings.

3-12-3: CLOTHING PROVIDED

The following uniform work clothing will be provided by the City of Montrose and meet the following criteria:

(A) Uniform Work Shirts

(1) Qualified employees shall be issued up to six (6) work shirts in accordance with the department's annual budget appropriation. (Amended, 10-4-05)

(2) All uniform work shirts shall display the embroidered City of Montrose logo, embroidery to be arranged by the Purchasing Agent.

(3) New employees shall be provided three (3) work shirts prior to the end of the first six (6) months of employment. If a new employee terminates employment prior to the end of the first six (6) months of employment the employee will return their shirts to the City purchasing department.
(Amended, 10-4-05)

(B) Uniform Work Pants

(1) The City of Montrose shall contribute one hundred twenty dollars ($120.00) to each qualified employee for the purchase of uniform work pants, with half the stipend to be paid in January, and the remaining half to be paid in July of each year. The funds will be a designated line item on the payroll check and identifiable as such. Please be aware that work clothing is taxable.

(2) Uniform work pants shall include, but are not limited to, denim jeans, denim/khaki shorts, worksuit/coveralls, cotton/polyester work pants, cotton/polyester work shorts, in City color royal/navy blue.

(3) New employees shall not be subject to clothing stipends during their first six (6) months of employment and upon completion of these six (6) months stipends shall be provided per above schedule.
(Amended, 10-4-05)

(C) Work Coat/ Jacket and Caps

(1) Qualified employees shall be issued one (1) work coat/jacket. The City logo shall be displayed on the left side above pocket area.
(Amended, 10-4-05)

(2) Replacement of a worn, tattered or stained coat/jacket may be arranged upon the return of the excessively worn or stained jacket.
(Amended, 10-4-05)

(3) New employees whose job description mandates work in cold/adverse situations shall receive a jacket/work coat. If the new employee terminates employment during the first six (6) months of employment the employee shall return the jacket/work coat to the City's Purchasing office.
(Amended, 10-4-05)

(4) City employees shall be issued caps on an as-needed basis. Purchase request shall require written approval by appropriate department head or management staff member.

(D) Non-Uniformed Police Department Detectives

The City of Montrose shall contribute three hundred dollars ($300.00) to each non-uniformed police detective for the purchase of work clothing and shoes, in lieu of the clothing allocations otherwise provided herein. Employees will receive this clothing stipend effective January 1, 2001, with half the stipend to be paid in January, and the remaining half to be paid in July of each year. The funds will be a designated line item on the payroll check and identifiable as such. Please be aware that work clothing is taxable.

New employees shall not be subject to clothing stipends during their first six (6) months of employment; upon completion of the first six (6) months of employment, stipends shall be provided per above schedule. (Amended, 10-4-05)

3-12-4: UNIFORM WORK CLOTHING GUIDELINES

(A) Recognizing each employee's uniform work clothing may vary, depending on the employee's regular tasks/work conditions, the employee shall determine his or her individual needs and purchase those articles of clothing which have been budgeted in that department's annual budget appropriation, up to the allocations herein referenced. Employees and department heads are encouraged to purchase only needed uniform clothing allocations, up to the limits provided herein, so to prevent excess.

(B) Purchase of uniform work clothing or request for clothing stipend shall require the written approval of the appropriate department head or management staff member and must clearly meet the intent of the City Uniform Work Clothing Policy as outlined above.

(C) Work shirts and work jackets, as described above, shall be embroidered with City logo prior to wearing in the work field.

3-12-5: ADDITIONAL REQUIREMENTS

(A) Uniform work clothing should be functional in nature without unnecessary embroidery, excess trim, tailoring or styling. City logo shall be prominently displayed on each uniform work shirt and jacket.

(B) All uniform and employee clothing shall be in good condition, free of stains, rips, holes and excessive wear.

(C) It is the responsibility of each City employee to maintain his/her uniform work clothing in a neat, clean and identifiable condition.

(D) Uniform work clothing provided by the City of Montrose should only be worn while "on duty" with the City.

(E) Replacement of uniform work clothing lost or stolen is the sole responsibility of the employee to replace at his/her own expense.

CHAPTER 3-13

DRIVEWAY/SIDEWALK REMOVAL AND REPAIR

Sections:

3-13-1 POLICY

3-13-2 ELIGIBILITY

3-13-3 CITY PARTICIPATION IN REMOVAL

3-13-4 CITY PARTICIPATION IN FUNDING

3-13-5 APPLICATION PROCEDURES

3-13-1: POLICY

It is the City's policy to encourage individual and business property owners to repair or replace old, deteriorated, or damaged sidewalk, curb and gutter, and driveways with new. The City may assist eligible property owners as described in this Chapter.

3-13-2: ELIGIBILITY

All properties in the City with existing curb and gutter or sidewalks are potentially eligible for City assistance with removal and replacement; City assistance shall not be used for new construction, for properties undergoing site development, redevelopment, or remodeling, or to accommodate landscaping. City Staff, when requested by the property owner, may review the planned improvements and determine eligibility for City assistance based on the condition of existing sidewalks, curb and gutter, City budgetary and personnel constraints, and criteria developed by the City Clerk. Determinations of eligibility may be made independently for: 1) City participation in the removal of concrete and associated materials, and 2) City funding assistance for replacement of the same. Said determinations shall be administrative in nature.

3-13-3: CITY PARTICIPATION IN REMOVAL

After the City has determined, under the provisions set forth in this Chapter, that a property owner is eligible for assistance, the City may remove and dispose of concrete and associated materials for sidewalks, curb and gutter, and driveways in the City rights-of-way. Approval of a request to remove and dispose of these materials does not imply approval for reimbursement under Section 3-13-4.

3-13-4: CITY PARTICIPATION IN FUNDING

The City, when funds are obligated in the annual budget, may participate in the replacement cost of existing sidewalks, curb and gutter, for a per-foot amount set forth in the City's annual budget, and approved as an element of the same. No reimbursement is authorized for driveway replacement. Amounts may differ among the categories of residential, not-for-profit organizations, and commercial property, and shall be established from time to time by the City Manager.

3-13-5: APPLICATION PROCEDURES

The City Clerk shall establish procedures to administer this program, including applications, forms, and approvals. In particular, the City Clerk shall establish criteria for determination of the eligibility of property owners to receive City assistance in removal of sidewalks, curb, gutter, and driveways, as well as replacement of sidewalks, curb and gutter.

CHAPTER 3-14

USE OF SCRAP MATERIAL

Sections:

3-14-1 DEFINITION

3-14-2 STORAGE

3-14-3 SALE OF SCRAP MATERIAL

3-14-1: DEFINITION

Scrap materials are used or second hand materials collected from repair sites, annual clean-up, or in the course of other City operations. These materials include, but are not limited to: iron, metal, tubing, pipe, valves, and gravel.

3-14-2: STORAGE

All scrap materials will be stored at the City Shop in an area designated by the Public Works director or discarded as determined by the Public Works Director.

3-14-3: SALE OF SCRAP MATERIAL

(A) Use or sale of these materials is permitted only with the authorization of the Public Works Director. Money derived from the sale of the scrap materials shall be turned over to the City Cashier for credit to the General Fund.

(B) Sale of Scrap Material to City Employees:

The Public Works Director may authorize the sale of unneeded scrap materials to city employees. He shall determine a fair salvage value for the material. Money derived from the sale of these materials shall be turned over to the City Cashier and credited to the General Fund. A receipt from the sale shall be given to the employee for their records.

CHAPTER 3-15

STREET PAVING AND MAINTENANCE

Sections:

3-15-1 STREET PAVING POLICY

3-15-2 ADOPT–A–STREET PROGRAM

3-15-1: STREET PAVING POLICY

It is council policy that gravel streets shall be paved only by Special Improvement District or other resident participation in payment system. The City will normally pay the following on Special Improvement Districts:

(A) Alley portion of street

(B) Intersection

(C) Any over sizing of street above residential street standards, such as additional cost to arterial street standards.

(D) Any cost overrun once a Special improvement District is established

3-15-2: ADOPT-A-STREET PROGRAM

(A) In order for the Citizens of Montrose to participate in the cleanliness of the City and to receive recognition for their efforts, the City has established an Adopt-a-Street program.

(B) The City Manager may promulgate such procedures and forms as necessary to administer the Adopt-a-Street program. The City Manager or its designee shall administer the Adopt-a-Street program.

(C) Any citizens' group, club, non-profit or for-profit business or association, whether formally incorporated as a registered business entity or not, may participate in the Adopt-a-Street program. If a group, club or association has been incorporated as

a business entity, said entity shall be properly licensed to do business in the State of Colorado, and shall have a City of Montrose Sales and Use Tax Licnese, and generally be in good standing regarding payment of all taxes, fees and fines to the City.

(D) The program shall apply to City streets designated as minor arterial or major arterial. Homeowners' associations are encouraged to take pride in their neighborhoods by organizing efforts to keep their local streets clean, but local and collector streets are not included in the program.

(E) Groups may apply to adopt specific sections of streets. Upon approval, the group shall sign an agreement that includes a hold-harmless clause specifying the specific section of street and the frequency of cleaning.

(F) Responsibility for cleaning the street shall be limited to the portion of public right-of-way not normally travelled by motorized vehicles. No private property shall be included.

(G) The City shall provide and install appropriate signage acknowledging the group.

CHAPTER 3-16

ANIMAL SHELTER POLICIES

Sections:

3-16-1 ADOPTION FEES

3-16-2 MANDATORY SPAY AND NEUTER FOR ALL PET DOGS AND CATS ADOPTED FROM THE ANIMAL SHELTER

3-16-3 RELINQUISHMENT FEES

3-16-4 IMPOUND FEES

3-16-5 ANIMAL SHELTER HOURS OF OPERATION

3-16-6 ISSUANCE OF TICKETS

3-16-7 INTERAGENCY FEES

3-16-1: ADOPTION FEES

When an animal is adopted from the shelter, the new owner is required to pay a fee as set forth in Section 3-1 of the City of Montrose Regulations Manual for adult dogs, for puppies over 6 months of age, for adult cats, and for kittens over 6 months of age.

3-16-2: MANDATORY SPAY AND NEUTER FOR ALL PET DOGS AND CATS ADOPTED FROM THE ANIMAL SHELTER

(A) It shall be mandatory that all pet dogs and cats adopted from the City of Montrose Animal Shelter be spayed or neutered.

(B) The City of Montrose may cause pet dogs and cats to be spayed or neutered at no charge to the customer prior to their adoption. Customers will continue to be charged an adoption fee.

(1) In the case of veterinarians who charge additional fees for certain sizes, ages, or types of pet dogs or cats, said fees shall be passed on to the customer at the time said customer reclaims the animal.

(a) In the City's sole discretion, the customer may be permitted to use the services of the veterinarian of the customer's choice for the spay or neuter service.

(2) Veterinarians shall invoice the City of Montrose on a schedule set by the City of Montrose for spay and neuter services. Said invoices shall include the Unique Identification Number of each pet dog or cat that was spayed or neutered to qualify for payment for spay or neuter services to said pet dog or cat.

(3) Fees may be reviewed from time to time, and are set forth in Section 3-1-1 of the Montrose Regulations Manual.

(C) The pet dog and cat adoption process, including the mandatory spay and neuter program shall be administered by the Animal Shelter, under the supervision of the City Manager, or its designee, and in conformance with all Ordinances and Regulations of the City of Montrose, and other applicable law.

(1) The City of Montrose in it sole discretion may terminate reimbursement of veterinarian fees to customers for performing the spay and neuter procedures at any time said termination may be in the best interest of the City, for budgetary reasons, or otherwise.

3-16-3: RELINQUISHMENT FEES

(A) Fees for persons relinquishing pets to the Animal Shelter shall be as set forth in Section 3-1 of the City of Montrose Regulations Manual.

3-16-4: IMPOUND FEES

Fees for persons whose pets have been impounded due to running at large shall be as set forth in Section 3-1 of the City of Montrose Regulations Manual.

3-16-5: ANIMAL SHELTER HOURS OF OPERATION

The City Animal Shelter is open to visitors 9:00 a.m. to 4:00 p.m., Monday through Saturday. (Amended, 05/01/2008)

3-16-6: ISSUANCE OF TICKETS

The Council has set a policy on animal control tickets of no warnings, due to the tremendous number of animals running at large and the reluctance of people to properly confine their pets.

3-16-7: INTERAGENCY FEES

Fees for other agencies shall be as set forth in Section 3-1 of the City of Montrose Regulations Manual.

CHAPTER 3-17

MUNICIPAL COURT POLICIES

Sections:

3-17-1 SCHEDULE OF FINES, ADMINISTRATIVE FEES, SUMMONS, BONDS AND MISCELLANEOUS MATTERS (Administrative Order 2004-01)

3-17-2 COMPULSORY INSURANCE (Administrative Order 97-06)

3-17-3 JUVENILES RIGHT TO JURY TRIAL (Administrative Order 98-11)

3-17-4 ESTABLISHMENT OF THE MONTROSE TEEN COURT PROGRAM (Administrative Order 01-02)

3-17-1: SCHEDULE OF FINES, ADMINISTRATIVE FEES, SUMMONS, BONDS AND MISCELLANEOUS MATTERS (ADMINISTRATIVE ORDER 2004-01)

THIS COURT HEREBY ORDERS and establishes the following Schedule of Fines and other Local Court Matters in accordance with its powers as set forth in the City Charter, the City Code, and the Municipal Court Rules of the State of Colorado:

(A) BAIL

When court is not in session, persons arrested and detained on charges of violation of the Montrose Municipal Code, may be granted bail pursuant to the following schedule, pending appearance before the Court as directed by the Summons and Complaint, or Bail Bond.

(1) $300.00 per count for offenses requiring a Summons

(2) The Court Clerk may authorize a reduced Bail Bond amount or a Personal Recognizance Bond

(B) WAIVER AND GUILTY PLEAS:

(1) The Court Clerk may accept written Waiver and Guilty or No Contest Pleas for any offense which a Penalty Assessment is provided in this schedule. The total amount of fine shall be due in accordance with a payment plan as approved by the court clerk.

(2) The City Attorney may enter into a plea agreement in other cases for which no Penalty Assessment is provided in this schedule and may include other terms and conditions of sentence.

(3) The fine amount or other terms and conditions of the Waiver and Guilty Plea, if not a Penalty Assessment amount set forth in this schedule, shall be subject to approval of the City Attorney and the Court. The Court may reject any proposed Waiver and Guilty or No Contest Plea agreement.

(4) Pursuant to Section 1701 of the Model Traffic Code as adopted, for Traffic Offenses for which a Penalty Assessment amount is provided in this schedule, and the Penalty Assessment amount is paid on or before the date payment is due, the points assessed for the violation shall be reduced as provided therein.

(C) ADMINISTRATION COSTS:

(1) Bench Warrant Fee: A cost of $100.00 will be assessed against any defendant who has an active bench warrant for non-appearance or failure to comply with a court order.

(2) Show Cause Hearing Fee: A cost of $40.00 will be assessed against any defendant who has failed to comply with the sentencing (e.g., fine payment, completing Useful Public Service, or any terms and conditions as ordered) and a Show Cause Hearing is ordered.

(3) Extension Fee: A cost of $20.00 will be assessed against any defendant who fails to pay a fine, or fee on or before the due date as ordered by the court: And $20.00 will be assessed for each time the due date is extended.

(4) Deferred Judgment/Sentence Fee: An administration fee equal to the Penalty Assessment amount as established in the Schedule of Fines, is required for any defendant who is granted a deferred judgment/sentence stipulation. No deferred judgment/sentence fee shall be less than $75.00 for non-Penalty Assessment violations.

(5) Useful Public Service Fee: An administration fee of $60.00 is required for any defendant who is sentenced to perform useful public service, under the administration of the Alternative Sentencing Program.

(6) Outstanding Judgment Warrant Fee: A $30.00 **OJ/W** administration fee will be assessed against any defendant who fails to satisfy a money judgment or fails to appear for a traffic violation who resides in the State of Colorado, and a Revocation and Denial is placed on his/her drivers license. The OJ/W Revocation and Denial will not be cleared by this court until this fee and any other applicable fines and fees have been paid.

(7) Non Resident Violators Compact Fee: A $100.00 **NRVC** administration fee will be assessed against any defendant who fails to satisfy a money judgment or fails to appear for a traffic violation who resides in a Compact State other than Colorado. Failure to comply with the requirements of the citation will be reported to the Driver License Office of the home state with a request to suspend the Driver's License until the requirements of the citation and this fee and any other applicable fines and fees have been paid.

(D) PENALTY ASSESSMENTS AND SUMMONS

(1) The Officer in appropriate cases shall issue summons for

(a) any traffic violation pursuant to Colorado Municipal Court Rules of Procedure 210(b)(4). Except when the defendant has shown proof of liability insurance a Penalty Assessment may be issued.

(b) any non-traffic Code violation for persons not a resident of the State of Colorado.

(c) any non-traffic Code violation involving property damage or personal injury.

(2) When a Penalty Assessment has been issued, the Court will not impose a greater fine nor, except in extraordinary cases, will it impose any lesser fine following a conviction or plea.

(3) For those traffic offenses of four (4) points or less not listed in this Schedule of Fines the Officer shall issue a Penalty Assessment in the amount of $50.00.

(E) PARKING VIOLATIONS PURSUANT TO 10-1-6 OF THE OFFICIAL CODE FOR THE CITY OF MONTROSE

(1) The amount due shall be the base fine as indicated on the Notice of Parking Violation, as set forth in the Schedule of Fines below if paid or an entry of a plea Not Guilty is made, within fifteen (15) days of the date of the Notice.

(2) An additional $25.00 penalty shall be added to the to base fine amount if payment or Entry of Plea of not guilty is made after fifteen (15) days of the date of the Notice.

(F) SCHEDULE OF FINES (Revision 9/04)

MONTROSE MUNICIPAL COURT FINE SCHEDULE - Revision 2004 Part I - Traffic Violations				
MTC /MC Section #	**Description of Charge**	**Fine**	**Points**	**Com Code #**
	EQUIPMENT			
201	Number of Persons in Front Seat of Vehicle Obstructed Vision	$40	0	450
202	Defective or Unsafe Vehicle	$60	2	542
204	Fail to Display Lights when Visibility less than 1,000'	$60	2	610
217	Fail to Dim Lights	$60	2	632
221	Improper Bicycle Equipment	$40	0	931
223	Inadequate Brakes	$60	2	548
225	Defective Muffler	$40	0	552
227	Hanging Objects or Other Obstructions to Vision	$40	0	458
228.5a	Improper/Unsafe Tires	$40	0	556
233	Alteration of Suspension System	$40	0	564
236	Lack of Child Restraint System	$75	0	574
237	Failure to Use Safety Belt System	$40	0	575
	MOTORIZED BICYLCE / ATV / TOY VEHICLE ROLLER SKATES / SKATEBOARD			
109	Unlawful Operation of Motorized Bicycle, Animal Drawn Conveyance, ATV, Toy Vehicle	$40	0	901
109.9	Unlawful Use of Roller Skates, etc., on Roadway	$40	0	909
MC§6-1-25	Skateboarding Where Prohibited	$40	0	
	SIZE – WEIGHT – LOAD			
106.3	As amended by local Ordinance MC 10-1-1G Restricted Use of Streets	Summons	0	530
502	Width of Vehicles	$40	0	510
503	Projecting Loads on Passenger Vehicles	$40	0	528
504	Height and Length of Vehicles Exceed 13'	$40	0	518
504.4	Vehicle Combinations	$40	0	521
506	Trailers and Towed Vehicles	$40	0	473
507	Wheel and Axle Loads Specified Weight	$40	0	522
512	Liability for Damage to Highway	Summons	0	495
	SIGNALS – SIGNS - MARKINGS			
603	Failure to Observe Official Traffic Control Devices	$80	4	300
604.1c	Violation of Steady Red Light Signal	$80	4	304
604.1c.I.A	Failed to Yield Right of Way Right Turn on Red Signal	$70	3	370
605	Violation of Flashing Signal Light	$80	4	310
606	Display of Unauthorized Signs or Devices	Summons	0	311
607	Interference with Official Devices	Summons	0	312
612	Fail to Proceed with Caution when Traffic Control Malfunctioning	$80	4	320
614	Speeding in Construction Zone Fines Doubled (∗Must also indicate the Speeding Charge Code Number.)			
615	Moving Traffic violations in School Zone Fines Doubled (∗Must also indicate the Moving Traffic Violation Code Number.)			

MONTROSE MUNICIPAL COURT FINE SCHEDULE - Revision 2004 Part I - Traffic Violations				
MTC /MC Section #	**Description of Charge**	**Fine**	**Points**	**Com Code #**
	RIGHTS-OF-WAY			
701	Fail to Yield ROW –Approaching Intersection	$70	3	371
702	Fail to Yield ROW –Turning Left in Front of Approaching Traffic	$70	3	278
703	Disregard Stop Sign	$80	4	319
703.3	Fail to Yield ROW – at Stop Sign	$70	3	373
703.4	Fail to Yield ROW – at Yield Sign	$70	3	372
704	Fail to Yield ROW – Entering Roadway	$70	3	374
705	Fail to Yield ROW – to Emergency Vehicle	$80	4	375
706	Obedience to Railroad Signal	$80	4	315
707	School Bus/Commercial Vehicle – Failed to Stop at Railroad Crossings	$80	4	317
708	Unlawful Moving Heavy Equipment at Railroad Grade Crossing	$40	0	318
709	Fail to Stop when Traffic Obstructed	$70	3	952
710.1	Fail to Yield ROW -to Pedestrian when Emerging from Alley or Driveway	$80	4	378
710.2	Fail to Yield ROW -to Pedestrian when Entering an Alley or Driveway	$80	4	378
710.3	Driving on Sidewalk	$70	3	166
712	Fail to Yield ROW –Highway Work Areas	$70	3	382
1201	Improper Starting from Parked Position	$70	3	144
1211.1a	Unsafe Backing in Parking Area	$60	2	153
1211.1b	Unsafe Backing on Shoulder or Roadway of Controlled Access Highway	$60	2	154
	PEDESTRIANS			
801	Pedestrian Disregarded Traffic Control Device	$40	0	401
802.1	Driver Failed to Yield ROW -to Pedestrian in Crosswalk	$80	4	376
802.3	Unlawful Crossing of Roadway by Pedestrian	$40	0	407
802.5a	Driver Failed to Yield ROW -to Pedestrian at Walk Signal	$80	4	377
803	Pedestrian Failed to Yield ROW -to Vehicle Outside of Crosswalk	$40	0	402
805.1	Pedestrian/Wheelchair Unlawful Walking or Traveling upon Roadway	$40	0	408
805.2	Pedestrian Unlawful Solicitation of Ride on Roadway	$40	0	404
805.3	Pedestrian Under the Influence on Roadway	Summons	0	803
805.8	Pedestrian Failed to Yield ROW to Emergency Vehicle	$80	0	410
807	Driver Failed to Exercise Due Care for Pedestrian	$80	4	381
808	Failed to Yield ROW -to Disabled Person	Summons	6	380
MC§10-1-10 First Offense	Playing in the Street	$40	0	
MC§10-1-10 After 1st Offense	Playing in the Street	Summons	0	
MC§10-1-13(A) First Offense	Obstructing Roadway	$40	0	
MC§10-1-13(A) After 1st Offense	Obstructing Roadway	Summons	0	

MONTROSE MUNICIPAL COURT FINE SCHEDULE - Revision 2004 Part I - Traffic Violations				
MTC /MC Section #	**Description of Charge**	**Fine**	**Points**	**Com Code #**
	TURNING AND STOPPING			
901.1a	Improper Right Turn	$70	3	274
901.1b	Improper Left Turn	$70	3	273
901.1c	Improper Use of Two-Way Left Turn	$70	3	280
902.1	Improper U-Turn at a Dangerous Location	$70	3	277
902.2	Made Unsafe U-Turn	$70	3	277
902.3	Made U-Turn Where Prohibited	$70	3	270
903.1	Failure/Improper Signal for Turn	$60	2	434
903.2	Failed to Signal at Sufficient Distance Before Turn	$60	2	432
903.3	Failed to Signal for Stop	$60	2	435
903.4	Improper Use of Signals	$60	2	433
	DRIVING – OVERTAKING - PASSING			
1001.1	Failure to Drive on Right Half of Roadway	$80	4	252
1001.2	Improper Lane Usage – Impeding Traffic	$80	4	250
1001.3	Driving on Left Side of Roadway Having 4 or More Lanes	$80	4	251
1002	Failure to Pass to Right of Oncoming Traffic	$80	4	190
1003.1a	Improper Passing – Overtaking Vehicle on Left	$80	4	192
1003.1b	Driver Failed to Give Way When Overtaken	$70	3	193
1004.1	Improper Passing – Overtaking Vehicle on Right	$80	4	194
1005	Improper Passing – Pass on Left When Not Clear to Traffic	$80	4	195
1006.1	Drove Wrong Way on One-Way Street or Roadway	$70	3	254
1007.1a	Fail to Drive in a Single Lane (Weaving)	$70	3	223
1008.1	Following too Closely	$80	4	142
1008.3	Following too Closely in Motorcade	$80	4	143
1010.1	Unlawful Crossing Median	$80	4	227
1010.2a	Improper Entry onto Controlled Access Roadway	$80	4	228
1010.2b	Improper Use of Acceleration Lane	$70	3	152
1010.2c	Improper Use of Deceleration Lane	$70	3	152
	SPEED REGULATIONS			
1101	Absolute Speed Limits Pursuant to local ordinance MC 10-1-2			
1101.1b	Speeding 1-9 mph over Posted Speed Limit	$50	1	004
1101.1c	Speeding 10-19 mph Over Posted Speed Limit	$80	4	005
1101.1d	Speeding 20-39 mph Over Posted Speed Limit	Summons	6	006
1101.1e	Speeding 40 + mph Over Posted Speed Limit	Summons	12	016
1101.2	Speed too Fast for Conditions	$70	3	007
1103	Impeding Normal Flow of Traffic	$70	3	008
1105.1	Speed Contests	Summons	12	001
1105.2	Speed Contest, Aid and Abet	Summons	12	010
	PARKING			
1202	Parking or Abandonment of Vehicles	$10	0	350
1204.1a	Parking on a Sidewalk	$10	0	353
1204.1b	Parking within an Intersection	$10	0	353
1204.1c	Parking on Crosswalk	$10	0	353
1204.1i	Parking on Controlled-Access Highway	$10	0	
1204.2a	Parking within Five (5) Feet of Public or Private Driveway	$10	0	

MONTROSE MUNICIPAL COURT FINE SCHEDULE - Revision 2004 Part I - Traffic Violations				
MTC /MC Section #	**Description of Charge**	**Fine**	**Points**	**Com Code #**
1204.2b	Parking within Fifteen (15) Feet of a Fire Hydrant	$10	0	
1204.2c	Parking within Twenty (20) Feet of a Crosswalk at an Intersection	$10	0	
1204.2d	Parking within Thirty (30) Feet of Traffic Sign or Signal	$10	0	
1204.3b	Overtime Parking – Where Official Signs Prohibit Parking	$10	0	
1205.1	Parking More than Twelve (12) Inches from Curb	$10	0	356
1205.2	Parking on Wrong Side of Road	$10	0	355
1206	Parking Vehicle on Grade without Setting Brakes	$10	0	358
1207	Unsafe Opening Vehicle Doors Into Lane of Traffic	$10	0	916
1208	Unlawful Use of Designated Disability Parking Spaces	$10	0	362
MC§10-1-11.A	Parking Outside of Marked Spaces	$10	0	
MC§10-1-11.B	Parking in Alleys	$10	0	
MC§10-1-11.C1	Parking Prohibited Unlawful Display Vehicle for Sale	$10	0	
MC§10-1-11.C2	Parking Prohibited Unlawful Washing, Greasing, Painting, Repair	$10	0	
MC§10-1-11.C3	Parking Prohibited Unlawful Display of Advertising	$10	0	
MC§10-1-11.D	Parking without Sufficient Clearance Between Vehicles	$10	0	
MC§10-1-11.E	Parking Next to Yellow Curb	$10	0	
MC§10-1-12	Restrictions on the Parking and Storage of Large Commercial Vehicles	$50	0	
	RECKLESS, CARELESS, NO INSURANCE, ELUDING			
1401	Reckless Driving	Summons	8	140
1402	Careless Driving	$80	4	141
1409	Failed to Provide Proof of Compulsory Insurance	Summons	4	957
1413	Eluding or Attempting to Elude a Police Officer	Summons	12	011
	OTHER OFFENSES			
107	Disregarded Police Officer	$70	3	900
108	Public Officers to Obey Provisions	Summons	0	
1403	Following Fire Apparatus Prohibited	$70	3	149
1404	Crossing Fire Hose	$40	0	150
1405	Riding in Trailer	$40	0	156
1408	Unlawful Operation of Motor Vehicle in Recreation District	$40	0	
1411	Unlawful Use of Headset (earphones)	$40	0	467
1414	Moving Construction Related Equipment	$40	0	
1415	Use of Dyed Fuel on Highways Prohibited	$40	0	710
MC§10-1-14	Violation Funeral Procession Requirements	$40	0	
	SPILLING LOADS / DAMAGING HIGHWAY			
1407	Spilling Load on Highway	$40	0	494
MC§10-1-9A First Offense	Deposit Dangerous Materials, Glass, Bottles, Nails or any Similar Substance	$50	0	
MC§10-1-9A Second Offense	Deposit Dangerous Materials, Glass, Bottles, Nails or any Similar Substance	$100	0	
MC§10-1-9A Third Offense	Deposit Dangerous Materials, Glass, Bottles, Nails or any Similar Substance	Summons	0	
MC§10-1-9B First Offense	Deposit Dangerous Materials, Lighted or Burning Substance	$50	0	
MC§10-1-9B Second Offense	Deposit Dangerous Materials, Lighted or Burning Substance	$100	0	

MONTROSE MUNICIPAL COURT FINE SCHEDULE - Revision 2004 Part I - Traffic Violations				
MTC /MC Section #	**Description of Charge**	**Fine**	**Points**	**Com Code #**
MC§10-1-9B Third Offense	Deposit Dangerous Materials, Lighted or Burning Substance	Summons	0	
MC§10-1-9C First Offense	Deposit Dangerous Materials, Failure to Remove Substance	$50	0	
MC§10-1-9C Second Offense	Deposit Dangerous Materials, Failure to Remove Substance	$100	0	
MC§10-1-9C Third Offense	Deposit Dangerous Materials, Failure to Remove Substance	Summons	0	
	BICYCLES			
1412	Unlawful Operation of Bicycle	$40	0	924
1412.12 First Offense	Bicycle Prohibited by Official Signs as adopted MC 10-1-1(H)	$40	0	
1412.12 After 1st Offense	Bicycle Prohibited by Official Signs as adopted MC 10-1-1(H)	Summons	0	
	MOTORCYCLES			
1502	Improper Riding on Motorcycle	$70	3	157
1503	Unlawful Operation Motorcycle on Roadway	$70	3	226
1504	Unlawful Clinging to Other Vehicles	$70	3	158
	SCHOOL B USES			
1903.1	Passed Stopped School Bus with Flashing Lights	Summons	6	420
1903.2	Failure of School Bus Driver to Comply with School Bus Laws	$60	2	422
1903.5	Illegal School Bus Stop	$70	3	421

MONTROSE MUNICIPAL COURT FINE SCHEDULE – REVISION 2004 Part II - Municipal Code Violations		
Municipal Code #	**Description of Charge**	**Fine**
	ALCOHOL / DRUG OFFENSES	
5-12-3.A	Unlawful Consumption of Alcohol in Public Places	$100
5-12-3.B	Unlawful Possession of Alcohol in Public Places	$100
5-12-3.C	Unlawful Allowing Consumption, Possession of Alcohol in Public	$100
5-12-3.D	Unlawful Consumption, Possession, Purchasing Alcohol Under 21	Summons
5-12-3.E	Unlawful Providing, Selling, Distributing Alcohol to Under 21	Summons
6-1-6.B	Possession of Cannabis Under 1 oz.	$100
6-1-6.C.3	Possession of Drug Paraphernalia	$100
6-1-27	Underage Possession of Tobacco	$40
	ANIMAL CONTROL	
6-2-2	Rabies Control (1st Offense)	$50
6-2-3	Animal Attacks	Summons
6-2-4	Limit on Dogs and Cats	Summons
6-2-6	Running at Large Prohibited (1st Offense)	$50
6-2-7	Poultry Running at Large Prohibited (1st Offense)	$50
6-2-8	Releasing Restrained Animals Prohibited	Summons
6-2-9	Dangerous Animals	Summons
6-2-10	Cruelty to Animals	Summons
6-2-11	Nuisance – Any Animal to Become a Nuisance or Create a Nuisance	$50
6-2-12	Female Animals in Heat	$50
6-2-13	Farm Livestock in City	Summons
6-2-15	Unlawful Interference with Police Dogs	Summons
	LICENSES REQUIRED / PEDDLERS PROHIBITED	
5-6-2	No Transient Merchant's License	Summons
5-7-1	Peddlers Prohibited (Door to Door Salesman)	$100
5-11-1	No Pawn Broker License	Summons
5-15-3	No Sales Tax License	Summons
	MISCELLANEOUS OFFENSES	
6-1-7	Petty Theft Under $500	Summons
6-1-8	Shoplifting Under $500	Summons
6-1-9	Destruction of Property Under $400	Summons
6-1-10	Unlawful Entry	Summons
6-1-11	Trespassing	$100
6-1-12	Window Peeping	Summons
6-1-13.A	Discharge of Guns Prohibited – Spring, Air, Pellet or BB Gun	$50
6-1-13	Discharge of Guns Prohibited - Other than Spring, Air, Pellet or BB Gun	Summons
6-1-14.A	Disorderly Conduct – Fight with Another	Summons
6-1-14.B	Disorderly Conduct – Display a Deadly Weapon	Summons
6-1-14.C	Disorderly Conduct – Repeatedly Taunt or Challenge (1st Offense)	$100
6-1-14.D	Disorderly Conduct – Obscene Gesture (1st Offense)	$100
6-1-14.E	Disorderly Conduct – Strike, Shove, Kick	Summons
6-1-15	Indecent Conduct	$100

MONTROSE MUNICIPAL COURT FINE SCHEDULE – REVISION 2004 Part II - Municipal Code Violations		
Municipal Code #	**Description of Charge**	**Fine**
	MISCELLANEOUS OFFENSES - CONTINUED	
6-1-16	Interference With an Officer	Summons
6-1-18	Resisting Arrest	Summons
6-1-19	False Identification	Summons
6-1-20	Swimming Prohibited	$40
6-1-21	Unreasonable Noise	$100
6-1-22	Avoiding Payment of Admission Fees	$50
6-1-24	Tampering with Utility Facilities	Summons
6-1-26	Loitering (Juvenile)	$40
	SMOKING PUBLIC PLACES	
8-2-2	Smoking Prohibited	$300
8-2-4	Posting of Signs Concerning Smoking	$300

3-17-2: COMPULSORY INSURANCE (ADMINISTRATIVE ORDER 97-06)

THIS COURT HEREBY ORDERS and establishes the following procedures regarding Compulsory Insurance:

(A) Dismissals in the office of the Clerk of the Court.

(1) Charges related to Compulsory Insurance can be subject to request for dismissal upon verification by Court Personnel of valid insurance on the date of the violation for the vehicle in question. The defendant must sign a Verified Motion for Dismissal witnessed by the Clerk of the Court or Deputy Court Clerk.

(2) Defendants appearing in the Office of the Clerk of the Court with additional charge(s), involving no accident or injuries, and subject to an assessed fine pursuant to the Schedule of Fines, may sign a Waiver and Guilty Plea to said charge(s) and pay the assessed fine.

(3) All requests for dismissals processed in the Office of the Clerk of the Court, are subject to approval by the Judge.

(B) Mandatory Court Appearances

(1) The defendant must appear in court if the document provided to the Clerk of the Court does not meet requirements as set forth in section 1. A. of this order.

(2) Any other charge that requires a court appearance pursuant to Section 4a of the “Schedule of Fines and Other Miscellaneous Orders” of the Court.

3-17-3: JUVENILES RIGHT TO JURY TRIAL (ADMINISTRATIVE ORDER 98-11)

THIS COURT HEREBY ORDERS and establishes the following policy regarding Juveniles right to a trial by jury.

Under Section 19-2-107 subsection (2) C.R.S., 1973, Juveniles have no right to a jury trial.

3-17-4: ESTABLISHMENT OF THE MONTROSE TEEN COURT PROGRAM (ADMINISTRATIVE ORDER 01-02)

The Montrose Municipal Court hereby establishes a Teen Court Program as provided by 19-2-1101 C.R.S. 1973, et seq. Said court shall be the supervising court of the Teen Court Program as provided by statute. The Montrose Municipal Court hereby finds that the establishment of the Teen Court Program in the Montrose area will be beneficial to the users of the court as well as the community as a whole. The use of the Teen Court Program has been found to reduce the recidivism of teen defendants in the criminal justice system and empower all users of the program with regard to conflicts between individuals or groups.

(A) In determining eligibility for a teen to be involved in the teen court program, it shall be the responsibility of the School Resource Officer and the Coordinator of the Teen Court Program to determine if the teen is eligible for the Teen Court Program as a teen defendant. When the incident involves a victim, the Police Officer and/or the Teen Court Coordinator may contact the victim or victim' s family for their input. The input of the victim and/or the victim' s family is not conclusive as to whether or not a teen would be eligible for the Teen Court Program. According to 19-2-1105 C.R.S. 1973, The Montrose Municipal Court hereby develops the following procedures for the establishment and operation of the Teen Court Program for Montrose.

(B) The Teen Court Coordinator shall develop the forms necessary to implement the procedures mentioned herein. These forms shall be approved by the supervising court prior to their use. To initiate a proceeding for the Teen Court program, the law enforcement officer shall issue a special Teen Court Summons which shall be served upon the teen personally. The summons shall be in substantial conformance with the uniform summons and complaint used in the state court system. The teen must then sign an advisement of rights form indicating all the rights the teen would have had had the teen been before the supervising court as a defendant. The teen shall then sign a written entry of a guilty plea to the charge(s). The advisement of rights form and the entry of guilty plea form shall be signed by at least one of the teen' s parents or legal guardian. The teen and at least one of the teen' s parents or legal guardians shall also sign a request form to participate in the teen court program and agree to the deferral of further proceedings in the supervising court for a period of six (6) months or until the teen has successfully completed the teen court program. The written request to

participate shall also contain a provision waiving any speedy trial rights that the teen may possess. The teen and the teen' s parent or legal guardian shall provide the Teen Court with addresses for mailing notices to both the teen and the teen' s parent or legal guardian. Upon completion by the above stated, the supervising court will, by way of this document, find that proceedings in the supervising court may be deferred for up to twelve (12) months. The Teen Court Coordinator shall inquire of any potential victims of the teen defendant whether or not any restitution is due. If the Coordinator is informed that restitution may be due, the Coordinator shall so inform the teen court during the Teen Court sentencing proceedings. The Teen Court Coordinator shall ensure that the teen defendant is in complete compliance with the Teen Court sentence.

(C) If the teen defendant is not in compliance with the Teen Court sentence, it shall be the Teen Court Coordinator' s responsibility to inform the Montrose City Attorney' s Office of the non-compliance. This shall be done in writing by the Teen Court Coordinator. The appropriate law enforcement agency which initiated the Teen Court Summons upon the teen defendant will then have thirty (30) days from the date that notice was sent to the Montrose City Attorneys Office to file and serve upon the teen defendant a summons to the Montrose Municipal Court for the teen to appear at regular court proceedings in the Montrose Municipal Court. If the teen is not so served within the said thirty (30) days, the supervising court will loose jurisdiction to proceed.

Subject to any applicable rules of the Colorado Supreme Court, the Teen Court will conduct its court proceeding in the following manner.

(1) The use of a courtroom shall be arranged by the Teen Court Coordinator.

(2) The parties involved shall all be given notice of the time, date and place where the Teen Court proceedings will be held.

(3) The Teen Court Judges shall be licensed Colorado Attorneys.

(4) The Teen Court coordinator shall be responsible for arranging for the Teen Court Judges for each particular Teen Court session.

(5) The Teen Court fee shall paid to, receipted by, and accounted for by the Teen Court Coordinator.

(6) The Teen Court Coordinator shall inform any potential defendants that restitution is not a possible sentencing alternative in the teen court program.

(7) The teen court may have the sentencing options shall not include a term of imprisonment nor the payment of restitution, but may include:

(a) Community service to be supervised by the Teen Court Coordinator,

(b) Participation in a law related education class or classes, counseling, treatment or other programs, or

(c) Participation as a juror or other Teen Court member in proceedings involving teen defendants.

(D) A Teen Court participant/defendant and his/her parent or legal guardian shall appear at a Teen Court sentencing hearing under order of the supervising court. The teen defendant and his/her parent or legal guardian agrees to appear at any Teen Court proceeding when they agree to participate in the Teen Court Program initially. Failure of the teen defendant and his/her parent or legal guardian to appear may result in a warrant being issued for their arrest by the supervising court. It shall be the Teen Court Coordinator' s responsibility to provide notice to the teen defendant and his/her parent or legal guardian as to the date of the Teen Court proceeding. It shall be the teen defendant' s and his/her parent or legal guardian' s responsibility to ensure that they have been provided notice by the Teen Court Coordinator of the initial Teen Court sentencing hearing. The teen defendant may represent himself/herself or be represented by a teen defense attorney.

(E) The following procedure shall be followed at the Teen Court sentencing hearing:

(1) The Teen Court Judge shall select a teen jury. The Teen Court Coordinator shall ensure that sufficient teens are available for the selection of a jury. The Teen Court Coordinator shall ensure that the teens called for possible jury duty are as fair and impartial as possible.

(2) The teen prosecutor and either the teen defendant or teen defense attorney may question the jury on the knowledge of the defendant or the facts of the offense for which the teen defendant was charged.

(3) The teen court judge may order that a teen juror be replaced if the judge finds that the juror may be biased.

(4) The teen prosecutor and the either the teen defendant or teen defense attorney may make an opening statement.

(5) The teen defendant shall be subject to cross examination by the teen prosecutor concerning the circumstances or facts surrounding the offense or the character of the teen defendant, and may either make a statement or be subject to direct examination by the teen defense attorney.

(6) Each side may offer witnesses and/or documents concerning the circumstances or facts surrounding the offense or the character of the teen defendant.

(7) The teen prosecutor and either the teen defendant or teen defense attorney may make a closing statement.

(8) Unless otherwise ordered by the Teen Court Judge, the teen jury shall deliberate in private and shall unanimously agree upon the sentence to be imposed against the teen defendant, pursuant to guidelines adopted by the supervising court.

(9) If the jury is unable to unanimously agree upon a sentence, then the teen court judge shall impose the sentence, pursuant to the guidelines adopted by the supervising court herein. The Teen Court Judge shall enter a written order that:

(a) Orders the teen defendant to complete the sentence imposed by the teen jury,

(b) Orders the teen defendant to submit a written report to the Teen Court Coordinator within three (3) months after the sentencing hearing showing satisfactory completion of the terms of the sentence, and

(c) Notifies the teen defendant that if the Teen Court Coordinator does not receive the written report within the time required, the Teen Court Coordinator shall file with the Montrose City Attorneys Office a report stating that the teen defendant has not satisfactorily completed the Teen Court Program.

(F) The Teen Court Program shall endeavor to ensure that proceedings are done on a fair and impartial basis. The rights of the defendant shall be substantially maintained with the ultimate goal being a fair and equitable outcome for the teen defendant and all other parties involved.

14-Mar-02

CHAPTER 3-18

ENFORCEMENT OF SMOKING ORDINANCE RELATIVE TO BUSINESS WISHING TO PROVIDE SMOKING AREAS

Sections:

3-18-1 GENERAL PROVISIONS

3-18-1: GENERAL PROVISIONS

Any new or existing "public place", as defined by Section 8-2-1(A) of the Montrose Municipal Code, that wishes to provide smoking areas must comply with the following:

(A) Smoking areas shall be separately enclosed.

(B) Smoking areas must have a negatively pressurized (minimum of 0.01 inches of water) ventilation system that exhausts air to the exterior of the building with smoke-tight ducts.

(C) Smoking area ventilation must be separate from any other building heating, cooling, evaporative, or cooking ventilation system.

(D) Windows and doors of the smoking area shall be constructed in a manner that does not allow appreciable leakage of smoke.

(E) Doors between the smoking areas and other parts of the building shall be self-closing and shall not allow appreciable leakage of smoke.

(F) Minimum room ventilation shall be 25 cubic feet per minute as measured through the open door frame and which exhausts directly to the outside.

(G) Smoking area ventilation is to operate at all times that the room is occupied.

(H) The building HVAC system must be balanced to prohibit any migration of smoke from the smoking areas to other parts of the building.

CHAPTER 3-19

GIS DATA DISTRIBUTION POLICY

Sections:

3-19-1 PURPOSE

3-19-2 MONTROSE COUNTY, STATE, AND FEDERAL AGENCIES

3-19-3 PRIVATE CONTRACTORS WORKING UNDER CONTRACT TO THE CITY OF MONTROSE

3-19-4 PRIVATE CONTRACTORS WORKING UNDER CONTRACT WITH OTHER PUBLIC OR NONPROFIT ENTITIES WITHIN THE CITY OF MONTROSE

3-19-5 PRIVATE FOR PROFIT ENTITIES AND PRIVATE CITIZENS

3-19-6 FOR-PROFIT MAP PRODUCTION COMPANIES AND RETAILERS

3-19-7 NEWSPAPER AND OTHER PERIODICAL PUBLISHERS

3-19-8 NON-PROFIT ENTITIES

3-19-9 PUBLIC SERVICE PROVIDERS

3-19-10 MONTROSE COUNTY EMERGENCY SERVICES PROVIDERS

3-19-11 GIS DATA SOURCING

3-19-12 DATA RECEIVED FREELY FROM OTHER AGENCIES/PROVIDERS

3-19-13 TIME AND MATERIALS CHARGES

3-19-14 INTERNET ACCESS

3-19-15 ACQUISITION OF CITY OF MONTROSE GEOGRAPHIC INFORMATION SYSTEMS DATA

3-19-16 GIS DATA PRICING SCHEDULES

3-19-17 CITY OF MONTROSE GIS DATA ACCEPTANCE FORM

3-19-1: PURPOSE

The following policies describe how the City arrived at its pricing schedule for different user groups, and the requirements that must be followed by entities using City of Montrose Geographic Information Systems (GIS) data.

3-19-2: MONTROSE COUNTY, STATE, AND FEDERAL AGENCIES

Montrose County, State, and Federal officials are eligible to receive City of Montrose GIS data free-of-charge, under the condition that the data is only used in an official capacity. The Agency also agrees to provide any GIS or AutoCAD map data they create or which they own free-of-charge to the City. The City of Montrose shall retain ownership of the GIS data and the receiving agency shall not transfer City of Montrose data to any other entity. The sale or distribution of city generated GIS data to private interests or for-profit entities are strictly prohibited. All private-party inquiries regarding the acquisition of Montrose GIS data must be referred back to the City of Montrose Geographic Information Systems staff. This is to assure proper compensation to the City of Montrose for the GIS data provided in accordance with pricing Schedules A and B (Section 3-19-16) and adherence to the terms and conditions stated in Sections 3-19-4, 5, 6, 7 & 11.

3-19-3: PRIVATE CONTRACTORS WORKING UNDER CONTRACT TO THE CITY OF MONTROSE

Private contractors working under contract to the City of Montrose are eligible to receive GIS data for the contracted project area free-of-charge. The city owned data shall be used strictly for the purposes of completing the contracted project and may not be used for additional projects without written authorization from the City. If the private contractor wishes to use the data for private interests (work which is not contracted by the City of Montrose), the contractor must notify the City in writing and submit payment for the data according to pricing Schedule A and B (Section 3-19-16).

3-19-4: PRIVATE CONTRACTORS WORKING UNDER CONTRACT WITH OTHER PUBLIC OR NONPROFIT ENTITIES WITHIN THE CITY OF MONTROSE

Private contractors working under contract with public or non-profit entities within the City of Montrose will be evaluated on a case-by-case basis as to their eligibility to receive City of Montrose GIS data free-of-charge. If deemed eligible, usage of the data by the private contractor will be restricted to the completion of the contracted project and may not be used for additional projects without written authorization from the City. If the contractor wishes to use the data for private work other than that contracted by the approved public or nonprofit

entity, the contractor must abide by the requirements described in Section 3-19-3 and submit payment for the data to the City per pricing Schedules A and B (Section 3-19-16).

3-19-5: PRIVATE FOR PROFIT ENTITIES AND PRIVATE CITIZENS

Private for-profit entities and private citizens are required to pay for City GIS data according to pricing Schedules A and B (Section 3-19-16). The City of Montrose may exchange the data free-of-charge if data of similar value or data which will assist GIS staff in evaluating a proposed project is exchanged with the City free-of-charge. Private entities that receive City-generated GIS data are prohibited from reselling the data to third parties or otherwise providing the data to third parties free-of-charge unless the data is value-enhanced by the private party. Examples of private entities subject to this policy include realtors, land title companies, development companies, engineering firms, surveying firms, construction companies, ski areas, architectural firms, and planning consultants.

3-19-6: FOR-PROFIT MAP PRODUCTION COMPANIES AND RETAILERS

For-profit map production companies and retailers are required to pay for each GIS data layer according to Schedule A and B (Section 3-19-16). Usage of the GIS data will be restricted to the development of hard-copy maps and all mapped information displayed must be credited to City of Montrose Geographic Information Systems in accordance with the terms and conditions stated in Section 3-19-11.

3-19-7: NEWSPAPER AND OTHER PERIODICAL PUBLISHERS

Newspaper publishers are required to pay a one-time fee for City of Montrose GIS data, and may subsequently use the data without restriction for informational purposes in standard newspaper articles with credit given to City of Montrose Geographic Information Systems. Any use of the data for advertisement purposes will require payment to the City for each data layer used for each newspaper advertisement. Data may not be used for purposes such as informational maps provided in telephone books or marketing materials without the consent of the City GIS staff.

3-19-8: NON-PROFIT ENTITIES

Non-profit entities are eligible to receive City of Montrose GIS data free-of-charge if the use of the data is deemed beneficial to the City of Montrose. The City may also waive data fees if providing data to the requesting non-profit organization is deemed beneficial to the City of Montrose citizenry. If, at City of Montrose's discretion, it is determined that no benefit will be realized by the City with distribution of the data, the City may charge the requesting non-

profit entity for that data per pricing Schedules A and B (Section 3-19-16). Contractors working for non-profit entities will be subject to the requirements described in Section 3-19-4.

3-19-9: PUBLIC SERVICE PROVIDERS

Public service providers including electric associations, telephone companies, cable television companies, and oil and gas pipeline companies are required to pay for City of Montrose GIS data in accordance with the pricing listed in Schedules A and B and will be subjected to the terms and conditions stated in Section 3-19-5. Costs may be waived, at the discretion of the GIS Coordinator, if the public service provider is willing to exchange digital GIS data of equal or greater value with the city.

3-19-10: MONTROSE COUNTY EMERGENCY SERVICES PROVIDERS

Montrose County emergency service providers, including the Montrose Fire and Rescue Authority, Montrose County Sheriffs Department, and the Communications Center will be provided City of Montrose GIS data free-of-charge. This policy is in place to ensure that the City's spatial information is used by emergency response providers to improve dispatch and tracking of vehicles and subsequently reduce the response times of emergency services. The City shall retain ownership of the GIS data and the distribution of the data to any other private, public, or non-profit entity, whether for a fee or not, will be strictly prohibited. All third party inquiries regarding the acquisition of Montrose GIS data must be referred back to the City of Montrose Geographic Information Systems staff.

3-19-11: GIS DATA SOURCING

All external users of City of Montrose GIS data whether public, private, or non-profit, are required to source the GIS data to City of Montrose Geographic Information Systems Department. Hard-copy maps, digital maps, and other documents produced by using City GIS data shall have a notation shown on the document crediting the data to City of Montrose Geographic Information Systems. This requirement may be waived by the GIS Coordinator, if at the GIS Coordinator's discretion, sourcing of the data is deemed to be unnecessary due to value-enhancement of the data or if the data has been improperly used, manipulated, or other otherwise altered.

3-19-12: DATA RECEIVED FREELY FROM OTHER AGENCIES/PROVIDERS

Any data received freely from another agency by exchange will be distributed by the City of Montrose free-of-charge if allowed by the providing agency. This free pricing policy applies only if the data has not been manipulated in any way (i.e., no value added), by the City of

Montrose GIS staff. The City of Montrose will comply with all of the redistribution and resale policies of the providing agency, and requestor may be referred to the source agency for obtaining the requested data.

3-19-13: TIME AND MATERIALS CHARGES

The City reserves the right to charge any of the above entities for staff time on an hourly basis according to Schedule B for any special mapping, data conversion, data delivery, or training. The City will also require reimbursement for any media required for data transfer (e.g., compact disks).

3-19-14: INTERNET ACCESS

Internet access to certain City of Montrose GIS data layers is now available. This data is made viewable by the public free-of-charge.

3-19-15: ACQUISITION OF CITY OF MONTROSE GEOGRAPHIC INFORMATION SYSTEMS DATA

Parties wishing to obtain City of Montrose Geographic Information Systems (GIS) data must submit a written request describing the intended use of the data. Requests should be forwarded to *City of Montrose Geographic Information Systems, PO Box 790, Montrose, CO 81402, fax 970-249-1492, or email.* All inquires regarding the acquisition of City of Montrose GIS data or the applicability of the above policies should be directed to the GIS Coordinator or the GIS Analyst. All individuals and/or parties receiving City of Montrose GIS data must complete and sign an official *City of Montrose GIS Data Acceptance Form* (see attached) prior to or at the time of receipt of City GIS data.

3-19-16: GIS DATA PRICING SCHEDULES

Schedule A - Mapping Digital Data

1) Project Wide:

Data Layer – Tiles	Number of Units	Price Per Unit	Total Unit Price*
Orthophotography and Contours			
Digital Orthophotographs (aerial photographs 1"=100')	220	$40.00	$8,800.00
Digital Orthophotographs (aerial photographs 1"=600')	17	$150.00	$2,550.00
Contours (2-foot intervals)	220	$20.00	$4,400.00
Contours (20-foot intervals)	17	$75.00	$1,275.00
Buildings/Engineering Structures			
Building Footprints & Miscellaneous Structures (Poly)	220	$4.00	$880.00
Transportation			
Edge-of-pavement	220	$4.00	$880.00
Totals *			
Complete 2002 Project Coverage Data Set			**$18,785.00**
Complete Digital Orthophoto Data Set			**$11,350.00**
Complete Planimetric Feature Data Set			**$7,435.00**

Schedule A - Mapping Digital Data

2) Pricing Per Individual Tile:

1/4mi x 1/4mi Section Planimetric		Price Per Tile *	Total Unit Price *
Full Tile Layer (2' Contour)		$28.00	$6,160.00
Flat Rate Totals			**$6,160.00**

1/4mi x 1/4mi Section Planimetric + Orthophoto		Price Per Tile *	Total Unit Price *
Full Tile Layer (2' Contour) + Digital Orthophoto (1"=100')		$68.00	$14,960.00
Flat Rate Totals			**$14,960.00**

* Sales taxes apply

NOTE: As of 11/1/02, the total Number of Units for the 1"=100' is estimated. Final numbers will not be known until the project is completed.

Schedule B: Pricing and Fees

1) Labor Costs and Materials: *

GIS Staff Hourly Labor Pricing	$35.00 per hour
CD ROM	$1.00 per CD unless provided by client
AutoCAD Conversion	TBD based on GIS Staff Hourly Labor Pricing
Custom Map Creation, 8"x11"	$5.00 per plot, plus hourly labor time
Custom Map Creation, 11"x17"	$7.50 per plot, plus hourly labor time
Custom Map Creation, 24"x36" (D size)	$12.00 per plot, plus hourly labor time
Custom Map Creation, 36"x48" (E size)	$15.00 per plot, plus hourly labor time

2) Labor Costs and Materials,
Custom Maps with aerial photos: *

GIS Staff Hourly Labor Pricing	$35.00 per hour
CD ROM	$1.00 per CD unless provided by client
AutoCAD Conversion	TBD based on GIS Staff Hourly Labor Pricing
Custom Map Creation, 8"x11"	$10.00 per plot, plus hourly labor time
Custom Map Creation, 11"x17"	$15.00 per plot, plus hourly labor time
Custom Map Creation, 24"x36" (D size)	$24.00 per plot, plus hourly labor time
Custom Map Creation, 36"x48" (E size)	$30.00 per plot, plus hourly labor time

3) City of Montrose Hardcopy GIS Maps:	**Price Per Citywide Coverage ***
Annexation/Parcel/Sub Plat 24"x36"	$12.00
Indexed Street Map	$12.00
Sewer	$15.00
Water	$15.00
Zoning	$15.00

* Sales taxes apply to maps, not labor

3-19-17: CITY OF MONTROSE GIS DATA ACCEPTANCE FORM

CITY OF MONTROSE GIS DATA ACCEPTANCE FORM

Requesting organization/agency: _____
Address:_____
_____
Contact:_____
Phone Number:_____

****

We, _____(organization/agency name), have received a copy of and read the terms of the "City of Montrose GIS Data Distribution Policies" document dated July 1, 2002. By signing below and accepting the GIS data files from the City of Montrose, we hereby agree to abide by all of the terms and conditions specified in the "City of Montrose GIS Data Distribution Policies" document. We understand that the City of Montrose provides no warranty, expressed or implied, as to the accuracy and/or completeness of the information contained hereon, as to the merchantability of this product, as to its fitness for any purpose, or any other warranty of any sort. We recognize that the accuracy of the City of Montrose GIS data is not survey-grade, and should not be used for making legal determinations or findings. We agree to pay the City of Montrose the amount of _____ for those spatial items listed below. Upon receipt of this signed document and a check payable to the 'City of Montrose', GIS data will be provide in _____format in accordance with this agreement.

_____ _____
Authorized Signature Date

_____
Printed Name

GIS Data Provided:

The GIS data provided hereon is for the sole use of the purchaser/user and may not be copied, duplicated or redistributed in any way, in whole or in part, without the expressed written consent of the City of Montrose

Data to be provided on the following media (CD, Removable Hard Disk, Floppy Disk, Via Email):

Digital/Analog Data Layer	Format	Description	Cost

CHAPTER 3-20

ADMINISTRATIVE FEES FOR THE POLICE DEPARTMENT

Sections:

3-20-1 COPY OF POLICE REPORTS

3-20-2 CRIMINAL HISTORY REPORTS

3-20-3 VEHICLE IDENTIFICATION NUMBER INSPECTION REQUEST

3-20-4 IMPOUNDMENT FEE FOR VEHICLES

3-20-5 SEX OFFENDER REGISTRATION

3-20-1: COPY OF POLICE REPORTS

(A) A fee as set forth in Section 3-1 of the City of Montrose Regulations Manual is hereby assessed for copies of each police report. (Res. 2009-1, 01-15-2009)

3-20-2 CRIMINAL HISTORY REPORTS

(A) A fee as set forth in Section 3-1 of the City of Montrose Regulations Manual is hereby assessed for each request for a Criminal History Report.

3-20-3 VEHICLE INDENTIFICATION NUMBER REQUEST

(A) A fee as set forth in Section 3-1 of the City of Montrose Regulations Manual is hereby assessed for a regular Vehicle Identification Number inspection. There will be two fees, one for an inspection at the police department and a different fee for an inspection at a residence. The fee for a **certified** Vehicle Identification Number inspection is set forth in the Colorado Revised Statutes.

3-20-4 IMPOUNDMENT FEE FOR VEHICLES

(A) A fee as set forth in Section 3-1 of the City of Montrose Regulations Manual is hereby assessed for towing and impounding of vehicles at the City lot.

3-20-5 SEX OFFENDER REGISTRATION

01-Sep-04

The City of Montrose hereby adopts fees for sex offender registration as provided under 16-22-108 C.R.S. The fees for sex offender registration shall be set forth in Section 3-1 of the City of Montrose Regulations Manual.

CHAPTER 3-21

ADDRESSING AND STREET NAMING REGULATIONS

Sections:

3-21-1 PURPOSE OF THESE REGULATIONS
3-21-2 ADDRESSING SYSTEMS
3-21-3 GENERAL GUIDELINES FOR ADDRESSING AND STREET NAMING
3-21-4 ADDRESSING PROCESS
3-21-5 APPLICATION REQUIREMENTS
3-21-6 APPLICATION REVIEW
3-21-7 APPEAL PROCESS

3-21-1: PURPOSE OF THESE REGULATIONS

(A) The purpose of these regulations is to establish a simplified system, in an easy-to-use format, for naming streets and assigning street numbers.

(1) The addressing system is intended to provide logic and order in the assigning of street names and addresses to:

(a) Guide City Staff in ensuring consistency in addressing;

(b) Ensure that emergency services, such as police, fire and ambulance are able to locate and respond quickly in an emergency;

(c) Ensure that visitors to a new area are able to find their way in a timely fashion;

(d) Minimize delivery time for postal and private carriers.

(B) Who should use these regulations:

(1) City Staff, especially those involved with addressing and street name approvals;

(2) Developers needing guidance with addressing and street naming;

(3) Emergency service providers;

(4) Anyone interested in the City of Montrose's addressing systems and street naming procedures.

3-21-2: ADDRESSING SYSTEMS

(A) New Systems Prohibited: To avoid further confusion, the City shall not permit new addressing systems to be established. The assigning of new street numbers will comply with 3-21-2-B-(1), (2), or (3), depending upon the property's location in the City.

(B) City Systems:

(1) The City of Montrose grid has been expanded to allow for new annexations to the City. This system uses imaginary lines to divide the City into four quarters, with axis lines along Grand Avenue and Main Street. The intersection is the zero point for north-south lines and east-west lines using 48 numbers per block both north-south and east-west for the core part of town. As the city has grown, some meandering streets have made it necessary to use 100 numbers per block. Odd and even addresses are assigned based on the City of Montrose Municipal Code, § 4-11-1.

(2) The County grid was established by using the Utah border as the zero (0) point for east-west, and the Delta/Montrose county line north of Olathe as the zero point for north-south. This system is being used throughout the County and uses 1,000 numbers per mile. Address numbers can be up to five digits. Odd numbers are on the west and north sides of the streets with even numbers on the east and south sides of the streets. Five digit county type addresses exist within the City of Montrose grid system mainly due to annexation of these properties. The majority of these addresses are on arterial and collector roads. Since the City tries to limit driveways on these types of roads, few new addresses of this type will have the ability to be added into the system.

(3) A second County grid using four (4) digit numbers on the outskirts of the City of Montrose is also in use. This is causing some problems as odd and even numbers are opposite of what the City uses south of Main Street. In the West Montrose area, this system has been continued for the Waterfall Canyon and West Meadows subdivisions. Problem areas due to this overlap are on S. Townsend Av., Woodgate Rd., Helen Ln., Arbor Way,

and Commercial Way. The areas these address problems encompass are largely built out and cannot be expanded upon. Most of these addresses are businesses and are recognized more by name than by number. This system will be discontinued as new subdivisions are built. All new subdivisions will adhere to the City of Montrose grid system.

3-21-3: GENERAL GUIDELINES FOR ADDRESSING AND STREET NAMING

(A) Street Naming:

(1) General: Street names may be requested by the property owner or developer with the approval of the Community Development Department. The street names will be reviewed by the GIS Department and E-911 System Administrator and will use the following guidelines:

(a) Street names should be easy to read so the public is able to use the name in an emergency situation regardless of limited reading and pronunciation skills.

(b) Similar sounding names are considered to be duplications, regardless of spelling, to avoid misinterpretation (Cantrell/Cantril). In an emergency situation, it may be difficult or impossible to determine where a property is located, especially if address numbers are similar. Even a minimal delay in locating an address could lead to loss of life.

(c) Plats received at the Community Development Department shall not contain directional words (north, south, east, west) with the street names. The GIS Department shall add directionals with approval from Community Development as deemed necessary.

(d) Street names may not contain hyphens, slashes, apostrophes, or other special characters, e.g., Jordan/Chambers Parkway, Jones-Smith Road, Devil's Head Drive.

(e) Street names may not contain abbreviations, acronyms or initials.

(f) Street signs shall match the street name on the recorded plat.

(g) Maintained City roads, e.g., easements and public rights-of-way, may remain unnamed with addresses assigned from the nearest named street using the unnamed right-of-way as an access.

(h) Unmaintained City roads, e.g., easements and public rights-of-way, shall not be renamed, improved (graded), or otherwise changed without City of Montrose approval.

(i) Where any street names are desired, the names shall be platted as public streets, or recorded, named easements/public rights-of-way (with approval of the City of Montrose). If internal street names are not platted, they may not be used for addressing or signage, e.g., private drives/easements within apartment complexes. Private streets are allowed in mobile home parks only, pursuant to § 4-11-4 (A) of the Montrose Municipal Code.

(j) Street names shall be limited to 12 letters/character spaces excluding the street type/suffix and directionals (if required by the City of Montrose) per the City of Montrose Engineering Department's requirements for signage lettering size. For further information, see the Manual on Uniform Traffic Control Devices "MUTCD", as amended.

(k) Names similar to those in surrounding jurisdictions within the Montrose Fire District area or surrounding counties/cities shall not be approved within the City of Montrose to avoid emergency dispatch errors.

(l) Proposed street names that are the same as, or similar to, existing subdivision names shall not be approved within the City of Montrose to avoid emergency dispatch errors.

(m) Street names shall not be duplicated in the City due to life/safety issues.

(2) Affixes/Suffixes:

(a) Unnecessary affixes are to be avoided, such as terms that may be utilized to indicate direction, i.e., Northcrest, Northridge, etc.

(b) Limit the number of suffixes on a specific street name (street types, e.g., Way, Place, Drive) to three. Streets using the same name with different suffixes shall be adjacent to each other, e.g., Maple Drive with a cul-de-sac named Maple Way extending from it.

(c) The Denver Regional Council of Governments (DRCOG) has recommended the following rules when new streets are named. This plan is in keeping with the system generally in existence in Denver and the outlying region. New streets in the City of Montrose shall adhere to these rules.

(i) Streets running north/south may take the suffix “Avenue” or “Drive.”

(ii) Streets running east/west may take the suffix “Street.”

(iii) Cul-de-sacs running east/west may take the suffix "Place” or “Lane".

(iv) Cul-de-sacs running north/south may take the suffix "Court” or “Way.”

(v) Horseshoe-shaped, or other loop-shaped, streets that have beginning and ending points connecting to the same street may take the suffix "Circle" or “Loop.”

(vi) Arterials running north/south may take the suffix “Boulevard.”

(vii) Arterials running east/west may take the suffix “Parkway.”

(viii) Streets created by a government entity may take the suffix “Highway.”

(3) Curved Streets: A street running in one direction shall have one name only and shall have the same name throughout its entire length. However, if a street jogs sharply for a substantial distance, the portion of the street running in a different direction may be given another name at the discretion of the Community Development Department based on providing logic and order. This determination is made on a case-by-case basis.

(4) Streets Named In Memoriam: The memorial street name may be applied to a new street in the process of being approved through plat. If applied to a new street, the name shall be approved in accordance with current street naming requirements. Addresses will be issued using the memorial name, and the street signage shall be in accordance with City signage requirements. In Memoriam street names shall not be used on US, State, and Interstate highways.

(B) Assigning Numbers

(1) For curved streets: Carefully evaluate preliminary plans before assigning addresses. A thoroughfare may have a short segment on one plat going one direction when first constructed, but may change directions for the remaining distance of the street in later developments. *See Figure A.*

Figure A

(2) Research preliminary plats before assigning property numbers on streets that make complete 180° bends. Keep the even numbers on either the inside or outside of the loop and the odd numbers on the other. This may result in having some addresses on the wrong directional side of the street, but it should be easier to find a location from street level. It is too

confusing to have addresses suddenly change from odd to even numbers on one side of a street segment. *See Figure B.*

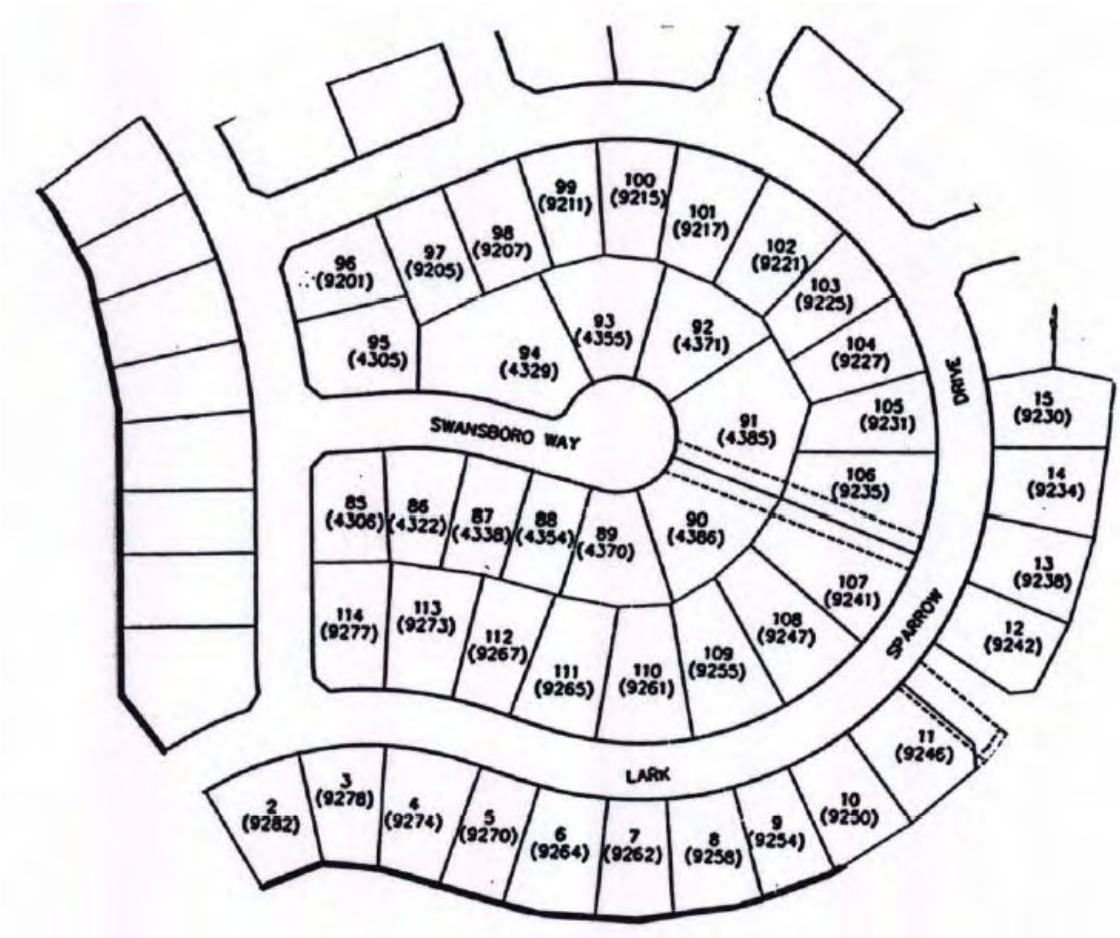


Figure B

(3) Address curved streets depending on the direction of the street, using 60% of the street length as a guideline. Do not change address grids when a street changes direction whenever the street has the same name. When assigning address numbers on a curved street, think of the street as a piece of wire and straighten it to determine the grid line and address numbers. *See Figure C.*

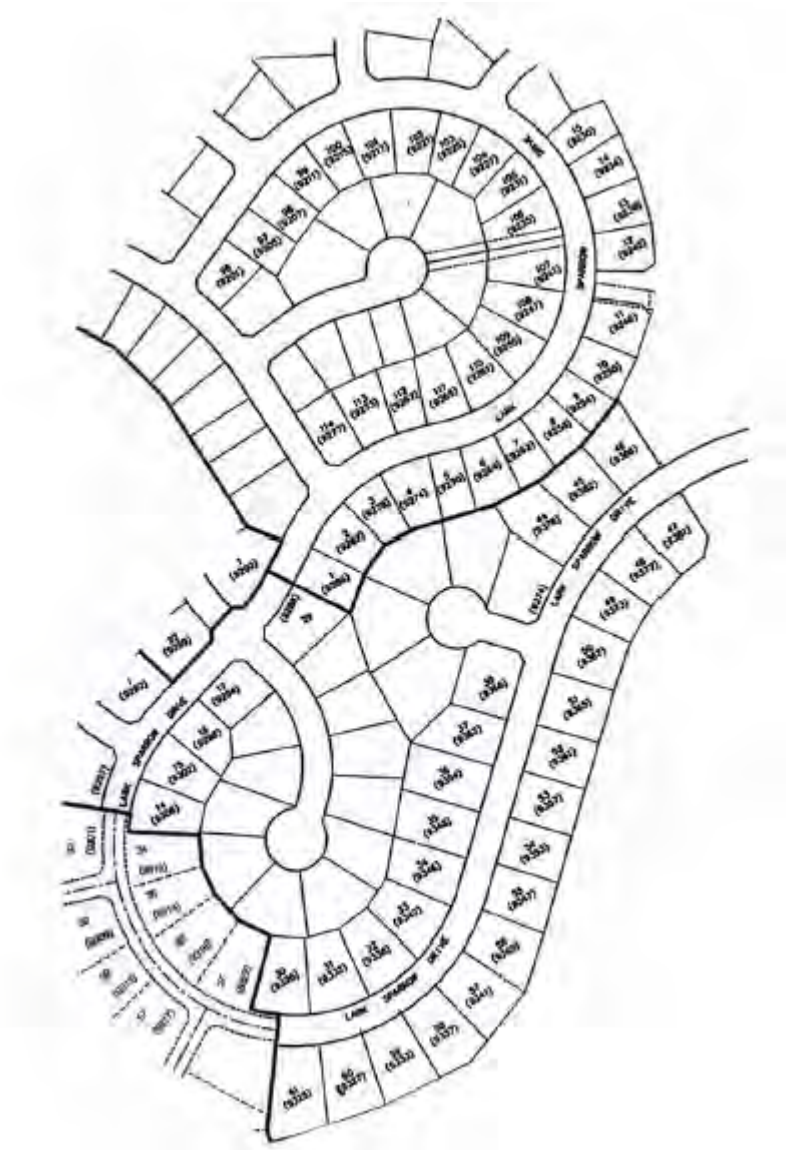


Figure C

(4) Diagonal Streets: The general principle to apply when addressing diagonal streets is to treat the street as either a north/south or an east/west street using 60% of the street length as a guideline to determine the direction.

(5) Straight Streets: Address streets as set forth herein.

(6) Residential:

(a) Single Family: The general rule when assigning an address number is to issue the address as determined by the main entrance. Addresses may be assigned by the access point if the house does not directly face a street or access is not possible from the street it faces. These exceptions shall be addressed on a case-by-case basis.

(i) Corner Lots: The general rule when assigning an address number on corner lots is to issue the address as determined by the main entrance. Corner lots shall have only one point of access, unless otherwise permitted by the Chief Building Official or designee for which the applicant must demonstrate good cause. Two options for addresses will be offered, with only one being assigned based on the main access to the residence.

(b) Apartments: Each apartment building shall be given one street address. The owner shall assign each individual dwelling unit letters and/or numbers as determined by the E-911 System Administrator or the GIS Department.

(i) In the case of a large, multi-building apartment complex with one main access point on a named street, the entire complex may be given one address number with letters for the buildings and unit numbers for the individual units within each building. For example, 123 Front St., Unit A101, where "A" is the building designation and 101 is the unit number. These will be decided on a case-by-case basis.

(c) Townhomes/Condominiums: Buildings with two, three, and four units (duplexes, triplexes, and four-plexes, where every unit has an entrance at ground level) shall generally be assigned street addresses for each unit.

(i) Buildings with five or more dwelling units shall be given one street address. If all units have an entrance at ground level, the City may elect to assign street addresses for each unit. Alternatively, each individual dwelling unit shall be assigned letters and/or numbers by the owner as determined by the E-911 System Administrator or the GIS Department.

(ii) All buildings within the same complex shall be addressed using one of the two above methods if there is a mix of

number of units per building. The GIS Department will assign addresses based on logic and order.

(7) Commercial/Industrial Sites:

(a) Shopping Centers: Addresses assigned to all buildings in a shopping center grouping shall be addressed with the same street name. Each building shall be assigned a single street address regardless of the number of internal suites/units. The owner of each building shall assign suite letters or numbers to each tenant/owner space as determined by the E-911 System Administrator or the GIS Department based on logic and order. *See Figure D.*

Figure D

(b) Building pads shall be issued one address per building. The owner of each building shall assign suite letters or numbers to each tenant/owner space as determined by the E-911 System Administrator or the GIS Department based on logic and order. The following steps will determine the street used for addressing:

(i) The first determining factor will be the location of a full-movement, primary access allowing traffic flow into and out of the shopping center in any direction and in compliance with the City of Montrose's requirements.

(ii) If there is more than one full-movement, primary access, the street used for addressing will be determined by the future traffic volume from the current City of Montrose Transportation Plan or other City traffic information that has been approved by the City of Montrose Engineering Department. Addresses shall be assigned on the street that will carry the higher traffic volume.

(iii) If the current City of Montrose Transportation Plan, or other approved traffic information, forecasts that the traffic volume will be approximately the same, the building orientations shall be the determining factor as established by the GIS Department with consultation from the E-911 System Administrator.

(iv) If addresses cannot be determined using the above steps, the GIS Department shall make the final determination for the addresses based on logic and order.

(c) Commercial/Industrial Buildings: Buildings not in shopping centers shall be given an address based on the full-movement, primary access, or as determined by input from the servicing fire district if circumstances warrant. Buildings with multiple units shall be given one street address. The owner shall assign each individual unit letters and/or numbers as determined by the E-911 System Administrator or the GIS Department.

(8) Other:

(a) Outbuildings: Barns, sheds, or other outbuildings are not given separate addresses from the residence unless they must be accessed by a separate street.

(b) Odd Structures: Anything requiring an address for either permitting or billing may be given a unique street address, e.g., traffic signals, cable cabinets, cell towers, etc.

(c) Zip Codes: United States Postal Zip Codes will be assigned to each address based on zip codes provided by the United States Post Office.

(d) Numbers to avoid:

(i) Addressing numbers to be avoided are: 13, 33, 66, 69, 86, 666, etc., as they may be culturally undesirable to some people.

(ii) The GIS Department shall avoid duplication, e.g., 7515 Dusk Court, 7515 Dusk Street, whenever possible.

(e) Hundred blocks: Extending a hundred block range beyond an intersection should be avoided. The numbers should be within the same hundred block/blocks from one intersection to the next (100-199/200-499/500-699).

(C) Vacant, Unplatted Property: Vacant, unplatted property, including 35-acre development sites, will not be assigned an address until a driveway location is determined for a structure or a permit is required for electrical service or other purposes. ***These addresses will be subject to change*** if the property is large enough that it could accommodate further development.

(D) Temporary Addresses: A temporary address may be issued if roadway plans have not been approved in an unplatted area, and an address is required to apply for a site plan. The City will issue a temporary address based on the street name connecting to the primary access point. ***This address will be changed upon approval of the preliminary plat*** for the property.

3-21-4: ADDRESSING PROCESS

(A) Subdivision Review Procedures: Subdivision preliminary plans are submitted to the GIS Department for review in order to avoid a conflict in street names and to reserve street names preferred by the developer. The GIS Department and E-911 System Administrator review the plans and send comments to the City Staff planner responsible for processing the preliminary plan. If no conflict exists, the master street list is updated and the names from the approved plan are reserved for the development. If the proposed street names already exist within the City of Montrose or surrounding jurisdictions as stated in § 3-21-3 of these regulations, regardless of whether or not they are the same name as the plat name, they will be denied as duplicates.

(B) Change of Street Names Procedure: The following shall apply when a request is made for a street name change to recorded plats:

(1) The City of Montrose may administratively correct misspellings or typographical errors on recorded plats under the City's amended plat regulations located in the Montrose Municipal Code § 4-7-10**.**

(a) The City of Montrose may administratively change problematic street names without prior need for an amended plat when said change is deemed necessary in the City's sole discretion, for the preservation of public health or safety. Affected landowners shall be notified of the correction with an official notification letter issued by the GIS Department.

(2) Any other requests for street name changes shall be submitted to the Community Development Department. Street name changes not initiated by a governmental entity shall be agreed to in writing by all affected landowners on the street.

3-21-5: APPLICATION REQUIREMENTS

(A) Applicants shall apply for a street name change in writing on forms supplied by the City. Included with the applications shall be the following:

(1) A fee as set out in the Fee Schedule in Chapter 3-1 of the City of Montrose Regulations Manual.

(2) Maps (11" x 17"), at appropriate scale, showing existing and proposed street names shall be submitted.

(3) Statement of consent from all affected property owners on the street shall be submitted.

(4) The applicant shall provide addresses and contact information for the following agencies:

(a) 911 Center

(b) Montrose Fire Protection District

(c) City GIS Department

(d) Police Department

(e) United States Post Office

(f) Utility Providers:

(i) Electric

(ii) Telephone

(iii) Gas

(iv) Cable TV

(v) City of Montrose Water and Sewer Departments

(vi) Water District (if applicable)

(vii) Sewer District (if applicable)

(g) Montrose County Assessor

(h) Montrose County GIS

(i) School District

(j) Montrose Library District

(k) Other agencies affected, if necessary

3-21-6: APPLICATION REVIEW

(A) The City Land Use Staff will review the application. The City will determine whether approval of all affected property owners is required on a case-by-case basis.

(B) The criteria the City takes into consideration on naming a street includes but is not limited to the following: avoiding duplication of names, using common spellings to avoid misunderstandings and enable children to easily identify the street, and ease of use for emergency responders.

(C) City Staff will contact the applicant to provide the applicant with the City Staff's decision.

(1) If the application is approved, the applicant shall mail notification letters to the agencies listed above. Proof of mailing is required.

(2) The applicant shall record the change with the County Assessor's Office.

(3) Following receipt by the City of the proof of mailing and recordation, the process will be deemed complete.

3-21-7: APPEAL PROCESS

(A) In cases where one or more property owners on the affected street disagree with the name change proposal, the application may be forwarded to the City Council for a decision. The applicant shall provide notice in the newspaper and to affected property owners of the date and time of the Council meeting that the request for the street name change will be considered.

(B) City Staff will contact the applicant to provide the applicant with the City Staff's decision.

(1) If the application is approved, the applicant shall mail notification letters to the agencies listed above. Proof of mailing is required.

(2) The applicant shall record the change with the County Assessor's Office.

(3) Following receipt by the City of the proof of mailing and recordation, the process will be deemed complete.

(C) Correcting and Changing Addresses: If an incorrect address is being used, the GIS Department shall contact the owner by phone or mail to correct the address. An Official Notification letter shall also be sent to the owner to enclose when correcting their address for mortgage, insurance, etc. The City of Montrose will notify the City's Utility Billing Department, US Post Office, and the Montrose County Assessor's office of the change.

(D) Dissemination of Addresses: All addresses, whether they are new, changed, or corrected, shall be disseminated to the following entities by the GIS Department within one week of assignment:

(1) E-911 System Administrator

(2) Montrose County GIS Department

(3) United States Post Office

(4) Montrose Fire District

(5) Qwest

02-Sep-04

CHAPTER 3-22

FLEET MANAGEMENT POLICY

Sections:

3-22-1 PURPOSE

3-22-2 MISSION STATEMENT

3-22-3 REVENUES

3-22-4 RESPONSIBILITIES

3-22-5 OBTAINING VEHICLES

3-22-6 OPERATING VEHICLES

3-22-7 REPORTING

3-22-1: PURPOSE

This Chapter sets forth the policies, rules and regulations associated with acquisition, use, maintenance, repair, billing and replacement of vehicles owned and / or operated by the City of Montrose.

The Fleet Management Internal Service Fund (hereinafter "Internal Service Fund") is a self-sustaining fund that is adopted as part of the City budget. The Internal Service Fund provides a methodology for maintenance, repair, replacement and fleet expansion of City vehicles and equipment.

3-22-2: MISSION STATEMENT

The City shall provide a safe, efficient and reliable means of transportation for employees using vehicles and communication equipment to conduct city business. In addition to equipment maintenance and repairs, the City will provide standardized equipment specifications in writing for the replacement and the disposal of retired equipment. These services are provided professionally and at a cost competitive to local business.

3-22-3: REVENUES

Revenues for the Internal Service Fund are generated from monthly charges for fuel, vehicle and equipment rents, repair labor, repair parts, office rents, insurance and overhead. Other sources of revenue may be utilized when necessary with approval from the City Manager.

(A) Fuel – Gasoline and diesel are purchased by the Internal Service Fund and charged to user departments on a monthly basis. The price to user departments includes the cost of the fuel and the cost of maintaining and administering the fuel dispensing system.

(B) Vehicle and equipment rents – Rents are charged to user departments on a monthly basis. The rents accumulate over the life of the vehicle for the purpose of replacement at the end of its life cycle. Rents provide for fleet replacement and not for fleet expansion. Increases in the size of the fleet are funded from other sources.

(C) Repair labor – Labor rates are calculated and include the cost of labor and fringe benefits and administration. The rate is determined on an annual basis using projected available maintenance or repair hours for the mechanics. The rates are applied to actual labor hours and charged to user departments on a monthly basis.

(D) Repair parts – Repair parts are purchased by the Fleet Manager with Internal Service Fund monies and charged to user departments on a monthly basis. The price to user departments includes the cost of the parts and overhead related to the parts room.

(E) Overhead – Overhead is applied as a percentage of direct repair cost (labor and materials) and shall be calculated and set on an annual basis. Overhead consists of expenses incurred by the Fleet Manager and charged to the Internal Service Fund. Examples of overhead expenses include, but are not limited to, supplies, uniforms, tools, dues, communications, other services, training, rentals, administrative reimbursement, postage, printing, utilities, claims, transfers, building rent, and miscellaneous expenses.

3-22-4: RESPONSIBILITIES

(A) FLEET MANAGEMENT – The Public Works Department Fleet Manager is responsible for centralized management and overall administration of the City's fleet, including:

(1) Fleet Inventory – The Fleet Manager will complete an annual physical inventory of all fleet vehicles and equipment owned or leased. Requests for fleet expansions are submitted to the Fleet Manager and prioritized. Fleet expansions, are funded by the requesting department with approval of the City Manager. Requests shall be made each year during the budget process.

(2) Vehicle Disposal - All vehicle disposals will be handled by the Fleet Manager working in conjunction with the City's Finance Department. The Fleet Manager will determine the source that is likely to yield the highest return for the City for each vehicle to be disposed. All funds from disposal shall be deposited in the Internal Service Fund. It is the responsibility of the Public Works Director to schedule and coordinate with other department heads and supervisors, replacement and retirement of vehicles and equipment. Sales of vehicles and equipment must comply with City policy. Sales strategies should attempt to receive fair market value for all vehicles and equipment and generate a reasonable return for the City.

(3) Vehicle Replacement – Revenues accumulated from vehicle and equipment rents provide funds to purchase new vehicles. A life-cycle replacement schedule for each vehicle or piece of equipment shall be determined, reviewed annually and updated as appropriate. Once the life cycle for each vehicle or piece of equipment is determined, its replacement is expected when the vehicle or equipment has reached the end of the cycle. It may be acceptable to delay the replacement for a reasonable period of time after it has been determined that the risk of a costly repair is unlikely. The replacement reserve remains allocated to the original vehicle until the date of its replacement is determined. An aging fleet will lead to expensive repairs, limit preventative maintenance on newer units and reduce vehicle availability.

(4) Vehicle Markings – The Fleet Manager shall designate the placement of the markings on the vehicles and equipment. No other markings, decals, bumper stickers, etc., shall be placed on City vehicles or equipment without prior the written approval of the Fleet Manager.

(5) Make Ready - Upon delivery of a new vehicle or piece of equipment, the Fleet Manager is responsible for the final preparation of the vehicle prior to its entering fleet service. The Fleet Manager will prepare and submit a list of costs associated with make-ready work to the Finance Department to capitalize each new vehicle.

(B) DEPARTMENTS – Department heads are responsible for managing the effective utilization of assigned vehicles and insuring that vehicle authorization requests adequately address but do not exceed what is required.

(C) DRIVERS – Drivers / Operators are responsible for visually inspecting the vehicle prior to operation.

3-22-5: OBTAINING VEHICLES

(A) NEW VEHICLE AUTHORIZATION

(1) Requests for new fleet vehicles or equipment shall be approved by the City Manager annually.

(2) Vehicle Standardization:

(a) The City's standard fleet sedan shall be a four cylinder, four-door sedan that meets the State of Colorado's clean air standards.

(b) Any options not included as part of the City's standard vehicle specification and / or requests for passenger vans, four-wheel drives, sport utility vehicles, full size sedans and station wagons shall require approval by the City Manager.

(3) Minimum Vehicle Use Standards:

(a) The Fleet Manager is responsible for enforcing the City standards for minimum use criteria. These criteria shall be based on cost comparisons of available alternatives, such as use of pool cars, personal vehicles, or rental of vehicles.

(i) Minimum use criteria shall be defined as use no less than eight thousand (8,000) miles during a fiscal year for sedans and light trucks, and use no less than fifty (50) hours during a fiscal year for specialized equipment.

(ii) Vehicles with use below these standards shall require evaluation and re-authorization and approval by the City Manager for continued use.

(iii) Renting equipment and reimbursing employees for mileage on personal vehicles should be considered as a possible alternative to the expenses related to under-utilization.

(b) All departments are required to report vehicle usage to the Fleet Manager on a monthly basis.

(A) LOANED VEHICLES

In instances where departments require additional vehicles to fulfill operational objectives between budget cycles, they may request use of a loaned vehicle, when a vehicle is available.

(C) VEHICLE POOLS

Use of vehicles assigned to vehicle pools are managed and coordinated by the designated on-site department and the acquisition, maintenance, operation, and replacement costs associated with the vehicle pool is charged back to that department.

(D) LEASE / RENTAL

If circumstances justify, the Fleet Manager can authorize the lease / rental of a vehicle for up to thirty (30) days. Leases and rentals of a greater duration require approval of the Fleet Manager and the City Manager.

(E) DONATED VEHICLES

(1) In the event the City receives vehicles or equipment as a donation or a gift, the Fleet Manager will perform an inspection of all donated vehicles at the time of receipt, to ensure that the vehicle is safe, operable and that the vehicle meets all fleet criteria prior to entering fleet service. The receiving department will fund this inspection and any repairs.

(a) If major repairs are costly, the receiving department will be given the choice of paying the cost of repairs or having the Fleet Manager dispose of the vehicle as provided in this Chapter.

(b) If the donated vehicle fails to meet all the fleet criteria at the time of donation Fleet Manager shall dispose of the vehicle as provided in this Chapter.

3-22-6: OPERATING VEHICLES

(A) FLEET REFUELING

When using a City-owned or leased vehicle, the driver shall use City designed fuel facilities. This fuel system will automatically record fuel transactions to an assigned vehicle. When necessary, the driver may refuel at non-designated commercial gas stations using "self-service" pumps where available and must submit appropriate forms for reimbursement.

(B) VEHICLE MAINTENANCE

City vehicles are to be maintained and repaired by the Fleet Manager unless the operating department has prior written approval from Fleet Manager. The Fleet Manager will notify departments at least ten (10) workdays prior to the date when a vehicle is due for preventive maintenance service. Departments are responsible for ensuring that all vehicles scheduled for preventative maintenance are delivered to Fleet Manager on time.

(C) REPAIRS

Costly repairs are generally an indicator of an aging or neglected fleet. Repairs are classified as costly when annual parts and labor costs for vehicle repairs exceed Ten Thousand Dollars ($10,000) or exceed the book value of the vehicle. The practice of repairing rather than retiring vehicles in need of costly repairs will contribute to high maintenance costs.

3-22-7: REPORTING

(A) Financial reporting for fleet services must provide cost information and variance explanations for maintenance and costly repairs on a monthly basis to support decisions made by the Fleet Manager and the Director of Public Works. The Fleet Manager is responsible for accurate information used in financial reporting.

The financial reporting package must address the following areas of concern:

(1) Revenues and replacement reserves.
(2) Costly repairs.
(3) Size and age of the fleet.
(4) Fleet utilization
(5) Vehicle maintenance expense.
(6) Non-vehicle maintenance,
(7) Purchases and retirements.
(8) Leasing, purchases, loans, used vs. new purchases
(9) Preventative maintenance vs. repair
(10) Fleet expansion
(11) Executive summary

3-Nov-05

CHAPTER 3-23

WEBSITE POLICY

Sections:

3-23-1 PURPOSE

3-23-2 PRIVACY POLICY

3-23-3 CITY LINKS TO EXTERNAL WEBSITES

3-23-4 EXTERNAL WEBSITE LINKS TO CITY WEBSITE

3-23-1 PURPOSE

(A) The City of Montrose Website Use Policy describes the standards and guidelines by which the City manages information on the City of Montrose website. The City has established this website for the primary purpose of providing information to the public regarding services available to the public from City government, as well information regarding services available to the public from other governmental agencies and private organizations that are in legal partnership with the City.

(B) While the City attempts to keep its website accurate and timely, the City neither warrants nor makes representations or endorsements as to the accuracy, quality, content, or completeness of the content on the site. Content is subject to change without notice from the City as a result of updates and corrections.

(C) The City of Montrose website is transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of fitness for a particular purpose. The City is neither responsible nor liable for any viruses or contaminations of a web visitor's hardware, software, peripherals, or properties nor for any delays, inaccuracies, errors, or omissions resulting from use of or with respect to the material contained on its website, including but not limited to, any material posted on (or linked to from) the City of Montrose website. The City is not responsible for any special, indirect, incidental, or consequential damages that may arise from the use of, or the inability to use, the site and/or the materials contained on the site whether the materials contained on the site are provided by the City of Montrose, or a third party.

(D) The City of Montrose's website is maintained for the exclusive use and control of the City of Montrose in communicating matters of general public interest over the Internet as outlined above. The City is not establishing a forum for others to provide information through the website.

(E) It is important for users of the City's website to understand that messages transmitted via the Internet are not always reliable. The City does not warrant or in any way insure, assure, or guaranty that messages or information transmitted via the Internet will arrive at their intended destination(s), nor may the City indemnify any party for any resulting loss or damages. Therefore, if you want or need to provide the City with an official legal notice or public comment, the City strongly recommends that you confirm the City's actual receipt of your communication via telephone. It you have any question as to the appropriate City official to whom a communication should be addressed, please contact the City Clerk.

(F) The City of Montrose is committed to maintaining access for persons with disabilities. The website meets the World Wide Web Consortium's "Web Content Accessibility Guidelines 1.0." Reasonable accommodations regarding equal access to information will be provided upon request to the City of Montrose Public Information Officer.

(G) The City expects to update the website and this Website Use Policy on a regular basis in order to incorporate improvements over time. As updates to this policy are adopted, archived versions of older policies will be maintained by the City Clerk in accordance with the City's records retention policy.

3-23-2 PRIVACY POLICY

(A) The City of Montrose recognizes and respects your right to privacy regarding personal identifying information revealed to the City through your use of the City's website. This privacy policy explains the City's practices for collecting personal identifying information from the City's website, and the choices you can make that determine how your personal identifying information is collected and used by the City organization. For the purpose of this privacy policy, the City will use the term "identity information" to refer to information that identifies you individually, including your name, phone number, personal financial information, e-mail address, or physical address.

(B) The City will not release identity information without either: (1) the consent of the person providing the information, or (2) a court order. However, it is important to understand that the City has obligations to provide public access to "public records" under the Colorado Public Records Law (Colorado Revised Statutes, TITLE 24 - ARTICLE 72 - Public (Open) Records). Thus, while the

City will make every effort to protect the privacy of your identify information consistent with the requirements of the Colorado Public Records Law, there may be portions of your communications that the city will be required to reveal to the public if requested.

(C) The City receives identity information from customers through the City website through a variety of online forms (e.g. the Contact Us page) and transactional applications (e.g. Online Bill Pay). The primary reason that the City collects and maintains citizen information is to serve you and administer your customer relationship with the City.

(D) The City values opinions and comments from citizens, so it may occasionally conduct online surveys. Participation in these surveys is entirely optional. Typically, the information is aggregated and used to record citizen opinions on important community issues. Survey participants are anonymous unless otherwise stated in the survey.

(E) The City tracks web server log files in order to create aggregate statistical reports, detect errors, and maintain security. These reports do not contain any personally identifiable information of users outside the City network.

(F) The City may use identity information collected to distribute information about City services.

(G) The City of Montrose provides users the opportunity to opt-out of receiving communications from the City and/or to restrict the type of information they receive by contacting the City's Public Information Officer.

(H) If you have any questions about the City of Montrose's online privacy practices, please contact the City's Public Information Officer.

3-23-3 CITY LINKS TO EXTERNAL WEBSITES

(A) The purpose of this policy is to identify the criteria and conditions by which the City provides links to external websites. Consistent with the City's overall Website Use Policy, the City's primary purpose for linking to external websites is to provide information regarding City services available to the public, as well as information regarding services available to the public from other governmental agencies and private organizations in legal partnership with the City. Thus, the City is not establishing a forum for others to provide information. Rather, the City is providing information to direct website users to resources outside the City that are complementary to and in support of the services provided by the City.

(B) This policy governs the creation of implied or explicit links to external websites from images, notices, and other communications on the City of Montrose website. Such links include:

(1) Hyperlinks activated by clicking on an image or text, leading to a web page that does not reside on the City of Montrose website (explicit);

(2) Mention of a URL address providing users with the address of a web page that does not reside on the City of Montrose website (implied), or;

(3) Any other explicit or implied facilitation of movement from the City of Montrose website to another web page that does not reside on the City of Montrose website.

(C) The City may establish links on the City website to external sites, provided that each external site meets at least one of the following criteria:

(1) Other government agencies, including federal, state, county, regional, public schools, and special districts.

(2) Organizations that receive sponsorship from with the City of Montrose in the form of a financial grant, or a written contract by which the City provides services in collaboration with the organization to achieve a mutual goal related to the City's governmental purpose.

(3) Private utilities that have a franchise from the City of Montrose by which the City regulates or monitors customer service issues.

(4) Local and regional economic development organizations that assist the City in promoting businesses throughout Montrose.

(5) Sites providing directional and climatic information.

(D) The linked sites are not under the control of the City of Montrose and the City of Montrose is not responsible for the contents of any linked site or any link contained in a linked site, or any changes or updates to such sites. The City of Montrose is providing these links only as a convenience, and the inclusion of any link does not imply endorsement by the City of Montrose or any association with their operators.

(E) All links to external sites will open in a new browser window, and will meet accessibility guidelines. Other than links to other governmental agencies, all links to external sites must be approved by the City of Montrose Administrative Services Director.

3-23-4 EXTERNAL LINKS TO CITY WEBSITE

(A) A site that links to the City of Montrose website:

(1) Should not misrepresent its relationship with City of Montrose. This includes:

a) Do not create a browser or border environment around City of Montrose content.

b) Do not use the City of Montrose logo without permission from the City of Montrose.

(2) Should not imply that City of Montrose is endorsing it or its products.

(3) Should not present false information about City of Montrose services.

(4) The City of Montrose is not obligated to link to an external site that provides a link to the City of Montrose website.

3-Nov-05

CHAPTER 3-24

CELLULAR TELEPHONE POLICY

Sections:

3-24-1 GENERAL

3-24-2 RESPONSIBILITIES

3-24-3 STIPEND AMOUNTS

3-24-4 CONDITIONS OF USE

3-24-5 CITY-OWNED EQUIPMENT & SERVICE

3-24-1: GENERAL

This policy will apply to those City employees that are required by his/her position with the City to be available by cell phone. Department heads will determine which positions within their department are required to carry cell phones to provide effective and efficient service in the line of their official duties. The expectation for designated employees is that they will carry the cell phones with them for official communication purposes.

3-24-2: RESPONSIBILITIES

The City requires the employee to obtain the cellular service in his/her name and take financial responsibility for the billing. The City will reimburse the employee through his/her regular payroll as a stipend. The amount of the stipend may vary depending on the number of cellular minutes required to perform his/her job duties. The phone service is the responsibility of the employee and all contract conditions and stipulations are the responsibility of the employee. City policy establishes that:

(A) One cell phone shared by a group of individuals or other uniquely assigned phones may be considered for City billing and payment.

(B) Individuals will contract with the cellular provider of their choice individually unless specific job duties require common providers for special or unique needs.

(C) Employees will be solely responsible for obtaining local cell phone service and renewing his/her contract at expiration.

(D) The City will pay the employee a stipend amount for cellular phone use and thus will be responsible to keep their service active**.**

(E) Individuals are responsible to contact wireless providers to clarify or correct any billing issues.

(F) The employee is responsible to keep his/her phone in good working condition.

3-24-3 STIPEND AMOUNTS

(A) Employees that are required to carry a cell phone shall receive a monthly stipend through payroll to be applied to the employee's cellular telephone service. The intent of the stipend program is not to pay for the entire employee phone plan, but to offset the extra expense of any City business communicated on the employee's personal cell phone. The department head determines which of the following categories each employee fits into.

- Less than 100 minutes - $20.00
- 450 minutes - $40.00
- 900 minutes - $60.00

(B) Employees requesting plans less than 100 minutes or greater than 900 minutes should discuss other options for work-related communications with their immediate supervisor and appropriate department head.

3-24-4 CONDITIONS OF USE

(A) Employees are urged to use the most economic communication means available in their daily activities and to use cell phones only when other communication vehicles are not practical such as:

- Landline when available and appropriate.
- E-mail when available.
- City radio system when available and appropriate.

(B) Pagers or ongoing radio communication may not be required if the employee has a cell phone. The opposite also applies, cell phones may not be required if the employee has a City pager assigned or has access during working hours to a City radio. Each individual requirement should be assessed in collaboration with each individual department head.

(C) Even though employees provide his/her own individual service, outgoing and incoming personal calls are discouraged during work hours as with any other personal business except in the case of emergency or other extenuating circumstances or unique conditions.

(D) The City reserves the rights to request proof of cell phone service for any employee receiving the cell phone stipend.

3-24-5 CITY-OWNED EQUIPMENT & SERVICE

The finance department shall process cell phone service and equipment bills according to applicable City procedures for City-owned phones and service **ONLY.**

26-Nov-07

CHAPTER 3-25

MUNICIPAL BUILDING REGULATIONS

Sections:

3-25-1 OFFICIAL FLAGS

3-25-1: OFFICIAL FLAGS

The POW / MIA flag is an official flag to be flown at City Hall.

CHAPTER 3-26

VOLUNTEER REGULATIONS

Sections:

3-26-1 INTRODUCTION

3-26-2 POLICIES AND PROGRAM DESIGN

3-26-3 RECRUITMENT AND SELECTION

3-26-4 TRAINING AND DEVELOPMENT

3-26-5 SUPERVISION AND EVALUATIONS

3-26-6 SUPPORT AND RECOGNITION

3-26-7 INSURANCE AND LIABILITY

3-26-8 SHORT-TERM VOLUNTEERS AND ASSIGNMENTS

3-26-9 LONG-TERM VOLUNTEERS AND ASSIGNMENTS

3-26-1: INTRODUCTION

These guidelines are intended to provide overall direction to paid staff and volunteers engaged in volunteer and management efforts. Please contact the Volunteer Coordinator if you have questions regarding an issue or concern which is not covered here.

3-26-2: POLICIES AND PROGRAM DESIGN

(A) The achievement of the goals for the City organization is best served by the active participation of residents of the community. To this end, the City accepts and encourages the involvement of volunteers, and within appropriate programs and activities. All paid staff is encouraged to assist in the creation of meaningful and productive roles in which volunteers might serve, and to assist in recruitment of volunteers from the community.

(B) These policies are intended for internal management guidance only, and do not constitute, either implicitly or explicitly, a binding contractual or personnel

agreement. The City reserves the exclusive right to change any of these policies at any time, and to expect adherence to the changed policy. Changes to or exceptions from these policies may only be granted by the City Manager or its designee, and must be obtained in advance and in writing. Areas not specifically covered by these policies shall be determined by the City Manager or its designee.

(C) Unless specifically stated otherwise, these Regulations shall apply to all non-elected/non-appointed volunteers in all programs and projects undertaken on behalf of the City, and to all departments and sites of operation of the City. These Regulations shall not apply to elected and appointed officials.

(D) The productive utilization of volunteers requires a planned and organized effort. The function of the Volunteer Coordinator is to provide a central point of organization for effective volunteer management within the City, and to direct and assist paid staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator shall also bear responsibility for maintaining liaison with other volunteer-utilizing programs in the community, and assisting in community-wide efforts to recognize and promote volunteering. The Volunteer Coordinator shall bear primary responsibility in planning for effective volunteer utilization, for assisting paid staff in identifying productive and creative volunteer roles, for recruiting suitable volunteers, and for tracking and evaluating the contribution of volunteers to the City.

(E) The City may accept as volunteers those participating in student community service activities, student intern projects, alternative sentencing or diversion programs, court-ordered Useful Public Service, corporate volunteer programs, and other volunteer referral programs. In each of these cases, however, use of City forms shall be required with the program or organization from which the special case volunteers originate, and said forms must identify responsibility for management, insurance, liability, and care of the volunteers.

(F) The City accepts the services of paid staff as volunteers. This service is accepted, provided that the volunteer service is provided purely of the employee's own volition, with no expectation of benefit to the employee's assignment, status, wages, benefits, or standing with the City, involves work which is outside the scope of normal paid staff duties, and is provided outside of usual working hours.

(G) Family members of paid staff are allowed to volunteer with the City. When family members are enrolled as volunteers, they shall not be placed under the direct supervision or within the same department as other members of their family who are employees when such volunteering efforts occur during normal working hours.

(H) The City accepts the service of all volunteers with the understanding that such service is at the sole discretion of the City. Volunteers agree that the City may at

any time, with or without cause, terminate the volunteer's relationship with the City. The volunteer may at any time, with or without cause, sever the volunteer's relationship with the City. Notice of such a decision should be communicated as soon as possible to the volunteer's immediate supervisor, or to the Volunteer Coordinator.

(I) Volunteers are viewed as a valuable resource to this City, its paid staff, and its clients. Volunteers may be offered meaningful assignments whenever possible. Volunteers shall agree to actively perform their duties to the best of their abilities, and to remain loyal and adhere to the goals, Ordinances, and Regulations of the City; volunteers who do not comply with these provisions shall be dismissed.

(1) The City of Montrose is dedicated to the principles of equal volunteer opportunity. The City does not discriminate against volunteers or volunteer applicants on the basis of age, race, sex, color, religion, national origin, disability, veteran status, or any other status protected by federal, state or local law. This prohibition against discrimination includes unlawful harassment based on any federal or state protected class.

(2) All volunteers are expected to conduct themselves in a professional and appropriate manner at all times. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited. Such conduct includes sexually implicit or explicit communications whether in written form, verbal form or physical gestures and other nonverbal behavior.

(3) The City of Montrose has zero tolerance for violence in the workplace. Violence in the workplace includes intimidating, threatening or hostile behavior, either verbal or physical, that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, and/or results in injury, intentional damage or destruction of property.

(4) Volunteers should immediately report any incidents of discrimination, inappropriate sexual conduct, or violence in the workplace, to their paid staff supervisor, or to the Volunteer Coordinator.

(J) Volunteers may be utilized in as many programs and activities of the City as practicable, and serve at all levels of skill and decision-making. Volunteers shall not, however, be utilized to displace paid employees from their assignments. Volunteers may be excluded from any assignment that could result in contact with sensitive or confidential information.

(K) No person who has a conflict of interest with any activity or program of the City, whether personal, philosophical, or financial shall be accepted or serve as a volunteer with the City, without written permission of the City Manager.

(L) Prior to any action or statement which might significantly affect or obligate the City, volunteers should seek prior consultation and approval from the Volunteer Coordinator. These actions may include, but are not limited to, public statements to the press, coalition or lobbying efforts with other organizations, or any agreements involving contractual or other financial obligations. Volunteers may be authorized to act as representatives of the City only as specifically indicated within their job descriptions, and only to the extent of such written specifications.

(M) Volunteers shall be responsible for maintaining the confidentiality of all proprietary or privileged information to which they are exposed while serving as a volunteer, whether this information involves a single paid staff member, volunteer, client, or other person, or involves overall City business. Failure to maintain confidentiality may result in termination of the volunteer's relationship with the City, civil and criminal penalties, or other corrective action.

(N) An appropriate worksite shall be established prior to the enrollment of any volunteer. This worksite shall contain necessary facilities, equipment, and space to enable the volunteer to effectively and comfortably perform their duties.

(O) As representatives of the City, volunteers, like paid staff, are responsible for presenting a good image to clients and to the community. Volunteers may be required to wear appropriate clothing, such as business or field work attire, or to dress appropriately for the conditions and performance of their duties.

3-26-3 RECRUITMENT AND SELECTION

(A) Volunteers require a clear, complete, and current description of the duties and responsibilities of the assignment which they are expected to complete. Prior to any volunteer assignment or recruitment effort, a description should be developed. Descriptions should be reviewed and updated at least every two (2) years, or whenever the work involved in the assignment changes substantially. All descriptions shall include a description of the purpose and duties thereof, a designated supervisor and worksite, a timeframe for the performance of the assignment, and a listing of qualifications. The Volunteer Coordinator is available to assist paid staff in the development of volunteer assignments, programs and descriptions.

(B) Requests for volunteers shall be submitted in writing by interested paid City staff. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments, and by advance notice. The Volunteer Coordinator shall refrain from recruiting, and shall not place any volunteers until paid staff members are prepared to make effective use of volunteer resources.

(C) When advertising is appropriate, the supervisor and Volunteer Coordinator shall identify the most effective advertising medium. All advertising shall be done at the expense of the requesting department; however, the Volunteer Coordinator shall coordinate the advertising process.

(D) Volunteers may be recruited by the City on a pro-active basis, with the intent of broadening and expanding the volunteer involvement of the community. Volunteers shall be recruited without regard to age, race, sex, color, religion, national origin, disability, veteran status, or any other status protected by federal, state or local law. Selection of volunteers may be limited by ability to perform a particular assignment, such as training, education, experience, skill, or physical ability.

(E) Volunteers who have not reached the age of 18 must have the written consent of a parent of guardian prior to volunteering. The volunteer assignment assigned to a minor shall be performed in a non-hazardous environment, and shall comply with all appropriate requirements of the child labor laws.

(F) If there are physical requirements necessary for performance of a volunteer's task, a screening or testing procedure may be required to ascertain the ability of the volunteer to safely perform the task.

(G) As appropriate for the protection of City residents, paid staff and clients, volunteers in certain assignments may be asked to submit to a motor vehicle and/or background check. Volunteers who do not agree to these checks shall be refused any assignment.

(H) When volunteers are to be placed in direct contact with vulnerable populations, additional screening procedures shall be instituted. These procedures may include, but are not limited to, reference checks, criminal investigation, fingerprinting etc. Volunteers who refuse permission to conduct of these checks shall not be accepted for placement with these clients.

(I) In placing a volunteer in an assignment, attention shall be paid to the interests and capabilities of the volunteer, and to the requirements of the volunteer assignment. No placement shall be made unless the requirements of both the volunteer and the supervising paid staff can be met: no assignment should be given to an unqualified or uninterested volunteer.

(J) Volunteers shall not perform professional services for which certification or licensing is required, unless currently certified or licensed to do so. A copy of such certificate or license shall be maintained by the Volunteer Coordinator.

(K) All volunteer assignments shall end at the conclusion of their set term, without expectation or requirement of re-assignment to the incumbent. Volunteers are neither expected nor required to accept further service at the end of their set term.

3-26-4 TRAINING AND DEVELOPMENT

(A) All volunteers shall receive an orientation on the nature and operation of the assignment or activity for which they are recruited.

(B) When appropriate, volunteers shall receive specific on-the-job training to provide them with the information and skills necessary to perform their volunteer assignment. The timing and methods for delivery of such training should be appropriate to the complexity and demands of the assignment, and the capabilities of the volunteer.

(C) Paid staff members with responsibility over delivery of services should have an active role in the design and delivery of both orientation and training of volunteers. Those paid staff that will be in a supervisory capacity to volunteers shall have primary responsibility for design and delivery of on-the-job training to volunteers assigned to them.

3-26-5 SUPERVISION AND EVALUATIONS

(A) A volunteer may act as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of a paid staff member; this shall only be allowed in situations where both volunteers have their own insurance, or are insured through another entity.

(B) Since individual paid staff members are in a better position to determine the requirements of their work and their own abilities, no volunteer shall be assigned to work with a paid staff person without the consent of that paid staff person. Since volunteers are considered a valuable resource in performing the City's work, paid staff are encouraged to seriously consider creative ways in which volunteers might be of service, and to consult with the Volunteer Coordinator if they feel in need of assistance or additional training.

(C) Affected paid staff members should be involved in all evaluation and work assignments of volunteers with whom they are connected.

(D) Volunteers who do not adhere to the rules and procedures of the City, or who fail to satisfactorily perform a volunteer assignment, may be subject to dismissal. Prior to dismissal of a volunteer, paid staff should seek the assistance of the Volunteer Coordinator.

(E) In the event that a volunteer departs the City, whether voluntarily or involuntarily, or is re-assigned to a new assignment, it shall be the responsibility of the Volunteer Coordinator to inform those affected paid staff and clients that the volunteer is no longer assigned to work with them. In cases of dismissal for cause, this notification should be given in writing and should clearly indicate that any further contact with the volunteer is outside the scope of the volunteer's relationship with the City.

3-26-6 SUPPORT AND RECOGNITION

(A) As appropriate, volunteers shall have access to City property and materials necessary to fulfill their duties, and shall receive training in the operation of any equipment. City property and materials may be utilized by volunteers only when directly required for City purposes, and authorized by paid City staff, or the Volunteer Coordinator.

(B) Informal recognition of the efforts of volunteers is encouraged.

(C) Formal recognition by the City of the efforts of volunteers, through awards of *de minimus* value, may occur at the City's discretion.

3-26-7 INSURANCE AND LIABILITY

(A) All volunteers shall be required to agree to indemnity, release, and hold the City harmless for any claims or demands that may arise during their service or assignments, on forms acceptable to the City.

(B) Volunteers are encouraged to consult with their own insurance agents regarding the extension of their personal insurance to include volunteer work. Volunteers who carry their own insurance, or are covered by another entity's insurance, in types and amounts acceptable to the City, including both medical and liability coverages, and who are able to prove the same to the City's satisfaction, may perform volunteer services with minimal supervision from paid City staff. These volunteers may also be supervised by other volunteers, as detailed herein.

(C) Accident Medical Insurance is provided for all authorized volunteers engaged in City business. Each authorized volunteer shall be afforded volunteer accident medical coverage administered through CIRSA, and the City shall pay the annual premium for such coverage for so long as the City utilizes the services of volunteers.

(D) All volunteers should understand and agree that the City is relying on, and does not waive or intend to waive, the monetary limitations (presently $150,000 per person and $600,000 per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, (C.R.S. § 24-10-101 *et seq*., as from time to time amended, or otherwise available to the City.

(1) Each person who completes the required forms and receives approval from the City shall be considered an "authorized volunteer" of the City of Montrose within the meaning of the Governmental Immunity Act, C.R.S. § 24-10-101 *et seq*., while actually engaged in the performance of the volunteer's functions, and shall be subject to the provisions of said Act for acts or omissions which occur during the performance of and within the scope of such functions, except for willful and wanton acts or omissions. Each such person shall also be considered an "assured" within the meaning of the City's liability coverages to the extent provided in such coverages. Both short and long-term volunteers may be "authorized volunteers" for these purposes.

(E) Volunteers shall not be considered employees of the City for any purpose. No volunteer shall receive any compensation from the City, and no such volunteer shall be considered an "employee" of the City within the meaning of the Colorado Workers' Compensation Act, Articles 40 to 47 of Title 8, C.R.S.

(F) Should an accident occur involving injury to a volunteer, a member of the public, or otherwise, the volunteer's paid staff supervisor should be notified immediately. Should an accident occur involving any damage to City equipment, it shall be reported to paid staff immediately.

3-26-8 SHORT-TERM VOLUNTEERS AND ASSIGNMENTS

(A) Short-term volunteer assignments may be made using simplified procedures from those detailed above. By way of example, short-term assignments for which volunteers may be solicited include, but shall not be limited to, City park and street clean-up days, special refuse collection projects, and similar tasks.

(B) All short-term volunteers shall be required to complete, at a minimum, an indemnity, release, and hold harmless agreement. Other forms and agreements may be required as appropriate.

(C) Training, tracking of volunteer hours, and other similar administrative record-keeping may be waived for short-term volunteers.

(D) All other applicable Regulations and Ordinances shall apply to short-term volunteers, and short-term volunteer assignments.

3-26-9 LONG-TERM VOLUNTEERS AND ASSIGNMENTS

(A) A system of records shall be maintained for each long-term volunteer with the City, including dates of service, assignments held, duties performed, hours worked, evaluation of work, and awards received. Long-term volunteers and appropriate paid staff shall be responsible for submitting all records and information to the Volunteer Coordinator in a timely and accurate fashion. Long-term volunteer personnel records shall be accorded the same confidentiality as paid staff personnel records.

(B) Individual long-term volunteers shall be responsible for the accurate completion and timely submission of timesheets. Organized programs shall designate one individual (paid or volunteer) to submit the hours for the program, as arranged with the Volunteer Coordinator.

(C) Prior to being given an assignment, all long-term volunteers shall be interviewed to ascertain their suitability for, and interest in, that assignment. The interview should determine the qualifications of the volunteer, their commitment to fulfill the requirements of the assignment, and should answer any questions that the long-term volunteer might have about the assignment. Interviews may be conducted either in person or by other means.

(D) Paid City staff who will be working with a long-term volunteer should participate in the design and conduct of the interview whenever possible. Final assignment of a potential long-term volunteer should not take place without review and approval of appropriate paid staff with whom said long-term volunteer will be working.

(E) Service as a long-term volunteer with the City shall begin with an official notice of acceptance or appointment to a long-term volunteer assignment. Notice may only be given by an authorized representative of the City, who will normally be the Volunteer Coordinator. No long-term volunteer shall begin performance of any assignment until they have been officially accepted for that assignment and have completed all necessary screening and paperwork.

(F) Long-term volunteer placements may initially be made subject to a trial period of thirty (30) days. At the end of this period, a review of the volunteer placement shall be conducted, at which point either the long-term volunteer or paid City staff may request a re-assignment of the long-term volunteer, or may determine the unsuitability of the long-term volunteer for any assignment within the City.

(G) Long-term volunteers who are at any time re-assigned to a new assignment shall be interviewed for that assignment, and shall receive all appropriate orientation and training for that assignment before they begin work. In addition, any screening procedures appropriate for that specific assignment must be completed, even if the long-term volunteer has already been working with the City.

(H) At the discretion of the supervisor, leaves of absence may be granted to long-term volunteers. This leave of absence shall not alter or extend the previously stated ending date of the volunteer assignment's term.

(I) Each long-term volunteer who is accepted to a long-term assignment with the City must have a clearly identified supervisor, who is responsible for direct management of that long-term volunteer. This supervisor shall be responsible for day-to-day management and guidance of the work of the long-term volunteer, and shall be available to the long-term volunteer for consultation and assistance.

(J) Standards of performance shall be established for long-term volunteer assignments, as needed. These standards should list the work to be done in that assignment, measurable indicators of whether the work was accomplished, and appropriate timelines for accomplishment of the work. Creation of these standards shall be a joint function of the supervisor and the long-term volunteer, and a copy of the standards should be provided to the long-term volunteer, along with a copy of their assignment description at the beginning of the assignment.

(K) Long-term volunteers may receive periodic evaluations to review their work. The evaluation is utilized to review the performance of the long-term volunteer, to suggest any changes in work style, to seek suggestions from the long-term volunteer on means of enhancing said volunteer's relationship with the City, to convey appreciation to said volunteer, and to ascertain continued interest in that assignment.

(1) The assignment description and standards of performance for a long-term volunteer assignment should form the basis of an evaluation. A written record should be kept of each evaluation session.

(L) In appropriate situations, corrective action may be taken following an evaluation. Examples of corrective action include the requirement of additional training, re-assignment of a long-term volunteer to a new assignment, suspension of the long-term volunteer, or dismissal from volunteer service.

(M) Paid staff who are supervising long-term volunteers are responsible for maintaining regular communication with the Volunteer Coordinator on the status of said volunteers, and are responsible for the timely provision of all necessary paperwork. The Volunteer Coordinator should be informed immediately of any

substantial change in the work or status of a long-term volunteer, and should be consulted in advance before any corrective action is taken.

(N) Long-term volunteers are encouraged to grow and develop their skills while serving with the City, and are to be assisted through promotion to new long-term volunteer assignments to assume additional and greater responsibilities. If so desired by the long-term volunteer, the City should assist said volunteer in maintaining appropriate records of volunteer experiences that would assist said volunteer in future opportunities.

(O) Long-term volunteers are expected to perform their duties on a regularly scheduled and timely basis. If expecting to be absent from a scheduled duty, said volunteers should inform their paid staff supervisor as far in advance as possible so that alternative arrangements may be made. Continual absenteeism shall result in a review of the long-term volunteer's work assignment or term of service.

TITLE 4

LAND USE AND BUILDING REGULATIONS

Chapters:

4-1 ANNEXATION POLICY

4-2 SITE DEVELOPMENT STANDARDS

4-3 (Repealed, Res. #2004-6, 03/18/2004)

4-4 (Repealed, Res. #2004-6, 03/18/2004)

4-5 LARGE RETAIL SITE DEVELOPMENT STANDARDS

4-6 PARK STANDARDS AND SPECIFICATIONS

CHAPTER 4-1

ANNEXATION POLICY

Sections:

4-1-1: PROMULGATION

4-1-2: GENERAL POLICIES

4-1-3: PROCEDURES

4-1-4: CONDITIONS ON ANNEXATION

4-1-5: TECHNICAL CONSIDERATIONS

4-1-6: COORDINATION WITH MONTROSE COUNTY

4-1-1: PROMULGATION

(A) This Annexation Strategy is promulgated as a City Regulation jointly by the City Manager and City Attorney to implement provisions of the City's master plans calling for such a strategy. Inasmuch as annexation is subject to a complicated state statute, requiring case-by-case decisions by the City Council following noticed hearings, this strategy must be promulgated administratively.

(B) This strategy provides guidelines only. Annexation is technically and legally complex, the subject of substantial case law and can be politically controversial due to opposition by those who erroneously believe stopping annexation will stop growth and those who perceive annexation as contrary to their own interests. Accordingly, the provisions of this strategy may be deviated from on a case-by-case basis as necessary to protect the City's interests.

(C) This strategy is designed to implement certain elements of the City's master plans, which are reiterated in Exhibit "A" attached hereto.

4-1-2: GENERAL POLICIES

(A) Annexation to the City is generally favored and should be accommodated for the various reasons set out in Exhibits "A" and "B" hereto.

(B) Annexation should be pursued as opportunities present themselves, as it is the single most effective aid in implementing City master plans.

(C) Areas prioritized for annexation include the area inside the so-called "urban growth boundary" as delineated as the Master Land Use Plan, areas within the sewer 201 planning area, areas along the major highways, and other areas conveniently adjacent thereto.

(D) All enclaves should be annexed as they become eligible for unilateral annexation.

(E) All property currently served with City water or sewer should be annexed as soon as Staff resources permit.

(F) All property subject to an annexation agreement should be annexed prior to May 27, 2002.

(G) All property receiving new water or sewer service should be annexed prior to receiving service.

(H) Areas of infill should be annexed as possible.

4-1-3: PROCEDURES

(A) Annexation petitions should be prepared and submitted on standard City forms maintained by the Legal Department.

(B) All petitions for annexation, annexation maps and other related documents should be meticulously reviewed by the Legal Department and City Administration to insure strict compliance with provisions of the Annexation Act.

(C) Annexation Impact Reports should be prepared by the Engineering and Planning Departments, on standard City forms.

(D) Annexation publication and notice requirements should be implemented by the City Clerk.

(E) All resolutions, ordinances and other annexation documents and proceedings should be prepared and reviewed by the Legal Department.

(F) Annexation maps should be prepared by licensed surveyors, except, as time permits, the City Engineering Department may prepare the maps for unilateral annexations, annexation involving many property owners or in other cases deemed appropriate.

4-1-4: CONDITIONS ON ANNEXATION

(A) The City's ability to negotiate or impose conditions on annexation varies from case to case and is dependent upon the need or desire of the property owners involved to annex.

(B) Each proposed annexation shall be reviewed to determine the desirability, feasibility and appropriateness of imposing conditions.

(C) Each annexation shall be reviewed to determine opportunities to use conditions to reduce costs associated with the annexation and enhance benefits. Detailed cost-benefit analyses of each annexation are neither necessary nor desirable. Such cost- benefit analyses are, by their very nature, so highly subjective and dependent upon numerous assumptions that the result can be dictated by the assumptions made. Further, looking at cost-benefit of annexation on a case-by-case basis is inappropriate and could result in one addition being rejected that turned out to be a necessary link to a future annexation that would have been highly cost-effective for the City. Finally, such studies overlook the fact that the City is faced with many costs associated with development whether or not the property is annexed, but misses out on increased revenues if it's not.

(D) A pre-annexation agreement on forms developed by the Legal Department may be used, as feasible and appropriate, to deal with the following and other appropriate provisions:

(1) Increasing the benefit and reducing the cost to the City;

(2) Obtaining conditions which are likely to be contentious, controversial or difficult to obtain under standard City development regulations;

(3) Implementing provisions of City master plans that may be difficult to implement under standard development procedures and regulations;

(4) Obtaining dedications for streets, trails, parkways, schools, open space and other public uses;

(5) Instituting an infrastructure concurrency requirement;

(6) Requiring development in progress to adhere to City regulations; and

(7) Resolving water or sewer issues.

(8) Provisions necessary to implement the City Operations and Police Services Fees.

(E) The City should avoid binding the City to contractual obligations other than utility extension agreements in pre-annexation agreements, but should preserve the power to regulate development in accordance with City ordinances, and its police power.

(F) It is unnecessary and ill advised to attempt to control most details of development by pre-annexation agreements. City development regulations should generally be relied upon to regulate development after annexation as appropriate in accordance with their terms, with the exceptions outlined herein.

(G) Every addition annexed after January 1, 2006 shall be subject to a City Operations and Police Service Fee in the amount of $650.00 per dwelling unit based on the maximum dwelling units allowed on each lot, payable at the time of a final subdivision or PUD plat, unless deferred by Council action. In the event a building permit is issued for any residential units prior to filing of such a plat or deferred plat, the fee shall be collected on each unit with the building permit and a correlating credit applied to the fees due on each unit with the building permit and a correlating credit applied to the fees due on subsequent subdivision or planned unit development final plat. The amount of the fee may be adjusted for inflation from time to time. In the event the number of units allowed on a lot or tract increase over the units for which a fee was paid, payment for the additional units shall be due and payable to the City. Council may authorize the deferral of payment by an appropriate plat note, for (1) lots in excess of 10 acres created by a subdivision intended to allow for transfer to a separate developer and subsequent further subdivision or development, or (2) for an outlot intended for phased development pursuant to a preliminary plat and phasing plan approved by the City. (Promulgated on 05-15-2009)

4-1-5: TECHNICAL CONSIDERATIONS

(A) Careful consideration of the extent of the area proposed for annexation should be given to minimize legal issues and potential political problems. The following considerations will generally help minimize problems:

(1) Focus on voluntary annexations by including properties represented by a signature petitioning for annexation, by existing agreements to annex or which will be served by City water or sewer, along with road rights-of-way.

(2) Omit property occupied by resident landowners who do not wish to be annexed, unless paragraph (1) applies.

(3) Consider including non-petitioning properties when feasible in priority areas.

(B) The judicious use of so-called flagpole configurations is virtually mandatory for any effective annexation program in order to achieve contiguity or allow annexation of petitioning properties while leaving out non-petitioning properties. Such flagpoles often appear aesthetically unpleasing on a map and are an easy target for casual criticism. However, they generally present few, if any real problems, to the City which can't be addressed in pre-annexation agreements. The potential legal and political problems they help avoid outweigh perceived problems in almost every case. Failure to utilize them for appearances' sake can lead to serious adverse consequences to the City in the long term.

(C) When annexing any segment of a County road, the entire apparent, platted, dedicated or actual width of the road should be annexed.

(D) At the outer boundaries of any annexation, sufficient county road should be left unannexed to create potential contiguity for future additions. County concerns over access, and the like should be addressed on a case-by-case basis.

4-1-6: COORDINATION WITH MONTROSE COUNTY

(A) The monthly planning coordination meetings with the County should be utilized to keep it advised of City annexation plans and to resolve, if possible, issues concerning annexation or lack of annexation of a County road, access to County roads from City development, access to City streets from County development and any other issues.

(B) The City/County IGA should be carefully followed to deal with annexation issues as expeditiously as reasonable, giving due regard to the importance of the issues.

EXHIBIT A - Excerpt from City of Montrose Comprehensive Plan, 1998

3.2.2 ANNEXATION

Goal 6: Utilize Annexation as a Tool for Implementing the Comprehensive Plan

Objective: *Identify and prioritize areas desirable for annexation based on availability of existing infrastructure and utilities, or on approved and funded utility and infrastructure expansion plans and the comprehensive plan.*

Goal 7: Ensure Annexations are not Economic Burdens on the City

Objective: *Establish future service and infrastructure needs and develop long-term financial plan for phased implementation.*

Policy 7.1: Consider the extension of City utility services into priority annexation areas.

Policy 7.2: Encourage infilling areas where "flagpoles" exist as priorities.

Policy 7.3: Use pre-annexation agreements to address critical issues not adequately addressed by existing development regulations.

Policy 7.4: Use pre-annexation agreements to require development under City regulations rather than County regulations.

Policy 7.5: Encourage joint City-County efforts to improve roads to City specifications in priority annexation areas.

Goal 8: Phase Growth and Expansion

Objective: *Consider extensions of City boundaries which maximize long-term benefits to the City while minimizing short-term community impacts.*

Policy 8.1: Prioritize areas for annexation consideration, with higher priority given to lands adjacent to existing City boundaries.

Policy 8.2: Limit "flagpole" annexations to those areas which, if developed under County jurisdiction, would result in increased costs and decreased benefit to the City.

Policy 8.3: Annex all properties which use City services.

Goal 9: Provide Available City Services to Annexed Properties

Objective: *Ensure efficient and consistent delivery of required services within the City.*

Policy 9.1: Require execution of annexation agreements and expedite the annexation process as a condition of providing City services.

Policy 9.2: Adopt intergovernmental agreements with all affected agencies (including special districts, the City and the County) which require that water, sewer and other appropriate services be provided by the City.

Policy 9.3: Use pre-annexation agreements to resolve water and sewer service issues prior to annexation.

EXHIBIT B - Previous Annexation Policy (Prior to 1998)

This memorandum sets out some of the financial and other considerations involved in annexation and utility extension. The weight of the considerations favors a vigorous annexation policy by municipalities.

I. REVENUE INCREASES:

The following municipal revenues are increased as a result of annexation:

(A) Ad valorem real and personal property taxes.
(B) Use taxes.
(C) Sales and use tax receipts on the following items, which account for a very significant part of the sales and use tax receipts:
  (1) Vehicles
  (2) Mobile homes
  (3) Other vehicles on which Specific Ownership Tax is paid
  (4) Natural gas service
  (5) Electricity service
  (6) Telephone service
  (7) Items purchased in the City, but delivered outside of the City by the Vendor, common carrier or mail.
  (8) Construction materials purchased in the City for projects outside the City.
(D) Franchise or permit fees for CATV, electricity, and gas franchises.
(E) Telephone Company occupation taxes.
(F) Municipal share of Specific Ownership Taxes
(G) Municipal share of the Highway User's Tax Fund
(H) Municipal share of any countywide sales tax distributed on a population, motor vehicle or other similar allocation formula.
(I) Building permit fees, subdivision fees, and development fees.
(J) Increased share of mineral severance fund distribution and Mineral Leasing Act monies.
(K) Municipal share of cigarette taxes.
(L) Other miscellaneous taxes license and permit fees.

II. POLITICAL CONSIDERATIONS:

(A) The larger the population of a municipality, the more political creditability and influence it has with federal and state government officials and agencies. A larger population of a municipality compared to the County's population tends to increase the political influence of municipal officials with the County government and other governmental entities within the counties.

(B) Annexation also eliminates hotbeds of hostility which inevitability seem to form in developed areas immediately adjacent to municipalities.

III. DISTRIBUTION OF FIXED COSTS:

Many of the administrative and other costs of municipal government are relatively fixed regardless of population. By spreading these costs over a larger population and tax base, the cost per capita or per assessed value of property is reduced, increase the efficiency of municipal government.

IV. REDUCTION OF COUNTY DOUBLE TAXATION:

(A) Counties tax property within the municipalities at the same rate as property outside the municipalities. However, they apply much of the money raised within municipalities to pay for services which are provided solely to the inhabitants of the unincorporated area. Such expenses in the County budget include the following:

(1) Sheriff
(2) Land Use Planning and Regulation
(3) County Commissioners Office
(4) County Road and Bridges
(5) County Health Department functions
(6) County Attorney

By annexation of urbanizing areas, the demand on the County to provide urban services is reduced thereby reducing the corresponding County double tax burden on municipal residents to supply these County services.

V. CITY REGULATIONS & PLANNING:

(A) Land developed under County regulations may not meet municipal development standards for building construction and subdivision and other aspects. Annexation prior to development avoids these problems and avoids the costs of subsequently upgrading substandard development to City standards when it is finally annexed.

(B) Substandard development on the urbanized fringes of the municipality reflects adversely on the image of the municipality. Development in the absence of building regulations or zoning regulations can create adverse effects on the property values within the municipality and the community vitality as a whole.

(C) Substandard developments on inadequate septic tanks and the like or lack of control over health hazards and the like can create health and safety hazards which adversely affect the municipality.

(D) Application of municipal planning can help to dramatically reduce future municipal costs for streets, utilities and other improvements and services.

VI. UTILITY CONSIDERATIONS:

(A) Annexation avoids significant legal problems involved with extraterritorial service of municipal water, sewer or electrical service including problems associated with the obligation to serve, rate differentials, service areas, competing utilities, public utility commission regulatory jurisdiction, County jurisdictional questions, County street cut and permit problems and other legal and practical problems. These are significant legal issues which can cause substantial legal expense and unnecessary political problems.

(B) Avoiding extraterritorial utility service, avoids substantial political problems with customers of such service.

(C) Annexation allows the effective enforcement of sewage pretreatment regulations thereby avoiding potential sanctions from E.P.A. and the State Health Department.

(D) Annexation extends municipal police powers which can protect municipally owned utility systems from adverse actions.

(E) Annexation allows the use of Municipal Improvement Districts to finance extensions and improvements to municipal utilities systems.

(F) Municipal Charters often require ownership and complete control of municipal utilities. Annexation helps achieve such control.

(G) Annexation enhances collection of delinquent accounts by allowing for liens and other sanctions.

(H) The available service area for many utilities such as water, sewer, electricity or trash may be restricted by the existence of special districts, legal limits on extraterritorial service in the case of trash or service area agreements in the case typically of water or electricity. Usually annexation under the terms of such agreements or limitations will result in an expansion of the municipal service area for such utilities, thereby allowing increased service and customers which help to spread fixed costs over a larger base. Fixed costs includes debt for plant construction, water purchase obligations, such as the Dallas obligation and others.

VII. TAX-FREE ENCLAVES

(A) Annexation protects existing municipal businesses from unfair competition posed by business just outside of a municipality who trade with municipal citizens taking advantage of and often advertising their ability to avoid municipal taxes.

(B) Annexation extends the civic responsibilities of municipal citizenship to those people in the urban area who benefit and use municipal services. It insures that those who benefit bear their fair share of responsibility for the municipal services and facilities provided by the municipality. Such services are usually used and enjoyed by the people in the urbanized fringes to the same extent as used by a municipality's citizens.

CHAPTER 4-2

SITE DEVELOPMENT STANDARDS

Sections:

4-2-1 PURPOSE AND APPLICATION

4-2-2 MINIMUM REQUIREMENTS FOR SITE DEVELOPMENT PLANS

4-2-3 SUMMARY OF CONSTRUCTION AND DEVELOPMENT STANDARDS

4-2-4 SITE DEVELOPMENT STANDARDS FOR LANDSCAPING.

4-2-5 SITE DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AREAS

4-2-6 SITE DEVELOPMENT STANDARDS FOR DRAINAGE AREAS

4-2-7 SITE DEVELOPMENT STANDARDS FOR USE OF PUBLIC RIGHTS-OF-WAY

4-2-1: PURPOSE AND APPLICATION

(A) These Site Development Standards are promulgated to supplement existing City Construction Standards and Specifications to implement requirements for site development permits, landscaping, drainage, parking lots, and the use of City right-of-way by abutting property owners as set out in amendments to the City Code, initially enacted by Ordinance No. 1533.

(B) The City Manager may authorize deviations from these Standards if he determines that alternate plans will more adequately protect the public health, safety and welfare and more effectively present a landscaped and aesthetically pleasing development of the site than strict compliance with these specifications would provide.

(C) The Building Department shall be responsible to administer these Standards.

(D) These Standards shall apply to all developments requiring a building permit, whether for new construction or additions to existing structures, except for single-family residences, farms, ranches, and airport facilities subject to superseding federal regulation relative to site development.

4-2-2: MINIMUM REQUIREMENTS FOR SITE DEVELOPMENT PLANS

(A) Site Development Plans shall be accurately drawn to a scale large enough to allow for the level of detail necessary to show the following necessary inclusions (no less than 1 inch per 40 feet):

(1) The location of all property lines, existing structures, proposed structures, and existing and proposed curb, gutter and sidewalk along all abutting streets and sidewalk on the site.

(2) The location of existing and proposed off-street parking areas, driveways and parking lot islands.

(3) The location of existing and proposed site drainage patterns (showing drainage structures, culverts, ditches, retention basins, and similar facilities).

(4) The location of existing and proposed utility lines including water, sewer, power, telephone, cable television and natural gas.

(5) The location of all existing and proposed signage.

(6) The location of existing and proposed landscape, including trees, shrubs, ground cover, site furnishings and other landscape features. Plant materials shall be identified by direct labeling where possible or by a clearly understandable legend. The type of irrigation and location of water source shall be indicated.

(7) Two-foot contour lines, scale and north arrow, and note of existing and proposed land ownership.

(B) The Site Development Plan shall be submitted with the City's required application, a current deed to the property or other evidence of title. A checklist of Site Development Plan requirements shall be provided by the City with each application form.

4-2-3: SUMMARY OF CONSTRUCTION AND DEVELOPMENT STANDARDS

(A) All landscaping shall be developed in accordance with the Site Development Standards for Landscaping. (Section 4-2-4)

(B) Parking areas shall be developed in accordance with the Site Development Standards for Off-street Parking Areas (Section 4-2-5) and City specifications.

(C) Drainage plans shall be developed in accordance with the Site Development Standards for drainage. (Section 4-2-6)

(D) Curbs, gutters and sidewalks shall be designed and constructed in accordance with City specifications for curb, gutter and sidewalk.

(E) Street paving shall be designed and constructed in accordance with City specifications for street design and construction.

4-2-4: SITE DEVELOPMENT STANDARDS FOR LANDSCAPING.

(A) The purpose of these landscape requirements is to create an attractive environment which lends itself to the quality of life in the City of Montrose. It is contemplated that these requirements will result, over time, in the enhanced beauty of the City environment, the visual relief from large expanses of off-street paving in commercial and industrial areas, and the promotion of quality development which contributes to the image of the overall community. To this end, well designed and maintained landscaping is strongly encouraged in all developments, and the requirements set forth below should be regarded only as minimum requirements toward establishing these objectives.

(1) All landscape areas shall consist of at least eighty percent (80%) living plant material, unless otherwise approved as part of the overall Site Development Plan. Living plant material shall be projected to maturity in determining area coverage (or seasonal peak growth for flowers).

(2) Non-plant material such as rock or wood chips, may be used to cover up to 20% of the landscape area, unless otherwise approved as part of the overall Site Development Plan.

(3) Newly installed landscape parcels in excess of eight hundred (800) square feet shall include a properly designed and functioning automatic irrigation system providing full coverage to all plant material. All landscape areas not requiring an irrigation system shall be within close proximity of an adequate water supply. It is recommended that plants with similar water requirements be grouped together, and mulches are suggested for all planting beds due to the highly inorganic nature of the soils in this area. Steep grades shall be minimized and erosion shall be prevented in all circumstances.

(4) To the extent necessary to establish suitable planting beds, the soil should be properly tilled and prepared prior to installation of the landscaping.

(B) The following requirements shall apply in determining landscape areas:

(1) For all lots, a minimum of 25% of the linear frontage of the developed site abutting public rights-of-way, excluding alleys, unexcavated streets and rights-of-way not currently used for public travel, shall be landscaped to a depth of no less than 15 feet, unless the City approves an alternative plan as presenting a more effective landscape view. For example, alternative designs such as the use of planters shall be considered. Such frontage landscape areas shall be utilized in calculating the minimum area requirements set forth in Subsection B(2) below.

(2) Inclusive of the above frontage requirement, landscaping shall meet the following minimum space requirements. (These percentages represent the overall minimum space requirements for landscaping):

(a) For lots in Residential Zoning Districts, a minimum of 15 % of the entire lot size not covered by buildings shall be landscaped.

(b) For lots in Commercial Zoning Districts, a minimum of 8 % of the entire lot size not covered by buildings shall be landscaped.

(c) For lots in Industrial Zoning Districts, a minimum of 4% of the entire lot size not covered by buildings shall be landscaped.

(3) In all landscape areas, the plant materials shall not conflict with existing or proposed public utilities. For example, deep root species shall be avoided in places with underground utilities.

(4) In parking lot areas with more than a single driveway aisle, landscape "islands" shall be provided. These islands shall collectively comprise no less than 6% of the interior area of the entire parking lot area, and shall each be large enough to accommodate a mature tree, and no less than 6 feet in its longest base dimension.

(a) Parking lot islands shall be dispersed so to provide visual relief from large expanses of pavement and adequate tree shading.

(b) Each island shall include at least one tree, and shall be subject to the 80% ground coverage requirement set forth in A(l) unless otherwise approved as part of the overall Site Development Plan.

(c) Parking lot islands shall be constructed with concrete curbing adequate to provide protection to the landscape area, and shall be constructed and located in such manner as to not obstruct visibility of intersecting driveway aisles, maneuvering areas, entrances and exits, and pedestrian areas.

(5) Commercial and industrial storage areas (i.e., loading dock areas, yards and warehouses) shall be screened from:

(a) adjoining public rights-of-way, excluding alleys, unexcavated streets and rights-of-way not currently used for public travel; and

(b) adjoining residential areas.

Screening shall be effectuated by use of landscaping and/or structural features such as berms and opaque fencing. Retail facilities such as car dealerships and rental businesses are not considered commercial storage areas for purposes of this Subsection. In instances where landscape screening is utilized, emphasis shall be placed on evergreen species which effectively provide year-round screening.

(6) All trash receptacle areas in commercial, industrial or residential areas, excluding alley ways, shall be enclosed so as to effectively provide screening of the trash containers, or located in such a manner so as to eliminate view from adjoining rights-of-way and residential areas. Screening and/or location of trash receptacles shall, in all instances, allow for vehicular access for trash removal.

(C) Each landscape area shall include a variety of plant types which are regarded as suitable for this climate. Creative and attractive design is encouraged. Additionally, the following minimum quantities of trees and shrubs shall be required for all site developments:

(1) On all frontage property subject to the 25 % requirement set forth in Subsection B(l) above, one tree shall be planted for every thirty linear feet of frontage, subject to the visibility requirements in Subsection (E).

(2) No less than one tree and three shrubs shall be required for every eight hundred (800) hundred square feet of the entire landscape area. This requirement represents an overall minimum tree requirement, and shall be inclusive of trees planted in frontage areas pursuant to Subsection C(l) and trees planted in parking lot islands pursuant to Subsection B(4) above.

(D) For properties with existing landscaping prior to development or modification, the existing landscaping, to the extent that it conforms with these Site Development Standards, shall be accounted in determining whether the above spatial requirements and minimum tree and shrub requirements are satisfied.

(E) In areas critical to pedestrian and vehicular traffic, shrubs and other plants must be installed and maintained to provide clear visibility. On site comers abutting intersecting roadways, all landscaping shall be limited to natural turf, ground cover or shrubs below 42 inches above the level of the roadway for a distance of at least twenty five feet along each side of the comer, or fifty feet along arterial or collector streets. Landscaping near entries intersecting roadways shall also be subject to this same restriction.

(F) The property owner of record, or homeowner's association where applicable, shall be ultimately responsible for landscape maintenance. All landscape shall be continuously maintained including necessary watering, weed removal, litter removal, pruning, pest control and replacement of dead or diseased plant material. Replacement or dead or diseased plant material shall be of the same type of plant material as set forth in the approved landscape plan (ie. a tree must be replaced with a tree), and all replacement must occur with due diligence, but in no event shall it occur in more time than one year.

(G) The following Materials Standards shall be required:

(1) All plant materials shall be acclimated and selected for their adaptability to local conditions.

(2) The minimum size and characteristics of plant materials at the time of planting shall be as follows:

(a) Deciduous trees: One and one-half (1-1/2) inch caliper, measured 6 inches above ground.

(b) Coniferous trees: Six feet in height.

(c) Deciduous and evergreen shrubs: five-gallon size.

(d) Ground covers and vines: One-gallon size; except for junipers and other shrub-like ground covers, which shall be five-gallon.

(3) All plant materials must meet specifications of the American Association of Nurserymen (AAN) for number one grade. The AAN Standards are on file with the City, and available for review.

(4) No thorny shrubs or trees (Russian Olive) shall be allowed in areas near or adjoining pedestrian sidewalks or recreation areas.

(5) The planting of any trees of the Ulmus genus (i.e. Elm) shall be prohibited, except for certified variety resistant to Dutch Elm Disease.

(6) Box Elder (Acer negundo) and all trees of both the Salix genera (Willow) and Populus genera (Cottonwood), excluding Aspen (Populus tremuloides) and Narrowleaf Cottonwood (Populus angustifolia), shall not be planted within fifteen feet of a public right-of-way.

(H) In instances where non-plant materials are to be used in landscape areas by City approval, underlying weed barriers (geotextile fabric) shall be applied. The following requirements shall also apply:

(1) If rock or stone is being applied, it must be one to three inches in size, and applied to a minimum of three inches in depth. If redwood bark or woodchips are being applied, the depth must be at least three inches.

(2) All landscape timbers or railroad ties must be new, unless specified otherwise by the City, and must be pressure-impregnated with a wood preservative meeting federal standards.

(3) The applicability of any specific deviation in spatial requirements and plant material quantities shall be evaluated on its own unique site-specific condition and in reference to the design and content of the overall Site Development Plan, the relationship of adjacent land uses and overall landscape architectural character of the surrounding area.

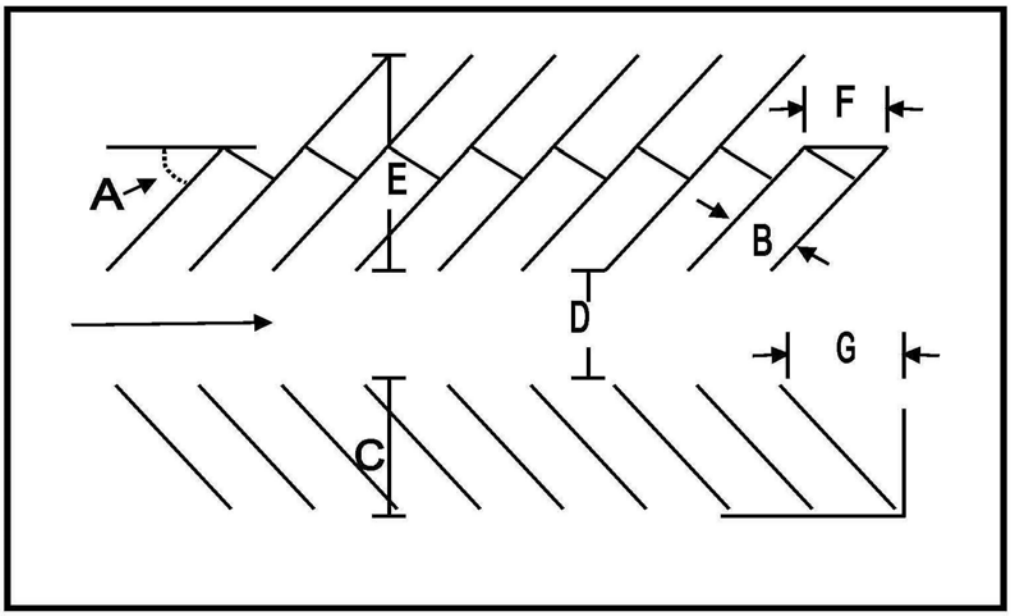
4-2-5: SITE DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AREAS

(A) Any off-street parking shall meet the following general requirements:

(1) Unobstructed vehicular access to and from a public street shall be provided for all off-street parking areas. Vehicular access shall be provided in such a way as to protect the safety of persons using such access or traveling on the public street from which such access is obtained, and in such manner as to properly utilize the traffic carrying capacity of the public street.

(2) The size, angle, and layout of parking stalls, aisles, and curbs shall conform to the dimensional standards set forth below:

A	B	C	D	E	F	G
Parking Angle	*Stall Width*	*Stall Depth*	*Aisle Width*	*Double Stall Depth*	*Curb Length*	*Excess*
0°	9'	9.0'	12'	N/A	23.0'	0.0'
30°	9'	17.3'	11'	26.8'	18.0'	30.0'
45°	9'	19.8'	13'	33.3'	12.7'	19.7'
60°	9'	21.0'	18'	37.5'	10.4'	12.1'
90°	9'	19.0'	24'	38.0'	9.0'	0.0'



(3) Adequate maneuvering space shall be provided for the safe and efficient movement of vehicles and pedestrians in parking areas.

(4) Off-street parking areas shall be located in the same lot or premises as the building or use for which they are required unless such spaces are provided collectively by two or more building or uses on adjacent lots and unless the total number of parking spaces supplied collectively is equal to the number of spaces required for the combined uses.

(5) The number of parking spaces required for different types of developments is set forth in the City Code Section 4-4-20(B).

(B) All off-street parking and vehicular use areas shall be surfaced with asphalt, concrete, or other materials in conformance with City specifications (City Regulations, Title IX, Chapters 4 & 5).

(C) In parking lot areas with more than a single driveway aisle, landscape "islands" shall be provided. These islands shall collectively comprise of no less than 6% of

the interior area of the parking lot, and shall each be large enough to accommodate a full size tree with no less than 6 feet for its longest base dimension.

(D) Parking lot islands shall be constructed with concrete curbing adequate to provide protection to the landscape area, and shall be constructed and located in such manner as to not obstruct visibility of intersecting aisles, maneuvering areas, entrances and exits, and pedestrian areas.

(E) Off-street parking for developments requiring a site development plan shall be subject to the landscape provisions of Section 4-2-4 above and shall be configured with the necessary setbacks accordingly.

(F) Parking spaces and accessibility for disabled persons shall be provided in accordance with ADA standards when applicable, as provided in City Code Section 4-1-1(F).

(G) Off-street parking areas shall be subject to the outdoor lighting requirements of City Code, Chapter 4-13. (Res. 2002-39, 12-05-2002)

4-2-6: SITE DEVELOPMENT STANDARDS FOR DRAINAGE AREAS

(A) This Subsection is intended to ensure that planning and design of drainage systems shall not be such as to transfer the problem from one property to another or to create a more hazardous or damaging condition downstream.

(B) Drainage shall be shown on the Site Development Plan, and shall be prepared by a licensed, professional engineer for proposed development sites above two acres in area, or when natural or existing drainage patterns are significantly altered, or when concentration of flow off site is proposed, or when large impervious surfaces such as parking lots are proposed.

(C) Design of all improvements shall conform to City standards for storm drainage systems. Whenever possible, the flow shall be routed to a natural drainage or City storm drainage facility. All drainage systems designed to drain water from private property to City rights-of-way shall be approved by the City.

(D) Design of drainage systems shall be based on the level of protection required for various land uses; major drainage systems shall be based on the runoff expected from the one hundred year storm, unless otherwise determined by the City. Drainage from a development shall not increase erosion or increase flooding problems in the receiving drainage. Drainage shall not degrade the quality of surface and groundwater by increasing sedimentation or by introducing other detrimental constituents.

(E) When a proposal would result in the alteration of natural or existing drainage patterns or the concentration of flow, an analysis prepared by a professional engineer must be provided that demonstrates receiving drainage ways (either natural or manmade) have sufficient capacity to convey the altered flows without causing increased damage, hazard, or liability. The analysis shall address cumulative drainage effects, not only from the development but also from other development within the same drainage basin. The concentration of flow or alteration of drainage patterns must not result in increased erosion to downstream properties.

(F) Acquisition of all permits required by State and Federal authorities for work to be done within or adjacent to an established waterway, irrigation canal, drainage system, or designated floodplain or floodway is the sole responsibility of the applicant. A copy of these permits shall be attached to the application.

4-2-7: SITE DEVELOPMENT STANDARDS FOR USE OF PUBLIC RIGHTS-OF-WAY

(A) Driveways and Curb Cuts.

(1) All driveways and curb cuts shall be installed only after the City's approval of the plans, and shall be constructed in accordance with City standards and specifications.

(B) Use of the Right-of-Way for Landscaping.

(1) The owner of the abutting property is encouraged to landscape those portions of abutting street right-of-way not being used for street, sidewalk, bike path or other public purposes.

(2) Existing landscaping, including ground cover, turf, trees, and shrubs may not be removed unless such removal is approved by the City.

(3) Prior to landscaping right-of-way areas, a landscape plan shall be submitted to the City's Building Department for approval. This may be in conjunction with a Site Development Plan for abutting property.

(4) The use of irrigated ground cover, turf, flowering plants, shrubs and trees is encouraged. Xeriscape landscaping making substantial use of low water-consumptive plant species and non-plant materials such as decorative rock is permissible, subject to the following conditions:

(a) Underlying weed barriers (geotextile fabric) shall be applied.

(b) If rock or stone is being applied, it must be one to three inches in size, and applied to a minimum of three inches in depth. If redwood bark or wood chips are being applied, the minimum depth must be at least three inches.

(c) At least ten percent (10%) of the xeriscape area is covered with living plant material, and the xeriscape area is planned and constructed in such a manner as to enhance compatibility with other abutting landscaped areas.

(5) The requirements of Subsection 4-2-4(B)(3) above shall be met with regard to non-interference with public utilities, and the requirements of Subsection 4-2-4(E) above shall be met regarding safety and visibility.

(Section 4-2-7(C) Repealed, Res. 2010-9, 03-18-2010)

CHAPTER 4-5

LARGE RETAIL SITE DEVELOPMENT STANDARDS

Sections:

4-5-1 PURPOSE AND APPLICATION

4-5-2 MINIMUM STANDARDS

4-5-1: PURPOSE AND APPLICATION

(A) These Large Retail Site Development Standards are promulgated to supplement existing City Large Retail Site Development Standards and Specifications as they concern large retail development within the City of Montrose. (Amended, 09/01/2004)

(B) The City Manager may authorize changes to these Standards from time to time.

(C) To the extent the provisions herein are in conflict with other regulatory provisions related to site development, or to large retail site development, the more stringent regulation shall apply. (Amended, 09/01/2004)

4-5-2: MINIMUM STANDARDS

(A) Facades: Buildings should have architectural features and patterns that provide visual interest, promote pedestrian traffic, and reduce massive aesthetic effects. Toward these objectives, and in addition to those requirements set forth in Municipal Code 4-1-16(F), building facades shall include the elements listed below, and as depicted in Figures A and B. For purposes of these provisions, "facades" shall be defined as those portions of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building. All building facades that are visible from adjoining properties and/or public streets shall comply with the requirements of this Section. (Amended, 09/01/2004)

(1) A repeating pattern that includes no less than three of the following, at repeated intervals of no more than thirty (30) feet horizontally or vertically:

(a) color change;

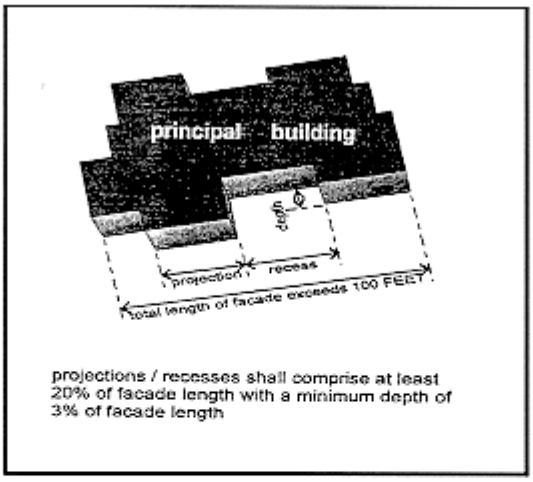
(b) texture change;

(c) material module change;

(d) an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib, as depicted in Figure C.

(2) In addition to the requirements of Municipal Code §4-1-16(F), evergreen trees shall be planted at intervals of no greater than twenty (20) feet.

Figure A



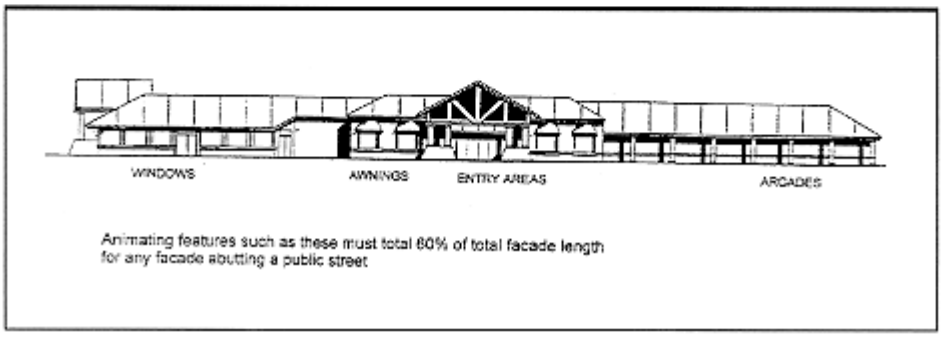


Figure B

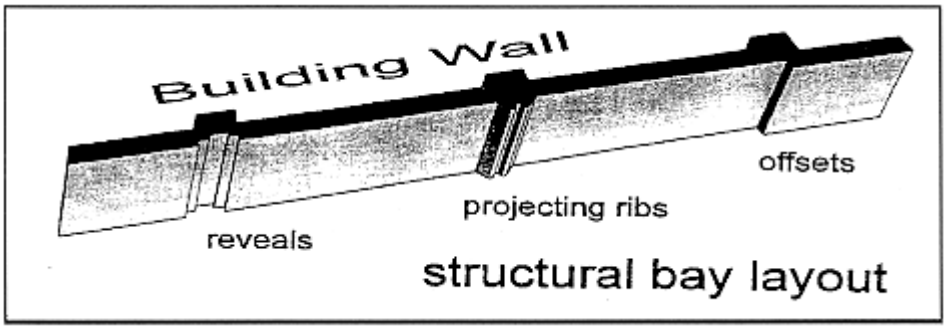


Figure C

(B) Roof lines: Variations in rooflines should be used to add interest to, and reduce the massive scale of large buildings. Toward these objectives, and in addition to those requirements set forth in Municipal Code §4-1-16(F), roofs shall have at least two of the following features:

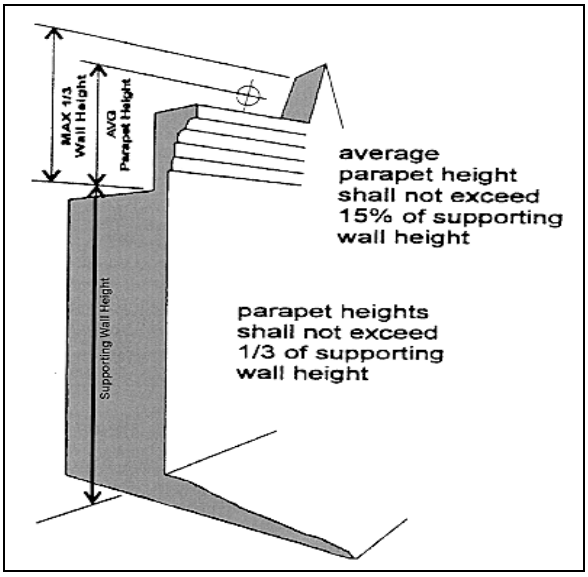
(1) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. "Parapets" are defined as those portions of the wall that extend above the roofline. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments. These elements are illustrated in Figure D.

(2) Overhanging eaves, extending no less than three (3) feet past the supporting walls for no less than thirty percent (30%) of building perimeter.

(3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.

(4) Three (3) or more roof slope planes.

Figure D



(C) Materials and Colors:

(1) Exterior building materials and colors comprise a significant part of the visual impact of a building. The aesthetic effect should be compatible with the surrounding landscape. Predominant exterior building materials shall be high quality materials, and include, without limitation, brick, wood, sandstone, other native stone, and tinted, textured concrete masonry units.

(2) Facade colors shall be of low reflectivity, and shall be subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

(3) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be allowed for such purposes.

(4) Predominant exterior building materials shall not include smooth-faced concrete units, tilt-up concrete panels, or pre-fabricated steel panels.

(D) Entryways:

(1) Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. Toward these objectives, and in addition to those requirements set forth in Municipal Code §4-1-16(F), each principal building on a large retail site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following (Amended, 09/01/2004):

(a) canopies or porticos;

(b) overhangs;

(c) recesses and/or recessions;

(d) arcades;

(e) raised corniced parapets over the door;

(f) peaked roof forms;

(g) arches;

(h) outdoor patios;

(i) display windows;

(j) architectural details such as tile work and moldings that are integrated into the building structure and design

(k) integral planters or wing walls that incorporate landscaped areas and/or places for siting.

(E) Outdoor Storage; Trash Collection and Loading Areas:

(1) Loading docks and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas shall include areas between buildings, where more than one building is located on a large retail site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have customer entrances. (Amended, 09/01/2004)

(2) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets or adjoining residential neighborhoods. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.

(3) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the large retail site development so that the visual and acoustic impacts from those functions are fully contained and out of view from adjacent properties and public streets, and shall be made of the same materials as the principal building structure. (Amended, 09/01/2004)

(4) Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and fences. Materials, colors, and designs of screening walls and/or fences, as well as the cover, shall conform to those used as predominant materials and colors of the building.

(5) The applicant for the large retail site development shall submit evidence that sound barriers between all areas for delivery and/or loading operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the aforementioned standard is met. (Amended, 09/01/2004)

(6) Outdoor vending machines shall be screened from adjoining properties and/or public streets.

(F) Pedestrian and Mass Transit Improvements:

(1) Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. The large retail site development should provide user-friendly pedestrian access as well as pedestrian safety. Toward these objectives, and in addition to those requirements set forth in Municipal Code §4-1-16(F), the large retail site development shall meet the following standards (Amended, 09/01/2004):

(a) Required internal pedestrian walkways shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.

(b) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the development.

(c) Each large retail development shall provide a minimum of one (1) transit stop, which may be incorporated into a pedestrian plaza. The transit stop should provide easy accessibility to transit vehicles and provide the following elements, at a minimum:

(1) Three (3) seating benches. Two-thirds of the total seating shall be located indoors; one-third shall be located in an outdoor seating area, which shall be enclosed on three sides.

(2) Pick-up/drop-off area.

(3) Defined curb pull-out/parking lane for transit vehicles, a minimum of fifty (50) feet in length.

(4) The transit stop area shall be dedicated to that purpose, and not utilized for storage or display of merchandise.

(d) Bicycle racks shall be provided, with a capacity of bicycle space as calculated by one space for each ten (10) automobile parking spaces.

(G) Parking Lot Orientation: Parking areas should provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added significance. Toward these objectives, parking lot locations shall meet the following standards:

(1) The "front parking area" shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line when connected to the plane of the front facade of the building creates an angle that is greater than one hundred eighty (180) degrees, then the line shall be adjusted to create an angle of one hundred eighty (180) degrees when connected to the plane of the front facade of the building. If any such line creates an angle that is less than ninety (90) degrees, then it shall likewise be adjusted to create an angle of ninety (90) degrees. Parking spaces in the front parking area shall be counted to included all parking spaces within the boundaries of the front parking area, including all partial parking spaces if the part inside the front parking area boundary lines constitutes more than one-half (1/2) of said parking space, and all parking spaces associated with any pad sites located within the front parking area boundaries. (Amended, 09/01/2004)

Chapter 4-6

PARK STANDARDS AND SPECIFICATIONS

Sections:

4-6-1 PURPOSE AND APPLICATION
4-6-2 DEDICATION OF PARKLAND
4-6-3 DESIGN GUIDELINES
4-6-4 MASTER PLAN
4-6-5 CONSTRUCTION DOCUMENTS
4-6-6 CONSTRUCTION ADMINISTRATION
4-6-7 CONSTRUCTION STANDARDS
4-6-8 LANDSCAPING
4-6-9 MAINTENANCE
4-6-10 RECREATION EQUIPMENT
4-6-11 ACCEPTANCE PROCEDURE
4-6-12 WARRANTY

4-6-1: PURPOSE AND APPLICATION

(A) The following standards and specifications are intended to establish the minimum requirements of the City of Montrose for Park Development required in the City subdivision Regulations codified in Section 4-7-6 and 4-7-7 of the Official Code of the City of Montrose.

(B) The City of Montrose reserves the right to accept or require modifications to or deviations from any specification, except where otherwise noted, as long as the proposed change meets the intent of the specifications. The City shall be the sole entity to determine the acceptance or non-acceptance of any such modifications or deviations.

4-6-2: DEDICATION OF PARKLAND

(A) Parks shall be dedicated with the initial subdivision filing and developed concurrently with development in accordance with the City of Montrose Municipal Code Section 4-7-6 and 4-7-7 and in accordance with these standards and specifications.

4-6-3: DESIGN GUIDELINES

(A) General design guidelines for the parks in Montrose are provided below:

(1) All Park and open space areas should be designed to reflect the needs of people within the area to be served.

(2) All parks should be located along, connected to and easily accessible from the citywide trail and open space network.

(3) The location of future parks should be coordinated with City planning staff, the Montrose Recreation District, the RE-1J School district, and the County.

(4) Park design should foster safety by making it easy to view into parks from streets and surrounding homes.

(5) Views of mountains and ridgelines should be emphasized from within parks and from surrounding streets. Parking and loading areas within parks should not dominate these views.

(6) Parks should be designed to conserve valuable natural features including hillsides, creeks, significant habitats, woodlands and existing trees.

(7) Developed parkland shall require prior submittal and approval of a park plan by the City Land Use Staff.

(8) A detailed landscaping plan shall be submitted to and approved by the City of Montrose prior to construction. This plan shall be completed in accordance with the Park Development Standard Specifications contained herein, showing the type of turf, the location, type, size and number of trees, shrubs etc. to be planted, the location of any recreation trail to be constructed and a detailed plan of the automatic irrigation system.

(9) All parkland development will be done on a case-by-case basis consistent with the City Parks, Trails and Open Space Plan denoted within the Comprehensive Plan.

(10) An emphasis shall be placed on the utilization of the parkland as a park rather than for storm water retention or detention.

4-6-4: MASTER PLAN

(A) For any park site, the park elements may be arranged different ways. The developer shall submit a master plan concept for the park plan with the preliminary plat. Elements that should be identified in the master plan include:

- Landscape theme
- Architectural character
- Pedestrian, bicycle, vehicular circulations
- Conceptual grading
- Irrigation concept
- Phasing plan, if any
- Estimated costs if available

(B) The master plan concept shall be reviewed with the City of Montrose Land Use Staff and City Engineer or his designee. The City may require a preferred alternative and modification based upon compliance with these Park Specifications and adherence to the criteria for evaluation.

(C) The design development review serves as the bridge between the master plan and actual construction drawings. This is an important task in that it flushes out the concepts established in the master plan. Site furnishings are selected, construction materials identified, and elements preliminarily designed. Site grading plans are refined, including setting elevations and grading sports fields to ensure adequate drainage.

(D) Criteria for evaluation may include:

- Compatibility with adjacent land uses
- Access points and entry sequence
- Sports field orientation
- Drainage patterns
- Topography
- Ease of phasing
- Maintenance implications
- Cost of development
- Design features such as focal point, expansive views, creation of outdoor spaces or rooms, line, form, texture, sense of arrival, and sense of surprise.

4-6-5: CONSTRUCTION DOCUMENTS

(A) Developers shall submit four (4) sets of the drawings and specifications detailed in this section, consistent with the approved plan for the park to be developed.

(B) Cover Sheet - This shall indicate the (1) name of the subdivision; (2) location and vicinity map; (3) name address and phone number of (a) Developer; (b) Landscape Architect if used; (c) Engineer; (4) Surveyor (5) legal description; (6) scale and acreage of parkland that is proposed for dedication to the City of Montrose. [Note: as used in these Park Standards and Specifications, "Engineer" shall refer to Colorado Registered Professional Engineers.]

(C) Layout Plan - This shall indicate all of the following:

(1) Dimensioning

(a) From engineer's reference points/benchmarks

(b) From existing building and streets

(c) Coordinates of City of Montrose GIS points

(d) Grid method

(e) Baseline method

(2) Material notes shall include:

(a) Sidewalk paving type (brick, concrete)

(b) Colors approved by the City of Montrose

(c) Types of concrete finishes

(d) Expansion joints sealed

(e) Parking areas paving type

(f) Other paving types

(g) Tot areas

(h) Baseball infields

(i) Pathways specifications and details

(j) Coordinate with specifications and construction standards

(3) Locate steps, walls, fences, structures, drinking fountains

(4) Reference details

(5) Brief notes on plans—detailed explanation in specifications

(6) Equipment notes

(a) Tot play areas

(b) Sports equipment

(c) Benches, tables, bike racks

(d) Trash receptacles, drinking fountains, lights, shelters

(e) Special equipment, such as irrigation pumps

(7) Project limits/phasing, if any

(D) Grading and Utility Plan - This shall comply with Standards and specifications for the Design and Construction of Public Improvements Title 9 of the City Regulations Manual (Engineering Specifications) and shall additionally indicate all of the following:

(1) Verify existing grades

(a) On site survey

(b) As-built plans

(c) Earthwork – identify source of soil fill or site of soil disposal

(2) Destination of drainage runoff

(a) Legality and in accordance with City of Montrose Storm Water Ordinance

(b) Storm drain

(c) Detention or retention area

(d) Street gutter

(e) Other

(3) Standards

(a) Site drainage over public sidewalks or recreation trails

(b) Minimum gradient requirements

(i) Asphalt paving

(ii) Concrete paving

(iii) Concrete gutters

(iv) Maximum for turf – mowing

(v) Minimum for turf – positive drainage

(c) Storm drainage
- (i) French drains, drain tile
- (ii) Catch basins
- (iii) Deck drains/drop inlets
- (iv) Type of pipe and sizing
- (v) Headwalls, trickle channels, spillways

(d) Underground utilities
- (i) Domestic water
- (ii) Sanitary sewer
- (iii) Natural gas
- (iv) Electrical (see electrical plans)

(4) Spot Elevations

(a) Existing trees, show protected areas

(b) Top of walls

(c) Building finish floor elevations

(d) Catch basins and other drainage facilities, inverts and finish grades

(e) Top and bottom of slopes (high points, low points)

(f) Top and bottom of steps

(g) Top and bottom of ramps (check maximum gradient for ADA compliance)

(h) Top of curb and flow line

(i) Edges or grade breaks of concrete, asphalt or other hard surface features

(5) Contours

(a) Show existing contours

(b) Show revised contours for designed grading

(6) Utility Profiles

(7) Road Horizontal and Vertical Profiles including bike paths, recreation trails and walkways, etc.

(E) Electrical Plans shall comply with Colorado State Electrical Codes and shall include the following:

(1) One-line diagrams

(2) Site primary and secondary service routing - All service lines shall be run underground and in electrical PVC conduit.

(3) Location of transformer(s)

(4) Review lighting fixtures

(a) Attractive design in compliance with City of Montrose lighting standards

(b) Relate to other design elements

(c) Vandal resistant

(d) Height

(e) Timing options

(f) Level of lighting

(F) Landscape Plan - Each of the following must comply with the specifications contained herein.

(1) Show final contours

(2) Show existing trees or shrubs to remain

(3) Indicate container sizes and quantities

(4) Bare root or balled and burlapped

(5) Tree staking or guying

(6) Street trees required, size and quantities

(7) Spacing of trees – need minimum distance for mowing operations

(8) Plant materials

(9) Soil backfill per specification

(10) Ground cover spacing

(11) Turf areas identified

(12) Soil preparation specifications (drill seeded, hydro mulched, sodded)

(13) Plant legend

(a) Size (container and plant) and quantities

(b) Species, variety, common name, scientific name and gender

(14) Related materials (i.e. mulches, weed barrier, headers, erosion control fabric, etc.) shown on plan and specified

(G) Irrigation Plan

(1) Plan symbols and legend shall be included on the irrigation plan. Irrigation system shall be designed to the lowest static pressure available. Irrigation system must have the capacity to apply 2 ½" inches of water per week. Provide separate zones for: turf, shrubs and ground covers, areas of total shade, raised planters and pots, trees within landscaped areas, steeply sloped areas. No single zone shall be designed with sprinkler heads of differing precipitation rates or pressure requirements. System shall be designed for 100% head to head coverage. Velocity on any pipe size shall not exceed five (5) feet per second.

(2) Reference in legend should be made on all plans for at least the following:

(a) Water tap

(b) Meters

(c) Backflow preventer

(d) Quick couplers and /or hose bibs

(e) Remote control or manual valves

(f) Types of pipes (class, schedule or material) and sleeves

(g) Controllers (Rainbird maxi-com including phone line)

(3) Notes should cover design pressure, flow rates, utility reference pipes under paving, and a reference to specifications.

(4) Check details to be sure that at least sprinkler heads, remote control valves, quick couplers, and backflow prevention units are shown. All details for construction should be shown; the above is a minimum.

(5) Plans - When checking plans, attention should be directed to the following items:

(a) Sprinkler heads for all areas of coverage. Coverage shall be 100% head to head coverage. An overlay with the landscape plan to check for general coverage and possible blocked sprinklers would be desirable.

(b) All sprinklers connected with pipes to make zones. All pipes should be sized with calculations submitted to the City of Montrose. Velocity on any pipe size shall not exceed five (5) feet per second.

(c) All systems have valves identified by controller and station number. Each zone shall have one spare valve wire and one spare common wire to each valve. These shall be clearly marked at each location.

(d) Point of connection for both water and power clearly identified.

(e) All irrigation mains and domestic mains from point of connection to backflow preventer shown and sized.

(f) Pipes crossing under paved areas must be clarified as existing or otherwise.

(g) Conduits for wire and sleeves for irrigation lines must be provided under concrete and paved areas.

(h) Check valves must be placed to prevent low heads from draining and causing soil erosion.

(i) Line sized isolation or gate valves must be placed to provide maintenance with the ability to isolate sections of systems for repairs.

(H) Architectural Plans

(1) Floor plan

(a) Building layout and dimensions

(b) Location of special elements

(c) Location of plumbing fixtures and hose bibs

(d) Door and room finish and paint schedules

(2) Elevations

(3) Wall sections

(4) Foundation plan

(5) Roof framing plan

(6) Mechanical floor plan and details

(7) Electrical floor plan, one line diagram, and details

(8) Miscellaneous architectural details

(I) Miscellaneous Details

(1) Structural engineer to detail:

(a) Retaining wall

(b) Free-standing walls

(c) Overhead structures

(d) Building

(e) Structural engineer signature on plans and calculations

(2) Details to comply with the following standards

(a) Uniform Building Code

(b) OSHA

(c) Handicap “Barrier Free” requirements ADA

(d) Utility company requirements

(e) City of Montrose Standards and Specifications

(3) Lighting by electrical engineer

(4) Play equipment or other specialty item installations

(5) Sections, elevations, detail plans to illustrate construction or layout of park features or unique designs

(6) Details intended to supplement and illustrate plan elements and specifications.

4-6-6: CONSTRUCTION ADMINSTRATION

(A) The construction administration is the responsibility of the Developer. During the construction phase of the park development, inspections for quality control will be conducted by the City of Montrose Engineering Department. The Developer is required to construct the Park as indicated on the plans as approved by the City of Montrose. It is the Developers responsibility to ensure compliance with the approved plans, including inspections and verification to the City of Montrose that the Park is built according to the plans on file with the City of Montrose. Listed below are key City inspections required by the City of Montrose.

(1) Staking for grading/earthwork

(2) Verification of sub grade elevations

(3) Verifications of final grade elevations

(4) Layout and staking of major elements, including ballfields, parking lots, recreation trails, walks and roads

(5) Location of planting beds and trees

(6) Initial installation of plants

(7) Irrigation system initial installation and pressure check

(8) Initial park buildings construction

(9) Development of construction punch list

(10) Final walk through inspection

4-6-7: CONSTRUCTION STANDARDS

The following standard specifications are intended to indicate the requirements of the City of Montrose for Park Development and are an accurate description of the minimum standards acceptable. [Note: as used herein, the terms “contractor” and “developer” are synonymous.]

(A) Irrigation System

(1) The system shall be designed for 100% head to head coverage. The Contractor shall submit a detailed irrigation plan as per the above. This irrigation plan shall be complete with line sizes, automatic valve types, wire gauges, sprinkler head types, power and time clock location. There should be one spare valve wire and one common to all valves. Submit detailed parts list with number of valves, wires, and sprinkler heads.

(2) Sprinkler system to be inspected by City Engineer. The location of all utilities will be completed before any excavation work is started.

(3) The Contractor shall furnish the City with (a) one quick coupler key with hose swivel; (b) one drain key; (c) one turn-off key; (d) two control clock keys; one Ametex valve box key; and (f) one sprinkler head wrench for each type of head.

(4) Water Tap - All taps into water mains shall be made by the City of Montrose. The Contractor will purchase and pay all applicable tap and meter fees prior to connecting into the City's water system. The size of the water tap will be determined and approved by the City Building Official and/or the City Engineer.

(5) Water Service Line - Shall comply with Standards and Specifications for the Design and Construction of Public Improvements, Title 9 of the City Regulations Manual (Engineering Specifications). The City of Montrose will be responsible for installing the water service line from the corporation stop valve to the meter pit on live charged water lines only and developer will pay for time, materials and equipment. Developer/Contractor shall install all new infrastructures according to City of Montrose engineering specifications. This installation will include a curb stop valve installed just behind the curb, between the curb and the meter pit and all plumbing inside the meter pit.

(6) Meter Pit - A concrete pit or vault designed specifically for water meters will be installed by the Contractor to house the water meter. This shall comply with Standards and Specifications for the Design and Construction of Public Improvements Title 9 of the City Regulations Manual. (Engineering Specifications)

(7) Water Meter - All water meters for irrigation systems will be purchased from the City of Montrose and shall be installed by the City of Montrose.

(8) Electrical Service

(a) All electrical service shall comply with the State of Colorado electrical standards.

(b) All service lines shall be run underground and shall be contained in electrical PVC conduit. All wire shall be copper and shall be properly sized.

(c) If a booster pump is required, a sixty (60) Amp. (minimum) metered service shall be required. City of Montrose may require additional service amperage sufficient to handle other amenities.

(d) All electrical service lines shall have yellow electrical warning tape in the trench six inches (6”) above the conduit pipe.

(e) An electrical disconnect shall be mounted on the irrigation controller.

(9) Backflow Preventer – The backflow prevention device shall comply with Standards and Specifications for the Design and Construction of Public Improvements Title 9 of the City Regulations Manual. (Engineering Specifications). The backflow prevention device will be a Feb-Co 825 Series reduced pressure backflow preventer (or City-approved equivalent). It will be sized in accordance with manufacturer's recommended velocities, but no velocities shall exceed the normal industrial practice of 7.5 feet per second through the backflow device. Each backflow preventer shall be enclosed in a locked, stainless steel strong box with the following features:

- Marine grade aluminum alloy construction
- 100% stainless steel hardware
- Flush, mounted, locking mechanism for security
- Full-release locking mechanism for service and repair access
- Pre-punched viewing ports

(a) Strongboxes shall be sized in accordance with manufacturer’s recommendations, and must be approved by the City Engineer or designee.

(b) For taps 3” and larger, the backflow prevention device will be a Wilken 970 Series. It will be sized in accordance with manufacturer's recommended velocities, but no velocities shall exceed the normal industrial practice of 7.5 feet per second through the backflow device. The device will meet the requirements of ASSE Standard 1013; AWWA Standard Code C 506-78; and “USC Foundation for Cross Connection Control and Hydraulic Research”, latest edition.

(c) Backflow preventer(s) shall be installed in accordance with the applicable sections of the Uniform Building Code. It shall have either a brass union or a bolted flange connection on both the inlet and discharge side of the device.

(d) The device will meet the requirements of ASSE Standard 1013; AWWA Standard Code C 506-78; and USC Foundation for Cross Connection Control and Hydraulic Research, latest edition.

(e) Contractor shall provide a quick coupler blow out valve beyond the backflow preventer on the main line prior to any automatic valves for winterizing the irrigation system as noted below.

(10) Controllers

(a) Shall be Rainbird electrical type, compatible with Rainbird Maxi Com System. Each controller station shall be provided with a phone line capable of running the Maxi-com system.

(b) It will feature a manual advance switch, lightning protection, manual operating mode, stainless steel weatherproof turf cabinet and mounted on a turf pedestal.

(c) Controllers will be properly grounded with an eight-foot (8') ground rod. It will be mounted on a turf pedestal.

(d) The type of controller must meet the approval of the City Engineer. Each controller will have a minimum of four (4) extra stations, and will not exceed forty-eight (48) stations.

(11) Zone Valves

(a) The zone valves will be an industrial commercial, diaphragm type with a contamination-proof filter, a flow control and a manual bleed screw, such as the Rainbird EFB or PESB series or City approved equivalent. They will be operated with a twenty-four (24) volt solenoid and will be capable of allowing compressed air to flow through them. Each zone valve shall be installed with a line sized union for easy replacement or servicing.

(b) All zone valves will be placed in an Ametek, Carson, or equal valve box. Valve box covers will be brought to grade using valve box extenders. There will be a minimum of 6” between fittings with a pipe size greater than 1 ½ “. No more than two zone valves per Jumbo box.

(c) The type of valve must meet the approval of the City Engineer.

(12) Heads

(a) In large turf areas, Rainbird (or City approved equivalent) impact rotary pop-up heads will be used to achieve 100% head to head coverage. They will have rubber covers.

(b) Each head will be installed on a swing joint pipe.

(c) In certain smaller turf areas, where it is impractical to use the larger impact rotors, the Rainbird Maxi-Paw head may be substituted. This will be subject to approval by the City Engineer.

(d) In small turf areas where spray heads are needed, either Rainbird heads or approved equal will be used. They will have a minimum pop-up height of 4 inches (4"), have matched precipitation rate nozzles, and will be installed on swing pipe assemblies.

(e) In shrub and flowerbeds, either Rainbird heads or approved equal will be used. They will have a minimum pop-up height of 12 inches (12"), have brass nozzles, and will be installed on swing joints and installed using the bottom inlet. All threaded joints will be assembled using Teflon tape. Drip irrigation is encouraged.

(f) The type of heads used in any particular area are subject to City Engineer approval.

(13) Field Wiring

(a) Lead wire: For runs less than seven thousand seven hundred feet (7,700'), the lead wire connecting the valves to the controller shall be #14 UF single strand, direct burial, PVC jacketed, copper wire with the insulation being red in color throughout the entire jacket. For runs in excess of seven thousand seven hundred feet (7,700'), the lead wires shall be #12 UF.

(b) Common wire: All common wire shall be #12 UF single strand, direct burial, PVC jacketed, copper wire with the insulation being white in color throughout the entire jacket.

(c) Contractor shall provide one extra common and one extra field wire for each run. These shall be clearly labeled, looped and marked at each valve and time clock.

(d) Connectors: Only DBR or DBY 3M water resistant connectors will be used in making wire connections, including connections in valve boxes.

(14) Pipe

(a) All pipe will be continuously and permanently marked showing the manufacturer's name, the size, and the class of the pipe. All PVC pipe will conform to the requirements of the United States Department of Commerce commercial standard Type 1-ASTM-D-2241.

(b) Irrigation system piping shall be as follows:

(i) Primary water service line shall be seamless copper tube designated as “Type K” (in conformance with ASTM Specification B-88-62) shall be used for service lines three-fourths inch (3/4”) through three inches (3”).

(ii) Secondary water service line (from water meter to backflow preventer) shall be type "K" rigid copper. All copper fittings shall be soldered together using silver solder, 95 tin/5 lead solder, or lead-free solder.

(iii) The irrigation main pipe shall be SDR21-200 PVC pipe. It will be assembled using ASTM F-656 purple primer followed with heavy bodied ASTM D-2564 glue. All PVC main line from one inch (1") through three-inch (3") diameter shall be solvent weld type. All PVC main larger than three-inch (3") diameter shall be either solvent weld or "O" ring type pipe. When "O" ring type pipe is used, it shall be provided with proper thrust blocks as recommended by the manufacturer and as may be required.

(iv) The lateral lines shall be SDR26-160 PVC pipe. It will be assembled using the same primer and glue noted in "iii" above.

(v) No main line or lateral line pipe shall be smaller than 1".

(15) Quick Coupler Valves - Each system will have a minimum of one quick coupler valve located near the backflow preventer. This valve will be a Rainbird No. 5 or 55 and will be both vinyl-covered and locking. It will be installed in a ten-inch (10") diameter valve box as manufactured by Ametek or Carson or City approved equal.

(16) Manual Drain Valves

(a) All main lines will have a minimum of two manual drain valves, one on either side of the backflow preventer. One drain shall be installed inside the meter pit. All others will have an access sleeve of two inch (2") PVC with a PVC cap and shall be in a ten-inch (10") diameter valve box as manufactured by Ametek or Carson.

(b) All manual drains shall be T22 Nibco or approved equal and will be a minimum of three-fourths inch (3/4") in size and have a cross handle.

(c) All manual drains will discharge into a gravel sump, which is three (3) cubic feet minimum and contains three-fourths inch (3/4") washed rock with the top surface of the rock covered with plastic visquene or filter fabric.

(17) Isolation Valves - Isolation valves shall be installed at locations noted on the accepted plans or as required by the City Engineer.

(18) Pressure Reducing Valves - When the main line static pressure exceeds one hundred ten (110) psi, a pressure-reducing valve shall be installed in an enclosure, similar to a pump house, upstream from the backflow prevention device.

(19) Sleeving

(a) All piping shall be sleeved under sidewalks, curbs, roadways, or similar structures.

(b) Sleeves shall be placed in an excavated trench that provides the proper alignment for the pipe.

(c) Trenches shall comply with Standards and Specifications for the Design and Construction of Public Improvements Title 9 of the City Regulations Manual. (Engineering Specifications) be excavated and compacted in accordance with Trenching, Backfilling and Compacting, of these Standards and specifications, prior to the installation of any sidewalks, curbs, roadways or similar structures.

(d) Sleeves shall be PVC SDR-26 or heavier pipe and shall be a minimum of one inch (1") larger inside diameter than the maximum outside diameter (bell) of the pipe to be installed through it. Sleeves shall extend a minimum of twelve inches (12") beyond the edge of the sidewalk, curb, roadway or similar structure.

(20) Site Conditions

(a) The Contractor will coordinate his work with that of other subcontractors whenever possible so as to prevent conflicts. Before starting work, the Contractor will inspect the site and check all grades to satisfy himself that he may safely proceed. Before proceeding with any work, the Contractor will carefully check and verify all dimensions.

(b) Changes or alterations in the system to meet site conditions will be subject to the approval of the City Engineer and will be made at the Contractor's expense. The Contractor will prepare a set of "as built" drawings. Exact measurements of buried valves and wire locations will be shown. The Contractor will supply the field notes to the City Engineer prior to receiving final acceptance.

(c) The Contractor will be responsible for all costs incurred for supplying the electrical needs required for the job. Delta-Montrose Electric Association should be contacted for information on possible electrical sources. All electrical work, except 24 volt, will require a separate inspection by the State of Colorado.

(21) Excavation - All trenching, backfilling, and compacting, shall comply with Standards and Specifications for the Design and Construction of Public Improvements, Title 9 of the City Regulations Manual (Engineering Specifications).

(22) Process

(a) Staking: Prior to excavating or trenching, the Contractor will stake all proposed and existing utilities and all sprinkler head and line locations. Stakes will be suitable stakes color coded for materials and maintained throughout the sprinkler installation process. The City Engineer shall approve staking of sprinkler head locations prior to trenching.

(b) Pipe assembly: The adoption from copper to PVC will be made by using a female copper adapter receiving a male PVC adapter.

(i) PVC pipe shall be assembled in accordance with Pipe, of these Standards and Specifications. All excess glue will be wiped from the joint with a cloth rag or similar material after assembly.

(ii) All threaded PVC fittings and nipples shall receive a double wrap of Teflon tape prior to assembly.

(c) Trenching: All pipes will be installed in an excavated trench. Trenches will be dug true to the alignments shown on the accepted plans. Excavation of the trenches will be done in a professional manner, providing a trench that is straight and true with a flat bottom containing no rocks or other deleterious material that may damage the pipe.

(i) Separate trenches will be dug for each line. No doubling up of lines in a single trench will be allowed. Trenches will be dug deep enough to allow the following cover over the top of the pipe:

Main Line Size	Minimum Cover	Maximum Cover
1" – 1-1/2"	18"	24"
2" – 3"	24"	36"
Greater than 3"	36"	48"

Main Line Size		Minimum Cover	Maximum Cover
Lateral Line Size		Minimum Cover	Maximum Cover
1"- 3"	(where impact rotors are used)	18"	24"
1"- 3"	(where spray heads 4" - 8" pop up height are used)	12"	24"
1"- 3"	(where spray heads 12" or over pop-up heights are used)	18"	24"
Greater than 3"		24"	36"

(ii) No trench will be left open overnight without specific prior approval by the City Engineer or his designee and without sufficient barricades to protect the public.

(d) Control valves: Control valves will be installed eighteen inches (18") below grade, in valve boxes, and valve box extenders will be used to bring the cover of the valve box to the finished grade. All electric valve control wires will be to one side of the main line and bundled/tied together every five feet (5'). All wire will be buried deep enough to maintain a minimum cover of eighteen inches (18") when not buried with the mainline, and a minimum of twelve inches (12") of slack for both the lead wire and the common wire will be provided within each valve box. All control valves shall be installed with a Schedule 80 union on the upstream side for replacement purposes.

(e) Backfill: Backfill shall comply with Standards and Specifications for the Design and Construction of Public Improvements Title 9 of the City Regulations Manual. (Engineering Specifications)

(f) Inspections: The Contractor must notify the City Engineer for inspections of sprinkler location staking, main line installation, wiring installation and coverage test. The Contractor will notify the City as soon as any discrepancies between plans and specifications are discovered.

(23) Sprinkler Location Staking

(a) The City Engineer will inspect the staked locations of all lines and heads for conformance to the accepted plans.

(b) The City Engineer reserves the right to move, shift and adjust any of the stakes to better achieve the design intentions as shown on the accepted plans.

(c) No trenching will be done until the inspection is complete and the staked locations accepted by the City Engineer.

(24) Main Line Inspection - The City Engineer will inspect the depth of pipe, manual drain valves, sumps and control valves for conformance to the accepted plans prior to covering the pipe. Sprinkler mains will be pressure tested for 1 hour at 150 psi, and shall be observed by the City Engineer. Pressure losses shall be less than 7.5 psi.

(25) Coverage Test - After the sprinkler heads have been installed and backfilling operations are complete, the Contractor, in the presence of the City Engineer, will perform a coverage test to determine the conformance to the accepted plans. No partial acceptance will be made.

(26) Pumping Stations

(a) For Parks proposed under a pumping system, each will be evaluated on a case-by-case basis. The City of Montrose requires a qualified pump engineer to select the type of pump to be used based on the site conditions and requirements of the irrigation system. Site conditions shall be submitted to the City of Montrose including the topography and the highest and lowest water levels. The design shall include the maximum discharge rate or flow anticipated for the design layout, plus any significant variations in the discharge rate where the pressure requirement remains relatively constant; the maximum head pressure or the pressure for the system at the pump discharge outlet; and the maximum vertical height of water lift required. Submit the performance curves for the pumping station proposed. Submit the power source requirements and the locations of underground power source.

(b) The pumping system should be efficient as possible in getting the GPM and pressure to the irrigation system; should be a 100% demand system including absolute control to automatically adjust itself to comply with the variations of the irrigation demand (VFD, Variable Frequency Drive pump); should include safety features to protect itself and the irrigation system; be serviceable easily and with good accessibility to all components and be compact to keep the pump house at a minimum.

(c) The pumping station shall include detailed building plans for housing the pumping station and weather protection. All water rights for use for Parks dedicated to the City of Montrose shall be legally described and conveyed to the City of Montrose.

(27) Warranty Period

(a) The Developer shall be responsible for the entire sprinkler system as provided in Section 4-6-12 herein. If any trouble should develop within this time period due to faulty workmanship or material, the Developer will correct the defect in a timely fashion without expense to the City of Montrose. The Developer will not be responsible for repair of the sprinkler system due to vandalism after the work has been accepted by the City Engineer.

(b) Any settling of backfilled trenches which may occur during the warranty period will be repaired without expense to the City, including the complete restoration of all damaged property.

(c) Turn on and winterization: Prior to final acceptance by the City under Section 4-6-12, the Developer shall winterize the system in the Fall, put it into operation in the Spring, and perform all other necessary service work needed to insure proper operation of the system.

(28) Recreation Trails and Sidewalks

(a) Recreation Trails and sidewalks shall be integrated with existing and planned trails and walks in accordance with the City Parks, Trails and Open Space Plan as denoted within the Comprehensive Plan and conform to the American with Disabilities Act.

(b) Recreation paths shall have a minimum width of eight feet (8’) concrete in accordance with City specifications, and shall have two foot (2’) unobstructed recovery areas on each side. Recreation paths with alternative surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete recreation paths, and do not serve as connectors to the City recreation paths system as denoted within the Comprehensive Plan.

(c) City of Montrose Specifications for Curb, Gutter and Sidewalks shall apply to all recreation trails and sidewalks. Basic design of Recreation Trails shall follow AASHTO Guide for Development of Bicycle Facilities.

4-6-8: LANDSCAPING

(A) Prior to planting, the Contractor shall be required to stake the proposed locations of all trees and shrubs on-site for approval by the City Engineer. The City Engineer reserves the right to move, shift or adjust any or all of the stakes to better achieve the planting design as shown on the accepted drawings.

(B) The Contractor shall be responsible for locating all utility lines including, but not limited to, water, sewer, gas, electrical, phone and irrigation. Utility lines shall be marked prior to inspection to assure safety and protection.

(C) Seasons of Planting

(1) Planting may occur whenever the soil conditions are favorable.

(2) All conifers planted in Candle growth stage will be hand foliage watered by the Contractor for a period of one (1) week after planting with domestic water.

(3) A wilt-proof material shall be applied to the foliage of all coniferous trees prior to transportation of the tree to the planting site.

(D) Planting Procedures

(1) Tree pits will be excavated two feet (2') greater in diameter than the ball and only deep enough to allow a firm platform so the top of the ball to remains two inches (2") higher than the surrounding finish grade.

(2) Planting pits will be filled two-thirds with water mixed with one cup of “Revive” or equivalent 24 hours prior to planting.

(3) Shrubs will be planted in pits twelve inches (12") greater in diameter than the diameter of the container and as deep as necessary to properly set the plant.

(4) All plants will be set plumb and straight and in the center of the pits.

(5) When balled and bur lapped trees are set, backfill mixture for this type of planting operation will be placed and water settled around the bases of all balls to fill all voids. All ropes or wires will be removed from the bases of the trees and shrubs. Backfill mixture shall consist of one-third organic material and two-thirds native soil.

(6) All wire baskets will be removed from the root ball before the tree or shrub is backfilled. Care should be taken to assure root ball does not fall apart.

(7) The containers on container-grown stock will be removed prior to planting. This includes any organic manufactured containers or baskets.

(8) The backfill mixture will be thoroughly blended prior to placing in the pit or planter bed. Backfill mixture shall consist of one-third organic material and two-thirds native soil.

(9) After placing of the backfill material around the roots or balls, the plant will be thoroughly watered.

(10) When planting stock is stored on site, it must be watered daily until planting.

(E) Pruning

(1) After planting, all plant materials will be neatly pruned in accordance with the best standard practices established by the Colorado State University Extension Service.

(2) Each plant will be pruned to preserve its natural form and character and in a manner appropriate to its particular requirements.

(3) Double terminal leaders on evergreen trees will be pruned to eliminate the sub-dominant leader.

(4) All weak, sharp-angled, crowded and broken branches will be removed. All pruning will be done with clean, sharp, sterile tools.

(F) Tree Wrapping

(1) All lighter bark deciduous trees will be wrapped unless they are fully foliated. No wrapping will be permitted until the City Engineer has inspected the trees.

(2) The trunks of all trees will be wrapped spirally from bottom to top, overlapping the seams and entirely covering the trunk from the ground up to the second branch.

(3) The tree wrap will be neat, snug, and secured with vinyl electric tape at twenty-four inch (24") intervals or tape approved by the City Engineer.

(4) Only approved four inch (4") wide tree wrap will be used.

(G) Staking and Guying

(1) All deciduous trees will be staked and guyed immediately after they are planted. Evergreen trees over eight foot will be staked and guyed immediately after they are planted.

(2) Staking and guying must be done using six-foot (6') steel tee posts in a triangle formation.

(3) The tree will be guyed using a one and one-half inch (1-1/2") wide strap with eyelets in each end.

(4) A double strand of galvanized wire will be used to connect the nylon strap to the steel tee post. Proper tension on the guy wires will be obtained by twisting the double strands of wire. No wire shall be allowed around the trees.

(5) Large trees may require additional tree posts and guying.

(H) Fertilizing

(1) During the planting operations, the Contractor will place fertilizer tablets around the ball of the plant in accordance with the manufacturer's recommendations.

(2) Fertilizer shall be as specified in “Agriform” tablets, or equal having a chemical analysis of Nitrogen-20, Phospohrous-10, Potash-5 in a slow release form.

(3) It will be placed in the backfill mixture according to the manufacturer’s recommendation.

(I) Mulching

(1) Upon completion of the planting operations, the Contractor will prepare the plant pits and planter beds for mulch.

(2) The plant pits will have a three-inch (3") high earth berm built around the tree to form a saucer. The diameter of the saucer will be two feet (2') greater than the ball diameter for deciduous trees and at the drip line for Evergreen trees.

(3) Mulch will be placed in the saucer to the depth of the berm and taper to the plant crown. Plant crowns shall have a six-inch (6”) tree protector installed prior to mulching. Mulch shall be material of a fibrous nature, such as shredded wood chips or shavings, which are between two inches (2”) and eight inches (8”) in length and are approved by the City Engineer or designee, cobble or rock mulch may be substituted for the fibrous mulch.

(J) Shrub Beds and Mulched Areas

(1) In areas where plants are grouped into beds, or in areas where gravel, rock or wood mulch is to be used as a ground cover, the entire bed will be excavated to a depth of three inches (3"), a layer of weed barrier fabric will be installed, and three inches (3") of suitable ground cover, such as wood mulch or rock, will be placed over it.

(2) All seams in the fabric will overlap a minimum of twelve inches (12").

(K) Cleanup

(1) Throughout the entire operation of planting, no rope, wire, burlap, empty containers, rocks, clods and other debris will be allowed to accumulate; these items will be removed daily, and the site will be kept as tidy as possible at all times.

(2) Soil excavated from plant pits and planter beds as necessary to install the specified quantities of backfill mixture will be removed from the site.

(3) Upon completion of the planting, all excess soils, rocks and debris, which have not previously been cleaned up, will be removed from the site or disposed of.

(L) Turf Specifications

(1) Installation

(a) It is recommended that well rotted cow manure shall be spread over the surface of the ground of the area to be seeded at the minimum rate of three (3) cubic yards per thousand (1,000) square feet and roto-tilled into the soil to a six to eight (6-8) inch maximum depth.

(b) All sticks, stones and other debris appearing on the surface or larger than one inch in any dimension shall be carefully removed. The entire area shall be carefully bladed so that no unevenness appears.

(c) Before seeding, the soil shall be watered to a point of almost saturation to allow for compaction. Before seeding, the soil in a dry state shall be compacted and rolled with a light roller both ways to secure an even surface. This finish grade shall be in accordance with the grading plan that is part of the plans and specifications. The finish grade must be approved by the City of Montrose prior to seeding.

(d) During soil preparation, and while the initial grading is being done, and prior to seeding the contractor shall take soil tests to determine the proper amounts of trace elements that are to be added to the soil. A slow release nitrogen urea-form (150 pounds available nitrogen fertilizer per acre) with a fertilizer base of 18-46-0 shall be applied to the soil with the additional trace elements thoroughly mixed into the base mix. This fertilizer shall be incorporated into the soil at a 4" to 6" depth along with the manure, at a rate of 250 to 400 pounds per acre, depending upon the topsoil quality and as required from the soil tests. The City of Montrose shall approve the fertilizer recommendations as per the soil testing. A copy of the soil tests shall be provided to the City of Montrose.

(e) All seed shall be applied by the use of a Brillion seeder or approved manufacturer.

(2) Seed

(a) Seed shall contain a minimum of three types of Kentucky bluegrass and one type of perennial ryegrass. The perennial rye shall be no more than 20% of turf mixture. The blend of Kentucky bluegrass selected shall contain the following types: 5% Aggressive type-varieties include Limousine, Touchdown, Mystic, A-34, Princeton 104. 10-20% Mid-Atlantic types – varieties are Livingston, Wabash, Huntsville, SR2000. 10-20% BVMG types –varieties include Baron, Victa, Merit, Nassau and Gnome. 10-20% Northern Latitude types – varieties include Eclipse, Glade, Midnight, America, Able 1 and Alpine. 10-20% Bellevue types – varieties are Banff, Classic, Parade, Columbia, Gerogertown and Liberty. 10-20% Other types – varieties include Adelphi, Aspen, Liberty, challenger, Nustar and Washington. The blend selected shall be submitted to the City of Montrose for approval with the listed percentages of each type which is included in the mix and the varieties by name.

(b) Seed shall be spread evenly (on a still day, when there is no breeze) at a rate of not less than four (4) pounds per thousand (1,000) square feet. The seed variety shall be certified and pass government tests for germination of ninety (90) percent and a purity of eighty-five (85) percent. All seed shall be free of Poa annua and all noxious objectionable weeds with a maximum crop of .10%.

(3) Mulching: Immediately after seeding the area, the seed shall be raked into the soil lightly and evenly top dressed with ground manure, ground peat moss or screened rotten sawdust alone or in desired combination, evenly spread at the rate of one cubic yard per 1,000 square feet or about 1/8" thick. Sewage sludge will not be allowed. After mulching, objects that may interfere with the maintenance operations shall be removed. Any paved area over which any materials have been hauled, shall be cleaned of any material and removed from the site.

(4) Seeded Area: The contractor shall erect suitable signs at important points notifying the public to keep off the seeded areas until the lawn is well established. Any traffic damage that may occur prior to final acceptance of the work shall be repaired and reseeded at the contractor's expense. Damage to the seeded areas by natural causes shall be reseeded at the contractor's expense. Any areas disturbed by the contractor shall be repaired in accordance with the specifications at the contractor's expense. Four weeks after seeding, the ground shall be gone over again, and any areas where seed has failed to germinate shall be reseeded and hand raked over with seed. Any area where the seed has failed to grow, shall be gone over by the contractor at his expense and reseeded until a stand of grass has been established. Four to five weeks after seeding, a commercial fertilizer of approximately 20-10-5 shall be applied at the rate of ten pounds per thousand square feet.

(5) Watering

(a) Immediately after seeding and mulching, the Contractor shall water the seeded areas lightly and sufficiently to a depth of two inches, but with care so that no erosion takes place and so that no gullies are formed. The Contractor will be responsible for watering the seeded area(s) a minimum of two (2) times per day (mid-morning and late afternoon) and for keeping the areas moist until the sod is established. The Contractor will be responsible for water usage until such time as the City accepts the project.

(6) Mowing: When the grass has grown to a height of two inches, the first mowing should be done. After the second mowing the City of Montrose will consider accepting the park and do the final inspections and walk thru.

4-6-9: MAINTENANCE

(A) The Contractor/Developer will be responsible for all maintenance following installation of each plant and turf seeding. Contractor will continue maintenance procedures until City of Montrose has accepted the project.

(B) This maintenance will include mowing, watering, fertilizing, weeding, spraying, cultivating, trimming, mulching, wrapping, tightening and repairing of guy wires, removal and replacement of all dead materials, and resetting plants to proper grades and upright positions as required.

(C) Planting stock, replaced under warranty, will be warranted for an additional year. All plant material will be guaranteed for one (1) year.

4-6-10: RECREATION EQUIPMENT

(A) General - The Parks Superintendent prior to purchase by the Contractor must approve selection of recreation equipment. In selecting equipment, the brand, style, color, size and other criteria will be considered and jointly selected by the Contractor and the City. The Contractor will do all installations of equipment.

(B) Ball Field Specifications - Adequate drainage must be taken into account in ball field designs. Infield slopes will be between one and one half percent and two percent (1.5% - 2%). Outfield slopes will be between one and one half percent and two and one half percent (1.5% - 2.5%).

(1) Softball Infield - Infields will be cut on a seventy-foot (70') arc from the back center of the pitching plate. Home plate will be twenty-five feet (25') from the backstop, and the foul line will be twenty-five feet (25') from wing fences. The pitching plate will be located fifty feet (50') from the back point of home plate.

(2) Baseball Infield - Infields will be cut on a ninety-five foot (95') arc from the back center of the pitching plate. Home plate will be thirty-five feet (35') from the backstop with foul lines thirty-five feet (35') from wing fences. The pitching plate will be located sixty feet six inches (60'-6") from the back point of home plate.

(3) Field Composition - The infield area will be excavated eight inches (8") below grade and eight inches (8") of suitable infield mixture (similar to Braley Sand and Gravel ballpark mix), consisting of approximately eighty percent (80%) sand and twenty percent (20%) clay, will be installed, leveled, and compacted to a firm, smooth surface. All mixtures will be approved by the City Engineer prior to installation.

(C) Playground Equipment

(1) Proposal Submittals - The manufacturer's representative shall provide the following items and information to the City with each playground proposal:

(a) Complete three-dimensional drawings of equipment.

(b) Individual components specifications and schematic drawings of the play system.

(c) A minimum of three (3) references for similar work recently completed to the City. Each reference shall include a brief summary of work completed, location, the owner's representative name and phone number.

(d) A schedule of work that includes the time it will take to order and receive the play equipment and the time it will take to install once the play equipment is delivered.

(e) The name and qualifications of the installer of play equipment.

(f) A letter from the manufacturer stating that the playground equipment will meet or exceed the latest Consumer Product Safety Commission Guidelines and the ASTM F1487-93 Standards. Letters from the manufacturers must reference the model number or drawing numbers of each unit.

(g) Copies of warranty information for play equipment to the City. Warranties shall include minimum: ten (10) years on posts and decks; five (5) years on plastic; ten (10) years on clamps, and one (1) year on all other parts.

(2) Safety and ADA Requirements

(a) All play equipment must meet or exceed the latest CPSC Handbook for public Playground Safety Guidelines. All play equipment and the protective ground space area around the equipment must meet or exceed ASTM F1487-93 Standard Consumer Safety Performance Specifications for Playground Equipment for public use.

(b) All play equipment must comply with the current ADA law using ASTM F1487-93 Standards. This can be accomplished either by a safety surface or a ramp system as determined by the City. The safety surface shall be an ADA approved surface (tiles or poured in place) for accessing the transfer point. Color of surface to be approved by the City.

(3) Protective Ground Space Area

(a) The play system layout for each site shall include a safety surface area surrounded by a protective barrier. The safety surface material will be selected by the City. The safety surface area will be installed to a depth of 12” to 18” depending upon the components. A sub-surface drainage system shall be installed under each protective surface area. The design of the drainage system to be approved by the City.

(b) The composition of the barrier for protective ground space area shall be approved by the City.

(4) Component Requirements - The following requirements for equipment components apply:

(a) Slides must be double walled except for tube slides.

(b) All barrier handrail separation bars must be less than 3 1/2” apart.

(c) Upper body climbers shall have end step ladders excluding overhead flyers.

(d) Components of the play system(s) for specific sites shall by approved by the City. Each play system shall include and not be limited to: roofs, climbers, slides, bridges, ladders, arches, overheads, play panels, transfer points, decks, barriers, guard rails, protective barriers, and swings.

(e) Playground decks will be a minimum of 47” square. The maximum opening of holes in the deck surface will be 1/4”.

(f) Component colors must be approved by the City.

(5) Materials - Playground equipment components shall comply with the following material requirements:

(a) No wooden structures will be considered by the City.

(b) All decking and steps shall be PVC coated.

(c) No metal slides will be accepted by the City.

(d) Support posts to be 5" OD steel with corrosion protection and finished in powder coat with metal caps.

(e) Playground decks will be metal with PVC coating.

(f) Deck to deck riser enclosures must be metal.

(6) Installation and Inspection – Installation shall be done in accordance with the plans and specifications from the manufacturer. It is recommended that a company representative conduct a post-installation inspection upon completion of each location to certify the proper installation of play equipment.

4-6-11: ACCEPTANCE PROCEDURE

(A) General Conditions

The City will accept Public Park improvements from the Developer for City maintenance once the City Engineer has officially accepted the improvements.

Prior to requesting final inspection for acceptance of the Public Park work:

(1) A complete and accurate set of "Record Drawings" shall be submitted to the City Engineer. Changes to the original design drawings must be supported by documentation.

(2) All relative testing certifications and documentation shall be submitted to the City Engineer for approval.

(3) All other supporting documentation as may be required shall be submitted to the City Engineer for approval.

(B) Acceptance Inspection

(1) Upon completion of all construction and prior to requesting City approval, the contractor and/or owners representative should conduct their own inspection and make all necessary corrections.

(2) When the improvements to be accepted are complete and ready for inspection, the acceptance inspection may be initiated by:

(a) Written request from the Developer to the City Engineer outlining which facilities are ready for acceptance inspection, or

(b) The City Engineer, if he determines it to be necessary, may inform the Developer that an acceptance inspection will be made, and outline those facilities which will be inspected.

(3) The City Engineer will then schedule a date and time for the inspection with members of the City staff. After the acceptance inspection, a list of deficiencies will be prepared by the city engineer and presented to the developer. Within one (1) week of receipt of this list, the Developer shall submit a satisfactory time schedule for correction of the deficiencies. THE DEFICIENCIES MUST BE CORRECTED WITHIN A PERIOD OF TIME SPECIFIED BY THE CITY. After the Developer and the Contractor have corrected the deficiencies, the developer must inform the City in writing that repairs have been made, and a follow-up inspection will be scheduled.

(4) The time schedule noted above may be extended only under special circumstances with the written approval of the City Engineer. Should the deficiencies not be corrected in the time period outlined above, the City may prepare a revised list of deficiencies and allow the Developer to enter into a Subdivision Improvements Agreement providing the appropriate security covering the remainder of the deficiencies.

(C) Construction Acceptance Procedures

(1) After the Public Park Improvements have passed the initial acceptance inspection as certified by written notice from the City Engineer, the Developer shall complete an Application for Public Park Improvements Acceptance (available from the City Engineer) and submit it to the City Engineer with a signed copy of the completed acceptance inspection list within fifteen (15) days. The following items must be submitted with the application prior to City Council consideration for acceptance:

(2) Record Drawing Information. It is the duty of the Responsible Party to record and document the physical dimensions and any changes on a set of record drawings and to certify as to their accuracy. The Responsible Party shall document the following information to certify the construction plans as being constructed:

(a) All approved plan revisions that have occurred since the original City approval of the plans.

(b) For Public Park Improvements:

(i) List of all plant material installed including size and quantities as Certified by a Landscape Architect.

(ii) Horizontal verification of any structures and pertinent physical features such as sidewalks, bike paths, fences, ponds, buildings, parking lots and athletic fields.

(iii) Horizontal verification of all irrigation pipes, irrigation heads, valve boxes, wiring, electrical boxes, controllers, meters, and backflow protection devices. Noted information shall include all pipe size, zone numbers, valve locations, head types, valve type and model number, controller type and model number. Irrigation record drawings shall show pertinent physical features such as sidewalks, bike paths, fences, ponds, buildings, parking lots and athletic fields.

(3) Submittal of Record Drawing Plans and Documents. Final "Record Drawing" plans shall be Mylar, clear and clean from objectionable background. Once approved by the City, the Responsible Party shall submit one (1) complete set of full size Mylar plans as stated in Subsection (D) above. Electronic files formatted in accordance with Chapter 9-1 of the city of Montrose Regulation Manual shall be submitted to the City of Montrose Community Development Department.

(4) Acceptance Procedure. The City will review the application for accuracy and completeness. City staff will then prepare a memorandum of initial acceptance. A minimum of fifteen percent (15%) of the "total improvement cost" shall be held by the City during the (1) year warranty period after construction acceptance, unless otherwise approved by the City or otherwise stated in the subdivision agreement.

4-6-12: WARRANTY

(A) Upon written initial acceptance by the City, the maintenance of the new Park improvements and facilities will become the responsibility of the City, except for repairs and replacements which, in the opinion of the City Engineer, shall become necessary during the period of one (1) year after the acceptance date. If, within ten (10) days after the Developer has received written notice from the City Engineer requesting repairs or replacements, the Developer has not undertaken to make the repairs or replacements, the City may make the repairs and replacements and draw upon the Developer's performance guarantee as specified in the Subdivision Improvement Agreement.

(B) Warranty Inspection - Approximately one (1) year following initial acceptance, the Developer must request an inspection for consideration of completion of the warranty period. Following inspection, the City will prepare a list of deficiencies. After repairs have been made, a follow-up inspection must be requested prior to the City issuing a letter of acceptance. The warranty period is not over until all warranty repairs have been made.

(C) Notification of Completion - After the construction has passed the final inspection, the City Engineer will notify the Planning and Building Departments that the Park area has been satisfactorily completed in accordance with these STANDARDS AND SPECIFICATIONS and the City will issue a letter of acceptance.

City of Montrose

PARK DEVELOPMENT PLAN CHECK LIST

City Planner and Developer to check and initial that the City of Montrose has received the following:

1.	Cover Sheet	Developer_____	Planner_____
2.	Layout plan	Developer_____	Planner_____
3.	Grading and utility plan	Developer_____	Planner_____
4.	Electrical plan	Developer_____	Planner_____
5.	Landscape plan	Developer_____	Planner_____
6.	Irrigation plan	Developer_____	Planner_____
7.	Architectural plans	Developer_____	Planner_____
8.	Miscellaneous details	Developer_____	Planner_____

Date Received _____

Review scheduled by Land Use Staff on (Date) _____ (Time)_____

The developer and landscape architect may be asked to attend this review for questions and answers.

OTHER:

Does the proposed park meet the minimum dedication formula?

Yes _____ No _____

Does the proposed park plan conform to the City Parks, Trails and Open Space Plan?

Yes _____ No _____

Does the proposed park plan integrate with existing Recreation Trail System?

Yes _____ No _____

02-Dec-04

City of Montrose

CONSTRUCTION CHECKLIST
(For City reference only)

Grading confirmed as plans indicate. Verification of sub grade and final grade elevations.

Equipment complete - benches, picnic tables, playgrounds and special equipment.

Landscape installed as planned, locations approved, tree species confirmed, nursery stock acceptable, trees wrapped, staked and guyed, properly mulched. Mulch approved.

Irrigation System layout approved, 100% head to head coverage confirmed; valves identified at controller and station numbered; spare control and common wires exist and identified; conduits for wires and piping under paved areas; Irrigation system main lines installed properly, depths approved; city furnished with quick coupler key; drain key; control clock keys; Ametex valve box key and sprinkler head wrenches for each type.

Irrigation controller approved.

Electrical inspections OK and service lines have electrical warning tape

Soil tests submitted and reviewed

Fertilizer approved and incorporated into soil

Turf seed certified and varieties acceptable

Turf established and mowed twice

Building Inspections complete

Punch list complete

COMPLETE RECORD DRAWINGS SUBMITTED and ACCEPTABLE.

DATE OF ACCEPTANCE _____ (One year Warranty Begins)

Water, Electrical, Phone and other transferred into City of Montrose name.

WARRANTY signed and approved by Developer and City of Montrose

TITLE 5

FINANCE REGULATIONS

Chapters:

5-1 **POLICY REGARDING SALES AND USE TAX ON LEASES AND RENTALS OF PERSONAL PROPERTY**

5-2 **TRANSIENT MERCHANT REGULATIONS**

5-3 **TRANSIENT MERCHANT CASH BOND**

5-4 **UTILITY DEPARTMENT REFUNDS**

5-5 **UTILITY BILL PAYMENT EXTENSIONS**

5-6 **WATER AND SEWER USAGE ADJUSTMENTS**

5-7 **INVESTMENT POLICY**

5-8 **SID REVOLVING ACCOUNT**

5-9 **DISHONORED CHECK PROCESSING**

5-10 **ADMINISTRATION OF SALES AND USE TAX PENALTY PROVISIONS**

5-11 **CAPITAL ASSET POLICY**

5-12 **RED FLAG POLICY AND IDENTITY THEFT PREVENTION PROGRAM**

CHAPTER 5-1

SALES TAX POLICIES

Sections:

5-1-1 POLICY REGARDING SALES AND USE TAX ON LEASES AND RENTALS OF PERSONAL PROPERTY

5-1-2 POLICY REGARDING DIGITAL MEDIA, AND COMPUTER SOFTWARE AND LICENSES AS TANGIBLE PERSONAL PROPERTY

5-1-1: POLICY REGARDING SALES AND USE TAX ON LEASES AND RENTALS OF PERSONAL PROPERTY

(A) Applicable Ordinance Provision: When right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made, such lease or contract shall be considered the sale of such article and the tax shall be computed and paid by the vendor upon the rentals paid (see definition of sale or sale and purchase in 5-15-2).

(B) Purchases of vehicles, equipment, video cassette recorders and video cassette movies for the purpose of renting such items in the regular course of a retail or rental business, shall be considered a wholesale sale and purchase, and therefore are not subject to City sales and use tax. The rental or lease shall be considered equivalent to the retail sale and each rental payment is subject to the City's sales and use tax.

(C) City ordinances do not provide for an option similar to that provided by State Statutes to pay the sales and use tax when the property is acquired in lieu of paying the sales and use tax on the rentals, for items rented less than 3 years.

(D) Property acquired for purposes other than rental, may be considered acquired at a retail sale and purchase regardless of the fact that such property may be subsequently rented. Sales and use tax shall be due on such transaction and in the event of such subsequent rentals, sales tax and use tax shall again be due on each rental payment.

(E) This Regulation is adopted pursuant to 5-15-6 (B) as of November 1, 1986 by the City Manager.

5-1-2: POLICY REGARDING DIGITAL MEDIA, AND COMPUTER SOFTWARE AND LICENSES AS TANGIBLE PERSONAL PROPERTY

For purposes of interpreting the City of Montrose Sales and Use Tax Code and Regulations, "tangible personal property" includes certain arrangements of matter on a physical medium, constituting a corporeal body, such as computer software and licenses, regardless of the form or method of transmission or delivery, that make a computer or other electronic device perform a desired function.

(Ord. 2263, 01/18/2011)

13-Mar-02

CHAPTER 5-2

TRANSIENT MERCHANT REGULATIONS

Sections:

5-2-1 CLARIFICATION OF POLICY

5-2-1: CLARIFICATION OF POLICY

Clarification of "Transient Merchants" subject to Licensing Requirements of Chapter 5-6 of the Montrose Municipal Code:

(A) Technically only natural persons are subject to the licensing requirement; however, a business entity or corporation may license its agents and employees under one license in its name.

(B) Licensed real estate and insurance agents are not subject to the Regulation.

(C) Persons engaged solely in a wholesale business are not subject to the Regulation. A wholesale business means sales are made solely to retailers for resale. Sales of goods for ultimate use by retailers or others is not a wholesale business.

(D) Persons engaged in non-commercial religious activities or selling only religious literature; persons soliciting donations not involving sales; and persons representing Montrose County non-profit organizations are exempt from the Regulation.

(E) Businesses, whose agents do not physically come into the City to make sales or solicit orders, are exempt from the Regulation notwithstanding the fact that they may have sufficient "minimum contacts" to be required to collect and remit City Sales and Use Tax.

(F) Businesses, with permanent places of business outside of Montrose County, which have had a Sales Tax License with the City for one year and have remitted Sales and Use Tax without delinquency as due, are not considered to be "transient" and not subject to the Regulation.

(G) Businesses with long established places of business in the State of Colorado or which are publicly traded on the national stock exchanges are not "transient" and subject to the provisions of this Chapter, as long as they have a sales and use tax license and file sales and use tax returns.

(H) This Regulation is adopted effective as of January 1, 1985 by the City Manager.

CHAPTER 5-3

TRANSIENT MERCHANT CASH BOND

Sections:

5-3-1 HANDLING OF CASH IN LIEU OF SURETY BOND

5-3-1: HANDLING OF CASH IN LIEU OF SURETY BOND

(A) Cash deposited in lieu of a surety bond as provided by Section 5-6-2(D)(2) of the Official Code of the City of Montrose, Colorado, shall be held by the City without credit for any interest unless the applicant executes an agreement pursuant to Section B.

(B) Interest may be earned and credited on cash bonds subject to the following conditions:

(1) The Transient Merchant agrees to these provisions in writing.

(2) Any interest earned or credited shall be considered as an additional bond subject to the same conditions and use as the principal of the cash bond.

(3) Interest earned shall be determined by the Finance Director, consideration given to highest available in the local area currently.

(4) The City shall be entitled to retain a $25.00 handling fee taken out of interest earned

13-Mar-02

CHAPTER 5-4

UTILITY DEPARTMENT REFUNDS

Sections:

5-4-1 LIMITATION OF WATER, SEWER, AND SANITATION REFUNDS

5-4-1: LIMITATION OF WATER, SEWER, AND SANITATION REFUNDS

(A) This administrative Policy limits the refund for water, sewer and sanitation to a maximum of two years due to difficulty in obtaining prior years' records.

(B) This refund refers to amounts which have not been properly charged or requests for account history record of usage.

CHAPTER 5-5

UTILITY BILL PAYMENT EXTENSIONS

Sections:

5-5-1 UTILITY BILL PAYMENT EXTENSIONS

5-5-2 EQUAL PAYMENT PLAN

5-5-1: UTILITY BILL PAYMENT EXTENSIONS

(A) Utility customers are mailed a notice of non-payment each month. If the customer is not able to pay the delinquent charges, they may, in the City's discretion, based upon a history of reasonably regular and timely payments, be allowed to sign a Utility Payment Extension in order to extend the time allowed to pay the delinquent charges and prevent City services from being disconnected.

(B) If the customer does not pay the delinquent charges by the date agreed upon in the Extension, City services will be disconnected and will not be reconnected until the delinquent charges are paid in addition to a reconnect fee.

5-5-2: EQUAL PAYMENT PLAN

(A) The City's Equal Payment Plan allows customers of City utilities or services to elect to pay a monthly amount equal to a minimum of 1/12th of the total of their most recent twelve month's bill or, as estimated or otherwise determined by the City of Montrose.

(B) Customers served by any City of Montrose utilities or services may elect to pay monthly bills on the Equal Payment Plan, subject to the terms and conditions set forth herein. The Equal Payment Plan may be elected by an eligible customer upon written notice to the City of Montrose.

(1) To be eligible to participate in the Equal Payment Plan, a customer shall have met the following requirements:

(a) The customer shall have been served by the City of Montrose at the customer's current location for a period not less than one (1) year.

(b) The customer shall owe no amount to the City of Montrose for services except the current bill.

(c) The customer shall execute an agreement on forms provided by and acceptable to the City at least fifteen (15) days prior to the beginning of the next billing cycle.

(C) Normal collection procedures shall be applicable to Equal Payment Plan customers whenever there is a failure to pay the amount billed in any month when due. If the customer fails to pay the amount billed following notice by the City, the customer shall be removed immediately from the Equal Payment Plan, and service immediately discontinued until such time as all past due amounts are made current.

(D) If service to a customer's account on the Equal Payment Plan is disconnected or terminated for any reason, the customer shall be removed from the plan and the entire outstanding amount on the account shall be due and payable based on actual billings.

(1) The City may discontinue any customer's Equal Payment Plan at any time for any reason, and return said customer to regular billing procedures. Notice shall be sent to the customer in writing via First Class U.S. Mail, or by hand delivery; notice may be included on the customer's utility bill.

(E) Monthly payments shall be recalculated on an annual basis by the City and the adjustment made at the beginning of each calendar year. Balances and credits shall be included in the recalculation.

(1) The monthly payment amount may be adjusted at any time, in the discretion of the City, for any increase in the City's rates of ten (10) percent or more. Said monthly payment amount may also be adjusted other than annually at the option of the City, if the customer's use of services changes materially.

(F) The customer may elect to discontinue the Equal Payment Plan at any time by notifying the City of Montrose in writing and by paying in full the entire balance outstanding or receiving credit as the case may be. Notice to the City of said discontinuation of the Equal Payment Plan shall be effective when received by the City; the City shall then have thirty (30) calendar days, or the equivalent of one (1) utility billing cycle, whichever is greater, to cause such discontinuation to occur.

CHAPTER 5-6

WATER AND SEWER USAGE ADJUSTMENTS

Sections:

5-6-1 EXCESSIVE USAGE

5-6-2 METER SIZE ADJUSTMENTS

5-6-1: EXCESSIVE USAGE

(A) Adjustments to residential water accounts may be made upon request with proper documentation of excessive usage; as deemed appropriate.

(B) Adjustments to commercial water and sewer accounts may be made upon request with proper documentation of excessive usage; as deemed appropriate.

(C) The amount adjusted will be calculated based on the average usage of the previous six (6) months to one (1) year. Any additional gallons of water consumed above the average will be billed at the City's cost.

(D) All water and sewer account adjustments will be approved by the City Manager. Upon approval, adjustments will be made to the account.

(E) Sewer account adjustments for commercial accounts will be made in accordance with adjusted water consumption.

5-6-2: METER SIZE ADJUSTMENTS

(A) New businesses and relocated businesses will be allowed adjustments to their accounts for up to 4 months if the meter at their location is larger than necessary.

(B) If the business requests a smaller meter, the City will provide one at no cost to the business.

CHAPTER 5-7

INVESTMENT POLICY

Sections:

5-7-1 SCOPE

5-7-2 GENERAL OBJECTIVES

5-7-3 STANDARDS OF CARE

5-7-4 INTERNAL CONTROLS

5-7-5 SAFEKEEPING AND CUSTODY

5-7-6 SUITABLE AND AUTHORIZED INVESTMENTS

5-7-7 INVESTMENT PARAMETERS

5-7-8 REPORTING

5-7-9 POLICY CONSIDERATIONS

5-7-10 CITY CHARTER REFERENCE

5-7-11 STATE STATUTE REFERENCE

5-7-12 DELEGATION OF AUTHORITY

5-7-13 PUBLIC DEPOSIT PROTECTION ACT

5-7-1: SCOPE

The purpose of this investment policy is to establish the investment scope, objectives, standards of care, internal controls, safekeeping, authorized investments, investment parameters, reporting requirements and policy guidelines for the City of Montrose. This investment policy applies to the investment of short-term operating funds. All financial assets of accounts and funds shall be administered in accordance with the provisions of this policy that are accounted for in the annual audit for the City of Montrose.

(A) Pooling of Funds

Except for cash in certain restricted and special funds, the City of Montrose will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

(B) Investments

Monies remaining in any fund which the Council may by resolution at any time determine will not be required to be disbursed for a period of 90 days or more thereafter, may in the discretion of the Council be invested in one or more of the securities permitted by the Statutes of Colorado as now or hereafter enacted governing investment of public funds.

(C) City Funds

City funds may be placed in any savings account that is guaranteed by the Federal Deposit Insurance Corporation, for no greater amount than is guaranteed in each institution or in no amount greater than each institution shall guarantee by pledge of securities on assets of the institution in accordance with the state statutes as now or hereafter enacted.

5-7-2: GENERAL OBJECTIVES

All funds will be invested in accordance with the City of Montrose Charter Article V, Section 17 *(See 5-7-10)* and the Colorado Revised Statute 24-75-601.1*(See 5-7-11).*

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

(A) Safety

Safety of principal is the foremost objective of the investment program.

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

(1) **Credit Risk** The City of Montrose will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

(a) Limiting investments to the safest types of securities.

(b) Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which the City of Montrose will do business.

(c) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

(2) **Interest Rate Risk** The City of Montrose will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:

(a) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby, avoiding the need to sell securities on the open market prior to maturity.

(b) By investing operating funds primarily in shorter-term securities, money market funds, or similar investment pools.

(B) Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio may also be placed in local government investment pools which offer same-day liquidity for short-term funds.

(C) Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

(1) A security with declining credit may be sold early to minimize loss of principal.

(2) A security swap would improve the quality, yield, or target duration in the Portfolio.

(3) Liquidity needs of the portfolio require that the security be sold to recognize capital gain by selling early; i.e., market value exceeds cost.

5-7-3: STANDARDS OF CARE

(A) Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security' s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(B) Ethics and Conflicts of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any personal financial/investment positions that could be related to the performance of the City' s investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

(C) Delegation of Authority

Responsibility for the operation of the investment program is hereby delegated to the Finance Director, who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. Other employees may be appointed from time to time by the Finance Director to be involved in the investment process. The Assistant Finance Director will be the primary backup for investments; the Finance Analyst will be the secondary backup; and the Budget Officer will be the third backup *(See 5-7-12).* The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

5-7-4: INTERNAL CONTROLS

The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Finance Director shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion
- Custodial safekeeping
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers

5-7-5: SAFEKEEPING AND CUSTODY

(A) All investments shall be held in the name of the City of Montrose.

(B) Institutions issuing nonnegotiable certificates of deposit shall keep the CDs in safekeeping while sending the City a safekeeping receipt.

(C) Marketable securities shall be deposited in a safekeeping account with an independent third party state or national bank having an office in Colorado. U. S. Treasury obligations shall be held in a customer account at the Federal Reserve Bank in the name of the safekeeping agent for the City of Montrose.

(D) A list of financial dealers and institutions will be maintained of financial dealers and institutions authorized to provide investment services. All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

(1) Audited financial statements

(2) Proof of National Association of Securities Dealers certification

(3) Proof of state registration

(4) Certification of having read and understood and agreeing to comply with the City' s investment policy.

5-7-6: SUITABLE AND AUTHORIZED INVESTMENTS

(A) Investment Types

(1) Financial assets of funds of the City may be invested in one or more of the securities permitted by the Statutes of Colorado governing investment of public funds *(See 5-7-11).*

(2) Other securities not fitting the above criteria that may from time to time be donated to the City, including stock, are authorized to be held pending final sale or other disposition.

(3) Nothing contained within this policy is to prevent the long term loaning of resources from one City fund to another at an appropriate interest rate. The City may also from time to time finance Special Improvement Districts with its own resources rather than selling bonds.

(B) Collateralization

In accordance with Colorado state law entitled "Public Deposit Protection Act of 1989" (*See 5-7-13*), full collateralization will be required on certificates of deposit and savings accounts; and collateral for repurchase agreements should be 102%.

(C) Repurchase agreement

Repurchase agreements are limited to primary dealers in U.S. Government securities and are defined as an agreement to simultaneously buy and sell a U. S. Government security at prices and dates certain. All securities involved will be held by an independent third party or in a joint custody account at the Federal Reserve Bank.

5-7-7: INVESTMENT PARAMETERS

(A) Diversification

The investments shall be diversified by:

(1) Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities).

(2) Limit investment of City funds to no more than 25% of total City investment portfolio in any one single banking or savings and loan institution.

(3) Limiting investments in securities that have higher credit risks.

(4) Investing in securities with varying maturities.

(5) Continuously investing a portion of the portfolio in readily available funds such as local government investment pools, money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

(B) Maximum Maturities

The final maturity date for all permitted securities will be no more than five years from the date of purchase unless otherwise authorized by the City Council. The City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five years from the date of purchase.

Reserve funds may be invested in securities exceeding five years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The ability of investing these types of funds will be disclosed to the legislative body including appropriate time restrictions disclosed, if any apply.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

(C) Competitive Selection of Investment Instruments

The Finance staff will select instruments for investment on a competitive basis. This will not only ensure that the City will get the best rate available on its portfolio, but also helps to avoid excessive built-in profits for the dealer. The City will then choose what best fits the portfolio based on the maturity required, liquidity requirements, the current makeup of the portfolio, and the offered rate. For informational purposes and future reference, a record shall be kept of the bids offered, the bids that were accepted and the rationale for making the decision.

5-7-8: REPORTING

(A) Methods

The Finance Director shall prepare periodic reports on investment activity for the City Manager' s review.

(B) Marking to Market

This governmental accounting standard statement requires most investments to be marked to market in an entity' s financial statements. Market value changes, even if not realized through a sale of investments, must be reflected in the income statement and relevant fund balances. Guaranteed investments are exempt from this fair market valuation - including investment agreements and flexible repurchase agreements - because they are guaranteed at par and do not change value based on market changes.

5-7-9: POLICY CONSIDERATIONS

(A) Exemption

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy; i.e. Demoret Trust.

(B) Amendments

This policy shall be reviewed on a periodic basis. Any changes must be approved by the City Manager and City Council.

5-7-10: CITY CHARTER REFERENCE

ARTICLE V, SECTION 17. Investments. Monies remaining in any fund which the Council may by resolution at any time determine will not be required to be disbursed for a period of 90 days or more thereafter, may in the discretion of the Council be invested in one or more of the securities permitted by the Statutes of Colorado as now or hereafter enacted governing investment of public funds, or in bonds payable out of the revenues of any service or facility furnished by the City; or in general obligation bonds of the City. Interest on such investments shall be credited to the fund to which the invested money belongs, if such can be determined, otherwise to the general fund of the City. City funds may be placed in any savings account that is guaranteed by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation, for no greater amount than is guaranteed in each institution or in no amount greater than each institution shall guarantee by pledge of securities on assets of the institution in accordance with the state statutes as now or hereafter enacted.

5-7-11: STATE STATUTE REFERENCE

24-75-601.1 - Legal investments of public funds

(1) It is lawful to invest public funds in any of the following securities if the period from the date of purchase of such security to its maturity date is five years or less or if the governing body of the public entity authorizes investment for such period in excess of five years:

(a) Any security issued by, guaranteed by, or for which the credit of any of the following is pledged for payment: The United States, a federal farm credit bank, the federal land bank, a federal home loan bank, the federal home loan mortgage corporation, the federal national mortgage association, the export-import bank, or the government national mortgage association;

(b) (I) Any security issued by, guaranteed by, or for which the credit of the following is pledged for payment: An entity or organization which is not listed in paragraph (a) of this subsection (1) but which is created by, or the creation of which is authorized by, legislation enacted by the United States congress and which is subject to control by the federal government which is at least as extensive as that which governs an entity or organization listed in paragraph (a) of this subsection (1).

(II) No security may be purchased pursuant to this paragraph (b) unless, at the time of purchase, the security is rated in its highest rating category by one or more nationally recognized organizations which regularly rate such obligations.

(c) (I) Any security issued by, guaranteed by, or for which the credit of any of the following is pledged for payment: The world bank, the inter-American development bank, the Asian development bank, or the African development bank.

(II) No security may be purchased pursuant to this paragraph (c) unless, at the time of purchase, the security is rated in one of its two highest rating categories by one or more nationally recognized organizations which regularly rate such obligations.

(d) (I) Any security that is a general obligation of any state of the United States, the District of Columbia, or any territorial possession of the United States or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities.

(II) No security may be purchased pursuant to this paragraph (d) unless, at the time of purchase, the security is rated in one of its three highest rating categories by one or more nationally recognized organizations which regularly rate such obligations.

(e) (I) Any security that is a revenue obligation of any state of the United States, the District of Columbia, or any territorial possession of the United States or of any political subdivision, institution, department, agency, instrumentality, or authority of any of such governmental entities.

(II) No security may be purchased pursuant to this paragraph (e) unless, at the time of purchase, the security is rated in one of its two highest rating categories by one or more nationally recognized organizations which regularly rate such obligations.

(f) (I) Any banker's acceptance that is issued by a state or national bank which has a combined capital and surplus of at least two hundred fifty million dollars.

(II) No security may be purchased pursuant to this paragraph (f) unless:

(A) The deposits of such bank are insured by the federal deposit insurance corporation; and

(B) At the time the security is purchased, the long-term debt of such bank or the holding company of such bank is rated in one of its three highest rating categories by one or more nationally recognized organizations which regularly rate such obligations.

(g) Commercial paper that, at the time of purchase, is rated in its highest rating category by one or more nationally recognized organizations which regularly rate such obligations;

(h) Any security of the investing public entity or any certificate of participation or other security evidencing rights in payments to be made by the investing public entity under a lease, lease-purchase agreement, or similar arrangement;

(i) Any interest in any local government investment pool organized pursuant to part 7 of this article;

(j) Any repurchase agreement concerning any securities referred to in paragraph (a) or (b) of this subsection (1) that can otherwise be purchased under this section if all of the conditions of subparagraphs (I) to (IV) of this paragraph (j) are met:

(I) Except for investments by the state treasurer, the securities subject to the repurchase agreement must have a coupon rate that is fixed from the time of settlement until its maturity date, and must be marketable.

(II) The title to or a perfected security interest in such securities along with any necessary transfer documents must be transferred to the investing public entity or to a custodian acting on behalf of the investing public entity.

(III) Such securities must be actually delivered to the public entity or to a third-party custodian or third-party trustee for safekeeping on behalf of the public entity.

(IV) Except for investments by the state treasurer, the collateral securities of the repurchase agreement must be collateralized at no less than one hundred two percent and marked to market no less frequently than weekly.

(k) Any money market fund that is registered as an investment company under the federal "Investment Company Act of 1940", as amended, if, at the time the investing public entity invests in such fund:

(I) The investment policies of the fund include seeking to maintain a constant share price;

(II) No sales or load fee is added to the purchase price or deducted from the redemption price of the investments in the fund;

(III) The investments of the fund consist only of securities with a maximum remaining maturity as specified in rule 2a-7 under the federal "Investment Company Act of 1940", as amended, or any successor regulation under such act regulating money market funds, so long as such rule 2a-7 is not amended to, or such successor regulation does not, increase the maximum remaining maturity of such securities to a period that is greater

than three years, and if the fund has assets of one billion dollars or more, or has the highest current credit rating from one or more nationally recognized organizations that regularly rate such obligations, or consists of the following:

(A) Securities listed in paragraphs (a) to (j) of this subsection (1); or

(B) Perfected reverse repurchase agreements which mature within thirty days and which provide for the simultaneous sale and repurchase by the fund at a future date of securities listed in paragraphs (a) to (i) of this subsection (1); or

(C) Any securities not listed in paragraphs (a) to (j) of this subsection (1) the interest on which is not includable in gross income for federal income tax purposes if such securities do not exceed fifteen percent of the investments of the fund, based on the purchase price of all securities held by the fund; and

(D) (Deleted by amendment, L. 95, p. 772, § 1, effective May 24, 1995.)

(IV) The dollar-weighted average portfolio maturity of the fund meets the requirements specified in rule 2a-7 under the federal "Investment Company Act of 1940", as amended, or any successor regulation under such act regulating money market funds, so long as such rule 2a-7 is not amended to increase the dollar-weighted average portfolio maturity of a fund to a period greater than one hundred eighty days.

(l) (I) Any guaranteed investment contract, guaranteed interest contract, annuity contract, or funding agreement issued by an insurance company, either domestic or foreign, as defined in section 10-1-102 (5), C.R.S., which holds a certificate of authority issued pursuant to section 10-3-105, C.R.S.

(II) No contract or agreement may be purchased under this paragraph (l) unless, at the time of purchase, the issuing company's ability to pay claims is rated in its highest rating category by one or more nationally recognized organizations which regularly rate the abilities of insurance companies to pay claims.

(III) A contract or agreement may be purchased under this paragraph (l) only if such contract or agreement is purchased with proceeds of the sale of securities of a public entity and proceeds of certificates of participation or other securities evidencing rights in payments to be made by a public entity under a lease, lease-purchase agreement, or other similar arrangement; except that, no contract or agreement may be purchased pursuant to this paragraph (l) with the proceeds of any of the foregoing which are held in an escrow or otherwise for the purpose of refunding bonds or other obligations of a public entity.

(m) (I) Any United States dollar denominated corporate or bank debt issued by a corporation or bank which is organized and operated within the United States and has a net worth in excess of two hundred fifty million dollars; except that the notes evidencing the debt must mature within three years from the date of settlement and, at the time of purchase, the debt must carry at least two credit ratings from any of the nationally recognized credit rating agencies and must not be rated below "AA- or Aa3" by any credit rating agency.

(II) At no time shall the book value of a public entity's investment in notes evidencing a debt pursuant to this paragraph (m) exceed the following:

(A) Thirty percent of the book value of the public entity's investment portfolio; or

(B) Five percent of the book value of the public entity's investment portfolio if the notes are issued by a single corporation or bank.

(n) A securities lending agreement using any securities authorized in paragraph (a) or (b) of this subsection (1) if all of the following conditions are met:

(I) The securities lending agreement is entered into with a qualified provider;

(II) The securities lending agreement requires the qualified provider to provide and maintain collateral with a mutually agreed-upon custodian. Such collateral shall be in the form of either cash, which the qualified provider may invest in a permitted investment stated in the securities lending agreement, or securities that are authorized investments for the public entity. Such collateral shall have a value that is equal to or greater than one hundred two percent of the value of the securities lent by the public entity plus any accrued interest. If the collateral is in the form of corporate securities, the collateral shall have a value that is equal to or greater than one hundred five percent of the value of the securities.

(III) Either the custodian or the qualified provider if verified by the custodian marks to market daily the value of the collateral with all differences in valuation resolved on a daily basis; except that, if all of the collateral is cash, the difference in valuation need only be resolved at such time as the value of the collateral is less than one hundred percent of the value of the securities;

(IV) With respect to permitted investments purchased with cash received as collateral to a securities lending agreement:

(A) A minimum of twenty percent of such permitted investments matures or is redeemable on any business day;

(B) A permitted investment in the form of an instrument that is issued or guaranteed by the United States government or any agency thereof and that has a variable rate of interest set off of a money market index, readjusted no less frequently than every ninety-five days, is treated, for purposes of this paragraph (n), as having a maturity equal to the period remaining until the next readjustment of the interest rate;

(C) A permitted investment in the form of an instrument that is issued by a corporation that has a variable rate of interest set off of a money market index, readjusted no less frequently than every ninety-five days, is a final maturity not to exceed four hundred thirty days or an unconditional put back to the issuer not to exceed ninety-five days;

(D) The maximum maturity on any fixed rate investments or repurchase agreements does not exceed one hundred ninety days; and

(E) The investment maturity or reset date for such permitted investment is not greater than ninety-five days unless the securities lending agreement term and the permitted investment are matched to each other.

(V) In the case of local government, the securities lending agreement is approved and designated by written resolution duly adopted by a majority vote of the governing body of such local government, which resolution shall be recorded in its minutes.

(1.3) (a) Except as provided in paragraph (b) of this subsection (1.3), public funds shall not be invested in any security on which the coupon rate is not fixed from the time the security is settled until its maturity date, other than shares in qualified money market mutual funds, unless the coupon rate is:

(I) Established by reference to the rate on a United States treasury security with a maturity of one year or less or to the United States dollar London interbank offer rate of one year or less maturity, or to the cost of funds index or the prime rate as published by the federal reserve; and

(II) Expressed as a positive value of the referenced index plus or minus a fixed number of basis points.

(b) A municipal index may be used for the investment of bond or note accounts from issues with coupons linked to the same index.

(c) For purposes of this section, "maturity date" means the last possible date, barring default, that principal can be repaid to the purchaser.

(1.5) Any firm that sells any financial instrument that fails to comply with the provisions of this section, except for instruments representing interests in a money market fund covered by the federal "Investment Company Act of 1940", as amended, to any public entity in the state of Colorado shall, upon demand of the public entity through the state treasurer, repurchase such instruments for the greater of the original purchase principal amount or the original face value, plus any and all accrued interest, within one business day of the demand.

(2) Investments made pursuant to this section shall be made in conformance with the standard set forth in section 15-1-304, C.R.S.

(3) Nothing in this section is intended to limit:

(a) The power of any public entity to invest any public funds in any security or other investment permitted to such public entities under any other valid law of the state; or

(b) The power of any home rule city, city and county, town, or county to invest any public funds in any security or other investment permitted under the charter or ordinance of such home rule city, city and county, town, or county; or

(c) The authority of the state board of regents to invest any funds available to the board in any security or other investment otherwise provided by law.

(3.5) Notwithstanding the limitations stated in the introductory portion to subsection (1) of this section, the securities subject to a repurchase agreement authorized in paragraph (j) of said subsection (1) may have a maturity in excess of five years.

(4) Nothing in this section is intended to apply to public funds held or invested as part of any pension plan, full or supplemental retirement plan, or deferred compensation plan.

5-7-12: DELEGATION OF AUTHORITY

Position Title	Delegation
Finance Director	Primary
Asst. Finance Director	Primary Backup
Finance Analyst	Secondary Backup
Budget Officer	Third Backup

5-7-13: PUBLIC DEPOSIT PROTECTION ACT

STATE OF COLORADO

Department of Regulatory Agencies
Steven V. Berson
Executive Director

DIVISION OF BANKING
Barbara M.A. Walker
State Bank Commissioner

James T. Dillon
Chief Deputy Bank Commissioner

Roy Romer
Governor

NOTICE OF ASSIGNMENT OF OFFICIAL CUSTODIAN PUBLIC DEPOSIT PROTECTION ACT (PDPA) IDENTIFICATION NUMBERS

Treasurer, based upon the information provided in the application form you submitted, you have been assigned the following PDPA identification number(s), as an official custodian of public unit funds for:

Montrose, Colorado

433 South First Street

P. O. Box 790

Montrose, Colorado 81402-0790

Banks should use the following number to identify (on their Monthly Public Depository Liability Report) all of the current accounts that you have established, and all of the future accounts that you will establish in interest - bearing time or savings deposit accounts (including: certificates of deposit, money market, savings, or checking with interest accounts, and excluding any accounts that would fall under categories 1,2,3, or 4 below).

030168005101

Banks should use the following number to identify all of the current accounts that you have established, and all of the future accounts that you will establish in NON - interest bearing demand (checking) accounts, excluding any accounts that fall under categories 1,2,3 or 4 below.

030168000101

Banks should use the following number(s) to identify the following funds only. The following numbers are unique to the particular fund. Although the fund (and corresponding PDPA numbers) can be moved from bank to bank, if in the future you control money for any other newly-established funds that could be classified under categories 1,2,3, or 4 below, you must apply to: Public Deposit Protection Program, Division of Banking, State of Colorado, 303 West Colfax Avenue, Suite 650, Denver, Colorado 80204, for assignment of the unique number(s) that will identify those newly-created funds:

303 West Colfax Avenue, Suite 650, Denver, CO 80204

CHAPTER 5-8

SID REVOLVING ACCOUNT

Sections:

5-8-1 GENERAL PROVISIONS

5-8-1: GENERAL PROVISIONS

(A) On February 20, 1997, the Montrose City Council created a revolving fund in the amount of $650,000.00 to be used for special improvement districts capitalization.

(B) Improvement District projects are expended from this fund. The fund is reimbursed by payment of assessments made to property owners.

2-Jun-05

CHAPTER 5-9

DISHONORED CHECK PROCESSING

Sections:

5-9-1 POLICY

5-9-2 RESPONSIBILITY

5-9-3 PREPARATION OF NOTICE

5-9-4 PAYMENT

5-9-5 PAYMENT RECEIPT

5-9-6 LAPSING OF DEADLINE

5-9-1: POLICY

It is the policy of the City of Montrose as established by the City Council that the Finance Department shall vigorously handle dishonored checks, (insufficient funds, closed accounts, etc.) in a manner to insure that the City organization does not lose money. To accomplish this, the City Manager has been instructed to establish responsibility and check handling procedure.

5-9-2: RESPONSIBILITY

The Finance Director shall be responsible that these procedures are implemented and enforced for the processing of checks returned dishonored by a bank. It shall be the responsibility of the City Customer Service Representative to control and maintain follow-up on the processing of checks returned dishonored by a bank.

5-9-3: PREPARATION OF NOTICE

(A) Upon notice from the bank that a check has not cleared, the Customer Service Representative will generate a Notice of Returned Check.

(1) The service charge to be assessed is as set forth in Section 3-1 of the City of Montrose Regulations Manual.

(2) The deadline for payment receipt is 15 days from Notice date.

(3) Three copies of the notice are made. The Customer Service Representative will keep one copy. Another copy is forwarded to the City department involved (i.e., water payment - utility clerk; traffic fine - court clerk), for their records. The third copy is forwarded to the Senior Accountant.

(4) The original notice is mailed to the writer of the check by mail and, if deemed necessary, a phone call is also made to advise the writer that the check was returned by the bank. (Res. 2005-32, 06-02-2005)

5-9-4: PAYMENT

The City will require individuals to pay with cash, certified check, or money order if they have a dishonored check.

5-9-5: PAYMENT RECEIPT

When payment is received, the file copy of the notice is pulled, marked "paid", and sent to the appropriate receivable person, after payment document clears bank.

5-9-6: LAPSING OF DEADLINE

(A) Each work morning, the cashier will pull all Notices with a deadline date that has expired. These Notices are forwarded to the appropriate City department to initiate the appropriate corrective action.

(1) Utilities Payments - Service will be terminated

(2) Sales Tax Payments - a Notice of Hearing will be served for Delinquent Sales Tax

(3) Municipal Court Payments - Legal action to be determined by the Court

(4) Miscellaneous Payments - Turned over to collection agency.

(B) If appropriate corrective action is not sufficient to bring redemption of the dishonored check, the check will be turned over to the Police Department for criminal charges.

CHAPTER 5-10

ADMINISTRATION OF SALES AND USE TAX PENALTY PROVISIONS

Sections:

5-10-1 POLICY

5-10-2 DEFINITION OF "TAXPAYER"

5-10-3 ADMINISTRATION OF SALES AND USE TAX-RELATED FEES

5-10-4 NOTICES

5-10-1: POLICY

It is the policy of the City of Montrose to encourage the timely and proper payment of the Sales and Use Taxes. In furtherance of this policy, and in the interest of treating all City of Montrose Sales and Use taxpayers equally, the City Council has determined that any penalties from the Sales and Use tax regulations found in the Municipal Code should be applied in the same order and manner to all taxpayers, to the greatest extent practicable.

5-10-2: DEFINITION OF "TAXPAYER"

The term "taxpayer" is defined and described in the Montrose Municipal Code, and shall have the same meaning herein. (Ord. 2238, 11-19-2009)

5-10-3: ADMINISTRATION OF SALES AND USE TAX-RELATED FEES

(A) A delinquent notice shall be sent when a City of Montrose Sales and Use taxpayer fails to timely pay its taxes due to negligence, as follows:

(1) The first occurrence of a late payment shall carry the regular penalty and interest set forth in Title V, Chapter 15 of the Official Code of the City of Montrose. Occurrences of late payments shall be calculated on a rolling two (2) calendar year basis, beginning on the date the first late payment became due.

(2) If a City of Montrose Sales and Use taxpayer has failed to pay the total amount due plus any penalty and interest assessed within thirty (30) calendar days from the date of the delinquent notice, a tax lien may be issued immediately under the

procedures and conditions set forth in Title V, Chapter 15 of the Official Code of the City of Montrose; or

(3) If a City of Montrose Sales and Use taxpayer has failed to pay the total amount due plus any penalty and interest assessed within thirty (30) calendar days from the date of the delinquent notice, a distraint warrant may be served by the Police Department to seize and sell sufficient of the real and personal property of the taxpayer in satisfaction of the amount due; or

(4) If a City of Montrose Sales and Use taxpayer has failed to pay the total amount due plus any penalty and interest assessed within thirty (30) calendar days from the date of the delinquent notice, the City Manager, within its discretion, may send proper notice pursuant to the Official Code of the City of Montrose to the taxpayer, compelling such taxpayer to appear before the City Council for a hearing on the matter of such taxpayer's delinquent taxes, penalties, and interest.

(Ord. 2263, 1-18-2011)

(B) If it is determined that a deficiency or delinquency is due to fraud, the penalties and remedies set forth in Title V, Chapter 15 of the Official Code of the City of Montrose shall apply. Nonetheless, the schedule of notices and graduated penalties set forth above may be used to administer the penalties for fraud.

(Ord. 2238, 11-19-2009)

5-10-4: NOTICES

Notices shall be sent in the form and manner, and under the circumstances set forth in the Montrose Municipal Code, Title V, Chapter 15.

CHAPTER 5-11

CAPITAL ASSET POLICY

Sections:

5-11-1 CAPITAL ASSET POLICY

5-11-1: CAPITAL ASSET POLICY

(A) Capital assets, including but not limited to property, plant, equipment, and infrastructure assets (e.g., land, buildings and system, improvements, machinery and equipment, park facilities, roads, highways, bridges and water and sewer infrastructure), shall be reported in the applicable governmental or business-type activities columns in the City-government-wide financial statements. Capital assets shall be defined by the City as assets with an initial, individual cost of $5,000 or more, and an estimated life in excess of three (3) years. Such assets shall be recorded at historical cost, or estimated historical cost if purchased or constructed. Donated capital assets shall be valued at their estimated fair market value on the date donated.

(B) Maintenance, repairs, and renewals that neither materially add to the value of the property, nor appreciably prolong its life, shall be charged to expense as incurred. Gains or losses on dispositions of property and equipment shall be included in income.

(C) Improvements shall be capitalized and depreciated over the remaining useful lives of the capital asset, as applicable. Depreciation shall be calculated using the straight-line method over the estimated useful life, and no depreciation shall be recorded in the year of acquisition or construction of such assets. Infrastructure assets shall be capitalized as a separate category.

(D) Estimated useful life of assets shall be as follows:

Infrastructure	10-25 years
Equipment	3-20 years
Transmission and distribution lines and meters	12-30 years
Treatment and filtration plants	20-40 years
Reservoirs and storage facilities	50-100 years
Buildings	30 years

(E) Lower-cost assets: Assets having a value between $500 and $4,999 shall not be classified as capital assets. These assets shall be tagged with an asset number, and control over the asset shall be vested within the department to which the asset is assigned. All other asset items having a value less than $500 shall not be tagged with an asset number, and control over the asset shall be vested with the department to which the asset is assigned.

(F) The department head for the department to which an asset is assigned shall take appropriate actions to protect the asset from damage and theft. A periodic review of minimal assets shall be conducted at the departmental level. At the end of an asset's useful life, the asset shall be disposed of according to approved guidelines for disposal of assets.

CHAPTER 5-12

RED FLAG POLICY AND IDENTITY THEFT PREVENTION PROGRAM

Sections:

5-12-1 PURPOSE

5-12-2 DEFINITIONS FROM FEDERAL REGULATIONS

5-12-3 FINDINGS

5-12-4 PROCESS OF ESTABLISHING A COVERED ACCOUNT

5-12-5 ACCESS TO COVERED ACCOUNT INFORMATION

5-12-6 CREDIT CARD PAYMENTS

5-12-7 SOURCES AND TYPES OF RED FLAGS

5-12-8 PREVENTION AND MITIGATION OF IDENTITY THEFT

5-12-9 UPDATING THE PROGRAM

5-12-10 PROGRAM ADMINISTRATION

5-12-11 OUTSIDE SERVICE PROVIDERS

5-12-12 TREATMENT OF ADDRESS DISCREPANCIES

5-12-13 FURNISHING CONSUMER'S ADDRESS TO CONSUMER REPORTING AGENCY

5-12-14 METHODS OF CONFIRMING CONSUMER ADDRESSES

5-12-1: PURPOSE

To establish an Identity Theft Prevention Program designed to help detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

5-12-2: DEFINITIONS FROM FEDERAL REGULATIONS:

(A) **Covered Account** means:

(1) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and

(2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

(B) **Credit** means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

(C) **Creditor** means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

(D) **Customer** means a person that has a covered account with a creditor.

(E) **Identity theft** means a fraud committed or attempted using identifying information of another person without authority.

(F) **Notice of address discrepancy** means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

(G) **Person** means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(H) **Personal Identifying Information** means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

(I) **Red flag** means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

(J) **Service provider** means a person that provides a service directly to the City.

5-12-3: FINDINGS

(A) The City is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

(B) Covered accounts offered to customers for the provision of City services include utility accounts, sales and use tax accounts.

(C) The process of opening a new covered account and making payments on such accounts have been identified as potential processes in which identity theft could occur.

(D) Subject to legal requirements the City limits access to personal identifying information to those employees responsible for or otherwise involved in opening covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the City's computer system.

(E) The City determines that there is a low risk of identity theft occurring in the following ways:

(1) Use by an applicant of another person's personal identifying information to establish a new covered account; and

(2) Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts.

5-12-4: PROCESS OF ESTABLISHING A COVERED ACCOUNT

(A) As a precondition to opening a covered account in the City, each applicant shall provide the City with a valid government issued identification card containing a photograph of the applicant. The identifying number of card shall be recorded on the application for service.

5-12-5: ACCESS TO COVERED ACCOUNT INFORMATION

(A) Access to customer accounts shall be password protected and shall be limited to authorized City personnel.

(B) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Finance Director and the password changed immediately.

(C) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Finance Director and City Attorney.

(D) Any open records request for such customer information shall be referred to the City Attorney for review of the applicability of the Colorado Open Records Act and other law.

5-12-6: CREDIT CARD PAYMENTS

(A) In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

(B) All credit card payments made over the telephone or the City's web site shall be entered directly into the customer's account information in the computer database.

(C) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

5-12-7: SOURCES AND TYPES OF RED FLAGS

(A) All employees responsible for or involved in the process of opening a covered account or accepting payment for a covered account shall be alert for red flags as indicators of possible identity theft.

(B) Such red flags may include:

(1) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

(a) A fraud or active duty alert that is included with a consumer report;

(b) A notice of credit freeze in response to a request for a consumer report;

(c) A notice of address discrepancy provided by a consumer reporting agency;

(d) Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

(i) A recent and significant increase in the volume of inquiries;

(ii) An unusual number of recently established credit relationships;

(iii) A material change in the use of credit, especially with respect to recently established credit relationships; or

(iv) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(2) Suspicious documents. Examples of suspicious documents include:

(a) Documents provided for identification that appear to be altered or forged;
(b) Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
(c) Identification on which the information is inconsistent with information provided by the applicant or customer;
(d) Identification on which the information is inconsistent with readily accessible information that is on file with the creditor, such as the application for service; or
(e) An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

(3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

(a) Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:

(i) The address does not match any address in the consumer report; or
(ii) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

(b) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
(c) Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
(d) Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
(e) The SSN provided is the same as that submitted by other applicants or customers.

(f) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

(g) The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

(h) Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

(i) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

(a) Shortly following the notice of a change of address for an account, City receives a request for the addition of authorized users on the account.

(b) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.

(c) An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

(i) Nonpayment when there is no history of late or missed payments;

(ii) A material change in purchasing or spending patterns;

(d) An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

(e) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

(f) The City is notified that the customer is not receiving paper account statements.

(g) The City is notified of unauthorized charges or transactions in connection with a customer's account.

(h) The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

5-12-8: PREVENTION AND MITIGATION OF IDENTITY THEFT

(A) In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Finance Director, who may in his or her discretion determine that no further action is necessary. If the Finance Director in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Finance Director:

(1) Contact the customer;

(2) Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:

(a) change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
(b) close the account;
(c) Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

(d) Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;

(e) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or

(f) Take other appropriate action to prevent or mitigate identity theft.

(B) In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Director. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Finance Director, who may in his or her discretion determine that no further action is necessary. If the Finance Director in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Finance Director:

(1) Request additional identifying information from the applicant;

(2) Deny the application for the new account;

(3) Notify law enforcement of possible identity theft; or

(4) Take other appropriate action to prevent or mitigate identity theft.

5-12-9: UPDATING THE PROGRAM

(A) The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any

relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft.

(B) In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

(1) The City's experiences with identity theft;

(2) Updates in methods of identity theft;

(3) Updates in customary methods used to detect, prevent, and mitigate identity theft;

(4) Updates in the types of accounts that the City offers or maintains; and

(5) Updates in service provider arrangements.

5-12-10: PROGRAM ADMINISTRATION

(A) The Finance Director is responsible for oversight of the program and for program implementation. The City Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the City Manager, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration by the Council.

(B) The Finance Director will report to the City Manager at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

(1) The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;

(2) Service provider arrangements;

(3) Significant incidents involving identity theft and management's response; and

(4) Recommendations for material changes to the Program.

(C) The Finance Director is responsible for providing training to all employees responsible for or involved in opening a new covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Finance Director shall exercise his or her discretion in determining the amount and substance of training necessary.

5-12-11: OUTSIDE SERVICE PROVIDERS

(A) In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts the Finance Director shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

5-12-12: TREATMENT OF ADDRESS DISCREPANCIES

(A) Pursuant to 16 CFR § 681.1, this establishes a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy. In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

(1) Compare the information in the consumer report with:

(a) Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);

(b) Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or

(c) Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or

(B) Verify the information in the consumer report with the consumer.

5-12–13: FURNISHING CONSUMER'S ADDRESS TO CONSUMER REPORTING AGENCY

(A) In the event that the City reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

(1) The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;

(2) The City establishes a continuing relation with the consumer; and

(3) The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

(B) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.

5-12-14: METHODS OF CONFIRMING CONSUMER ADDRESSES

(A) The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

(1) Verifying the address with the consumer;

TITLE 6

OPERATION OF CITY UTILITIES

Chapters:

6-1 TRASH COLLECTION

6-2 (Repealed, Res. #2004-6, 03/18/2004)

6-3 WATER CONSERVATION

6-4 WATER METER TESTING

6-5 SANITARY SEWER BACKUP POLICY

6-6 RECEIVING SEPTAGE INTO THE CITY SANITARY SEWER SYSTEM

CHAPTER 6-1

TRASH COLLECTION

Sections:

6-1-1 AUTHORITY AND APPLICABILITY

6-1-2 GENERAL PROVISIONS

6-1-3 PLACEMENT OF DUMPSTERS AND RECYCLING CONTAINERS

6-1-4 SPECIAL WASTE COLLECTION

6-1-5 SPRING CLEAN-UP AND FALL CLEAN-UP

6-1-1: AUTHORITY AND APPLICABILITY

(A) These regulations are adopted by the City Manager pursuant to Section 3-1-11 of the Official Code of the City of Montrose, Colorado.

(B) Unless otherwise provided, these provisions shall apply to all residential and commercial customers.

6-1-2: GENERAL PROVISIONS

(A) The following items shall be excluded from collection by the City during its regularly scheduled service:

(1) Construction materials such as scrap lumber, concrete, asphalt, roofing materials, floor covering materials, doors and windows, piping, siding, masonry and brick.

(2) Landscape materials such as tree limbs, branches and trimmings, dirt or fill, rocks, fencing, landscape timbers and other bulky landscape materials. Lawn clippings and leaves, however, shall be collected if completely enclosed within the residential or commercial trash container.

(3) Automotive materials such as tires, automotive parts and automotive batteries.

(4) Commercial materials such as scrap carpeting, tiles, glass, lumber and siding.

(5) Freight packaging, including cardboard boxes, crates and pallets.

(6) Furniture, large appliances, and household items too large and bulky for residential containers.

(B) All trash shall be placed within the collection containers. Containers that are overfilled or overweight shall not be serviced.

(C) The City shall collect no hazardous, toxic, highly flammable, or explosive materials.

(D) Curbside recycling containers shall be distributed free of charge to new City trash collection customers who elect to participate in the curbside recycling program, in the same manner as trash collection containers are distributed. Materials placed in City recycling containers must comply with the instructions for sorting provided by the City, and promulgated by the City Manager from time to time as part of the City's policies and procedures. Said recycling containers shall be supplied by the City; customers using non-City-supplied containers shall not be allowed to receive said service. (Res. 2008-38, 12-18-2008)

6-1-3: PLACEMENT OF DUMPSTERS AND RECYCLING CONTAINERS

(A) Residents with 90-gallon containers (on wheels) must position them next to the curb on the day of scheduled pickup with the handles facing towards the house. Containers must be 4 feet away from any obstacles. After the container is emptied, it must be retuned to the house. Containers are not to be left by the curb or edge of the street. Containers turned backwards will not be emptied.

(B) Residents and businesses with the larger alley containers must leave them where they are placed with the lid opening toward the alley. Containers turned the wrong direction will not be emptied.

(C) Residents who have elected to participate in the curbside recycling collection program must position their recycling containers next to the curb on the day of the scheduled pickup. Containers must be four (4) feet away from any obstacles. (Res. 2008-38, 12-18-2008)

6-1-4: SPECIAL WASTE COLLECTION

(A) Arrangements may be made for non-scheduled collections of additional waste or items not collectible during regularly scheduled collection. Applicable fees will be included on the regular utility billing. Special Collection will be subject to fees assessed in Section 3-1 of the City of Montrose Regulations Manual.

(B) The City may, for residential relocations, provide at no charge a non-scheduled collection. Requests must be made to the City within a reasonable time after relocation.

6-1-5: SPRING CLEAN UP AND FALL CLEAN UP

The City may, at its discretion, implement an annual Spring or Fall "Clean-Up". During which special collections in residential areas will occur at no charge. The City will advertise the Clean-Ups and residents will be required to place unwanted items by the curb and call City Hall, using the designated phone number, when items are ready for pickup.

(A) Fall Clean-Up shall be for the purpose of collecting leaves and lawn trimmings only. Leaf Bags will be available at City Hall, and the first bundle of 4 bags will be provided at no charge. Additional bundles may be purchased.
(Res. 2005-32, 06-02-2005)

(B) Spring Clean-Up shall be for the purpose of collecting general household items such as unwanted appliances, scrap materials, landscape materials such as leaves, grass clippings, limbs, and other items as may be identified by the City.

CHAPTER 6-3

WATER CONSERVATION

Sections:

6-3-1 BACKGROUND (Repealed, Res. #2005-32, 06-02-2005)

6-3-2 WATER CONSERVATION MEASURES

6-3-3 PUBLIC PROCESS

6-3-4 IMPLEMENTATION

6-3-2: WATER CONSERVATION MEASURES

(A) Water-efficient fixtures

The City of Montrose has adopted the Uniform Plumbing Code. The Plumbing Code has specified maximum discharge flow rates for plumbing fixtures and appliances that promote water conservation. Chapter 2 of the Plumbing Code provides minimum standards for these fixtures.

(B) Low water-use landscapes and efficient irrigation

The City of Montrose has enacted a Site Development Ordinance and has promulgated regulations in accordance with this Ordinance. These regulations encourage xeriscape landscaping by not mandating irrigation in smaller landscaping tracts. See Section 4-1-4 of the City of Montrose Regulations (landscape tracts less than 800 square feet do not require an irrigation source; xeriscape species are recommended; proper planting beds and mulching are required to minimize evapotranspiration).

Whenever practical raw water is used for irrigation in parks and other facilities. The Airport Industrial Park, for example, utilizes raw water for irrigation of all industrial lots, the City Park and right-of-way greenbelt located therein. The City is also currently engineering a raw water diversion for irrigation water in the Cerise Park consisting of 115 acres, and the Sunset Mesa Youth Sports Complex consisting of 8 athletic fields.

(C) Water efficient industrial and commercial processes

The City of Montrose does not have a program to identify the water use of commercial application. Currently no restrictions are imposed on commercial consumption. No re-use system is currently used, nor is one contemplated at this time.

(D) Water re-use systems

All customers of the City of Montrose are connected to the sanitary sewer collection system and no methods of gray water re-use are currently employed, although the City is currently exploring gray water usage in park areas. The Plumbing Code addresses gray water re-use and this is not discouraged by the City.

The Waste Water Treatment Plant has installed a sludge digester and de-watering system and these bio-solids are recycled in an agricultural process that is wholly owned and operated by the City.

(E) Distribution system leak repair

The City of Montrose continuously implements a leak detection program and all leaks are repaired immediately. To maintain the integrity of the system, the City monitors its sales and makes regular comparisons to the master meter readings. The City also has developed a regular replacement program.

(F) Dissemination of information

The City of Montrose provides a customer information rack in the main lobby of City Hall. This information changes periodically and is supplied by agencies and seminars. Presentations are made to various groups and schools regarding water availability and current designs to aid in conservation. Current plans for the Baldridge Regional Park consists of an outdoor learning facility which will be used by the School District and others for purposes of demonstrating water resource management including conservation and water quality practices.

(G) Water rate structures

Water rates are structured by City ordinance and are evaluated on a yearly basis. Current rates are structured to encourage water conservation. Rates do not decrease with consumption.

(H) Regulatory measures

The City of Montrose has regulatory measures governing the excessive usage of water. Section 3-5-18 of the Municipal Code provides that it is unlawful to waste water, and further provides that it is prima facie evidence of water waste if unreasonable amounts of water are allowed to flow into the streets. Violators may be subject to disconnection.

The City has a regulatory mechanism in place to restrict water usage during drought and shortage periods. Section 3-5-18 of the Municipal Code provides that the City may limit water use and watering times by resolution.

(I) Incentives to implement water use efficiency techniques

The City of Montrose does not offer a rebate program for water conservation. The City does provide substantial incentive for water conservation, however, through its water rate structure.

The role of water use efficiency within the City is that of wise use, conservation and education. The City will endeavor to fulfill this role both now and in the future. While the City foresees no shortage in its raw water supply, implementing conservation measures now will only ensure that our future supplies do remain adequate.

The City's conservation measures represent a proactive approach to resource management. With recent and current growth trends, the significance of taking these measures now cannot be understated.

6-3-3: PUBLIC PROCESS

This Plan shall be made publicly available, and shall be subject to a 60-day review period. During this review period, comments may be made. Subsequent to this public comment period, the Plan shall be adopted by the City of Montrose.

6-3-4: IMPLEMENTATION

The City's efforts to encourage water conservation are implemented on a continuous. While the City currently enjoys an abundant and stable water source, it recognizes the need to promote water conservation and discourage wasteful water use in all circumstances. To note:

- The City's water rate structure is evaluated annually.
- The City continuously monitors water delivery through meter readings to determine leak detection.
- The City continuously evaluates its delivery system to ensure the efficient delivery of water to all residents.
- The City is continuously endeavoring to utilize non-treated water for irrigation in its parks and greenbelt areas.
- The City is continuously attempting to educate the public on the wise usage of water through disbursement of written materials.
- The City continuously enforces its Ordinance against water waste.

CHAPTER 6-4

WATER METER TESTING

Sections:

6-4-1 POLICY

6-4-2 FEES

6-4-1: POLICY

(A) Any resident within the City of Montrose may request a test of their water meter. A testing charge pursuant to Section 6-4-2 will be applicable to each test.

(B) The resident is required to be present at the time testing occurs.

6-4-2: FEES

Any resident within the City of Montrose requesting a water meter test shall be charged the following unless the meter fails the test:

METER SIZE	CHARGE
5/8"	$50.00
3/4"	$50.00
1"	$50.00
1 1/2"	$100.00
2"	$100.00
3"	Actual cost of testing by Outside Source
4"	Actual cost of testing by Outside Source

If the meter fails the test there will be no charge and the resident's water bill will be adjusted to the percentage the meter is off.

CHAPTER 6-5

SANITARY SEWER BACK UP POLICY

Sections:

6-5-1 GENERAL PROVISIONS

6-5-2 DISPATCH PROCEDURES

6-5-3 RESPONSE AND DETERMINATION

6-5-4 INVESTIGATION AND REPORTING

6-5-5 LIABILITY AND CLAIMS

6-5-6 INSTALLATION OF WATER AND SEWER TAPS

6-5-1: GENERAL PROVISIONS

(A) All sanitary sewer backup reports shall be entered on the public works complaint log, which must comply with CIRSA requirements.

(B) Deviations from this policy must be authorized by the City Manager on a case-by-case basis.

(C) Claims for which the City could be liable shall be brought to the City Manager's attention immediately for a determination on how to handle.

6-5-2: DISPATCH PROCEDURES

Whenever a call is received concerning a sewer backup, a City utility crew shall be dispatched by the receptionist during working hours or the dispatcher after hours and on weekends.

6-5-3: RESPONSE AND DETERMINATION

(A) The City crew will respond to the scene and do what is appropriate to cure the blockage if it has occurred in the City main. If it has not occurred in the City main, the City has no responsibility to clear a sewer lateral and the party should be advised to contact a plumber. The City crews should use their judgment as to whether it is advisable to remain at the scene to ensure that City mains are not harmed by operations relating to the laterals.

(B) The employee in charge of the City's response shall do whatever is necessary to determine the cause of the problem and to determine on a preliminary basis if any damages have occurred, and the extent of those damages by performing a visual inspection of the premises. These matters should be reported to the employee's supervisor and the Public Works Director.

6-5-4: INVESTIGATION AND REPORTING

(A) The Public Works Director shall determine whether any additional investigation is necessary, whether there is any potential for a claim, and whether the CIRSA "Supervisor's Investigation Report" form should be completed. Copies of the report should be distributed to the City Manager, City Attorney, Public Works Director and Human Resources Department. (Res. 2005-32, 06-02-2005)

(B) All City personnel should be instructed to suggest to any property owners complaining about damage to contact their own homeowner's insurance carrier. If the property owner wishes to proceed with a claim to the City, they should be advised to contact the Public Works Director.

6-5-5: LIABILITY AND CLAIMS

(A) The City has no liability for damages caused by blockage of the service laterals. The City could be liable for damages caused by blockages in the City mains only if it can be determined that the City's negligence was the proximate cause of the damage.

(B) If any claim is submitted, it should be referred to the Human Resources Department with any available supporting documentation, for submission to CIRSA. (Res. 2005-32, 06-02-2005)

6-5-6: INSTALLATION OF WATER AND SEWER TAPS (Res. 2005-50, 9-1-2005)

(A) All connections to the City water or sewer systems shall be in accordance with Montrose Municipal Code 3-5-3.

(B) City Utility Department Maintenance Workers shall install all water or sewer taps in accordance with Montrose Municipal Code 3-5-4.

(C) No water or sewer tap shall be installed by City Utility Department Maintenance Workers until a copy of the connection permit has been obtained. A copy of the connection permit must be on site at the time the water or sewer tap is made.

(D) An excavation permit shall be obtained in accordance with Montrose Municipal Code 9-7-5. A copy of the excavation permit must be on site at the time the water or sewer tap is made.

(E) All trenches shall be in compliance with Montrose City Regulations 2-12.

(F) Employees shall wear personal protective equipment that is consistent with the type of work being conducted. This may include but not be limited to eye protection, hand protection, skin protection, hearing protection, respirators, safety vest, steel-toed boots, and hard hats.

(G) Appropriate steps should be taken to address contaminated clothing at the discretion of the Supervisor and employee.

CHAPTER 6-6

RECEIVING SEPTAGE INTO THE CITY SANITARY SEWER SYSTEM

Sections:

6-6-1 AUTHORITY AND APPLICABILITY

6-6-2 GENERAL PROVISIONS

6-6-3 DELIVERY PROCEDURES

6-6-4 ACCOUNTING PROCEDURES

6-6-1: AUTHORITY AND APPLICABILITY

(A) These regulations are adopted pursuant to Section 3-5-22 of the Official Code of the City of Montrose, Colorado.

(B) Unless otherwise stated, these provisions shall apply to all residential and commercial customers.

6-6-2: GENERAL PROVISIONS

(A) No person shall dispose of septage into the City sanitary sewer system except at the City septage receiving station, and under those procedures promulgated by the City Manager.

(1) For the purposes of this Chapter, “septage” shall mean residential waste removed from a residential septic tank.

(B) Only businesses lawfully engaged in septage hauling (hereinafter referred to as “Septic System Cleaner(s)”) and meeting all of the following criteria may dispose of septage into the City sanitary sewer system:

(1) The Septic System Cleaner has been properly licensed to operate by the County of Montrose, and each vehicle used in delivering septage to the City sanitary sewer system has been properly licensed in accordance with

County of Montrose regulations then in effect. The City septage receiving station shall not accept septage from Septic System Cleaners operating outside the City of Montrose city limits in the County of Montrose, unless said County has septic system cleaner licensing regulations in effect that are reasonably acceptable to the City.

(a) A Septic System Cleaner who has been licensed by the County of Montrose may then obtain a City-issued permit for use of the City septage receiving station.

(2) The Septic System Cleaner has established and maintained in good standing an account for septage disposal with the City Finance Department.

(3) The Septic System Cleaner delivering septage to the City septage receiving station complies with all applicable provisions of this Regulation, and instructions issued by the City Manager, or its designee.

6-6-3: DELIVERY PROCEDURES

(A) All deliveries of septage to the City septage receiving station must be made during the normal operating hours of the Wastewater Treatment Plant as published by the City. Deliveries must commence no later than one (1) hour before the end of normal business hours. All deliveries made outside of normal business hours, including those that commence later than one (1) hour before the end of normal business hours, shall be deemed emergency deliveries, and subject to an additional fee as established by the City.

(B) No delivery may be made to the City septage receiving station unless a designated City employee is present. A Septic System Cleaner desiring to make a delivery must call the phone number provided by the City at least fifteen (15) minutes in advance to arrange for a City employee to be on site.

(C) Any Septic System Cleaner delivering septage to the City septage receiving station shall:

(1) Provide to the City employee the Septic System Cleaner's City account number, County license number, and a legible copy of the customer manifest(s) for the septage load.

(2) Complete and sign the City's delivery register.

(3) Properly discharge the load of septage into the City septage receiving station per instructions provided by the City.

(4) Clean the City septage receiving station and dispose of all trash per instructions provided by the City.

(D) The designated City employee shall:

(1) Maintain security at the station.

(2) Ensure that the Septic System Cleaner delivering septage complies with all applicable instructions.

(3) Request and receive a copy of the manifest(s), and ensure that the delivery register is properly completed.

(E) The City may suspend or revoke delivery privileges for any Septic System Cleaner who fails to comply with all City of Montrose regulations and ordinances, or any applicable state or federal law then in effect.

6-6-4: ACCOUNTING PROCEDURES

(A) The City Finance Department shall:

(1) Upon request by a County of Montrose licensed Septic System Cleaner, establish an account for septage disposal.

(2) Provide to the Wastewater Treatment Plant a listing of all accounts, including: account number, business name, County of Montrose Septic System Cleaner license number, and each licensed vehicle's county license number, license plate number, make, model, and tank size.

(3) Generate a monthly bill for each Septic System Cleaner who has established an account, for the amount of septage delivered during the previous month. Monthly billing shall not be required for Septic System Cleaners who have made no deliveries during the previous month.

(4) Receive and account for all payments according to standard policies and procedures then in use by the City of Montrose.

(5) Notify the Wastewater Treatment Plant when any account is delinquent, to suspend delivery privileges for that account holder.

(B) The Wastewater Treatment Plant shall:

(1) Daily provide to the Finance Department a listing of all deliveries on the previous day, including: account number, business name, County of Montrose Septic System Cleaner license number, each licensed vehicle's county license number, quantity of septage delivered, and address from which the waste was removed.

TITLE 7

COUNCIL POLICIES

Chapters:

7-1 **POLICY SEPARATION FROM ADMINISTRATIVE RESPONSIBILITIES**

7-2 **COMPILATION OF COUNCIL POLICIES**

7-3 **AGENDAS**

7-4 ***[RESERVED FOR FUTURE USE]***

7-5 **COMMUNITY PROGRAM SUPPORT FUNDING**

7-6 **CAPITAL IMPROVEMENTS PROGRAM**

7-7 **VOLUNTEER BOARD APPOINTMENTS**

7-8 **BUDGET AND FINANCIAL REPORTING**

7-9 **EMPLOYEE BENEFITS POLICY**

7-10 **MISCELLANEOUS REQUESTS FOR FUNDING**

7-11 **PERSONAL COMPUTER USE POLICY FOR COUNCIL MEMBERS**

7-12 **LIQUOR LICENSING ADMINISTRATION AND PENALTIES**

7-13 **CITY COUNCIL TRAVEL**

7-14 **CALL FOR PUBLIC COMMENT IN CITY COUNCIL MEETINGS**

7-15 **RULES OF ORDER FOR CITY COUNCIL MEETINGS**

26-Nov-07

CHAPTER 7-1

POLICY SEPARATION FROM ADMINISTRATIVE RESPONSIBILITIES

Sections:

7-1-1 POLICY

7-1-1: POLICY

(A) This policy is to insure that the administrative staff cautiously avoids making decisions of a policy nature for the City Council and to assure that the City Councilmen acting as individuals avoid making or participating in administrative decisions.

(B) All policy matters should be decided by the City Council acting as a Council and generally the policies will be recorded herein, or in the form of regulation or code. The City Staff and its contractual consultants should execute Council policy accordingly. In situations where the interpretation of a Council policy is not clear or where Council policy does not exist, the staff should refer problems or questions through the City Attorney or City Manager to the Council for the creation or interpretation of policies accordingly.

(C) Council should make it clear when discussing community situations outside of City Council meetings that except where a clear policy has been established, the opinions that they are expressing are their own and do not necessarily represent those of the other Council members. Any attempt by an individual or group to extract from a Councilman his or her stand on a future City policy matter outside of the Council meeting should be discouraged.

(D) The staff shall not participate in the public policy creating function of the City Council except at the direction of the Mayor or Council. The staff shall not cause to attract persons to a Council meeting for purposes of advocating a certain point of view without knowledge of Council, although this does not preclude the proper noticing of such meetings toward the objective of ensuring that all views are adequately represented. It is the process of trying to influence the Council on a certain position that should be avoided,

(E) It is important that the Council find a way to define the difference between policy and administration and to recognize when their policy making function is being eroded by an over aggressive City staff or conversely, when their decision making is encroaching upon administrative matters.

(F) With regard to administrative matters, all administrative decisions which do affect the allocation or expenditure of monies, not otherwise budgeted, such as the creation of a new employment position or a change in employee benefits, shall require ultimate approval of the City Council.

CHAPTER 7-2

COMPILATION OF COUNCIL POLICIES

Sections:

7-2-1 POLICY

7-2-1: POLICY

(A) Official Council Policies shall henceforth be articulated in writing, compiled and included within this Title IV of the City Regulations.

(B) To the extent that the following Council Policies conflict with or supersede other previous policies, administrative directives or memoranda, the following policies shall be controlling.

13-Mar-02

CHAPTER 7-3

AGENDAS

Sections:

7-3-1 REGULAR CITY COUNCIL MEETING AGENDA

7-3-2 CITY COUNCIL WORKSESSION AGENDA

7-3-3 SPECIAL CITY COUNCIL MEETING AGENDA

7-3-1: REGULAR CITY COUNCIL MEETING AGENDA

Items for the regular City Council Meeting Agenda shall be submitted no later than 4:30 p.m., the Tuesday the week preceding the meeting. Requests shall be made in writing or by phone to the City Clerk and must clearly state the subject to be discussed, name and phone number of person to contact for further information, or for notification in case rescheduling is necessary. Emergency items may be added to the Agenda the night of the meeting during the ‘ Changes to the Agenda, including additions and deletions’ portion of the meeting.

7-3-2: CITY COUNCIL WORKSESSION AGENDA

Items for the City Council Worksession Agenda shall be submitted to the City Clerk no later than 4:30 p.m. the Tuesday the week preceding the meeting. Individuals desiring to submit an item for this agenda are reminded that the Worksession Agenda is primarily for items that the City Manager and staff need to brief, update, and discuss with the Council. This agenda and these meetings are not designed and should not be used to take formal action of a financial or policy nature involving resolution or ordinance.

7-3-3: SPECIAL CITY COUNCIL MEETING AGENDA

When there is a Special City Council Meeting, the agenda shall be kept by the City Clerk. As these are Special Council Meetings called or scheduled for a specific purpose, normally items other than the subject matter for which the meeting was scheduled should not be added. The Mayor and City Manager shall have the right to add items of an emergency nature to any agendas.

CHAPTER 7-5

COMMUNITY PROGRAM SUPPORT FUNDING

Sections:

7-5-1 POLICY

7-5-2 PROCEDURE

7-5-3 APPLICATION

7-5-1: POLICY

Each year the Montrose City Council allocates funds for community program support. These programs provide a broad benefit to the Montrose community.

Examples of programs and projects that have been funded in the past include Center for Mental Health, Mexican American Development Association, Uncompahgre Riverway, Montrose County Senior Transportation, Retired Senior Volunteer Program, Community Options, Montrose Rotary Fireworks and Youth Appreciation Day, Montrose Resource Center, Delta-Montrose Public Lands Partnership, Montrose Events, Montrose Historical Society, Black Canyon Balloon Classics, Partners of Delta, Montrose and Ouray Counties, Valley Land Conservancy, Sharing Ministries Food Bank and the 4-H Market Stock Sale.

7-5-2: PROCEDURE

(A) Organizations must complete an application form (attached) requesting funds for their programs. Applications should be submitted to the Montrose City Council, c/o City Clerk no later than July 1st of each year. (Res. 2005-32, 06-02-2005)

(B) When all requests are submitted, the City Clerk shall copy and distribute to City Council the applications on or about July 15th of each year.
(Res. 2005-32, 06-02-2005)

(C) Applicants may be requested to attend a council meeting to provide additional information to the City Council.

(D) As part of the City' s budget process, the City Council will make a decision on the funding requests for Community Program Support, determine what programs will be funded and in what amount. The decision of the City Council regarding Community Program Support will be incorporated into the City of Montrose budget for the following year. (Res. 2005-32, 06-02-2005)

7-5-3: APPLICATION

Application for Community Program Support Funding
CITY OF MONTROSE

(Organizations may duplicate this form on their computer or attach computer-generated pages with answers to the narrative questions).

Name of Organization _____

Business Address _____

Mailing Address (if different) _____

Name of Primary Contact, Address and Job Title _____

_____

Telephone Numbers: Work _____

Fax _____ E-Mail _____

Name of Secondary Contact, Address and Job Title _____

_____

Telephone Numbers: Work _____

Fax _____ E-Mail _____

Amount of funds requested $ _____

Please explain how these funds will be used: _____

_____

_____

_____

_____

Please list funding sources for your program _____

_____

_____

_____

_____

Please attach current financial information or your most recent audit on your program.

What else would you like to tell us about your organization? _____

_____

_____

_____

_____

The Montrose City Council would like to receive periodic updates on your program and how the funds are being utilized. Please contact the City Clerk to arrange a date and time.

Please return this application to the Montrose City Council, c/o the City Clerk, P. O. Box 790, Montrose, CO 81402-0790.

CHAPTER 7-6

CAPITAL IMPROVEMENTS PROGRAM

Sections:

7-6-1 PURPOSE

7-6-2 POLICY

7-6-3 DEFINITIONS

7-6-4 IMPLEMENTATION

7-6-5 EVALUATION CRITERIA

7-6-6 PROJECT REQUEST FORM

7-6-7 PROPOSED CALENDAR

7-6-1: PURPOSE

The purpose of the Capital Improvement Program is to plan, compile, prioritize, and finance capital improvements that are responsive to the needs and demands of the public and city government, and supportive of the long and short range goals of the City of Montrose.

7-6-2: POLICY

(A) The Capital Improvement Program shall strive to maintain a healthy reserve by using sound long range planning. The City will maintain its physical assets at a level adequate to protect the City's capital investment and to minimize future maintenance and replacement costs.

(B) The Capital Improvement Program will provide for the adequate maintenance and the orderly replacement of capital buildings and equipment from current revenues where possible.

(C) The commencement of this Program shall occur in FY2OOO, and address those improvements targeted for FY2OOl. Subsequent to this initial process, the Capital Improvement Program shall be a six-year program subject to annual updates. Each department's needs shall be considered in the plan. The City shall maintain a balanced mix of financing for funding capital projects, including user fees, current available revenue, grants, and debt without reliance on any one source.

(D) The City will coordinate development of the Capital Improvement Plan with development of the operating budget. The annual scheduling of these processes shall be in general conformance with the attached schedule (Section 4-6-7). The budget process shall incorporate those improvements identified and prioritized within the Plan, and future operating costs associated with new capital improvements shall be projected and included in operating budget forecasts accordingly.

7-6-3: DEFINITIONS

Six-Year Capital Improvement Plan — A comprehensive schedule of planned capital improvement projects from all fund sources for studies/engineering, land acquisition, construction, renovation, demolition, site development or equipment

Capital Improvement Project — A permanent addition to the city's assets of major importance and cost (generally in excess of ten thousand dollars). The cost of studies/engineering, land acquisition, construction, renovation, demolition, site development, and equipment are included.

7-6-4: IMPLEMENTATION

(A) The City Manager shall appoint a committee to oversee the capital improvements plan, which committee shall consist of representatives of the various City departments, provided however that members of the Finance Department and Public Works Department shall serve on the committee. The committee shall provide the initial review and tabulation of the capital improvement request forms as submitted by the departments.

(B) The tabulated requests shall incorporate existing capital improvement requests, and the process shall be one of annual updating. Once completed by the committee, the tabulation shall be distributed back to the departments for final review, with necessary revisions to follow. The completed tabulation, together with the individual request forms, shall be submitted to Council for review, together with operating budgets (reflective of the capital improvement plan).

7-6-5: EVALUATION CRITERIA

(A) No project shall be funded which does not comply with the provisions of and is not contained in the currently approved Capital Improvement Program, and summarized on the Capital Improvements Form (Section 4-6-6), with the exception of emergency projects that alleviate conditions posing a serious and immediate threat to health, safety or welfare of the community.

(B) Capital Improvement Projects will be evaluated on the following criteria:

(1) Fiscal Impact

(a) Reduces the cost of operations and/or energy consumption
(b) Uses Federal, State or other grant funds
(c) Coordinates with another project
(d) Increases cost by delaying the project

(2) Legal Impact

(a) Mandated by Federal or State law or Local regulations, or by contractual or other legally binding obligation;

(3) Asset Development and Preservation

(a) Preserves the City's infrastructure
(b) Enables the City to keep pace with current technology
(c) Alleviates a service deficiency or replace a deteriorated and/or non-functioning facility

(4) Economic Impact

(a) Fosters economic vitality

(5) Public Support

(a) Complies with the City of Montrose Comprehensive Plan or other approved plan

(6) Health and Safety Impact

(a) Eliminates a threat to public health and safety

7-6-6: PROJECT REQUEST FORM

Capital Improvements Program
Projects Request Form

1. Name of Project : _____

2. Project Description: _____

3. Department: _____ Person in charge of Project: _____

4. Is the Capital Project mandated by Federal, State law, or Local regulation? (Please explain)
_____

5. Does this project coordinate with another project? (please list)
_____

6. What are the effects (costs) of delaying this project?
_____

7. How does this project affect public health and safety?
_____

Priority	Nature of Project	Timetable
A	Committed project; mandated by law; contractual	Current fiscal year
B	Urgent project, but not urgent: needed to address safety and health, or meet required standard; availability of substantial outside funding	1-3 years out
C	Necessary project; maintenance or replacement of existing infrastructure or facility; economic development; addresses community needs	3-6 years out
D	Desirable project; not likely to occur within 5 years	When budget allows

8. What is the requesting Department ranking of this project? _____
(see table above)

9. Project Costs: (estimates should cover entire cost of project)
   Staff estimate: ___Engineers estimate __ (Please check one)

	2002	2003	2004	2005	2006	2007	Total
Admin. Costs (bid cost, in-house personnel)							
Design/ Architecture / Engineering							
Land Acquisition / Site Dev. / Construction							
Equipment / Furnishings							
Other							
Total Costs							

10. Project Source of Funds:

	2002	2003	2004	2005	2006	2007	Total
Fund(s) i.e. General, Utility							
Grant(s)							
Other							
Total of Revenue Sources							

11. What are the operational costs or savings estimates for this project by year?

	2002	2003	2004	2005	2006	2007	Total
Costs							
Savings							
Difference							

12. Additional comments/justification: _____

_____

_____

_____

7-6-7: PROPOSED CALENDAR

CAPITAL IMPROVEMENTS PROPOSED CALENDAR

March	Distribution of Capital Plan Forms Departments prepare individual 6 year Capital Plan Forms 6 year Capital Plan Forms submitted to Finance
April	6 year Capital Plan Forms evaluated and summary list compiled Operating Budget Request Forms to Department Heads Operating Budget Request Forms due back from Department Heads
May	Council Workshop CIP Presentations Council Worksession/Public Forum on CIP
July	First working draft of Capital and Operating Budgets due Council/Staff Mini-Budget Retreat Advertise Public Forums
August	Conduct Public Forums and meet with Council to discuss Draft Budgets City Manager, Finance Director, and Budget Officer meeting to discuss Budget Budget cuts due to Budget Officer
September	Proposed Budget to Council Public Notice Published for Public Hearing
October	First Reading and Public Hearing on the Budget Appropriations Ordinance Second Reading on Budget Appropriations Ordinance

December	First Reading on Supplemental Appropriations Ordinance Public Hearing/Second Reading on Supplemental Appropriations Ordinance

2-Jun-05

CHAPTER 7-7

VOLUNTEER BOARD APPOINTMENTS

Sections:

7-7-1 PURPOSE

7-7-2 TERM EXPIRATIONS AND NEW APPLICATIONS

7-7-3 INTERVIEWS

7-7-4 APPOINTMENTS

7-7-5: PLANNING COMMISSION BOARD MEMBERS REQUIREMENTS

7-7-6 APPLICATION

7-7-1: PURPOSE

To establish an appointment policy for volunteer boards that is consistent and encourages participation by qualified citizens.

7-7-2: TERM EXPIRATIONS AND NEW APPLICATIONS

(A) Approximately two (2) months prior to any term expiration, the City Clerk shall send a letter to individuals whose terms will expire, advising that the term will end and if interested in continuing to serve, they should reapply within twenty (20) days of the date of the letter. If the member has already served two terms, then they are not eligible to reapply and will not receive the letter. *Members will be limited to two terms, unless otherwise determined by Council.* (See additional requirements for Planning Commission Board applicants and reappointments at the end of this section.) (Res. 2005-32, 06-02-2005)

(B) The City Clerk advertises the openings (approximately 2 months prior to expiration). The deadline for receipt of applications is established approximately 1 month prior to the expiration date so that council will have sufficient time to consider and interview as necessary and take formal action at a council meeting.

All letters of interest shall be accompanied by the City' s standard volunteer board application (See 7-7-5). The letter and application shall be completed and submitted by the person seeking appointment. The application shall be mailed to City Clerk, P. O. Box 790, Montrose, CO 81402-0790 or delivered to the Clerk' s office at City Hall, 433 South First, Montrose, CO.

(C) If a board member resigns from the board prior to the expiration of the member' s term, the staff person involved with that board should notify the City Clerk of the vacancy as soon as possible.

(D) The City Council has determined that all of the volunteer boards will require interviews.

7-7-3: INTERVIEWS

(A) Once the application deadline has passed, a date is set for interviews. Applicants, **including existing members interested in continuing**, are scheduled for interviews.

(B) Interviews will be conducted at a City Council Work Session. The Council may ask for input from the various boards and committees on the expertise that is needed on that board. The City Clerk will notify those applicants who were not selected for an interview.

(C) Anyone applying for more than one appointment will be interviewed for each position that requires an interview.

7-7-4: APPOINTMENTS

(A) The City Council, by majority vote, will appoint (or re-appoint) representatives to fill vacancies on boards, commissions, and advisory committees.

(B) The City Clerk will notify the successful and the unsuccessful candidates by letter, with a copy to the appropriate staff member involved with the Board.

7-7-5: PLANNING COMMISSION BOARD MEMBERS REQUIREMENTS

(A) The Planning Commissioners are not subject to a limit on the number of terms that they may serve on the Planning Commission, however, if a Planning Commissioner desires to serve an additional term, he or she must apply for reappointment. The City Clerk's office will send a courtesy letter to members of the Planning Commission whose term will be expiring. The City Clerk will also advertise the vacancies in the normal procedure. The City Council will encourage new applicants to apply. (Res. 2005-32, 06-02-2005)

7-7-6: APPLICATION

Application for a Volunteer Board or Advisory Committee
CITY OF MONTROSE

Board you are interested in _____

(Please submit separate application for each board – Review attached information on board or committee)

Name _____

Home Residence Address _____

Mailing Address (if different) _____

Business Name, Address and Job Title _____

_____

Telephone Numbers: Home _____ Work _____

Fax _____ E-Mail _____

If the board applied for requires expertise, please tell us about your qualifications in that area (education, experience, etc.) _____

_____

_____

_____

_____

_____

Why are you interested in serving on this board? _____

_____

_____

_____

Will you have any conflicts with the services required of the board being applied for? (Please specify) _____

_____

What other volunteer boards have you served on? (Please include dates). _____

_____

_____

_____

_____

What else can you tell us about yourself? _____

_____

_____

_____

_____

Please include a letter of interest with this application. Address the letter to the Montrose City Council, c/o the City Clerk, P. O. Box 790, Montrose, CO 81402-0790. If you submit more than one application, please indicate which board you are most interested in.

CHAPTER 7-8

BUDGET AND FINANCIAL REPORTING

Sections:

7-8-1 BUDGET

7-8-2 FINANCIAL REPORTING

7-8-3 BUDGET AND CAPITAL IMPROVEMENT PLAN CALENDAR

7-8-1: BUDGET

(A) A prudent financial leadership coupled with a historically volatile economic environment has lead to a conservative approach in determining the level of working capital that the City believes is necessary to maintain the various funds.

(B) The most important variable used in determining the required minimum balance for the General Fund is the stability of the major revenue source (sales and use taxes). The long-range plan for the General Fund provides for a recommended minimum balance that equals 15 to 20 percent of operating expenditures as a carryover for each year. Such will be the policy objective with regard to General Fund carryover.

(C) A balanced budget is revenues and/or fund balance equaling or greater than expenditures for all funds. A balanced budget should be accomplished with anticipated revenues and estimated expenditures, not using the fund balance to balance the budget unless there is a large excess of funds carried over, or fund balance necessary to close out a fund such as a grant In accordance with this objective, the City shall strive to not utilize fund balances to balance the budget, and avoid expenditures of the fund balances accordingly.

(D) The Budget shall be construed as a policy document, identifying the priorities, goals and objectives of the City. Once adopted, it shall serve as a guide to expenditures, and a communicative device to explain to the citizenry, the State and all who are concerned how the goals of the City are being realized.

(E) Any and all new funds created during the budget year, or transfer of line items from one fund to another, shall require prior Council approval. New funds or transferred line items shall be presented no later than budget approval in October of each year.

(F) The City will coordinate development of the Budget with development of the Capital Plan on an annual basis, and in general accordance with the calendar as attached hereto.

7-8-2: FINANCIAL REPORTING

(A) Quarterly Financial Statements

As a measure to keep Council informed of budgeted revenues and expenditures, a quarterly financial statement will be presented to Council outlining year-to-date total revenues and expenditures for the City, major fund revenues and expenditures, General Fund revenues and expenditures, Treasurer's Cash Report, Community Support/Council Initiatives year-to-date expenditures as well as other accounting information which may be requested by Council.

(B) Sales and Use Tax Report

This report is provided to Council on a monthly basis to keep Council informed of the sales and use tax revenues received with a comparison of previous year's revenue received and budgeted projections. Since this is a major revenue source for the General Fund, it is important that council be apprised of revenue trends, which may affect funds available for operational purposes of the City. As sales and use tax revenues fluctuate and are affected by economic conditions, this report provides insight on the future impacts of current financial decisions and lends itself to modifications necessary in the ever-changing environment

7-8-3: BUDGET AND CAPITAL IMPROVEMENT PLAN CALENDAR

January - February	Departments prepare individual 5-year Capital Plan
March	5 year Capital Plans submitted to Capital Plan Committee for review
	Operating Budget request forms to Department Heads
April	5 year Capital Plans evaluated and summary list compiled; Submitted to Departments
May	Operating Budget request forms due back from Department Heads, reflective of Capital Plans
June	First working draft of Capital Plans and Operating Budgets due for City Council review

21-Sep-00

July	Council/Staff Budget Retreat
	Advertise Public Forums
August	Conduct Public Forums and meet with Council to discuss Draft Budgets
	City Manager, Finance Director, and Budget Officer meeting to discuss Budget
	Budget revisions due to Budget Officer
September 15	Proposed Budget to Council
	Public Notice Published for Public Hearing
October	First Reading and Public Hearing on the Budget Appropriations Ordinance
	Second Reading on Appropriations Ordinance
December	First Reading on Supplemental Appropriations Ordinance
	Public Hearing, Second Reading on Supplemental Appropriations Ordinance

25-May-00

CHAPTER 7-9

EMPLOYEE BENEFITS POLICY

Sections:

7-9-1 POLICY

7-9-1: POLICY

In accordance with § 1-6-I of the City Regulations, the City may provide employee benefits in the form of a retirement plan, health, disability, life and dental insurance in accordance with their respective plan documents.

While the City Council does not engage in administrative decision-making, any decisions, actions or changes relative to the establishment of employee benefits or internal policies which have fiscal impact upon the City shall require advance City Council approval.

7-Jul-05

CHAPTER 7-10
MISCELLANEOUS REQUESTS FOR FUNDING

Sections:

7-10-1 COUNCIL INITIATIVE FUNDING

7-10-2 REQUESTS FOR RETAIL SALES ENHANCEMENT FUNDING

7-10-1: COUNCIL INITIATIVE FUNDING

The City shall require an applicant wishing to receive Council Initiative Funding to provide certain information. The requested information may be appended to a form provided by the City, as appropriate. An application to receive Council Initiative Funding shall be subject to the terms and conditions listed below, and shall be in substantially the following form:

Montrose City Council
Guidelines for Funding Requests

- *The Montrose City Council has a limited amount of funding available each year for the following purposes:*

  (1) To meet unanticipated needs in the community that improve the quality of life for a segment of the Montrose population. An example of this would be the additional funding that the Council gave to the *Montrose County Senior Transportation* to offset cuts it experienced in other sources of funding.
  (2) To take advantage of unanticipated opportunities that improve the quality of life for a segment of the population. An example of this would be the donation to *Partners* for the purchase of their building that allowed them to take advantage of other grant funding.

- *In order for the City Council to consider your organization's request please answer the following questions:*

  (1) What other funding sources are available to you? _____

  (2) Have you pursued other funding sources? _____ What are they?

  _____

  (3) What are the benefits to the community if funding is allotted to your organization?

  _____

  (4) Will the funds be spent locally? _____

  (5) Would you be willing to file a written report regarding how the funds were dispersed? _____

  (6) What will be the end result if funds are allotted to your organization? _____

- *Individuals or organizations making a funding request are asked to consider how their request fits with the above guidelines. Additionally, the City Council asks that those seeking funds provide detailed information on the total cost of the project and identify the other organizations or entities from which funding is being sought.*

✓ *In general, the Council does not fund the following:*

- Scholarships or travel for individuals
- Projects that meet the criteria for funding through Tourism Promotion funds or Retail Sales Enhancement funds
- School trips, except for those associated with civic education

Citizens who have projects that meet the above guidelines are welcome to make requests and these will be considered on a case-by-case basis by the City Council. Thank you.

Staff Use Only

Pre-Council Approval to set date for discussion _____ Set for City Council Work Session on _____
Date *Date*

Set for consideration City Council Meeting on _____ City Council _____ or _____
Date *Approved Date* *Not Approved Date*

Requisition Completed or Letter Sent to Organization _____
Date

7-10-2: REQUESTS FOR RETAIL SALES ENHANCEMENT FUNDING

The City shall require an applicant wishing to receive Retail Sales Enhancement Funds to provide certain information. The requested information may be appended to a form provided by the City, as appropriate. An application to receive Sales Tax Revenue Enhancement Funds shall provide substantially the following information:

(A) Project Description. Briefly describe the project and discuss the primary reasons why it will increase sales tax revenue within the City of Montrose. Include the following information:

(1) The person or people responsible for implementing the project

(2) The proposed timeline of the project

(3) A description of other resources (volunteers, outside funding, etc.) that are available to ensure the project's success

(4) A description of how the success of the project will be evaluated

(B) Organizational Capacity. Does your organization have experience in overseeing similar projects? If so, please describe these. Please address the following:

(1) How the funds will be accounted for and by whom

(2) Whether or not your organization has an annual audit performed

(3) Length of time your organization has been in Montrose

(C) Financial Information. Please attach the following:

(1) A project budget that identifies all proposed sources of funding and specific line items for expenses

(2) Your organization's most recent financial statements

(D) Distribution of Projected Excess Retail Sales Enhancement Funds (Res. 2005-40, 07-07-2005)

(1) Distribution of projected excess retail sales enhancement funds may be considered for approval on an annual basis at a single consolidated hearing, or as determined by the City Council.

(2) Excess retail sales enhancement funds may be disbursed on (1) time annually to qualified applicants after the first of July each year.

(3) A fund balance of twenty-five thousand U.S. Dollars ($25,000.00) shall be retained in the retail sales enhancement fund.

(4) Requests for disbursements of two hundred U.S. Dollars ($200.00) or less may be considered and approved by the City Manager.

CHAPTER 7-11

PERSONAL COMPUTER USE POLICY FOR COUNCIL MEMBERS

Sections:

7-11-1 DEFINITIONS

7-11-2 POLICY

7-11-3 USE OF PRIVATE COMPUTER EQUIPMENT FOR CITY BUSINESS

7-11-1: DEFINITIONS

(A) **PC** – A personal computer, i.e. any microprocessor controlled desktop or laptop computing device.

(B) **Private PC** – A personal computer that is the private property or used by a Council Member and that is not owned or provided by the City of Montrose.

(C) **Personal Business** - Business of a personal or business nature not related to the governmental responsibilities of the Council Members.

(D) **Personal email** – Email account and systems other than the City of Montrose email system.

(E) **Administrative Rights** – Capabilities assigned to staff (through their system account ID's) that allow them to control or modify computer configurations, or install or modify software packages and files on computer systems. These rights are typically restricted to technical staff specifically trained in system management responsibilities.

7-11-2: POLICY

(A) It is the policy of the City of Montrose to provide for the computing needs of the Council Members. The City may provide a PC that may be used for conducting City-related business.

(B) The Council Members may connect their City-provided PC's to the Internet through a connection as determined by the Information Technology Department. This connection may be available in Council Chambers and conference rooms used by City Council. These network connections may be used to access Internet resources and the City email system.

(C) When City Council Members are away from City facilities and connecting remotely to the City email system they may either use a City-provided PC or their own private PC equipment, provided they follow the guidelines established in this policy.

(D) Use of E-mail Communications by Elected Officials

(1) E-mail communications between three (3) or more elected officials concerning public business and / or pending legislation are declared to be a public meeting and are prohibited.

(2) The following e-mail communications from or to an elected official or officials are permitted:

(a) Communication between elected officials that do not relate to pending legislation or other public business.

(b) Communication between fewer than three (3) elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.

(c) Communication from or to a staff person or the city attorney.

(d) Communication between elected officials concerning routine administrative matters, e.g., those regarding scheduling meetings and inquiring as to officials' availability, notices of public functions or meetings; requests to staff for factual information or status reports.

(Res. 2010-23, 07-15-2010)

(E) As these policies are intended to safeguard the City against potential liability associated with the inappropriate use of City-provided computer resources, it is recommended that Council Members rely on these same guidelines when utilizing City computer systems noting, however, Council Members are NOT accountable to Department Directors, managers or supervisors, nor any of the disciplinary actions referred to in the above policies.

(F) In addition, because of the special and unique requirements of their positions, Council Members require certain additional use provisions that do not apply to employees. These additional provisions are itemized below.

(1) Council Members may use their City PC's to gain access to their personal City email accounts at any time, except during scheduled maintenance

periods and system downtime. It is recommended that this access be accomplished through a web client connection to the Council member's service provider, or via a connection method that does not require special software installation on the City-Provided PC.

(2) If special software is required, installation to support access to a personal email account shall be performed only by City Information Technology staff. In no event shall the Council Members run another email client that interferes with the proper function and operation of their City-provided PC, the City network, or the City's standard email system.

(3) Council Members should be aware that ALL information that they may load, access or store on their City PC's via their personal email accounts may be treated as public information, and may be subject to public records / information legal requirements and disclosure.

(G) Council Members may use their City PC's to gain access to the Internet at any time, except during scheduled maintenance periods and system downtime. The City may restrict the sites to which network users are permitted access, based on the business needs of the City.

(1) Council Members should be aware that the City might automatically record all Internet access activity in the normal course of business. Such information is public record and, as such, may be made available to the public upon request.

(H) City-Provided PC's are the property of the City of Montrose and as such are to be used only for City business. In order to ensure that these machines will continue to operate with the City network and do not compromise the functioning of the network, administrative rights on all City computer systems are restricted to Information Technology staff.

(I) Council Members should not engage private technical resources to support their City-provided computers, without the prior approval of the City Information Technology staff. Any such resources engaged should work only under the direction of City Information Technology staff.

(J) If the City-provided computer is damaged, lost or fails to work properly, the Council Member should notify Information Technology immediately. The Council Member assigned to the computer is responsible for its security. If repair or replacement is necessary, the Council Member should notify Information Technology who will coordinate the repair or replacement.

7-11-3: USE OF PRIVATE COMPUTER EQUIPMENT FOR CITY BUSINESS

(A) When not in a City facility, Council Members may choose to use their own private computers to remotely access the City email system. In this situation, Information Technology staff will be responsible for the installation and support of the City email client and any necessary communication software, as long as these products can be successfully installed on the private computer without requiring alteration to the PC system configuration. City technical staff will not reconfigure a private PC to make it function with the City email system.

(B) Council Members should be aware that City information and data that becomes loaded, accessed or stored on their private equipment as a result of their use of the City's email system can be considered public information and, as such, may be subject to all public records information legal requirements and disclosure.

(C) City Information Technology staff will maintain the systems that the Council Members use in performing their duties, including City-provided hardware, and City software that runs on either City or Private equipment. Maintenance may require that technical staff work at remote locations where equipment is located, and, in some cases, it may require that City technical staff work on private hardware to support City-supplied software.

(D) City Information Technology staff cannot be expected to support private hardware and software that are not being used for City business.

(E) The use of City equipment and networks outside of the City offices can pose an increased security risk to the City information systems. In order to minimize this risk, anyone operating City equipment or software outside of the office is expected to take precautions to ensure the protection of the City's networks. Precautions include not leaving network-connected systems running while unattended and not allowing non-city personnel to make use of City computing systems.

(F) The City does not backup data that is not stored on network storage devices. To prevent loss of information that is stored locally on desktop or laptop computers, users should make regular backup copies of their PC files to other media such as CDs.

21-Mar-07

CHAPTER 7-12

LIQUOR LICENSING ADMINISTRATION AND PENALTIES

Sections:

7-12-1 LIQUOR LICENSING ADMINISTRATION

7-12-2 ADMINISTRATIVE PENALTIES

7-12-1: LIQUOR LICENSING ADMINISTRATION

(A) The City Council, as the Liquor Licensing Authority for the City of Montrose, will consider and review the following Liquor Licensing procedures:

(1) New Liquor License Applications
(2) Transfers of Existing Liquor Licenses
(3) Change of Locations
(4) Liquor License Renewals with violations
(5) Special Events Liquor Applications with protests
(6) Show Cause Hearings

(B) The City Clerk will administer and review the following Liquor Licensing procedures:

(1) Liquor License Renewals with no violations
(2) Special Events Liquor License Applications with no protests
(3) Miscellaneous functions such as: Change of Corporate Structure, Temporary Licenses, Change of Name, Modification of Premise

7-12-2: ADMINISTRATIVE PENALTIES

(A) For a first time offense of sale of liquor to a minor by a non-owner of a liquor-licensed establishment, no penalty shall be assessed.

(B) A second offense of sale of liquor to a minor by a non-owner of a liquor-licensed establishment within one (1) year the penalty shall be fines and/or suspension of the liquor license.

(C) A third offense of sale of liquor to a minor by a non-owner of a liquor-licensed establishment within one (1) year the penalty shall be either/or larger fines and suspension of the liquor license for a longer period of time.

(D) Willful sales of liquor to a minor by a non-owner will be considered contributing the delinquency of a minor, which can be a felony.

CHAPTER 7-13

CITY COUNCIL TRAVEL

Sections:

7-13-1 CITY COUNCIL TRAVEL EXPENSE PROCEDURES

7-13-1: CITY COUNCIL TRAVEL EXPENSE PROCEDURES

(A) (1) Customary and reasonable travel-related expenses associated with City Council committee assignments are approved on an annual basis at the time of the committee assignment.

(2) Travel related expenses subject to reasonable, good faith anticipation by a member of the City Council planning travel for City business shall require prior authorization by motion, by the Council, at a City Council meeting.

(3) If the travel is not anticipated or amenable to anticipation for prior approval at a City Council meeting, the Council may ratify such travel-related expenses by motion at a subsequent City Council meeting.

(Res. 2010-24, 07-15-2010)

(B) The City's travel procedures as set forth in Chapter 3-10 of the City of Montrose Regulations Manual shall apply to the City Council, except when said regulations are in conflict with regulations set forth in this Chapter 7-13, in which case the regulations of this Chapter 7-13 shall control.

(C) No travel-related cash advance for any member of the City Council shall exceed $200.00 per individual request, unless otherwise specifically authorized by the City Council, by motion, at a City Council meeting.

(D) The Mayor shall approve or deny expense reports of the other City Council members; the Mayor Pro Tem shall approve or deny expense reports of the Mayor. The Finance Department may audit said expense reports for mathematical accuracy.

CHAPTER 7-14

CALL FOR PUBLIC COMMENT IN CITY COUNCIL MEETINGS

Sections:

7-14-1 CALL FOR PUBLIC COMMENT IN CITY COUNCIL MEETINGS

7-14-1: CALL FOR PUBLIC COMMENT IN CITY COUNCIL MEETINGS

(A) In the interest of encouraging concerned members of the public to publicly voice their concerns with the City Council in a political forum, the City Council has added the "Call for Public Comment" segment to regular City Council meetings.

(1) The "Call for Public Comment" segment is not intended, however, to be used by individuals or groups who merely wish to use Council meetings as a platform to express personal or political philosophies or messages that have little or nothing to do with the business and affairs of the City of Montrose.

(2) Neither City Council nor City staff shall be expected to respond to matters raised in the "Call for Public Comment" segment of regular Council meetings. Nevertheless, Council members shall retain the right, with recognition from or permission of the Chair, to ask questions of the speaker, and to respond then or at a later time. Council also may refer certain matters raised in this segment of the meeting to the City Manager or to one of Council's committees for further study and discussion whenever warranted. However, not all issues raised by individual citizens or groups will be referred to staff or committee.

(B) The following rules shall apply with respect to the "Call for Public Comment" segment in regular Council meetings:

(1) All speakers shall stay on topic, and are encouraged to state their points as briefly and clearly as possible. Redundancies and repetitive remarks (especially if several speakers are speaking to the same general issue) shall be avoided;

(2) Each speaker shall be strictly limited to a maximum of three (3) minutes;

(3) All remarks shall be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Neither Council members nor City staff shall be expected to engage in discussions or debate with any speaker. Council and staff are there to listen during this segment of the meeting;

(4) No speaker addressing Council shall approach the dais without first obtaining permission from the Chair to do so;

(5) No speaker shall address Council until he or she has been recognized by the Chair, and no speaker who has once addressed the Council shall be allowed to address it a second time;

(6) Discussions and debates between or among members of the audience, or between the speaker and the audience are strictly prohibited;

(7) Personal attacks, whether directed at members of City Council, City staff or fellow citizens, shall not be permitted;

(8) The use of profanity or ethnic, racial or gender-oriented slurs is prohibited, as is any "disorderly conduct" which violates state or local law;

(9) The Chair of the meeting is in charge, and shall have the authority to order any speaker to terminate his or her remarks, if the time allotted to such speaker has expired or if the speaker has violated any of the foregoing rules. Any speaker who violates an order of the Chair in a manner which tends to disturb or disrupt the meeting, may be subject to removal from the meeting and possible criminal charges, depending upon the severity of the situation, and the magnitude or frequency of disruption(s).

(C) Some agenda items require or include a public hearing or public comment; the Council may ask that members of the public wishing to discuss these items wait until said items are called by the Chair.

(D) Many routine agenda items that are dealt with by City Council during its meetings do not require that a public hearing be conducted before formal action is taken. Nevertheless, the Chair shall have discretion to allow members of the public who are in attendance to address such matters. For example, the Chair may allow citizens to comment with respect to pending resolutions, provided the comments offered shall be germane to the subject matter. Unless other more specific rules apply, or the Chair gives specific instructions to the contrary, those who are recognized for purposes of addressing such matters shall be subject to the same rules that apply to the "Call for Public Comment" segment of the meeting.

(Res. 2010-21, 07-15-2010)

CHAPTER 7-15
RULES OF ORDER FOR CITY COUNCIL MEETINGS

Sections:

7-15-1 RULES OF ORDER FOR CITY COUNCIL MEETINGS

7-15-2 11:00 P.M. RULE

7-15-1 RULES OF ORDER FOR CITY COUNCIL MEETINGS

(A) Mayor Directs Meeting: The Mayor, or in his or her absence the Mayor Pro Tem, shall be the Chair and direct all City Council meetings. In the event of an absence of both the Mayor and the Mayor Pro Tem, the City Charter shall control who may chair the meeting. To obtain the floor, a Council member or staff member shall address the Chair.

(B) Assignment of Floor: To assign the floor, the Chair shall recognize a speaker by calling out the speaker's name. Only one speaker may have the floor at a time. A speaker shall not speak while another has the floor. The Chair generally next recognizes the speaker who first asks for the floor after it has been relinquished. The Chair may, in his or her sole discretion, temporarily suspend these Rules of Order in order to permit a direct colloquy between Council members with respect to an issue or motion properly before the Council.

(C) Three Minute Rule: During public comment or public hearings, Council members or the public are recognized by the Mayor. No speaker shall make a presentation (not including Council questions) longer than three (3) minutes, unless given permission by the Chair before beginning to speak. The Chair may limit speakers to less than three (3) minutes when deemed advisable in the Chair's sole discretion.

(D) Pooling of Time: Speakers shall not generally be permitted to "pool" their time. Permission may be granted if the Chair determines that substantial time can be saved thereby and issues better addressed in order to facilitate public participation and Council decision-making. Speakers desiring to "pool" their time will not be granted the full pooled total, but a proportion determined by the Chair, in light of the complexity of the issues to be addressed and the projected time saved from the pooling. Normally, pooled time will not be granted unless at least three (3) speakers request it, all of

whom otherwise would have spoken. All speakers wishing to pool their time must be present at the meeting in order for the Chair to recognize pooled time. Five (5) minutes is the standard for pooled time, and no pooled time presentation shall be permitted to exceed ten (10) minutes aggregate total.

(E) Proponents: Proponents of an agenda item may request additional time, as reasonably required to present their case. In response, the Chair may designate a longer time period for proponents, generally not to exceed fifteen (15) minutes and to occur immediately upon the opening of the public hearing, in order to give the public an opportunity to respond. Additional support for proponents' positions should come from individual witnesses. Quasi-judicial proceedings will follow a separate procedure.

(F) No Personal Attacks: All Council members, staff members, and members of the public are requested to direct their remarks to the Council action that they are requesting. Speakers engaging in personal attacks may be interrupted by the Chair, and asked to cease the attacks and / or leave the room.

(G) Outline of Decisions: The staff and the Chair should attempt to focus discussion of agenda items in accordance with the published Council packet materials, which should contain a proposed outline of decisions.

(H) Minimize Debates at Public Hearings: Council members should minimize debate at public hearings, and use the period prior to public hearings, such as time during Work Sessions, to ask questions for clarification. The Chair may intervene to avoid extended debate prior to public hearings.

(I) Minimize Debates after Decisions: Council members shall minimize debate after decisions and move on to the next item on the published agenda.

(J) Motions to Table: Tabling motions are considered non-debatable motions; once made, there is no discussion. Therefore they are generally discussed before they are made, in order to allow for a reasonable amount of Council discussion prior to making a non-debatable motion.

(K) Early Warning Process: Council members should give early warning to the Mayor and the City Manager whenever substantial opposition is anticipated to an agenda item, so that ample time is provided and appropriate staff and Council information can be prepared.

(L) No Surprises: Council members will make every effort not to surprise each other by bringing up something new at a meeting, and rather will give notice of their intention to do so as soon as practical before the meeting. To better utilize City resources, Council members will make every effort to notify the City Manager as soon as practical before a meeting of their intention to bring up something new.

(1) City Council Reports and Staff Reports are portions of the agenda where updates are given to the Council and staff, or new items are discussed for the purpose of determining whether they should be acted upon at a later meeting.

(a) Items may be added to the agenda under these headings during the "Changes to the Agenda" section of the Council meeting.

(2) Action items and items involving authorization for expenditure of public money should be confined to the published portion of the agenda to comply with Colorado case law, and the Colorado Open Meetings Law.

(M) Directing the Debate and Calling the Question: After sufficient debate, the Chair may solicit a motion, seek to wrap-up discussion when debate seems to be proceeding longer than warranted, and determine whether Council wishes to postpone action when more information or staff work appears warranted to facilitate a Council decision.

(N) Regulations Not to Affect Validity of Decisions: A violation of these Regulations shall not be considered a basis for challenging the validity of a Council decision or determination.

(O) Amendments: These Regulations may be amended or new rules adopted by a majority vote of all members of the Council. Any such amendment shall be submitted in writing at a work session or a meeting preceding formal action to amend. The proposed amendment(s) shall then be placed on the next available agenda.

(P) Effective Date and Term: These Regulations are hereby declared to be effective as of the date of their passage by the City Council, for a term ending on May 1, 2012, unless the same are re-adopted at the next Organizational Meeting of the Council.

7-15-2 11:00 P.M. RULE

(A) 11:00 p.m. Rule: The Chair shall advise the audience at the beginning of each meeting that the 11:00 p.m. Rule will be enforced. The following language will be included on each agenda: **The 11:00 p.m. Rule will be enforced.** All agenda items scheduled and noticed to be heard today must begin prior to 11:00 p.m. or they will be rescheduled. At 11:00 p.m., if the meeting has not already been adjourned, further proceedings shall be conducted as follows: 1) If the City Council is discussing an agenda item, but has not voted on the item before 11:00 p.m., the City Council may take a vote to decide whether to continue the item to the next meeting. 2) The City Council may also consider additional agenda items that require action in a specified time period due to legal requirements. 3) All other agenda items not previously opened shall be placed first on the next City Council Agenda. (Res. 2010-31, 09-02-2010)

TITLE 8

MANUALS

Chapters:

8-1 MANUALS

CHAPTER 8-1

MANUALS

Sections:

8-1-1 MANUALS ADOPTED BY REFERENCE

8-1-1: MANUALS ADOPTED BY REFERENCE

The following Manuals are hereby adopted by reference:

(A) Procurement Manual

(B) Records Management Manual

(C) Police Department Policy-Procedure Manual

(D) Emergency Operations Plan