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Introduction

The City of Fort Collins, Colorado is a home rule municipality. As such, the citizens of Fort Collins have adopted local provisions in the Charter of the City of Fort Collins (hereafter the “Charter”) relating to the recall of elected officials.

Article IX, Section 1 of the Charter states: “Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer.”

This guide is provided to assist electors in exercising the power to recall an elected official. The information contained herein is basic in nature and is not intended to be comprehensive in scope or depth, nor is it to be construed as legal advice. If you have questions regarding the interpretation of applicable laws and regulations for your particular situation, you may wish to consult with a private attorney who can provide you with that interpretation. If there is any inconsistency between these guidelines and the applicable provisions of the City Code, City Charter, or state law, the provisions of the Code, Charter, or state law take precedence.

How to Use this Guide

The information provided herein is presented, to the extent possible, in the order of occurrence of actions and events. The Guide contains terminology not commonly used by the general public, and as such, may be interpreted differently by different individuals. However, such terminology has very specific meaning within the context of the recall process and elections. A list of terms and their definitions, as applied herein, has been included at the end of this document.

Contact Information

All questions or comments regarding this Guide should be directed to the City Clerk’s Office, preferably via email at elections@fcgov.com. Although the entire staff of the City Clerk’s Office has varying levels of familiarity with the recall process, questions will be answered by the City Clerk or Chief Deputy City Clerk.

The City Clerk’s Office is located at 300 LaPorte Avenue. Mail should be addressed to PO Box 580, Fort Collins, CO 80522.

A petition may be circulated and signed in sections, provided that each section contains all required information and is securely fastened at the top. (The petitions provided by the City Clerk's Office will be stapled across the top.) All sections must be filed as one instrument.

Approval of Form for Circulation

Before circulation of the petition can begin, the City Clerk must approve the form of the petition. The City Clerk will examine each petition section to determine that it contains all required information (and only that information), that each section is numbered and the pages within each section are numbered, and that each section is securely fastened at the top. Any irregularities in the petition sections, if found, will be identified and the petition representatives will be given an opportunity to correct the irregularities. The City Clerk will prepare a certificate of approval, which will contain a list of the section numbers that have been approved for circulation. The date of the certificate of approval shall start the running of the time period provided for circulation and the deadline to file the petition.

If the petition representatives determine during the circulation period that more petition sections are needed, additional sections may be requested, hand-numbered, and approved by the City Clerk. However, additional sections are subject to the circulation periods and filing deadline established with the approval of the first petition sections.

A sample petition section is provided at the end of this guide.

Circulators

Only persons who are eighteen years of age or older may circulate a petition for signatures. Each petition section must be carried by only one circulator, but a circulator may carry more than one petition section.

Nothing prohibits circulators from being paid to circulate a petition. Circulators do not have to be registered electors.

Circulators are prohibited from paying or offering to pay any money or other thing of value to any person for the purpose of inducing or causing the person to sign a petition.

Circulators are required to complete an affidavit, attached to each petition section, after the petition has been circulated. The affidavit must be signed, under oath, before a notary public. No additional signatures should be obtained on a petition section after completion of the affidavit.

Signature Requirements

Only registered electors (persons registered to vote in city elections who reside within the city limits) may sign a petition. In the case of an attempted recall of the Mayor, "registered electors" is construed to mean persons residing within the city limits who are registered to vote as of the date they sign the petition for recall. In the case of a proposed recall of District Council representatives, "registered electors" is construed to mean persons who are registered to vote within the particular affected Council District as of the date they sign the petition for recall of the District Council representative.

Verification & Certification of the Petition

Examination of the Petition

When a recall petition is filed with the City Clerk, the Clerk has five working days to examine the petitions to determine if the petition is signed by the requisite number of registered electors and that the petition contains the required particulars and affidavits. Although it is not unusual for the examination to take less time, the full five days will be used if necessary to complete a thorough examination.

Reasons for Rejecting Signatures

There are many reasons why signatures, and sometimes even entire petition sections, are rejected. Following is a list of the most common reasons for rejecting individual signatures:

- The individual is not registered to vote at the address given on the petition.
- The individual listed an address within the city limits but is registered at an address outside of the city limits.
- The individual does not appear in the voter registration records.
- The individual failed to provide a residence address.
- The individual listed an address outside of the Fort Collins city limits.
- The individual signed more than once (the first signature is counted).
- The signature is illegible and cannot be verified.
- The individual's date of registration is later than the date they signed the petition.
- There are multiple individuals with the same name registered, but none are registered at the address listed.

Whole petition sections, and the signatures contained therein, may be rejected because:

- The petition section was circulated by an individual who is not 18 years of age or older.
- The petition section does not contain a signed and properly notarized affidavit. (Common notary problems include absence of notary's commission expiration date and/or seal.)
- The petition section appears to have been disassembled/ reassembled after the Clerk's approval of the form of the petition. (This indicates the possibility that a portion of the information required to be attached to the petition section during its circulation was removed.)

The reasons listed above are common examples, based on actual experiences, and should not be construed as limiting the possible reasons for rejection.

A detailed accounting of the number of valid signatures on each petition section, as well as the number of rejected signatures, and the reasons therefor, will be prepared and will be provided upon request.

Insufficient Petition

If a recall petition is deemed insufficient after the examination or following protest proceedings (described below), the City Clerk will prepare a certificate of insufficiency, specifying the particulars of insufficiency, and will notify all of the petition representatives of such insufficiency, both verbally and by providing copies of the certificate of insufficiency. An insufficient petition may be withdrawn and amended within 15 days of the date of the Clerk's certificate of insufficiency. Within five days of the filing of an amended petition, the Clerk must examine the amended petition and certify the results. If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the City Clerk will return the petition to one of the designated petition representatives. The return of the petition is without prejudice to the filing of a new petition for the same purpose.

The only acceptable amendment of a petition is the submission of additional signatures on petition sections not previously submitted for examination. Nothing prohibits the collection of additional signatures during the period that the City Clerk is examining the petition. Amendments to previously submitted petition sections will not be accepted, since such amendment would take place after execution and notarization of the circulator's affidavit.

Sufficient Petition/Certification of Petition

When a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk is required to certify and present the certified petition to the City Council at the next regularly scheduled meeting. The Clerk's certification is the final determination as to the sufficiency of the petition, subject only to the protest procedure described below.

Protests

Any registered elector may protest the sufficiency of a petition by filing a written protest, under oath, in the City Clerk's office within 10 days of the original filing of the petition. The protest must set forth with particularity the grounds of protest and the names and defects in form protested. The reasons stated for recall may not be protested.

If a protest is filed, the City Clerk must set a hearing date within seven days of filing of the protest. At least five days prior to the hearing, the Clerk is required to mail a copy of the protest to all of the designated petition representatives, together with a notice of the time for hearing.

The City Clerk is the hearing officer for all protest hearings. The Clerk has the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings are public, and all testimony must be given under oath. The hearing must be summary in nature and concluded within 30 days after the petition was filed. Within 10 days after the hearing is concluded, the Clerk must decide and certify the results of the hearing.

If the results of the protest hearing result in the petition being deemed insufficient, the petition representatives have an opportunity to amend the petition as described above under “Insufficient Petition”.

Council Action

A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor.

Upon the City Clerk's presentation of a petition certified to contain a sufficient number of signatures for a recall election, the City Council shall set a date for the election which must be held on a Tuesday not less than 60 nor more than 90 days from the date of presentation of the certified petition to Council. If any other city election is to occur within 90 days, the recall election must be consolidated with such other election.

The order setting a date for the recall election shall not become effective until five days from the presentation of the certified petition to Council. If the affected officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.

The Election

Nominations on Recall

Anyone desiring to become a candidate at the recall election must do so by nominating petition. The deadline for filing a nominating petition for a recall election is no later than 40 days prior to the date of the recall election. If more than one officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. All Charter provisions related to the nomination and qualification of candidates shall apply to recall elections.

The name of the person against whom a recall petition is filed shall not appear on the ballot as a candidate for the office.

The Ballot

For every officer whose recall is to be voted on, the ballot will contain the statement of grounds, and, if requested by the affected officer, the officer's statement in defense followed by the words:

“Shall (name of person against whom the recall petition is filed) be recalled from the office of _____?”

_____ Yes

_____ No

Under each question, the names of those persons who have been nominated as candidates to succeed the person sought to be recalled will be printed.

After the Election

If a majority of those voting on the question of the recall votes “No”, the incumbent continues in office. If a majority votes “Yes” for the incumbent's removal, the incumbent is deemed removed from their elected office when their successor takes the oath of office. The person receiving the highest number of votes is elected for the remainder of the incumbent's term, and will take office at the next regular or special meeting of the Council (as the first item of business).

If the elected candidate fails to qualify within 60 days after the issuance of a certificate of election, the candidate with the next highest vote is elected. If there is no other elected successor who qualifies, the office is deemed vacant and will be filled by appointment by the remaining members of the Council as provided in Article II, Section 18 of the Charter.

Campaign Regulations

Any campaign efforts with regard to a recall election are subject to the campaign regulations set forth in Chapter 7 of the City Code. In the event that recall proceedings are commenced, separate guidelines will be provided.

Definitions

Ordinance – A municipal law or regulation adopted under the provisions of the City Charter.

Resolution – A formal expression of a decision, opinion, policy, or directive of the City, expressed in a formally drafted document and voted upon by the City Council, that does not have the force of law.

Registered elector – A person residing in the city who has registered to vote in city elections in the manner required by law. In the case of recall, “registered elector” may be further defined by the Council District in which the person resides.

Petition – A formal document, addressed to the City Council, requesting the recall of an elected official, which is signed by a requisite number of registered electors of the city of Fort Collins.

Petition representative – A registered elector who shall represent the signers of a petition in all matters affecting the petition.

Circulator – A person who is 18 years of age or older, who carries one or more sections of a petition for the purpose of obtaining signatures in support of the subject of the petition from registered electors of the city of Fort Collins.

Ballot issue, ballot question or issue – Any measure put to a vote of the registered electors of the city by the City Council at any election held under the provisions of the Charter. *Ballot issue, ballot question or issue* shall also mean any measure for which recall, initiative or referendum proceedings have been commenced pursuant to Article IX, Section 1(b), Article X, Section 1(b), and Article X, Section 2(b), respectively, of the Charter.

Candidate – Any person who seeks nomination or election to the office of Mayor or Councilmember at any city election. A person is a candidate if the person has publicly announced an intention to seek election or has filed nominating petitions for the office of Mayor or Councilmember. *Candidate* shall also mean any elected official who is the subject of recall proceedings pursuant to Article IX of the Charter.

Candidate committee – A person, including the candidate, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate shall have one candidate committee.

Issue committee – Two or more persons who are elected, appointed or chosen, or have associated themselves, for the purpose of accepting contributions and making expenditures to support or oppose any ballot issue or ballot question; or any partnership, committee, association, corporation, labor organization or other organization or group of persons that has accepted contributions or made expenditures to support or oppose any ballot issue or ballot question.

City Charter & Code Provisions

Relevant provisions relating to elections and recall can be found in Article IX of the City Charter and Chapter 7 of the Code of the City of Fort Collins.

AFFIDAVIT OF PETITION CIRCULATOR

STATE OF COLORADO)
)
COUNTY OF LARIMER) ss.
)
CITY OF FORT COLLINS)

The undersigned petition circulator, being first duly sworn and upon oath states that he or she is eighteen (18) years of age or older; that he or she personally circulated the attached petition; that each signature thereon is the signature of the person whose name it purports to be, that to the best of the knowledge and belief of the affiant each of the persons signing said petition was, at the time of signing, a registered elector in the City of Fort Collins; that each signer had an opportunity before signing to read the full text of the petition; and that the petition circulator has not paid or will not in the future pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to such petition.

AFFIANT:

Signature of Petition Circulator

Printed Name of Petition Circulator

Street Address of Petition Circulator

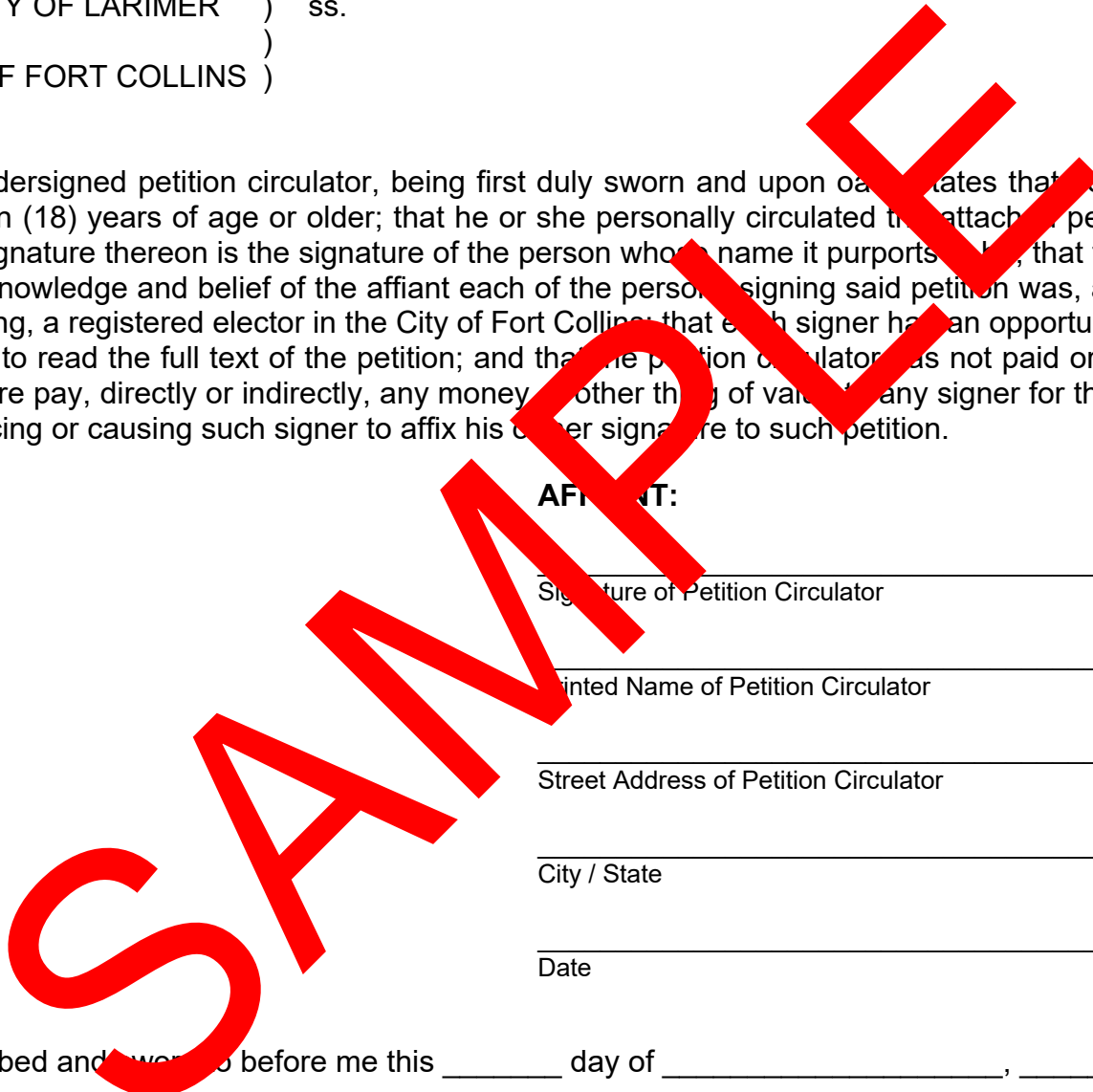
City / State

Date

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

Address of Notary Public



City Charter, Article IX

See following pages.

ARTICLE IX. - RECALL

Section 1. - The recall.

- (a) Power. Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" shall be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall. For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" shall be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative. No recall petition shall be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term. The procedure to effect a recall shall be as provided in this Article.
- (b) Commencement of proceedings; affidavit. One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit shall be filed for each officer sought to be recalled. Within forty-eight (48) hours after the filing of the affidavit, the City Clerk shall mail a copy by certified mail to the affected officer. Within five (5) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges. The affidavit and the response are intended for the information of the registered electors, who shall be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds shall not be open to judicial review. Within ten (10) days after the date by which any statement in defense must be filed, a petition for recall of the officer shall be submitted to the City Clerk for approval of the form of the petition in accordance with Section 2(b) of this Article. The petition shall be circulated, signed, verified and filed in the manner provided in Section 2 of this Article. If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings shall be terminated.
- (c) Call of election. A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur

within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of the certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.

- (d) Disqualification for office. No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person shall serve the city in any elected or appointed capacity within two (2) years after such removal or resignation.

(Ord. No. 199, 1986, § 1, Part A, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-10-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. 128, 1999, § 1, 8-17-99, approved, election 11-2-99)

Section 2. - Petitions.

- (a) Separate petitions required. A separate petition shall be circulated and filed for each officer sought to be recalled.

- (b) Form and content.

- (1) Approval of form. No petition shall be circulated until the City Clerk has approved the form for circulation. The City Clerk shall first determine that the petition form contains only the matters required by this Article. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions for recall.

- (2) Statement of purpose. The petition shall be addressed to Council and shall contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.

- (3) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing. No person shall knowingly sign his or her name more than once for the recall of the same incumbent.

- (c) Circulation of petition. The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the

designated representatives for the petition. All sections shall be filed as one (1) instrument. Only persons eighteen (18) years of age or older may circulate the petition for signatures. The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing a recall petition.

- (d) Affidavit of circulator. A circulator shall attach to each section of the petition circulated, an affidavit signed by the circulator under oath before a notary public stating the following:
- (1) the circulator's address of residence;
 - (2) that the circulator is eighteen (18) years of age or older;
 - (3) that he or she personally circulated the section;
 - (4) that each signature was affixed in the circulator's presence;
 - (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
 - (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
 - (7) that each signer had an opportunity before signing to read the full text of the petition; and
 - (8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

- (e) Number of signatures required.
- (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the entire vote cast at the last preceding regular city election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
 - (2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the entire vote cast at the last preceding regular city election for all candidates for the office to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
- (f) Place of filing, time limits. Petitions for recall shall be filed with the City Clerk within thirty (30) days of the City Clerk's approval of the form for circulation. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent

the signers of the petition in all matters affecting the petition, and shall be endorsed by such persons.

- (g) Sufficiency of petition; amendment. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

Registered electors desiring to protest the sufficiency of a petition may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested. The reasons assigned for recall may not be protested. Upon the filing of a written protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter. At least five (5) days before the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing. All records and hearings shall be before the City Clerk who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings shall be public, and all testimony shall be under oath. The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed. The City Clerk shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded.

In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be withdrawn and amended within fifteen (15) days from the filing of the City Clerk's certificate of insufficiency. The City Clerk shall, within five (5) days after such amendment, examine the amended petition and the registration books and certify the result. If the petition is still insufficient, or if no amendment is made, the City Clerk shall return it to one (1) of the designated petition representatives without prejudice to the filing of a new petition for the same purpose.

When and if a petition or amended petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and present the certified petition to the Council at the next regularly scheduled meeting. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 199, 1986, § 1, Part A, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00)

Section 3. - Elections.

- (a) Generally. Elections on recall shall be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates shall apply to recall elections.
- (b) Nominations on recall. Anyone desiring to become a candidate at the recall election shall do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election shall be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed shall not appear on the ballot as a candidate for the office.
- (c) Ballots. There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (_____)?" Following such question shall appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled.
- (d) Election results. If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent shall thereupon be deemed removed from his or her office upon the taking of the oath of office by his or her successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election determined in accordance with Article VIII, Section 7, shall be declared elected for the remainder of the incumbent's term. The candidate elected shall take office upon taking the oath of office, which shall occur as the first order of business at the next regular or special Council meeting. In case the candidate elected fails to qualify within sixty (60) days after the issuance of a certificate of election, the candidate with the next highest vote shall be elected, and if there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the Council, as provided in Article II, Section 18.

(Ord. No. 199, 1986, § 1, Part A, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, X, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 006, 2015, § 1, 1-20-15, approved, election of 4-7-15; Ord. No. 080, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 4. - Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Ord. No. 199, 1986, § 1, Part A, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)