

ORDINANCE NO. 2317

INTRODUCED BY: \_\_\_\_\_

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AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO ENACT A NEW SECTION 2-4203 RELATING TO THE AUTHORITY OF CITY PERSONNEL TO ESTABLISH RULES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**SECTION 1.** Section 2-4203 of the Commerce City Revised Municipal Code is enacted as set forth in Exhibit A.

**SECTION 2.** This ordinance shall be effective upon passage on second and final reading.

**SECTION 3.** Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 1ST DAY OF FEBRUARY, 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

CITY OF COMMERCE CITY, COLORADO

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Benjamin A. Huseman, Mayor

ATTEST

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Dylan A. Gibson, City Clerk

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Sec. 4-4203. – Administrative rulemaking.

(a) Authority to establish rules.

(1) In addition to any authority to make rules established by the charter or ordinance, the city manager is authorized to adopt rules for:

- (i) the implementation and conduct of any function assigned to the city manager by the charter or ordinance or state law;
- (ii) the management, operation, and use and control of city-owned or operated buildings, parks, parkways, recreation areas, trails, open space, and other properties and all structures, facilities, and land on which such are located, consistent with the intended use of the property and the public's right to exercise any rights guaranteed by the United States and Colorado Constitutions; and
- (iii) the operation and use of city programs and services.

(2) All rules shall be signed by the city manager and approved by the city attorney as to form and legality and shall be available to the public.

(3) Rules issued under this section that are applicable to public property shall be prominently posted at the place where they are to be enforced. If the rule is not so posted, it may still be enforced if the person had actual knowledge of the rule, was given a copy of the rule upon applying for or receiving a permit or license, was advised of the rule by a city employee, or was advised of the rule and ordered by a peace officer to cease conduct violative of the rule.

(4) Nothing in this section shall be interpreted to nullify or limit the effectiveness or enforcement of any rule adopted on or before the effective date of the ordinance enacting this section or any rule outside of the scope of this section.

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END.