

Appendix A – Constitution and Statutes on County Home Rule

Colorado Constitution Article XIV

Section 16. County home rule. (1) Notwithstanding the provisions of sections 6, 8, 9, 10, 12, and 15 of this article, the registered electors of each county of the state are hereby vested with the power to adopt a home rule charter establishing the organization and structure of county government consistent with this article and statutes enacted pursuant hereto.

(2) The general assembly shall provide by statute procedures under which the registered electors of any county may adopt, amend, and repeal a county home rule charter. Action to initiate home rule may be by petition, signed by not less than five percent of the registered electors of the county in which home rule is sought, or by any other procedure authorized by statute. No county home rule charter, amendment thereto, or repeal thereof, shall become effective until approved by a majority of the registered electors of such county voting thereon.

(3) A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers as may be required by statute.

(4) A home rule county shall be empowered to provide such permissive functions, services, and facilities and to exercise such permissive powers as may be authorized by statute applicable to all home rule counties, except as may be otherwise prohibited or limited by charter or this constitution.

(5) The provisions of sections 6, 8, 9, 10, 12, and 15 of article XIV of this constitution shall apply to counties adopting a home rule charter only to such extent as may be provided in said charter.

Adopted November 3, 1970 -- Effective January 1, 1972. (See Laws 1969, p. 1247.); (1) and (2) amended November 6, 1984 -- Effective upon proclamation of the Governor, January 14, 1985. (For the text of this amendment and the votes cast thereon, see L. 84, p. 1144, and L. 85, p. 179

ANNOTATIONS

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Counties, and Other Political Subdivisions, § § 125-138.

C.J.S. See 20 C.J.S., Counties, § § 5, 7.

County Home Rule Statutes

TITLE 30, ARTICLE 11 – COUNTY POWERS AND FUNCTIONS

PART 5 - COUNTY HOME RULE CHARTERS

Cross references: For provisions on home rule counties, see article 35 of this title.

30-11-501. County home rule charters. Any county in this state, pursuant to the provisions of this part 5, may establish the organization and structure of county government which shall be submitted to and adopted by a majority vote of the registered electors of the county which shall be known as a county home rule charter.

Source: L. 71: p. 349, § 1. C.R.S. 1963: § 36-28-1. L. 85: Entire section amended, p. 1344, § 8, effective April 30.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 108.
C.J.S. See 20 C.J.S., Counties, § 5, 7.

30-11-502. Charter commission.

(1) Following the adoption of a resolution by the board of county commissioners, or upon the submission of a petition of not less than five percent of the registered electors of the county, requesting that a charter commission be established, the board of county commissioners shall call an election to be held on or before the next general election for the purpose of determining whether or not a charter commission shall be elected. The board of county commissioners shall publish notice of the election at least sixty days prior to the election.

(2) (a) At least sixty days before the election provided for in section 30-11-503, the board of county commissioners shall divide the county into three compact districts; such districts to be as nearly equal in population as possible, for the purpose of electing charter commission members by district according to subsection (4) of this section.

(b) If the provisions of paragraph (a) of this subsection (2) are not met before sixty days prior to the election provided for in section 30-11-503, no member of the board of county commissioners of the county shall thereafter be entitled to or earn any compensation for his services or receive any payment for salary or expenses, nor shall any member be eligible to succeed himself in office.

(3) The charter commission shall consist of the following members and be elected from the district as follows:

(a) In counties having a population of less than fifty thousand, eleven members, three of whom shall reside in and be elected from each commissioner district within the county and two to be elected at large;

(b) In counties having a population of fifty thousand or more, twenty-one members, six of whom shall reside in and be elected from each commissioner district and three to be elected at large;

(c) Eligibility to serve on the commission shall extend to all qualified electors of the county. Any vacancy in the charter commission shall be filled by majority vote of the members of the charter commission.

(4) Candidates for the charter commission shall be nominated by filing with the county clerk and recorder, on forms supplied by the county clerk and recorder, a nomination petition signed by at least twenty-five registered electors of the county and a statement by the candidate consenting to serve if elected. Said petition and statement must be filed within thirty days after publication of the election notice. A second notice of the election shall be published by the said commissioners and include the names of candidates for the charter commission.

Source: L. 71: p. 349, § 1. C.R.S. 1963: § 36-28-2. L. 85: (1) and (4) amended, p. 1344, § 9, effective April 30.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 109.
C.J.S. See 20 C.J.S., Counties, § 5, 7.

30-11-503. Election on formation of charter convention and designation of members.

(1) At the election, voters shall cast ballots for or against forming the charter commission. If a majority of the registered electors voting thereon vote for forming the charter commission, a commission to frame a charter shall be deemed formed.

(2) At the election voters shall also cast ballots for electing the requisite number of charter commission members. Those candidates receiving the highest number of votes shall be elected. In the event of tie votes for the last available vacancy, the clerk shall determine by lot the person who shall be elected.

Source: L. 71: p. 350, § 1. C.R.S. 1963: § 36-28-3. L. 85: amended, p. 1345, § 10, effective April 30.

30-11-504. Development of proposed charter.

(1) A charter commission elected pursuant to section 30-11-503 shall meet on a date designated by the board of county commissioners for the purposes of organization within thirty days after the election. The charter commission shall elect a chairman and a vice-chairman from among its membership. Further meetings of the commission shall be held upon call of the chairman or a majority of the members of the commission. All meetings shall be open to the public. A majority of the charter commission shall constitute a quorum. The commission may adopt such other rules for its operations and proceedings as it deems necessary or desirable. Members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(2) The charter commission shall conduct a comprehensive study of the operation of county government and of the ways in which the conduct of county government might be improved or reorganized. Within two hundred forty days after its initial meeting, the charter commission shall present to the board of county commissioners a proposed charter, upon which it shall have held three public hearings at intervals of not less than fifteen nor more than thirty days, and notice of these public hearings shall be published not less than fifteen days prior to each public hearing in a newspaper of general circulation within the county. Within ten days of the last of such public hearings, the charter commission shall incorporate any amendments it deems desirable. A majority vote of the members of the charter commission in favor of a proposed charter for the county shall be required to forward said charter to the board of county commissioners for the setting of a referendum election as provided in section 30-11-505.

(3) In the event that the charter commission fails to present a charter to the board of county commissioners after the specified time, the charter commission shall recess for a period of not less than thirty days nor more than ninety days. The board of county commissioners shall then call the charter commission to begin a second attempt to present a charter which shall be presented within a period of ninety days. In the event a second attempt to present a charter to the board of county commissioners also fails, the charter commission shall be excused from its duties and dissolved by the board. All records, files, and proceedings of the charter commission shall be submitted to the board of county commissioners for storage and safekeeping as a public record. A new charter commission shall be elected on dissolution as provided in section 30-11-502.

(4) The board of county commissioners is authorized to establish a special county charter fund and establish a mill levy therefor when the charter commission has submitted a preliminary budget approved by the board of county commissioners. The expenses of the charter commission shall be verified by a majority vote of the commission and shall be submitted to the board of county commissioners for approval, which approval shall not be unreasonably withheld. If approved, payment shall be made from the special county charter fund. The charter commission may employ a staff, may

consult and retain experts, and may purchase, lease, or otherwise provide for such supplies, materials, equipment, and facilities as it deems necessary or desirable. The board of county commissioners may accept funds, grants, gifts, and services for the charter commission from the state of Colorado, the government of the United States or any of its agencies, or other sources, public or private.

Source: L. 71: p. 350, § 1. C.R.S. 1963: § 36-28-4. L. 75: Entire section amended, p. 993, § 1, effective June 4.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 109.

C.J.S. See 20 C.J.S., Counties, § § 5, 7.

30-11-505. Referendum election on charter - adoption or rejection.

(1) Upon submission to the board of county commissioners of a charter by the charter commission, the board of county commissioners shall call a special election, to be paid for from the special county charter fund, to be held pursuant to the Colorado election laws, not more than ninety days nor less than forty-five days subsequent to its receipt of the proposed charter; and the board of county commissioners shall publish in a newspaper of general circulation within the county a complete text of the proposed charter not less than ten days prior to the special election. At the special election a referendum of the registered electors of the county shall be held to determine the question of whether the proposed charter as submitted shall be adopted. Notice of the election on the proposed charter shall be published at least thirty days prior to the election.

(2) If a majority of those voting on the question favor the adoption of the charter, the said charter shall become effective January 1 of the succeeding year or at such other time as the charter may provide. Such charter, once adopted by the electors, may be amended only by the registered electors of the county.

(3) If a majority of the voters disapprove the proposed charter, the charter commission may proceed to prepare a revised proposed charter in the same manner provided for preparation, submission, and election on the proposed charter. The election on any revised proposed charter must be held not less than ninety nor more than one hundred eighty days after the election rejecting the proposed charter. The charter commission shall not submit more than one proposed charter and one revised proposed charter. If a majority of the voters disapprove the proposed charter, or the revised proposed charter, if one is submitted, no new referendum may be held during the next twelve months following the date of the last disapproval.

(4) Upon acceptance or rejection of the proposed charter or the revised proposed charter, if one is submitted by the registered electors of the county, the charter commission shall be dissolved, and all property of the charter commission shall thereupon become the property of the county, and the board of county commissioners shall adopt a resolution to that effect.

Source: L. 71: p. 351, § 1. C.R.S. 1963: § 36-28-5. L. 85: (1), (2), and (4) amended, p. 1345, § 11, effective June 4.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 109.

C.J.S. See 20 C.J.S., Counties, § § 5, 7.

30-11-506. Procedure to amend or repeal charter.

(1) Action to amend a charter shall be initiated by:

(a) A petition signed by at least five percent of the registered electors of the county; or

(b) A resolution adopted by the board of county commissioners submitting the proposed amendment to the registered electors.

(2) Action to repeal a charter or to form a new charter commission may be initiated by a petition signed by at least fifteen percent of the registered electors of the county.

(3) (a) Within thirty days of initiation of a proposed amendment, repeal, or charter convention measure, the board of county commissioners shall publish notice of and call an election to be held not less than thirty nor more than one hundred twenty days after said publication. The text of any proposed amendment shall be published with said notice.

(b) If the proposal is for a charter commission, the election shall be scheduled at least sixty days after publication of the notice. The procedure for the forming and functioning of a new charter commission shall comply as nearly as practicable with provisions relating to formation and functioning of an initial charter commission.

(4) If a majority of the registered electors voting thereon vote for a proposed amendment, the amendment shall be deemed approved. If a majority of the registered electors voting thereon vote for repeal of the charter, the charter shall be deemed repealed, and the county shall proceed to organize and operate pursuant to the statutes applicable to statutory counties.

Source: L. 71: p. 352, § 1. C.R.S. 1963: § 36-28-6. L. 85: (1)(a), (1)(b), (2), and (4) amended, p. 1345, § 12, effective June 4.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § § 108-115.

30-11-507. Filings - effect of.

(1) Within twenty days after voter approval, a certified copy of the charter shall be filed with the division of local government and with the county clerk and recorder.

(2) This section shall also apply to an amendment or repeal of a charter.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-7.

30-11-508. Initiative, referendum, and recall. Every charter shall contain procedures for the initiative and referendum of measures and for the recall of elected officers.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-8.

C.J.S. See 20 C.J.S., Counties, § § 5, 7.

30-11-509. Time limit on submission of similar proposals. No proposal for a charter commission, charter amendment, or repeal of a charter shall be initiated within twelve months after rejection of a substantially similar proposal.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-9.

30-11-510. Publication requirements. "Publish" or "publication" means one publication in one newspaper of general circulation in the county. If there is no such newspaper, publication shall be by posting in at least three public places within the county.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-10.

C.J.S. See 20 C.J.S., Counties, § § 5, 7.

30-11-511. Board of county commissioners - home rule counties. A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers required by statute. A home rule county may provide such permissive functions, services, and facilities and may exercise such permissive powers as authorized

by statute applicable to nonhome rule counties, except as may be otherwise prohibited or limited by the county charter or the constitution of Colorado. Any power, function, service, or facility vested by statute in a particular county officer, agency, or board, including a board of county commissioners, may be exercised or performed within a home rule county by such county officer, agency, or board or by any other county officer, agency, or board designated in the home rule charter. For home rule counties, the term "board of county commissioners" means the governing body of the county designated by the county.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-11. L. 76: Entire section R&RE, p. 693, § 1, effective March 16.

30-11-512. Finality. No proceeding contesting the adoption of a charter, charter amendment, or repeal thereof shall be brought unless commenced within one hundred eighty days after the election adopting the measure.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-12.

30-11-513. Officers. Officers of a home rule county shall be appointed or elected as provided for in the charter; the terms of office and qualifications of such officers shall also be provided for in the charter; however, the duties of such officers shall be as provided by statute. The charter shall designate the officers who shall respectively perform the acts and duties required of county officers by statute. No elected official shall receive any increase or decrease in compensation under any resolution passed during the term for which he was elected.

Source: L. 71: p. 353, § 1. C.R.S. 1963: § 36-28-13.
C.J.S. See 20 C.J.S., Counties, § § 98-102.

ARTICLE 35 - HOME RULE COUNTIES

PART 1 - GENERAL PROVISIONS

30-35-101. Short title. This article shall be known and may be cited as the "Colorado County Home Rule Powers Act".

Source: L. 81: Entire article added, p. 1461, § 1, effective June 8.

30-35-102. Legislative declaration.

The general assembly declares that, in order to better meet and resolve problems of growth and urbanization and to promote the health, safety, security, and general welfare of the people, county government should be strengthened and provided more flexibility in its powers; therefore, this article is enacted with the intent to implement the provisions of section 16 of article XIV of the state constitution to provide home rule powers for the counties of this state and shall be liberally construed to effect such intent.

Source: L. 81: Entire article added, p. 1461, § 1, effective June 8.

30-35-103. Home rule counties - general powers.

(1) Any county which adopts, has adopted, or proposes to adopt a county home rule charter to establish the organization and structure of county government, pursuant to the provisions of part 5 of article 11 of this title, may provide in such charter, or

amendment thereto for the adoption of all or certain of the home rule powers authorized pursuant to the provisions of this article. In addition to powers authorized in this article, a home rule county, and its officers and employees, shall have all the powers of any county not adopting a home rule charter, except as otherwise provided in this article or in the charter or in the state constitution.

(2) None of the home rule powers granted in this article shall be exercised by a home rule county within the corporate limits of any municipality or territory annexed thereto, nor shall any fee, tax, assessment, or levy of any kind be imposed within such municipality for the exercise of any of the county home rule powers which are not authorized for nonhome rule counties, unless consent thereto is first given by the governing body of such municipality. Nothing contained in this article shall affect the power, otherwise granted by law, of a home rule county to own, operate, and maintain real and personal property within the corporate limits of any municipality.

(3) Notwithstanding any other provision in this part 1, none of the powers authorized in this article shall be applied to any municipal property, functions, services, or facilities, whether provided or located within or outside municipal boundaries, as the boundaries may from time to time exist, unless consent thereto is first given by the governing body of the municipality. This part 1 shall not be construed as limiting the authority of any municipality nor as expanding the authority of any county with respect to any municipality or any municipal property, functions, services, or facilities.

(4) A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers as are required by law for counties not having home rule powers. A home rule county may provide all permissive functions, services, and facilities and may exercise all permissive powers granted in this article and by other law applicable to counties not having home rule powers, except as otherwise provided in this article or in the charter or in the state constitution.

(5) A home rule county shall be a body politic and corporate, under such name and style as prescribed by law, and may sue and be sued, contract or be contracted with, acquire and hold real and personal property, have a common seal which it may change and alter at pleasure, and have such other privileges as are incident to corporations of like character or degree, not inconsistent with its charter or the laws of this state.

Source: L. 81: Entire article added, p. 1461, § 1, effective June 8.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § § 108-115.

PART 2 - GENERAL POWERS

30-35-201. Powers of governing bodies. The governing body of a home rule county shall exercise such duties and authority and shall have all the powers and responsibilities as provided by law for governing bodies of counties not adopting a home rule charter and shall also have all of the following powers that have been included in the county's home rule charter or in any amendment thereto, pursuant to the provisions of section 30-35-103 (1):

(Administrative Powers)

(1) Finances. To control the finances and property of the corporation;

(2) Appropriations. To appropriate moneys for corporate purposes only, and provide for payment of debts and expenses of the corporation;

(3) Public entertainment. To appropriate moneys in an amount not exceeding six-tenths of one mill on the valuation for assessment for the purpose of giving public concerts and entertainments by such corporation;

(4) Advertising. To appropriate moneys for the purpose of advertising the business, social, and educational advantages, the natural resources, and the scenic attractions of the corporation;

(5) Taxes. To levy and collect taxes for general and special purposes on real and personal property, as provided by statute;

(6) Indebtedness. (a) To contract an indebtedness on behalf of the county and upon the credit thereof, by borrowing money or issuing the bonds of the county, for any public purpose of the county, including, but not limited to, the supplying of water and sewer facilities service, the purchase of land, and the purchase, construction, extension, and improvement of public roads, streets, buildings, facilities, and equipment, and for the purpose of supplying a temporary deficiency in the revenue for defraying the current expenses of the county;

(b) The total amount of indebtedness for all purposes shall not at any time exceed three percent of the valuation for assessment of the county as determined by the county assessor, except such debt as may be incurred in supplying water, and no loan for any purpose shall be made unless it is by ordinance, which shall be irrevocable until the indebtedness therein provided for is fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levying of a tax which, together with such other revenues, assets, or funds as may be pledged, shall be sufficient to pay the annual interest on, and extinguish the principal of, said debt within the time limited for the debt to run, which, excepting such debt as may be incurred in supplying water, shall not be more than thirty years; except that said tax when collected shall only be applied for the purposes in said ordinance specified, until the indebtedness is paid and discharged; but no debt shall be created unless the question of incurring the same is submitted, at a regular or special election of the county, to the registered electors thereof and a majority of the registered electors voting upon the question vote in favor of creating such debt.

(c) No statutory provisions of any other law limiting or fixing tax rates shall limit the provisions of this subsection (6).

(d) Bonds issued under this subsection (6) may mature serially during a period of not more than thirty years from the date thereof, in which event the amounts of such annual maturities shall be fixed by the governing body; except that bonds issued to supply water may mature over a longer period. If the governing body so determines, said

bonds may be redeemable prior to maturity with or without payment of a premium, not exceeding three percent of the principal thereof. In any event said bonds shall be subject to call commencing not later than fifteen years from the date thereof. The right to redeem all or part of said bonds prior to their maturity, and the order of any such redemption, shall be reserved in the ordinance authorizing the issuance of bonds and shall be set forth on the face of said bonds.

(e) The ordinance or resolution submitting the question of contracting an indebtedness shall contain a statement of the maximum net effective interest rate at which said indebtedness may be incurred. For the purposes of this article:

(I) "Net effective interest rate" of a proposed issue of bonds shall be defined as the net interest cost of said issue divided by the sum of the products derived by multiplying the principal amount of such issue maturing on each maturity date by the number of years from the date of said proposed bonds to their respective maturities.

(II) "Net interest cost" of a proposed issue of bonds shall be defined as the total amount of interest to accrue on said bonds from their date to their respective maturities, plus the amount of any discount below par or less the amount of any premium above par at which said bonds are being or have been sold. In all cases the net effective interest rate and net interest cost shall be computed without regard to any option of redemption prior to the designated maturity dates of the bonds.

(f) (I) The governing body, having received approval at an election to issue bonds and having determined that the limitations of the original election question are too restrictive to permit the advantageous sale of the bonds so authorized, may submit, at another regular or special election, either the question of issuing the bonds, or any portion thereof, at a higher maximum net effective interest rate than the maximum interest rate or maximum net effective interest rate approved at the original election or the question of issuing the bonds, or any portion thereof, to mature over a longer period of time than the maximum period of maturity approved at the original election, or the governing body may submit both such questions.

(II) An election held pursuant to this paragraph (f) shall be held in substantially the same manner as an election to authorize bonds initially, except as may be required for the submission of the limited question or questions permitted under this paragraph (f).

(III) At an election held pursuant to this paragraph (f), if the changes submitted are not approved, such result shall not impair the authority of the governing body at a later time to issue the bonds originally approved within the limitations established at the first election.

(7) Officers and employees. To provide by ordinance for the powers, duties, appointment, term of office, removal, and compensation of all officers and employees of the county not otherwise provided for by the state constitution or by statute or by charter and to provide for a retirement plan for such officers and employees;

(8) Supplies. To provide by ordinance that all the paper, printing, stationery, fuel, and other supplies needed for the use of the county shall be furnished by contract let to the lowest responsible bidder;

(9) Charges on land. To prescribe, by general ordinance, the mode in which the charges on the respective owners of lots or lands, and on the lots or lands, shall be assessed and determined for the purposes so authorized by law. Any such charge, when assessed, shall be payable by the owners at the time of the assessment, personally, and also be a lien upon lots or parcels of land from the time of the assessment. Such charge

may be collected and such lien enforced by a proceeding in law or in equity, either in the name of such corporation or of any person to whom it shall have directed payment to be made. In any such proceedings where pleadings are required, it shall be sufficient to declare generally for work and labor done and materials furnished on the particular street, alley, or highway, for sewerage, or for water used. Proceedings may be instituted against all the owners, or any of them, to enforce the lien against all the lots or parcels of land, or each lot or parcel, or any number of them embraced in any one assessment; but the judgment or decree shall be for each separately for the amount properly chargeable to each. Any proceedings may be severed in the discretion of the court for the purpose of trial, review, or appeal.

(10) Vacancies. To fill any vacancy occurring by death, removal, or resignation of any member of the governing body or other elective county officer by the appointment of a successor, and such appointee shall hold his office only until the next election, when the vacancy shall be filled by election as in other cases;

(11) Grants of rights-of-way. To grant, by ordinance and upon such terms and conditions as may be prescribed therein, rights-of-way through, over, across, and under roads, streets, and alleys;

(Public Works and Services)

(12) Buildings. To construct and maintain public buildings;

(12.5) Energy conservation measures. To enter into installment purchase contracts or shared-savings contracts or otherwise incur indebtedness under section 29-12.5-103, C.R.S., to finance energy conservation and energy saving measures and enter into contracts for an analysis and recommendations pertaining to such measures under section 29-12.5-102, C.R.S.

(13) Streets and public grounds. (a) To plan, establish, open, alter, widen, extend, grade, pave, or otherwise improve roads, streets, alleys, avenues, sidewalks, parks, and public grounds, and vacate the same, and to direct and regulate the landscaping within the rights-of-way of such roads, streets, and, avenues and on public grounds; to regulate the use of the same; to prevent and remove encroachments or obstructions upon the same; to provide for the lighting of the same; and to provide for the maintenance of the same;

(b) To regulate the openings therein for the laying-out of gas or water mains and pipes and the building and repairing of sewers, tunnels, and drains or for any other purpose;

(c) To regulate the use of sidewalks along the streets and alleys, and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalks free from snow and other obstructions;

(d) To regulate and prevent the throwing or depositing of ashes, garbage, or any offensive matter in, and to prevent any injury to, any road, street, avenue, alley, or public ground;

(e) To provide for and regulate crosswalks, curbs, and gutters;

(f) To regulate and prevent the use of roads, streets, sidewalks, and public grounds for the erection of signs, signposts, awnings, awning posts, and utility poles and for the posting of handbills and advertisements; to regulate and prohibit the exhibition or carrying of banners, placards, advertisements, or handbills upon the streets or public grounds or upon the sidewalks; and to regulate and prevent the flying of flags, banners, or signs across the streets or from houses or other structures;

(g) To regulate the numbering of houses and lots and to name and change the name of any road, street, avenue, alley, or other public place;

(14) Bridges and tunnels. To construct and maintain bridges, viaducts, and tunnels and to regulate the use thereof;

(15) Sewers and water mains. To construct and maintain culverts, drains, sewers, water mains, septic tanks, and cesspools and to regulate their use and to assess, either in whole or in part, the cost of the construction of sewers, water mains, and drains upon the lots or lands adjacent to and opposite the improvements in proportion to the frontage of such lots or lands abutting upon the road, street, or alley wherein such sewer, water main, or drain is to be laid. The benefit to the public generally, if any, shall be determined by ordinance and shall be assessed against the county, and the balance may be assessed against the lots or lands and the owners thereof, according to the frontage.

(16) Lease or purchase of canals. To purchase or lease any canal or ditch already constructed, or which may hereafter be constructed, and all the rights, privileges, and franchises of any person or corporation owning the same or having any interest or right herein, and to hold and operate the same in the same manner as the persons or corporations from whom the same may be purchased or leased might otherwise do, if such purchase or lease is made for the purpose of supplying, by said ditch or canal, water for the use of the people of the county and if a majority of the registered electors of the county voting at any regular election held for the election of county officers vote in favor of said purchase;

(17) Obligations - repair - management. In making a purchase or lease pursuant to subsection (16) of this section, to assume all obligations and other duties which by law devolve upon the owner of such ditch or canal from whom the same may be purchased or leased by virtue of subsection (16) of this section and to repair, improve or enlarge said canal or ditch or any flume, dam, or gate connected therewith and, for such objects, to levy and collect taxes in the same manner as other taxes are levied and collected by law. The management of such ditch or canal shall be under the control of the governing body of a home rule county.

(18) Counties may purchase water rights. To purchase water and water rights for the purpose of supplying counties and the inhabitants thereof with water. When deemed necessary and proper, the governing body of a county may purchase and hold the lands with which said water right is connected, whether the same is within or beyond the corporate limits thereof.

(19) May divert waters - sell lands. To divert the waters acquired by purchase, to the amount and extent theretofore lawfully appropriated, for the use of the county and the inhabitants thereof and to sell such lands whenever the governing body of a county may deem such course advisable;

(20) Ratification of prior rights purchased. To exercise the right to hold and retain water rights, or such lands and water rights as may have been purchased prior to June 8, 1981, by any county in this state for the purpose of providing water for the use thereof or for the use of its inhabitants, such right hereby being given and ratified and confirmed to the county; and also to exercise the right to divert the water belonging to such rights for the use of the county and the inhabitants thereof; and to sell and dispose of such lands so purchased separate and apart from the water rights as provided in subsection (19) of this section;

(21) Water pollution control. (a) To cooperate with and report to the water quality control commission and the department of public health and environment concerning any instances of water pollution, but this paragraph (a) shall not be construed to affect any activity conducted in compliance with any valid permit, license, or other authority granted or issued by any agency of the state or federal government;

(b) To apply for and to accept grants or loans or any other aid from the federal or state government or any agent or instrumentality thereof or any private agency;

(c) To construct, reconstruct, lease, improve, better, and extend sewerage facilities and sewage treatment works wholly within or wholly without the county or partially within and partially without the county;

(d) To issue its general obligation bonds or other general obligations for the purpose set forth in, and within the limitations prescribed by, subsection (6) of this section and to issue its revenue bonds or obligations for such purpose in accordance with law;

(e) To provide that such bonds or obligations or any part thereof may be sold to the state of Colorado or the United States of America or any agency or instrumentality of either at private sale and without advertisement;

(f) To cooperate with other local public bodies and with state and federal agencies by contract for the joint construction and financing of sewerage facilities and sewage treatment works and the maintenance and operation thereof;

(g) To enter into joint operating agreements with industrial enterprises and accept gifts or contributions from such industrial enterprises for the construction, reconstruction, improvement, and extension of sewerage facilities and sewage treatment works. When determined by its governing body to be in the public interest and necessary for the protection of the public health, the county is authorized to enter into and perform contracts, whether long-term or short-term, with any industrial establishment for the provision and operation by the county of sewerage facilities to abate or reduce the pollution of waters caused by discharges of industrial wastes by the industrial establishment and the payment periodically by the industrial establishment to the county of amounts at least sufficient, in the determination of such governing body, to compensate the county for the cost of providing, including the payment of the principal and any interest charges, and of operating and maintaining the sewerage facilities serving such industrial establishment.

(22) Firehouses, equipment, and firefighters. To erect firehouses, and provide fire equipment for the extinguishment of fires and to provide for the use and management of the same; to determine the powers and duties of the members of the fire department in taking charge of property to the extent necessary to bring under control and extinguish any fire and to preserve and protect property not destroyed by fire; and to restrain persons from interfering with the discharge of the duties of the members of the fire department in connection with the fighting of any fire;

(23) Hospitals and places of relief. (a) To erect, establish, and maintain public hospitals, medical dispensaries, and other health facilities;

(b) The limitations on borrowing and incurring indebtedness set forth in section 25-3-304 (2), C.R.S., shall not apply to county hospitals established in home rule counties, as that term is defined in part 5 of article 11 of this title. The board of public hospital trustees in such home rule counties shall have the power to borrow money and enter into long term leases even where such indebtedness may not be repaid for more

than one year and such indebtedness shall not require the approval of the board of county commissioners of such county unless such power to approve such indebtedness is specifically reserved to the board of county commissioners in the county home rule charter. The home rule county shall incur no liability as a result of the actions to incur indebtedness by such board of public hospital trustees.

(24) Cemeteries. To establish and regulate cemeteries within or without the corporation and acquire lands therefor, by purchase or otherwise, and to cause cemeteries to be removed;

(25) Franchise and charges for utilities. When the right to build and operate such water or cable television systems is granted to private individuals or incorporated companies by the county, to make such grant to inure for a term of not more than twenty-five years and to authorize such individuals or company to charge and collect from each person supplied by them with water or such water or cable television charges as may be agreed upon between said person or corporation so building said works and the county; and to enter into a contract with the individual or company constructing said works to supply the county with water for fire purposes and for such other purposes as may be necessary for the health and safety thereof and to pay therefor such sums as may be agreed upon between said contracting parties;

(26) Assessments for utility charges. To assess from time to time, when constructing such water or cable television systems, in such manner as they shall deem equitable upon each tenement or other place supplied with such service, such charges as may be agreed upon by the governing body. At the regular time for levying taxes in each year, said county is hereby empowered to levy and cause to be collected, in addition to the other taxes authorized to be levied, a special tax on taxable property in the county. Such tax, with charges hereby authorized, shall be sufficient to pay the expenses of operating and maintaining such systems. If the right to build, maintain, and operate such systems is granted to private individuals or incorporated companies by the county, and the county shall contract with said individuals or companies for the supplying of such services for any purpose, the county shall levy each year and cause to be collected a special tax as provided for above, sufficient to pay off such charges so agreed to be paid to said individuals or company constructing said systems, but the said special tax shall not exceed the sum of three mills on the dollar for any one year.

(27) Water facilities and taxes. To construct public wells, cisterns, and reservoirs in the roads, streets, and other public and private places within the county, or beyond the limits thereof, and to provide proper pumps and conduits or ditches, for the purpose of supplying such county with water; and to levy an equitable and just tax or charge upon all consumers of water for the purpose of defraying the expense of such improvements;

(28) Supply water to outside consumers. To supply water from their water systems to consumers outside of the county and to collect therefor such charges, upon such conditions and upon such limitations as the county may impose by ordinance;

(29) Parks - recreational facilities - conservation easements. (a) To acquire, establish, and maintain such lands, or interests in land, within the county as in the judgment of the governing body may be necessary, suitable, or proper for boulevards, parkways, avenues, driveways, and roadways or for park or recreational purposes for the preservation or conservation of sites, scenes, open space, and vistas of scientific, historic, aesthetic, or other public interest.

(b) "Interests in land", as used in subsections (29) to (39) of this section, means and includes any and all rights and interests in land less than the full fee interest, including, but not limited to, future interests, easements, covenants, and contractual rights. Every such interest in land held pursuant to this subsection (29), when recorded, shall be deemed to run with the land to which it pertains for the benefit of the county holding such interest and may be protected and enforced by a county in any court of general jurisdiction by any proceeding known at law or in equity.

(c) Any county may unite with any other similarly authorized political subdivision of this state in acquiring, establishing, and maintaining any property which a county is authorized to acquire, establish, or maintain pursuant to this subsection (29).

(30) Lands or interests in land acquired. With respect to lands, or interests in land, for any of the purposes mentioned in subsection (29) of this section, to acquire, either by gift, devise, or purchase, but no land shall be purchased for such purpose until the governing body shall adopt an ordinance authorizing such acquisition and stating the location and legal description of the lands to be acquired and, in case of purchase, the price to be paid and the manner of payment or unless the proposal to acquire such lands shall be submitted upon petition pursuant to subsection (33) of this section and approved by the electors of the county. Lands or interests in land given or devised to a county for the purposes mentioned shall be accepted or refused by ordinance passed by the governing body of the county.

(31) Management - licenses - franchises. Exclusively, to manage and control all parks, pleasure grounds, boulevards, parkways, avenues, driveways, and roads as mentioned in subsection (29) of this section and, exclusively, to lay out, regulate, and improve the same, to prohibit certain or heavy traffic therein and thereon, to grant or refuse licenses to vend goods on the roads, streets, or sidewalks within three hundred feet of any park entrance and on the streets and sidewalks adjoining parks, and to establish and maintain necessary rules and regulations for the proper supervision and government thereof. The county shall have such additional powers relating thereto as may be prescribed by ordinance, and the governing body shall provide, by ordinance, for the enforcement of such rules and orders.

(32) Bequests for park purposes. Upon such trusts or conditions as may be approved by the county real or personal property may be granted, bequeathed, devised, or conveyed to the county for the purpose of the improvement or ornamentation of any park, pleasure ground, boulevard, parkway, avenue, driveway, or road or for the establishment or maintenance in parks or pleasure grounds of museums, zoological or other gardens, collections of natural history, observatories, libraries, monuments, or works of art. All such property or the rents, issues, and profits thereof shall be subject to the exclusive management and control of the county.

(33) Acquisition and bonds submitted to electors. (a) For any of the purposes named in subsection (29) of this section within the county limits, to acquire, by purchase, gift, devise, or exchange, lands, or interests in land, which may be necessary, suitable, or proper. No lands or interests in land shall be so acquired by purchase unless the governing body has adopted an ordinance in accordance with the provisions of subsection (30) of this section. No indebtedness shall be created nor shall any bonds be issued for acquiring such lands or interests in land, unless the question of incurring such debt and issuing such bonds shall have been submitted at a regular election to a vote of those

persons qualified to vote on authorization of other bonded indebtedness and approved as required by subsection (6) of this section.

(b) The governing body, upon petition of the registered electors of the county, equal in number to ten percent of the total number of such electors voting at the last regular election of the county, shall submit at the next regular election either or both of the questions of acquisition or of incurring bonded indebtedness by separate ordinance. In the ordinance submitting the question of the acquisition of such lands or interests in land, the governing body shall state the location of the land or interests in land proposed to be acquired, describing the same by legal subdivisions, wherever practicable, and the consideration to be given for the purchase and the manner of payment; and, in the ordinance submitting the question of incurring indebtedness, the governing body shall state the maximum net effective interest rate at which the bonds may be issued. If the only question to be submitted is the acquisition of such properties, the question may be submitted at a regular or special election. If the acquisition or incurring of indebtedness or both have been approved as required by subsection (6) of this section, the governing body shall acquire such lands or interests in land, incur said indebtedness, or both, pursuant to said authorization.

(34) Park fund - certified vouchers. To provide for a park fund which shall consist of moneys levied, collected, and appropriated therefor and coming into the fund by donation or otherwise. All moneys collected and credited to the park fund shall be used for the maintenance and improvement of parks, parkways, boulevards, avenues, driveways, and roads and shall be expended by the county as in their judgment the needs of such property shall require. The same shall be drawn upon the proper officers of the county, upon vouchers properly authenticated.

(35) Maximum tax levy - moneys credited. (a) As a part of the annual levies authorized by law, to annually levy, assess, and collect upon each dollar of taxable property within the county not more than one and one-half mills for the purposes of said park fund, the proceeds of which shall be collected in the same manner as other county taxes and shall be appropriated to the park fund.

(b) All moneys collected or received or levied or appropriated by the county for park purposes shall be deposited in the county treasury to the credit of the park fund. Any portion thereof remaining unexpended at the end of any fiscal year or at any other time shall not in any event revert into the general fund nor be subject to appropriation for general purposes.

(36) Acquisition of park land by assessment and bond sale. In addition to the powers conferred to acquire lands for parks and parkways by the sale of the general bonds of the county, to acquire boulevards, parkways, avenues, driveways, and roads, in the manner provided in subsection (37) of this section, the same to be paid for by special assessments upon all the other real estate, except avenues, boulevards, streets, and roads, in the county or partly out of the proceeds of the sale of the general bonds of the county and partly by such assessments as the same may be determined by ordinance.

(37) Acquisition by condemnation. For the purpose of acquiring lands for boulevards, parkways, avenues, driveways, and roads, to select and, by a suitable proceeding in the name of the county and without the passage of any ordinance, to condemn real property, to purchase any real property so selected for one or more boulevards, parkways, avenues, driveways, or roads, and to select routes and streets for the purpose of establishing and maintaining a system of connecting boulevards and

pleasure ways or parkways therein. All such condemnation proceedings shall be in accordance with the general laws of the state, so far as the same are applicable, but the benefit to other lands shall be ascertained and assessed.

(38) Park bonds. To pay for the parks and pleasure grounds, boulevards, parkways, avenues, driveways, and roads established by any county, or such part thereof, as may be determined by the county, in park bonds of the county of a date and form prescribed by the county, bearing the name of the county, and payable to bearer at such times and in a sufficient period of years to cover the period of payments provided for, with interest annually at a rate or rates such that the net effective interest rate of the issue of bonds does not exceed the maximum net effective interest rate authorized, as may be determined by the governing body. The bonds shall be signed by the executive officer, countersigned by the county clerk and recorder, and bearing the seal of the county endorsed thereon, the interest to be evidenced by suitable coupons attested by a facsimile of the signature of the county clerk and recorder.

(39) Control of park grounds. In all cases where any home rule county has acquired lands for parks, parkways, boulevards, or roads, to have full police power and jurisdiction and full power and authority in the management, control, improvement, and maintenance of and over any and all such lands so acquired; to have power and authority to provide by ordinance for the regulation and control of its lands so acquired and to prevent the commission of any and all acts which are or may be declared unlawful and to prosecute and punish the violation of any ordinances in its county courts. A county shall have like power and jurisdiction to regulate and prevent the erection, construction, and maintenance, within three hundred feet of any such park, parkway, boulevard, or road, of any advertisement or of any billboard or other structure for advertisements, and the county shall also have like power and jurisdiction over the use of any public roads, boulevards, or parkways within such parks and running over or through or between such lands and any public roads, boulevards, or parkways between any such parks or pleasure ground and its county boundaries.

(Building and Zoning Regulations)

(40) Planning and zoning. To exercise the powers of planning and zoning pursuant to the provisions of article 28 of this title;

(Condemnation Powers)

(41) Streets and sewers. To extend, by condemnation or otherwise, any road, street, alley, or highway, over or across, or to construct any sewer under or through any railroad track, right-of-way, or land of any railroad company, within the county jurisdiction, but, where no compensation is made to such railroad company, the county shall restore such railroad track, right-of-way, or land to its former condition or in a sufficient manner not to have impaired its usefulness;

(42) Public transportation - rights-of-way. To grant the use of, or right to lay down, any railroad track in any road or street of the county to any public transportation company;

(43) Utilities. To condemn and appropriate so much private property as shall be necessary for the construction and operation of sewers in such manner as may be prescribed by law;

(Ordinance Power)

(44) Power and penalties. To pass all ordinances and rules and make all regulations proper or necessary to carry into effect the powers granted to home rule counties, with such fines and penalties as the governing body shall deem proper, but no fine or penalty shall exceed three hundred dollars, and no imprisonment shall exceed ninety days for one offense;

(45) Enforcement. To enact and provide for the enforcement of all county ordinances necessary to protect life, health, and property; to prevent and remove nuisances defined by statute and upon complaint to the district attorney; to preserve the general welfare, order, and security of the county and its inhabitants;

(46) Parking - facilities. To provide, by ordinance, for the construction, maintenance, and operation of public parking facilities, buildings, stations, or lots by the county and to pay for the cost thereof by general tax levy or otherwise or by the issuance of bonds of the county, which bonds may be retired by revenues assessed and collected as rentals, fees, or charges from the operation of such facilities or from parking meter rentals or charges.

Source: L. 81: Entire article added, p. 1462, § 1, effective June 8. L. 91: (12.5) added, p. 733, § 5, effective May 1. L. 94: (21)(a) amended, p. 2801, § 563, effective July 1.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § § 116-123.

30-35-202. Power to sell public works - sell or lease property.

(1) The governing body shall have the following additional powers: (a) To sell and dispose of public utilities, public buildings, real property used or held for park purposes, or by other real property used or held for any governmental purposes. Before any such sale of a park or recreation facility shall be made, the question of said sale and the terms and consideration thereof shall be submitted at a regular election and approved in the manner provided for authorization of bonded indebtedness by section 30-35-201 (6);

(b) By ordinance, to sell and dispose of any other real property owned by the county upon such terms and conditions as such governing body may determine at a regular or special meeting;

(c) To lease any real property, together with any facilities thereon, owned by the county when deemed by the governing body to be in the best interest of the county. Any lease for a period of more than one year shall be by ordinance. Any lease for one year or less than one year shall be by resolution or ordinance.

(2) All leases and deeds of conveyance executed and acknowledged by the proper officers of the county and purporting to have been made pursuant to the provisions of this section shall be deemed prima facie evidence of due compliance with all the requirements hereof.

Source: L. 81: Entire article added, p. 1472, § 1, effective June 8.

PART 3 - ORDINANCES – PENALTIES

30-35-301. Duty to make and publish ordinances. A county adopting any of the home rule powers under this article shall make and publish, from time to time, ordinances, not inconsistent with the laws of the state, for carrying into effect or discharging the powers and duties conferred by this article and as seems necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such county and the inhabitants thereof. Such ordinances may be in addition to those authorized by section 30-15-401, and the provisions of sections 30-15-402 to 30-15-411 shall also apply to such ordinances.

Source: L. 81: Entire article added, p. 1473, § 1, effective June 8.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § § 295, 297, 304.

C.J.S. See 20 C.J.S., Counties, § § 87-91.

PART 4 - ORDINANCE CODES ADOPTED BY REFERENCE

30-35-401. Definitions. As used in this part 4, unless the context requires otherwise:

(1) "Adopting county" means any home rule county adopting an ordinance pursuant to the provisions of this part 4.

(2) "Code" means any published compilation of statutes, ordinances, rules, regulations, or standards adopted by the federal government or the state of Colorado, or by an agency of either of them, or by any municipality or county within the state of Colorado. It includes any codification or compilation of existing ordinances of the adopting county. The operation of this article as to published compilations of any organization or institution shall be limited to building codes, which may embrace any of the following subjects: The construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings or other structures, whether erected before, on, or after June 8, 1981.

(3) "County clerk" means the county clerk and recorder or equivalent officer.

(4) "Governing body" means the governing body of a home rule county.

(5) "Primary code" means any code which is directly adopted by reference in whole or in part by any ordinance passed pursuant to this part 4.

(6) "Published" means issued in printed, lithographed, multigraphed, mimeographed, or similar form.

(7) "Secondary code" means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

Source: L. 81: Entire article added, p. 1473, § 1, effective June 8.

30-35-402. Adoption by reference - title. If all the procedures and requirements of this part 4 are complied with, any home rule county is authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. However, every primary code and every secondary code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance.

Source: L. 81: Entire article added, p. 1474, § 1, effective June 8.

30-35-403. Notice - hearing. After the first reading of the adopting ordinance and of the code to be adopted thereby, and of any secondary codes therein adopted by reference, the governing body shall schedule a public hearing thereon. Notice of the hearing shall be published twice in a newspaper of general circulation in the adopting county, once at least fifteen days preceding the hearing and once at least eight days preceding it. If there is no such newspaper, the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption are on file with the county clerk and recorder and are open to public inspection. The notice shall also contain a description which the governing body deems sufficient to give notice to interested persons of the purpose of the code and of any secondary code incorporated therein by reference, the subject matter of each such code, the name and address of the agency by which each has been promulgated, or, if a municipality or county, the corporate name of such municipality or county which has enacted such code, and the date of publication of such code or codes, and in the case of a code of any municipality or county the notice shall contain specific reference to code or codes of a given municipality or county as they existed and were effective at a given date.

Source: L. 81: Entire article added, p. 1474, § 1, effective June 8.

30-35-404. Adopting ordinance - adoption of penalty clauses by reference prohibited. After the hearing, the governing body may amend, adopt, or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances; but nothing in this article shall be deemed to permit the adoption by reference of any penalty clauses which may appear in any code which is adopted by reference. Any such penalty clauses may be enacted only if set forth in full in the adopting ordinance. All changes or additions to any code made by the governing body shall be published in the manner which is required for ordinances.

Source: L. 81: Entire article added, p. 1474, § 1, effective June 8.

30-35-405. Publication of ordinance. Nothing contained in this part 4 shall be deemed to relieve any home rule county from the requirement of publishing in full the ordinance which adopts any such code, and all provisions applicable to such publication shall be fully carried out. The adopting ordinance shall contain the same description of the primary adopted code and of each secondary code incorporated therein by reference, as required in the notice of hearing in section 30-35-403.

Source: L. 81: Entire article added, p. 1474, § 1, effective June 8.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 304.

C.J.S. See 20 C.J.S., Counties, § § 87-91.

30-35-406. Filing of public record - sale of copies. Not less than three copies of each primary code adopted by reference, and of each secondary code pertaining thereto, all certified to be true copies by the county executive officer and the county clerk, shall be filed in the office of the county clerk at least fifteen days preceding the hearing and shall be kept there for public inspection while the ordinance is in force. After the adoption of the code by reference, one of the copies of the primary code and of each secondary code may be kept in the office of the chief enforcement officer instead of in the office of the county clerk. Following the adoption of any code, the county clerk shall at all times

maintain a reasonable supply of copies of the primary code and of any secondary codes incorporated in it by reference, available for purchase by the public at a moderate price.

Source: L. 81: Entire article added, p. 1474, § 1, effective June 8.

30-35-407. Amendments. If at any time any code which any home rule county has previously adopted by reference is amended by the agency or municipality or county which originally promulgated, adopted, or enacted it, then the governing body may adopt such amendment by reference through the same procedure as required for the adoption of the original code; or an ordinance may be enacted in the regular manner, setting forth the entire text of such amendment.

Source: L. 81: Entire article added, p. 1475, § 1, effective June 8

30-35-408. Use as evidence. Copies of such codes in published form, duly certified by the county clerk and executive officer of the home rule county, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this state.

Source: L. 81: Entire article added, p. 1475, § 1, effective June 8.

PART 5 - ACTIONS BY OR AGAINST HOME RULE COUNTIES

30-35-501. Review without bond. In all actions, suits, and proceedings in any court in this state in which a county of this state shall be a party, such county may take an appeal or writ of certiorari, as provided by law or rule of court, without giving bond.

Source: L. 81: Entire article added, p. 1475, § 1, effective June 8.

Am. Jur.2d. See 56 Am. Jur.2d, Municipal Corporations, Etc., § 331.

[NOTE: PARTS 6, 7 AND 8 ARE PARTS OF THE COUNTY HOME RULE STATUTES WHICH ADDRESS TECHNICAL SPECTS OF INDEBTEDNESS AND ARE NOT INCLUDED HERE.]

PART 9 - SPECIAL TAXING DISTRICTS

30-35-901. Special taxing districts authorized. In accordance with the provisions of section 18 of article XIV of the state constitution, the governing body of a home rule county may establish special taxing districts within the county to facilitate the furnishing of services and the collection of ad valorem taxes or charges for such services, or both such taxes and charges.

Source: L. 81: Entire article added, p. 1483, § 1, effective June 8.

30-35-902. Definitions. As used in this part 9, unless the context otherwise requires:

(1) "Registered elector" or "elector" means an individual who resides within a home rule county and is registered and otherwise qualified to vote in county elections in such county.

(2) "Special taxing district" or "district" means a geographic area within a home rule county designated and delineated by the governing body of a home rule county to facilitate the furnishing of services and improvements and the collection of ad valorem taxes or charges for such services, or both such taxes and charges; however, such collection of taxes or charges, or both, shall not be in addition to or in lieu of any taxes or charges, or both, specifically provided for and limited by any statute for the same

purpose, including, but not limited to, taxes for law enforcement authorities, roads and bridges, and the like.

Source: L. 81: Entire article added, p. 1483, § 1, effective June 8.

30-35-903. Use of districts.

(1) Such special taxing districts shall be used when a service or level of service which a county is authorized to provide is to be provided in substantially less than the entire area included within the county and where resulting ad valorem taxes or charges may vary from those imposed in other areas within the county.

(2) As long as the service is provided to the included territory, a special taxing district may include, subject to the limitations of section 30-35-103 (2), any territory within a county. The included territory need not be contiguous if the noncontiguous territory is essential to the provision of such services or improvements, and the same territory may lie within more than one special taxing district so long as there is no duplication of services or improvements.

(3) No tract or parcel of real estate used for manufacturing, mining, railroad, agricultural, or industrial purposes, together with the buildings, improvements, machinery, or equipment or other personal property thereon, for which no direct benefit is provided by the services or improvements of the special taxing district, shall be included therein without the written consent of the owner thereof. If, contrary to the provisions of this subsection (3), any such tract, parcel, or other property thereon is included in any special taxing district, the owner thereof, upon petition to the governing body of the home rule county, shall be entitled to have the same excluded from the special taxing district free and clear of any contract, obligation, lien, or charge to which it might have been liable as a part of the special taxing district.

Source: L. 81: Entire article added, p. 1484, § 1, effective June 8.

30-35-904. Formation of districts.

(1) Special taxing districts may be established pursuant to the provisions of this section.

(2) (a) The governing body of a home rule county may by resolution propose the formation of such district which resolution shall designate the proposed boundaries thereof, specify the proposed service or services, and set forth the methods of financing proposed for such district.

(b) The governing body shall present the proposal at a public hearing to be held within sixty days after introduction of such resolution, with notice thereof to be published not less than fifteen days before the date set for hearing.

(c) At such hearing any registered elector of the county may be heard on the proposal, including questions of inclusion in or exclusion from the district, and all such objections shall be determined by the governing body on the basis of the public interest, taking into consideration the needs of the people and the availability of the service to the territory which is the subject of any such objection.

(d) The governing body may continue the hearing as necessary and may, after the conclusion thereof, enact the proposed resolution, with or without amendments, or may reject the proposed resolution.

(e) Decisions of the governing body concerning the formation of a special taxing district are not subject to review unless action is instituted by a registered elector to

review such proceedings within forty-five days after passage of the resolution. Any such review shall extend only to the question of whether the governing body exceeded its jurisdiction or abused its discretion. If the court so finds, it shall remand the matter to the governing body for further proceedings, consistent with such findings.

(3) (a) A petition, signed by at least eight percent of the registered electors in the proposed district, shall be sufficient to require the governing body of a home rule county to pass a resolution creating the proposed special taxing district.

(b) At the top of each page of the petition shall be printed, in plain red letters no smaller than the impression of ten-point, bold-faced type, the following:

**"WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign this petition with any name other than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when not a registered elector.

**DO NOT SIGN THIS PETITION UNLESS
YOU ARE A REGISTERED ELECTOR**

TO BE A REGISTERED ELECTOR, YOU MUST BE:

1. At least eighteen years of age.
2. A citizen of the United States.
3. A resident of the state of Colorado for at least thirty-two days.
4. A resident of the precinct in which you live for at least thirty-two days.
5. Registered to vote in the county.

Do not sign this petition unless you have read or had read to you the proposal in its entirety and understand its meaning."

(c) The petition shall only be signed by registered electors of the proposed district with their own signatures, after which shall be written their residence addresses, including street and number, if any, city or town, and the date of signing.

(d) To each petition there shall be attached an affidavit of the registered elector who circulated the petition which shall state his address, that he is a registered elector, that each signature thereon was affixed in his presence, that each signature thereon is the signature of the person whose name it purports to be, that to the best of his knowledge and belief each of the persons signing the petition was at the time of signing a registered elector of the proposed district, that he has neither received nor entered into any contract whereby in the future he will receive any money or thing of value in consideration of or as an inducement to the circulation of such petition by him, and that he has not or will not in the future pay any money or thing of value to any signer for the purpose of inducing such signer to affix his signature to such petition.

(e) The petition shall contain all the information required by subsection (2) (a) of this section.

(f) The petition shall be on pages eight and one-half inches wide by fourteen inches long with a margin of two inches at the top for binding. The signature sheets shall have ruled lines and be numbered consecutively.

(4) No restraining order or temporary injunction pending final judgment of the district court and enjoining the formation of, the inclusion or exclusion of territory in, or the operation of the special taxing district may be issued. Any final judgment which has the effect of enjoining the formation of, the inclusion or exclusion of territory in, or the operation of a special taxing district shall automatically be stayed upon the filing of any appeal of such decision, and no application for supersedeas shall be necessary. Such stay shall continue in full force and effect pending final disposition of the proceedings.

(5) Changes in the boundaries or major changes in the basic or essential nature of services or financing of a special taxing district may be initiated by resolution of the governing body or by petition signed by five percent of the registered electors of the district, and such proposals shall be considered in the same manner as provided in this section for proposals for the original formation of a district.

(6) Upon adoption of a resolution forming a district, the governing body of the home rule county shall function as the governing board of such district.

Source: L. 81: Entire article added, p. 1484, § 1, effective June 8. L. 82: (3)(b) amended, p. 626, § 33, effective April 2.

30-35-905. Powers of board. When acting as the governing board of a special taxing district, the governing body of a home rule county shall have all the powers otherwise provided in this article.

Source: L. 81: Entire article added, p. 1486, § 1, effective June 8.

30-35-906. Exclusion. Real property excluded from a district shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of such exclusion.

Source: L. 81: Entire article added, p. 1486, § 1, effective June 8.

TITLE 29 - GOVERNMENT - LOCAL ARTICLE 1 - BUDGET AND SERVICES

PART 3 - ANNUAL LEVY - INCREASE OR REDUCTION - LIMITATION

29-1-301. Levies reduced - limitation.

(3) The limitations of this part 3 shall apply to home rule counties unless provisions are included in the county home rule charter which are, as determined by the division of local government, equal to or more restrictive than the provisions of this part 3.

