

Title 2

ADMINISTRATION AND OPERATIONS

Chapters:

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Chapter 2.10**COUNCIL AND MAYOR COMPENSATION**

Sections:

2.10.010 Council and mayor compensation.

2.10.010 Council and mayor compensation.

Each councilmember of the city shall receive a salary of \$500.00 per month, except the mayor, whose salary shall be \$600.00 per month, all such salaries to be paid out of the general fund of said city as budgeted, appropriated, and directed by the city council. (Ord. 5-2005 § 1; Ord. 2-1997 § 2; Code 1997 § 2-1-1).

Chapter 2.20**PURCHASING POLICY AND PROCEDURE**

Sections:

- 2.20.010 Purpose.
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- 2.20.120 Disqualification of bids.
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- 2.20.140 Award of contract.
- 2.20.150 Bids for construction contracts equal to or greater than \$50,000.
- 2.20.160 Requirements for informal and formal bids per purchase.
- 2.20.170 Local preference.
- 2.20.180 Formal/informal bid exceptions.
- 2.20.190 Authority to debar or suspend.

2.20.010 Purpose.

The purpose of these policies and procedures is to provide for the fair and impartial treatment of all persons involved in public purchasing by the city of Gunnison. The intent is to maximize the purchasing value of public funds. It is also intended to encourage effective economic competition while providing safeguards for maintaining a purchasing system with quality and integrity. (Ord. 10-1999 § 1; Code 1997 § 2-2-1).

2.20.020 Goals and objectives.

The following goals and objectives are intended to be minimum standards which shall apply to the city of Gunnison's purchase of goods and services:

- A. Comply with the State of Colorado Revised Statutes, as amended.
- B. Purchase for the city the best economic advantage, while maintaining the highest quality of services and goods necessary to accomplish the functions of municipal government.
- C. Provide a uniform procedure for the purchase of materials, equipment, and services.
- D. Consolidate purchases to achieve maximum economic benefits, wherever possible.
- E. Purchase goods and services from local vendors, when their goods and services are economically competitive and their quality is comparable to other goods and services.
- F. Require all vendors and other suppliers to fulfill all terms and conditions of contracts and purchase orders.
- G. Secure all applicable federal and state tax exemptions appropriate to purchases or contracts for services.

H. Assure applicability to all city departments, including elected offices. (Ord. 10-1999 § 1; Code 1997 § 2-2-2).

2.20.030 Responsibility.

The city manager shall be the purchasing agent for all departments, offices, and divisions of the city, as specified in the City of Gunnison Municipal Home Rule Charter. The city manager may recommend such further written procedures as are necessary to implement the policies stated herein.

Authority to Purchase. The following personnel will have the authority to purchase for the city of Gunnison:

- A. The city manager, in cooperation with the director of finance, are hereby designated as the monitoring agents for the acquisition of goods and services, in accordance with the budget approved by the city council. The city manager may choose to further delegate purchasing authority.
- B. The city council, or its designee, must approve and sign the following types of contracts, regardless of the dollar amount:
 - 1. Multiyear contracts of any nature;
 - 2. Challenge grant and continuing challenge grant contracts;
 - 3. Youth challenge grant contracts;
 - 4. CityScape grant contracts;
 - 5. Contracts for service;
 - 6. Real estate purchase contracts;
 - 7. Contracts relating to the sale of bulk utilities, other than normal retail transactions.
- C. Notwithstanding the provisions of Section 7.10 of the City of Gunnison Municipal Home Rule Charter, the city manager shall consult with the city council before making a purchase that is beyond the scope and intent of the budget approved by the city council. (Ord. 7-2006 § 1; Ord. 10-1999 § 1; Code 1997 § 2-2-3).

2.20.040 Ethical relationships with vendors and suppliers.

All city personnel are obligated to establish and maintain ethical relationships with all vendors or suppliers of city goods and services. Acceptance or solicitation of entertainment, loans, gifts, or special consideration from vendors or suppliers for personal benefit by city personnel is prohibited (see Section 8.9 of the city of Gunnison personnel manual). The following are examples of unacceptable city employee relationships with vendors or suppliers. The list is not intended to be all-inclusive. City employees must also consider the appearance of fairness and propriety in their relationships with city vendors or suppliers.

- A. Seeking or accepting directly from any persons, partnerships, corporations, or other business entities or representatives which are doing or seeking to do business with the city of Gunnison, services, cash or loans, vacations or pleasure trips, or any gifts exceeding the value of \$30.00.
- B. Knowingly over- or underestimating the requirements of this policy and/or bids or failing to disclose the existing requirements in order to avoid doing business with a particular vendor or supplier.
- C. Misrepresenting competitors' prices, quality, or services in order to obtain concessions from vendors or suppliers.

- D. Having personal investments in any business entity which will create a substantial conflict between private interests and public duties when the city of Gunnison employee is involved in making a particular purchasing decision.

Inexpensive advertising items bearing the name of a vendor, such as pens, pencils, paper weights, cups, caps, candy, calendars, etc., are not considered articles of value or gifts in relation to this policy. (Ord. 10-1999 § 1; Code 1997 § 2-2-4).

2.20.050 Petty cash.

Shipping charges, postage fees, and laundry expenses for the animal shelter are regular allowable purchase reimbursements through petty cash. All other expenses must be reimbursed through the weekly accounts payable voucher system. Specific exceptions may be made with the approval of the finance director only.

The following accounts are provided in order to reduce the need for petty cash:

A. Courier Services.

1. Available to all city departments for air services including next-day and second-day air. Some preprinted forms are available in the City Hall mail room. Packages may be arranged for pickup or taken to a local drop. A current list of local drops is available in the finance department. Some additional charges may apply.
2. Ground service by some vendors must be paid through petty cash.

- B. Food purchase charge accounts are available to all city departments at many food-vending businesses within the city limits. A list of businesses with charge accounts is available in the finance department. City employees should call ahead to businesses to verify charging approval. The accounts payable personnel can verify approval when requested. (Ord. 10-1999 § 1; Code 1997 § 2-2-5).

2.20.060 Purchase orders.

A purchase order is a contract to purchase goods or services from a specific vendor, and should be treated as such. The city of Gunnison does not require a purchase order unless specifically requested by a vendor. Procedure:

- A. A purchase order is initiated by a purchase requisition. All purchase requisitions must include the following:
1. Requisition date;
 2. Item to be purchased (including item number, quantity, and description);
 3. Account number to be charged;
 4. Amount – projected cost of purchase;
 5. Shipping costs; and
 6. Authorized signature.
- B. After the purchase requisition is completed, approved and signed by the department head or designee, a purchase order will be prepared by the purchasing agent or designee. The city manager and finance director, or their designees, will check the purchase order and attached purchase requisition for completeness and sign the purchase order. The purchase order copies are then distributed to the appropri-

ate departments. One copy is kept in the purchase order file. It is the responsibility of the department to keep the original purchase order documentation and administer the purchase (mail hard copy to vendor, acknowledge receipt, accept invoice and process interim and final payments). (Ord. 10-1999 § 1; Code 1997 § 2-2-6).

2.20.070 Cooperative purchasing.

This is the process of bidding like requirements with other governmental entities to purchase in quantities. This practice may sometimes be beneficial for all entities involved as it may result in lower per-unit costs, while still assuring bid requirements are met. When cooperative bidding is done, each entity shall supply its own requirements; however, one entity shall be chosen to administer the bid process. Bid awards are to be determined either on an individual basis or as a total, whichever is the most cost-effective to all bidders.

In accordance with Section 11.6 of the City of Gunnison Municipal Home Rule Charter, the council may, by resolution or by ordinance, enter into contracts or agreements with other governmental units or special districts for the use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services. (Ord. 10-1999 § 1; Code 1997 § 2-2-7).

2.20.080 State bid awards.

State bid awards made by the Purchasing Division of the state of Colorado are available for use by local government agencies to purchase goods and services at a reduced price due to quantity discounts. Using the state bid awards does not require the bidding process by individual entities. (Ord. 10-1999 § 1; Code 1997 § 2-2-8).

2.20.090 Bulk purchasing.

Whenever feasible, purchasing shall be done in bulk in order to take full advantage of discounts. Departments shall be responsible for anticipating needs in a timely fashion in order to consolidate and expedite purchasing of the same type of supplies or contracts. (Ord. 10-1999 § 1; Code 1997 § 2-2-9).

2.20.100 Emergency purchasing.

The city manager, or designee, subject to review by the city council, shall have the right to make emergency purchases in excess of the limits of this policy and without using the aforementioned procedures when there exists a threat to public health, welfare, or safety under emergency circumstances. The purchasing agent for the city should still secure, by informal bid procedure, at the "best value," any such materials, supplies, equipment or services. Such informal bid procedures shall, to the extent possible, consist of obtaining quotes either by telephone, in writing, or by electronic transmission from at least three suppliers of the product or service to be purchased. A written determination of the basis for the emergency shall accompany the purchase order or voucher. (Ord. 10-1999 § 1; Code 1997 § 2-2-10).

2.20.110 Formal purchase procedure.

The city manager, or designee, acting as the purchasing officer for the city of Gunnison, shall follow the procedures set forth in this section to call for competitive bids for all formal purchases of tangible goods, services and supplies for the city of Gunnison.

A. The city manager, or designee, shall require a request for bid be published at least one time in a newspaper of legal record in the city of Gunnison. The publication of the invitation to bid shall not be less than 10 days prior to the date set for the official bid opening. The invitation to bid shall contain the following information:

1. A description of the work to be performed or the product to be purchased;
2. The location where copies of plans, specifications, and other bid documents may be examined and/or obtained;

3. The time and place where bids will be received and opened;
 4. A statement that the city reserves the right to reject any and all bids that are not in the best interest of the city of Gunnison.
- B. Before submitting a bid, an applicant shall be responsible for the following:
1. A thorough examination of the bid documents and requirements;
 2. An inspection of the project site in order to be familiar with the local conditions that may in any manner affect cost, progress, or performance of the work;
 3. Familiarization with federal, state, and local laws, ordinances, rules and regulations that may in any manner affect cost, progress, or performance of the work.
- C. The city reserves the right to reject any and all bids, and the right to disregard all nonconforming, nonresponsive or conditional bids. If conflicts arise between the provisions of the text and any table, illustration, graphic depiction, or number or calculation, the provisions of the text shall apply. In the event that all bids exceed the funds allocated in the city of Gunnison's budget, the city reserves the right to reduce the scope of work or reject all bids. The city may negotiate with the lowest responsible bidder to reduce the scope of work as required to conform to the funds available. Entering into negotiations does not guarantee the subsequent award of the bid.
- D. The city shall conduct such investigations as deemed necessary to assist in the evaluation of any bid and to establish the responsibility, qualifications and financial ability of the bidders, proposed subcontractors and other persons and organizations to do the work in accordance with the contract documents to the city's satisfaction within the contract time. The city reserves the right to reject the bid of any bidder who does not pass any such evaluation to the city's satisfaction. If the contract is awarded, it will be awarded to the bidder who, by evaluation, the city determines will best meet the city's interest.
- E. The city may consider the qualifications and experience of the subcontractors and other persons and organizations (including those who are to furnish the principal items of material or equipment) identified for any portion of the work. Operating costs, maintenance considerations, performance data and guarantees of materials and equipment may also be considered by the city. (Ord. 7-2006 §§ 2, 3; Ord. 10-1999 § 1; Code 1997 § 2-2-11).

2.20.120 Disqualification of bids.

Failure to complete the bid form or to meet the requirements identified in the bid specifications shall constitute grounds for the rejection or disqualification of a bid. A bid will not be accepted from, nor shall a contract be awarded to, any person, firm, or corporation that is in arrears to the city of Gunnison upon debt or contract, or that is a defaulter on surety or otherwise upon any obligation to the city. Bidders may be required to submit satisfactory evidence that they have a practical knowledge of the project and that they have the necessary financial resources to complete the proposed work. (Ord. 10-1999 § 1; Code 1997 § 2-2-12).

2.20.130 Bid openings.

Bids shall be opened in the presence of one or more witnesses and read aloud at the time and place stated in the invitation to bid. All bid openings shall be open to the public. Bidders, their representatives, and other interested parties are encouraged to attend the bid opening. Bids not submitted by the required deadline are ineligible for consideration and will not be opened. (Ord. 10-1999 § 1; Code 1997 § 2-2-13).

2.20.140 Award of contract.

The city shall issue a notice of award (verbal or written) to the successful bidder within a reasonable time frame following the bid opening. Failure to enter into a contract with the city within a specified time frame shall be just cause for annulment of the award, and forfeiture of the bid guaranty (if applicable). The award of the contract may then be made to the next higher and qualified bidder in the same manner as previously prescribed. (Ord. 10-1999 § 1; Code 1997 § 2-2-14).

2.20.150 Bids for construction contracts equal to or greater than \$50,000.

The bid procedure for construction contracts equal to or greater than \$50,000 shall be the same as set forth for purchase of tangible goods, services, and supplies in this chapter except:

- A. When contracting with a consulting or engineering firm for construction projects, said consulting or engineering firm shall be responsible for preparation of the invitation to bid and bid specifications and contracts.
- B. All invitations to bid for construction contracts in an amount greater than \$100,000 shall include requirements for bid security. Bid security shall be a bond provided by a surety company authorized to do business in the state of Colorado. Bid security shall be in an amount as set forth in the invitation to bid.
- C. Following a sufficient period of time for review and inspection by city staff, all bids for construction contracts equal to or greater than \$50,000 shall be awarded by the city council at a regular meeting or at a special meeting called for such approval, authorizing the mayor or, in the mayor's absence, the mayor pro tem, to sign said contract. (Ord. 7-2006 § 4; Ord. 10-1999 § 1; Code 1997 § 2-2-15).

2.20.160 Requirements for informal and formal bids per purchase.

- A. Under \$500.00.
 1. No price quotations or informal/formal bidding required.
 2. Authorization: department level.
- B. Between \$500.00 and \$2,499.
 1. Informal Purchase. A minimum of two competitive quotes (written or oral) shall be solicited prior to the purchase of any goods or entering into a contract for services.
 2. Authorization: department level.
 3. Contracts for Service. If the service is being provided on city property, the contract shall include provisions for appropriate insurance coverage.
- C. Between \$2,500 and \$9,999.
 1. Informal Purchase. A minimum of three informal written bids conforming to bid specifications shall be solicited prior to the purchase of any goods or entering into a contract for services. An informal written bid shall be a firm written price or quote for specific goods or services, which is valid for no less than 30 days. Electronically transmitted bids are acceptable.
 2. Authorization: department level.
 3. Contracts for Service. If the service is being provided on city property, the contract shall include provisions for appropriate insurance coverage.

D. Between \$10,000 and \$49,999.

1. **Formal Purchase.** Formal sealed bids shall be required. Request for bids shall be advertised in a newspaper of legal record a minimum of 10 days prior to the date set forth for bid opening.
2. **Authorization:** city manager approval.
3. **Contracts for Service.** If the service is being provided on city property, the contract shall include provisions for appropriate insurance coverage.

E. \$50,000 and Over.

1. **Formal Purchase.** Formal sealed bids are required. Request for bids shall be advertised in a legal newspaper of record a minimum of 10 days prior to the date set forth for bid opening.
2. **Authorization:** city council approval.
3. **Contracts for Service.** If the service is being provided on city property, the contract shall include provisions for appropriate insurance coverage. (Ord. 7-2006 § 5; Ord. 10-1999 § 1; Code 1997 § 2-2-16).

2.20.170 Local preference.

It is the intention of the city of Gunnison whenever possible to use, without significant additional cost to the taxpayers, local businesses for the purchase of goods and supplies and all general services. The city intends to give local businesses an advantage in the bidding process so that funds received from such contracts will be spent by the employees of local businesses in the local economy. For the purposes of this policy, a “local business” shall be defined as any business located or based in Gunnison County. If a purchase is equal to or less than \$250,000, a local business shall be awarded a contract if its bid is within 10 percent of the lowest responsible bidder who does not have the local business designation. If a purchase is more than \$250,000, a local business shall be awarded a contract if its bid is within three percent of the lowest responsible bidder who does not have the local business designation. In the event that the two lowest responsible bidders each have a local business designation, the lowest responsible bidder shall be awarded the contract. (Ord. 5-2009; Ord. 10-1999 § 1; Code 1997 § 2-2-17).

2.20.180 Formal/informal bid exceptions.

The following shall be exempt from formal or informal bidding:

- A. Purchases from federal, state or other local government units;
- B. Purchases made through other governmental entities as may be authorized by ordinance or statute;
- C. Single vendor availability;
- D. Equipment repairs; and
- E. Purchases where use of any other than specific vendors would result in incompatible component parts or would otherwise disrupt or impair services being provided. (Ord. 10-1999 § 1; Code 1997 § 2-2-18).

2.20.190 Authority to debar or suspend.

After reasonable notice to the person involved and reasonable opportunity for that person to be heard, the city manager or designee, after the approval of the city council, is authorized to debar a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than three years. After the approval of the city council, the city manager is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any

activity which might lead to debarment. The suspension shall be for a period not to exceed three months. The causes for disbarment include:

- A. Conviction or commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;
- B. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a city contractor;
- C. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- D. Violation of contract provisions, as set forth below, of a character which is regarded by the city manager to be so serious as to justify debarment action:
 - 1. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract;
 - 2. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided, that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment.
- E. After approval of a debarment or suspension by the city council, the city manager shall issue a written order to debar or suspend, which order shall be immediately mailed, by first class mail, or personally delivered to the debarred or suspended person. The order shall state the reasons for the action taken. (Ord. 10-1999 § 1; Code 1997 § 2-2-19).

Chapter 2.30**BOARD OF HEALTH**

Sections:

- 2.30.010 Board created.
- 2.30.020 Health officer designated.
- 2.30.030 Health officer – Duties.
- 2.30.040 Deputy health officer.

2.30.010 Board created.

The council shall constitute the board of health of the city. (Code 1997 § 2-3-1).

2.30.020 Health officer designated.

The council shall appoint one physician to be and act as health officer of this city, and to hold such office during its pleasure. The health officer shall be the executive officer of the board of health. (Code 1997 § 2-3-2).

2.30.030 Health officer – Duties.

It shall be the duty of the health officer to exercise a strict supervision over the sanitary conditions of the city, to report to the council all nuisances as elsewhere provided in this code, and to report the spread of prevalence of any contagious or infectious disease, or other matters that may be or become detrimental to the public health. (Code 1997 § 2-3-3).

2.30.040 Deputy health officer.

The health officer of this city hereby is authorized and empowered to appoint one or more, but in any event no more than two, deputies to hold their offices during the pleasure of said health officer. Such appointment or appointments shall be made only with the consent of the board of health. Only the health officer shall exercise supervisory powers entrusted to him by this chapter over sanitary conditions of the city; and, toward that end, action at law or in equity to abate or cause to be abated such nuisances as elsewhere provided in this code shall be brought only upon the relation of said health officer. However, any deputy of said health officer hereby is empowered to direct by appropriate administrative order, in the name of said health officer, the abatement of such nuisances or the doing of anything reasonably necessary to cause an abatement thereof; and any such deputy also is empowered hereby to report to the council all nuisances, and to report the spread or prevalence of any contagious or infectious disease, or other matters that may be or become detrimental to the public health, and to the conduct investigations and make inquiries appropriate to those ends. (Code 1997 § 2-3-4).

Chapter 2.40**POLICE DEPARTMENT**

Sections:

2.40.010 Department created.

2.40.010 Department created.

There shall be and hereby is established a police department for the city, which shall consist of a chief of police and other employees as shall be authorized. (Code 1997 § 2-4-1).

Chapter 2.50**FIRE DEPARTMENT**

Sections:

- 2.50.010 Department created.
- 2.50.020 Membership.
- 2.50.030 Suspension – Discharge.
- 2.50.040 Chief – Appointment – Removal.
- 2.50.050 Chief – Power and duties.
- 2.50.060 Records – Reports.
- 2.50.070 Elected officers.
- 2.50.080 Equipment.
- 2.50.090 Outside corporate limits.
- 2.50.100 By-laws.
- 2.50.110 Duties of light and water department at fires.

2.50.010 Department created.

There is hereby established the fire department of the city, which shall consist of a chief, two assistant chiefs, secretary, treasurer, and such other firefighters as may be admitted to membership as hereinafter provided. (Code 1997 § 2-5-1).

2.50.020 Membership.

The membership of the department shall include all those individuals presently members of the Gunnison Volunteer Fire Department, and such other persons as may be elected from time to time by a majority of the membership. Members must be residents of the County of Gunnison, readily available to fight fires within said city, and must satisfactorily meet the physical requirements prescribed by the chief. Each member shall be issued a badge and proper identification. (Code 1997 § 2-5-2).

2.50.030 Suspension – Discharge.

Any member may be suspended or discharged by the chief. Upon written request of any suspended or discharged member, mailed by registered mail to the chief within 10 days of any such suspension or discharge, a hearing shall be afforded such member before a board established pursuant to the by-laws of said department, and said board shall have the power to review the action taken by the chief and to affirm or reverse any suspension or discharge. (Code 1997 § 2-5-3).

2.50.040 Chief – Appointment – Removal.

The chief shall be appointed from the membership of the department by the city manager, upon recommendation of a majority of the members of the department, for an indefinite period. (Code 1997 § 2-5-4).

2.50.050 Chief – Power and duties.

The chief shall be responsible for the organization and proper administration of the department, the enforcement of all provisions of this chapter, the investigation and causes of fire, the care and maintenance of all equipment of the department, the conduct of a fire prevention and inspection program, and the training and instruction of the members. He shall have control and command of all members of the department and of all persons present at fires, insofar as necessary and incidental to the proper performance of his duties, and to that end he is hereby empowered to exercise the powers of a police officer. (Code 1997 § 2-5-5).

2.50.060 Records – Reports.

The chief shall be directly responsible to the city manager and shall make such reports and keep such records as may be required by the said city manager. (Code 1997 § 2-5-6).

2.50.070 Elected officers.

The two assistant chiefs, secretary, and treasurer shall be elected by a majority of the membership of the department and are directly responsible only to the chief. (Code 1997 § 2-5-7).

2.50.080 Equipment.

The city shall furnish the prevention, suppression, and notification equipment necessary to properly afford fire protection to the residents of this city. The purchase of all equipment shall be purchased according to the purchasing policy. (Code 1997 § 2-5-8).

2.50.090 Outside corporate limits.

No equipment of the department shall be used outside the corporate limits of the city, except upon permission of the chief or other officer in charge being first, and in all cases, only when such use will not jeopardize the interests of the city. (Code 1997 § 2-5-9).

2.50.100 By-laws.

The members of the department, by a majority vote thereof, may make and adopt by-laws for the organization and management thereof, provided they are not inconsistent with the provisions of this chapter and are first approved by the city council. (Code 1997 § 2-5-10).

2.50.110 Duties of light and water department at fires.

It shall be the duty of officers and representatives of the light and water service to work in conjunction with the fire chief and members of the fire department in case of a fire, and the officers and representatives of the light and water service may enter within any line established by the fire chief around burning structures for the purpose of disconnecting electric wiring or performing other necessary service connected with the department. (Code 1997 § 2-5-11).

Chapter 2.60**ZONING BOARD OF ADJUSTMENTS AND APPEALS**

Sections:

2.60.010 Board of adjustment.

* Charter reference: City of Gunnison Home Rule Charter, Section 3.19, Planning and Zoning Commission.

2.60.010 Board of adjustment.

The Zoning Board of Adjustment and Appeals, created by the City Home Rule Charter and adopted July 10, 1962, shall hear and act upon those cases involving variances, hardship, and conditional use of land according to GMC Title 15. (Code 1997 § 2-6-1).

Chapter 2.70**PLANNING AND ZONING COMMISSION***

Sections:

2.70.010 Commission established – Members.

* Charter reference: City of Gunnison Home Rule Charter, Section 3.18, Zoning Board of Adjustments and Appeals.

2.70.010 Commission established – Members.

There is hereby established a Planning and Zoning Commission consisting of seven members to be appointed by the City Council, six of whom shall be citizens-at-large with overlapping five-year terms, and one of whom shall be an incumbent councilman. The citizens-at-large members shall be qualified taxpaying electors, residents of the city at least one year immediately preceding the date of their appointments and they shall hold no paid office or positions in the city administration. The city manager shall meet the commission in an advisory position. (Code 1997 § 2-7-1).

Chapter 2.80**BUILDING BOARD OF APPEALS**

Sections:

- 2.80.010 Board created.
- 2.80.020 Rules and regulations.
- 2.80.030 Rate of compensation established.
- 2.80.040 Investigation and notification.
- 2.80.050 Right to appeal.

2.80.010 Board created.

The Board of Appeals shall consist of five members, to be appointed by the City Council, who are qualified by experience and training to pass upon matters pertaining to building construction. They shall determine the suitability of alternate materials and types of construction and provide for reasonable interpretation of the provisions of the building code. The building official shall be an ex-officio member, and shall act as secretary of the board. (Code 1997 § 2-8-1).

2.80.020 Rules and regulations.

The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the council such new legislation as is consistent therewith. (Code 1997 § 2-8-2).

2.80.030 Rate of compensation established.

Each and every member, excepting elective officials, of the following agencies of the City of Gunnison, namely, the Zoning Board of Adjustments and Appeals, the Planning and Zoning Commission, and the Building Board of Appeals, shall be compensated at a rate of \$50.00 for each and every meeting of the board or commission which the member attends. (Ord. 5-2005 § 2; Ord. 10-2000 § 2; Code 1997 § 2-8-3).

2.80.040 Investigation and notification.

The building official charged with enforcement of the city building codes set forth in GMC Title 14 shall send written notification to any property owner found to be in violation of such codes. Notification shall identify the methods, actions, procedures, or materials which are deemed to be in violation of such codes. Each notice shall specifically state the applicable code section which has been violated. If danger to property or persons is imminent, the building official may order that the danger be removed or the building official may take such steps as necessary to alleviate said danger. (Code 1997 § 2-8-4).

2.80.050 Right to appeal.

Any person deemed to be in violation of any of the provisions of the codes included in GMC Title 14 shall have the right to appeal such order or determination of the building official concerning interpretation of these codes. A written appeal must be submitted to the building department within five days of receipt of written notification of said violation. A meeting of the Building Board of Appeals shall be called to render a decision on such appeal within 30 days of receipt. The appellant, or his representative, may be present at said meeting.

If the Building Board of Appeals finds that the appellant is not in violation of said code, all stop work orders and other correction orders pertaining to the appeal shall become null and void.

If the appellant is found to be in violation of the pertinent codes, the appellant shall take such action as is necessary to correct the violation. In the event that the responsible party fails and refuses to make the proper corrections, all stop work orders and other correction orders shall remain in effect and the building official shall take whatever action is necessary to abate said violation. (Code 1997 § 2-8-5).