

Article 4

Council Actions

Section 4.1. Council Acts

The Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances. All other actions, except as herein provided, may be in the form of resolutions or motions. A copy of every ordinance and resolution adopted shall be numbered and recorded in the records of the City.

Section 4.2. Voting

- A. The vote by “Yes” and “No” shall be taken upon the adoption of all ordinances, resolutions and motions and entered in the minutes of the Council meetings.
- B. Except where a greater number is required in this Charter or ordinance adopted pursuant to this Charter, the final adoption of any ordinance shall require the affirmative vote of a majority of the current Council and resolutions and/or motions shall require the affirmative vote of a majority of the Council present at the meeting adopting such resolutions and motions.
- C. Neither the Mayor nor any Councilmember shall vote on any matter concerning such person’s own conduct.
- D. Neither the Mayor nor any Councilmember shall vote on any matter in which such person has, or may have, a conflict of interest, which matters related to conflict of interest shall be prescribed by ordinance.
- E. Except as provided by paragraphs C. and D. of this Section, each Elected Official who is present shall vote on each matter.

Section 4.3. Actions by Ordinance Required

In addition to such acts of the Council that are required by other provisions of this Charter to be done by ordinance, every act creating indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance.

Section 4.4. Form of Ordinance

Every ordinance shall be introduced in a written, printed or electronic communication format. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, COLORADO. Except as otherwise provided in this Article, all ordinances shall take effect three (3) days after publication or notice by any other method provided in this Charter, following final passage.

Section 4.5. Severability of Ordinances

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given affect without the invalid portion or application; provided, such remaining portions or applications are not determined by a court to be inoperable, and to this end, all ordinances are declared to be severable.

Section 4.6. Adoption Procedure for Ordinances

- A. Each ordinance shall be presented to Council at least twice, and the following procedure shall be followed in adopting any ordinance, except an emergency ordinance:
1. The ordinance shall be introduced by motion at a regular or special meeting of the Council.
 2. The ordinance shall be read in full or by title if copies of the ordinance are available to the public.
 3. At the first reading, the Council shall vote to amend, adopt or reject the ordinance or take other action, as it deems appropriate.
 4. If the ordinance is adopted by Council upon its initial introduction either as presented or as amended, it shall be published, or notice provided by any other method provided by this Charter, by descriptive title as it was adopted, provided copies of the entire ordinance are available to the public.
 5. The ordinance shall be introduced by motion and title a second time at a regular or special meeting of the Council held not earlier than three (3) days after the first publication or notice.
 6. Prior to taking final action on the ordinance, the Council shall permit public comments on the ordinance, then shall vote to amend, finally adopt, reject the ordinance or take other action, as it deems appropriate.
 7. Upon final adoption, the ordinance shall be published, or notice provided by any other method provided by this Charter, either in full or by descriptive title of the ordinance, provided copies of the entire ordinance are available to the public, as the Council may direct; however, if the ordinance is amended on final adoption, reference to the amendment shall be made in such publication or notice.
 8. The ordinance shall be signed by the Mayor and attested by the City Clerk and affidavits of publication or notice shall be retained with the ordinance in the City's records.

- B. Every ordinance published, or notice provided as described in this Charter, or ordinance adopted pursuant to this Charter, by descriptive title, shall contain a provision that copies of the ordinance are available at the office of the City Clerk or are available by other means of communication with the public.

Section 4.7. Emergency Ordinances

- A. An emergency ordinance necessary for the immediate preservation of public property, health, welfare, peace, or safety shall require the affirmative vote of two-thirds (2/3) of the Council in office at the time. The facts determining the emergency shall be stated in the ordinance. Determination by Council as to the existence of an emergency shall be final and conclusive.

- B. An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading and shall not require publication or notice prior to final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published or notice provided by any other method provided by this Charter, in full.

Section 4.8. Codification

Immediately following the effective date of this Charter, the Council shall commence and cause the ordinances of general applicability to be codified within three (3) years of the effective date of this Charter and thereafter maintained in codified form. Revisions to the code/codes may be accomplished by reference as provided in Section 4.9 of this Charter.

Section 4.9. Adoption of Codes by Reference

The Council may adopt, by ordinance, any code by reference. The procedure of adoption of a code by reference shall be as provided in the State statutes, or all laws applicable to the adoption of codes by reference, or such other procedure as the Council may provide by ordinance. Every ordinance adopting a code by reference shall contain a notice that copies of the code are available at the office of the City Clerk or are available by other means of communication with the public. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance.

Section 4.10. Public Records

All public records of the City of Sheridan shall be open for inspection by any person at reasonable times as provided by ordinance or City procedure.

Section 4.11. Fines and Penalties for Ordinance Violations

Penalties for violations of City ordinances shall be established by ordinance. No fine or sentence for such violations shall exceed the maximum established by applicable laws for municipal ordinance and/or code violations.