



**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, JANUARY 28, 2013**

- I. **Executive Session**
At 6:00 p.m. in the City Council Conference Room, City Council will discuss a litigation (Lawrence) matter pursuant to C.R.S. 24-6-402-4(b) and a real estate (Regency Development South Broadway) matter pursuant to C.R.S. 24-6-402-4(a).
- II. **Hotel/Motel Regulations**
At 6:45 p.m. in the Community Room, Westminster Housing Inspector Holly Clayton will discuss hotel/motel regulations with City Council.
- III. **Financial Report**
Financial and Administrative Services Director Frank Gryglewicz will discuss the December, 2012, Financial Report.
- IV. **Investment Policy Changes**
Financial and Administrative Services Director Frank Gryglewicz will discuss investment policy changes.
- V. **Citizen of the Year Discussion**
City Council will discuss/select the 2013 Citizen of the Year.
- VI. **Board and Commission Reports**
City Council Members will discuss their participation on the various boards and commission on which they serve.
- VII. **City Manager's Choice**
- VIII. **City Attorney's Choice**
- IX. **Council Member's Choice**

From: Clayton, Holly _____
Sent: Wednesday, November 28, 2012 2:59 PM
To: Lance Smith
Subject: RE: Property Maintenance Code

Good Afternoon Lance,

In answer to your questions:

1. Currently we have 1,117 registered units. This number increases weekly as rentals are discovered in the City.
2. Our budget is \$170,000.00 annually....2 full time inspectors and one part-time secretary.
3. Revenues will vary depending on how many units are due to be inspected in any given year. For 2012 we will generate \$3,400.00 in license fees and \$203,320.00 in inspection fees...2013 we will generate \$3,750.00 in license fees and \$143,320.00 in inspection fees...2014 we will generate \$3,250.00 in license fees and \$178,000.00 in inspection fees. These numbers will continue to rise as new properties turn 6 years old and are then eligible for inspection and fees. They will also change when properties move from a 4-year inspection schedule to a 2-year inspection schedule (when they turn 20 years old).
4. We can assess a \$50.00 per unit re-inspection fee for any unit that remains in violation after the first re-inspection. We can also assess a \$50.00 no show fee if an inspection is forgotten or missed. These fees are not meant to cover costs but to encourage compliance. Should we have to go to court, court fees and fines can be assessed as well as probation and jail time.

Let me know if you have any more questions.

Holly

From: Lance Smith _____
Sent: Wednesday, November 28, 2012 8:29 AM
To: Clayton, Holly
Subject: Property Maintenance Code

Good Morning Holly,

I've been asked to provide additional information for the Council Study Session on Dec 3rd. Any help would be appreciated.

1. How many rental units are registered in your program?
2. What is the annual cost to administer the program?
3. What are the annual revenues received from the program?
4. Is there a fee/penalty assessed for violations and do these fees cover the expenses?

Lance

**COMPARISON OF
WESTMINSTER PROPERTY MAINTENANCE CODE
VS
INTERNATIONAL PROPERTY MAINTENANCE CODE
(ADOPTED BY THE CITY OF ENGLEWOOD)**

11-12-1: GENERAL INTENT

(A) Title. These regulations shall be known as the Rental Property Maintenance Code of the City of Westminster, herein referred to as the "Rental Code."

(B) Purpose. The purpose of this Rental Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential structures available for rent within the City of Westminster. This Rental Code establishes minimum standards for basic equipment and facilities, for light, ventilation and heating; for safety from fire; for the use and amount of space for human occupancy; and for the safe and sanitary maintenance of residential rental properties.

IPMC 101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

11-12-1:(C) Scope. The provisions of this Rental Code shall apply to all existing residential rental buildings, and structures, excluding manufactured homes, and all existing premises, or portions thereof used, designed, or intended to be used for dwelling purposes on a rental basis as well as the site, including parking lots, driveways and landscaping, and accessory structures, such as fences, retaining walls, sheds, and other such structures. Rooming houses, congregate residences or lodging houses shall comply with all the requirements of this Rental Code. Except as provided herein, properties, including buildings, or portions thereof, equipment, devices and safeguards, which were required by the building code shall be maintained in conformance with the building code under which they were installed, provided such continued use is not dangerous to life. Where there are conflicts between the building code and this Rental Code, the provisions of this Rental Code shall apply.

IPMC 101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(D) Non-Conforming Rights. Except for smoke detectors and carbon monoxide alarms as required by Sections 11-12-5(B) and 11-12-5(C), of this Rental Code, existing residential rental units that were constructed and approved under a previous edition of the building code shall be considered as

demonstrating compliance with the construction provisions of this Rental Code, provided that the approved construction is not dangerous to life or health. Nothing in this Rental Code shall be construed to allow the degradation of those systems, devices and equipment required by the building code under which the building was constructed.

11-12-2: MINIMUM STANDARDS: (2532 2534 3560) No person shall lease to another for occupancy any structure that does not comply with the requirements of this Rental Code. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of compliance as required herein.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

11-12-3: DEFINITIONS:

(A) The following words, terms and phrases, when used in this Rental Code, shall have the following meanings unless the context clearly indicates otherwise:

(1) "Agent" shall mean a manager or operator, or any person, agent, firm or corporation who is designated in writing by the owner to act as the representative of the owner on issues related to a rental property or rental dwelling or for receipt of notices related to a rental property or rental dwelling.

(2) "Bedroom" shall mean any room or space used or intended to be used for sleeping purposes.

BEDROOM. *Any room or space used or intended to be used for sleeping purposes.*

(3) "Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.

(4) "Building code" shall mean any of the codes currently adopted by the City as part of Title XI, Chapter 9, of the Westminster Municipal Code.

(5) "Common authority" shall mean the status of having joint access or control over a leased premise for most purposes.

(6) "Floor area" shall mean the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(7) "Habitable space" shall mean the space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

HABITABLE SPACE. *Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.*

(8) "Imminent danger" shall mean a condition that could cause serious or life-threatening injury or death at any time.

IMMINENT DANGER. *A condition which could cause serious or life-threatening injury or death at any time.*

(9) "Income restricted property" shall mean a unit of rental property over which the owner, whether a non-profit or a for-profit entity, lacks the sole discretion to increase rent due to state or federal law. By way of example, and not limitation, units within a Section 8 housing project, as defined by 42 U.S.C. § 1437(f), as amended, as well as properties for which the owner takes an income tax credit pursuant to Sections 38 and 42 of the Internal Revenue Code (Title 26, U.S.C.), as amended, qualify as income restricted properties. However, units not within a Section 8 housing project that are rented with tenant-based Section 8 vouchers, pursuant to 42 U.S.C. § 1437(f), as amended, do not qualify as income restricted properties.

(10) "Infestation" shall mean the presence within or around a structure of insects, rodents, vermin or other pests of such kind, or in such numbers, as to cause a hazard to health.

INFESTATION. *The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.*

(11) "Lease" shall mean:

(a) an agreement by which an owner gives up to a tenant, for valuable consideration, possession and use of his property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property; or

(b) the act of an owner giving to a tenant, for valuable consideration, possession and use of his property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

(12) "Occupancy" shall mean the purpose for which a building or portion thereof is utilized or occupied.

OCCUPANCY. *The purpose for which a building or portion thereof is utilized or occupied.*

(13) "Owner" shall mean any person, agent, firm or corporation, or a designated representative of the same, having a legal or equitable interest in a rental dwelling or a rental property; or otherwise having control of such property, including the guardian of an estate and an executor or administrator of an estate when ordered to take possession of real property by a court.

OWNER. *Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.*

(14) "Person" shall mean any individual, partnership, corporation, association, or other type of entity capable of owning or managing property, or an agent, servant, or employee of any individual, partnership, corporation, association, or other entity capable of owning or managing property.

PERSON. *An individual, corporation, partnership or any other group acting as a unit.*

(15) "Premises" shall mean a lot, plot or parcel of land including any buildings thereon.

PREMISES. *A lot, plot or parcel of land, easement or public way, including any structures thereon.*

(16) "Property" shall mean one lot or adjacent lots under common ownership.

(17) "Rental dwelling" shall mean any building or buildings, or portion thereof, on a property under common ownership consisting of no more than three units that provides shelter for human habitation or residential purpose, any portion of which is leased by the owner for occupation by a tenant. "Rental dwelling" shall not mean hotels, motels, hospitals, State licensed residential care facilities, assisted living facilities or nursing homes.

(18) "Rental property" shall mean any building or buildings, or portion thereof, on one property under common ownership consisting of more than three units that provides shelter for human habitation or residential purposes, any portion of which is leased by the owner for occupation by a tenant. "Rental property" shall not mean hotels; motels; hospitals; State licensed residential care facilities, assisted living facilities, or nursing homes; or a facility qualified as Life Care Institution pursuant to C.R.S. §12-13-101, et seq., as amended.

(19) "Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STRUCTURE. *That which is built or constructed or a portion thereof.*

(20) "Tenant" shall mean a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof.

TENANT. *A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.*

(21) "Unit" shall mean a rental property or a rental dwelling, in whole or in part, that is separately available to be leased and that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the building code.

(B) Words, terms and phrases used in this Rental Code and not defined above shall have the same meaning as assigned by the building codes currently adopted by the City in Title XI, Chapter 9, of the Westminster Municipal Code.

11-12-4: SPACE AND OCCUPANCY STANDARDS: (2532 2534 2798 3560)

(A) Improper Occupancy. Buildings or structures shall not be used for purposes other than those for which the building or structure was designed or intended or in violation of any other provisions of the Westminster Municipal Code or ordinances.

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11-12-4

(B) Room Dimensions.

(1) Ceiling Heights. Habitable rooms in units shall have a ceiling height of not less than seven (7) feet. In rooms with sloped ceilings, the required ceiling height shall be provided in at least 50% of the room. No portion of any room with a ceiling height of less than 5 feet shall be considered as contributing to the minimum floor area as required in subsection (2) below.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

(2) Floor Area.

(a) Every unit shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant and an additional one hundred (100) square feet of floor space for each additional occupant. Every room used for sleeping purposes shall have at least seventy (70) square feet of floor space for the first occupant and an additional thirty (30) square feet of floor space for each additional occupant.

404.4.1 Area for sleeping purposes.

Every bedroom occupied by one person shall contain at least 70 square feet (6.5m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.

**TABLE 404.5
MINIMUM AREA IN SQUARE FEET**

	1-2 occupants	3-5 occupants	6 or more occupants
<i>Living room</i>	<i>120</i>	<i>120</i>	<i>150</i>
<i>Dining room</i>	<i>No requirements</i>	<i>80</i>	<i>100</i>

(b) The Building Official may waive or modify the above-stated minimums in appropriate circumstances such as the birth or adoption of additional children, a temporary need for medical care for a family member, or care of children by a non-custodial parent.

(3) Width. No room used for living or sleeping purposes shall be less than 7 feet in any dimension. Each toilet shall be installed in a clear space of at least 27 inches in width.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension.

(C) Light and Ventilation.

(1) General. For the purpose of determining light or ventilation required by this Section, any room may be considered as a portion of an adjoining room if one half of the common wall is open and unobstructed and provides an opening of at least 10% of the floor area of the interior room.

(2) Light. Every habitable room within a unit shall be provided with windows or skylights with an area of at least 10% of the floor area. All public hallways, stairways and other exit ways shall be illuminated at all times with not less than 5 footcandles at the floor level.

402.1 Habitable spaces.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(3) Ventilation.

(a) Habitable rooms within a unit shall be provided with natural ventilation by means of at least one openable exterior window or skylight with an area of not less than 1/20 of the floor area with a minimum of 5 square feet.

(b) In lieu of required exterior openings for natural ventilation, an approved mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all habitable rooms and public hallways. In such case, one fifth of the required air supply shall be taken from the outside.

(c) Bathrooms, water closet compartments and similar spaces shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/20 of the floor area of such rooms with a minimum of 1 1/2 square feet.

(d) In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower and similar rooms, mechanical ventilation system connected directly to the exterior capable of providing five air changes per hour shall be provided. The point of discharge of exhaust containing only a toilet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

403.1 Habitable spaces.

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

***Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.*

(D) Sanitation.

(1) Units. Every unit shall be provided with a toilet, lavatory, and either a bathtub or shower. These facilities shall be located within the same building as the occupants and occupants shall not be required to go outside the building or through another dwelling unit to reach the facilities.

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safeworking condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(2) Fixtures. All plumbing fixtures and piping shall be maintained as provided in the building code. Each plumbing fixture shall be provided with hot and cold running water necessary for its normal operation and be properly connected to an approved water and sewer system. Plumbing system waste piping shall be maintained free of all sewage obstructions and leaks. Potable water piping shall be free of leaks that cause a consistent flow of water. All plumbing fixtures shall be of smooth, impervious, easily cleanable surfaces and be maintained in safe and sanitary working condition, free of cracks, breaks, rust and leaks. All plumbing fixtures shall be of an approved glazed earthenware type or similar nonabsorbent material. All plumbing fixtures shall be adequately secured so that no strain is placed on the piping connections.

504.1 General.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(3) Lavatory Basins. Every room containing a toilet shall have a lavatory located in the same room or in the room immediately adjacent to the room containing the toilet. Laundry tubs, kitchen sinks, or bathtubs are not acceptable substitutes for lavatory purposes.

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safeworking condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(4) Room Separation. Every room containing a toilet, bathtub or shower shall be completely enclosed by partitions, doors, or windows from floor to ceiling and wall to wall which will afford privacy to the occupant.

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(5) Bathtub and Shower Enclosures. The interior of every shower enclosure shall be watertight, maintained in sound condition, and be easily cleanable. Walls and floors of every shower enclosure shall be made of smooth, non-absorbent materials free of sharp edges and properly sloped to drain completely. Joints in any bathtub or shower enclosure shall be maintained waterproof with caulking or similar material. Repairs shall be required if more than two square feet of the enclosure wall or floor is no longer waterproof or more than two linear feet of caulking has failed or if the leak is causing an unsafe electrical condition.

(6) Kitchen Sink. Every unit shall contain a kitchen sink of seamless construction and impervious to water and grease. Where garbage disposals are provided, they shall be in working order, free of leaks, installed per manufacturer installation instructions and powered by a UL listed power cord.

504.1 General.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(7) Openings for Piping. All exterior openings into the interior of the building, including those in a crawl space, provided for the passage of piping shall be properly sealed with snug fitting collars of metal or other material so as to be rodent and insect resistant and securely fastened in place.

(8) Environmental Health. All surfaces in and around the dwelling unit shall be maintained free of mold and mildew.

302.1 Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(E) Structural Requirements.

(1) General. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components, and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair.

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) Foundations. Every foundation shall be maintained plumb and free of open cracks and breaks, kept in sound condition and good repair, and shall be weathertight and watertight.

304.5 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(3) Weather Protection. Every foundation, floor, roof, ceiling, and exterior and interior wall and all exterior doors and windows shall be weathertight and watertight and maintained free of holes, cracks or other defects that admit rain so as to provide shelter for the occupants against the elements and to otherwise exclude dampness. Windows that are designed to open vertically shall be capable of remaining open without the use of tools, props or special knowledge.

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(4) Interior Maintenance. Floors, walls doors and ceilings shall be secure and free of holes, cracks, and breaks. Floor coverings shall be free from any defects that could cause tripping or would prevent the floor from being easily cleaned. Floor coverings such as carpeting, tile, linoleum, and similar material shall be repaired or replaced when more than 10% of the floor covering area is severely deteriorated or if defects create an unsafe or unsanitary condition. Floor coverings that have tears in excess of six inches that are raised above the floor surface to present a tripping hazard shall be repaired.

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(5) Drainage. All rain water shall be so drained and conveyed away from every roof and away from every foundation so as to not cause dampness in basements or in walls, ceilings or floors of any

building, or erosion of exterior surfaces. Water shall not be discharged in a manner that adversely affects the safety of the general public.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roofwater shall not be discharged in a manner that creates a public nuisance.

(F) Mechanical Requirements.

(1) Heating.

(a) Every unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68° F at a point 3 feet (3') above the floor in all habitable rooms, bathrooms, and water closet compartments. Units shall be supplied with heat during the period of October through April. Electric heating appliances that are not permanently installed, cooking appliances of any type, or decorative appliances shall not be considered heating facilities for the purpose of providing heat as required by this Section. Unvented fuel-burning heaters or decorative appliances are not permitted except as permitted and approved by the Building Division.

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: *In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.*

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

(b) All heating devices or appliances shall be of an approved type and installed as required in the building code and maintained in safe working condition. Required clearances to protected or

unprotected combustible materials shall be maintained for heating equipment as well as sufficient clearance to permit the cleaning, maintenance, service and repair of the appliance. Required clearances are those listed on the equipment or otherwise required by the building code. Venting systems for gas-fired appliances shall be maintained in accordance with the building code.

(c) Except within an efficiency dwelling unit, gas-fired water heaters shall not be installed in any sleeping area. Water heating equipment serving any dwelling unit shall be capable of providing water at a temperature of at least 120# F at the fixture outlet and a recovery capacity of at least twenty gallons per hour for each dwelling unit. Water heaters shall be provided with an approved temperature and pressure relief valve and drain extension that terminates at an approved location.

603.1 Mechanical appliances.

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safeworking condition, and shall be capable of performing the intended function.

(d) Closets containing heating equipment shall be kept free of stored items, combustibles, flammables or accelerants.

(2) Electrical.

(a) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with the building code. All electrical equipment shall be permanently installed and be an integral part of the electrical wiring of the entire building. Electrical appliance or fixture cords shall be protected with proper coverings having no frayed or exposed wiring.

605.1 Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(b) Every habitable room, bathroom, kitchen, laundry room and public hallway shall have at least two convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, furnace room and public stairway shall contain at least one electric light fixture. Electrical light fixtures should house only those bulbs approved by the manufacturer. Wattage of bulbs shall not exceed the manufacturer's maximum wattage recommendations for the fixture. Exterior fixtures shall be free of missing or broken globes that may leave the bulb exposed to the elements.

(c) Breaker panels shall be readily accessible, shall not be blocked or covered by storage or decoration, and shall not be painted shut. There shall be no unapproved openings within any electrical enclosure.

605.2 Receptacles.

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

(3) Extension Cords. Extension cords shall not be used as permanent electrical wiring or required electrical outlets. No extension cords shall extend or pass from one room to another room. No extension cord shall be placed across any doorway, through any wall or partition, or in an area where such cord is subject to physical damage.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

(G) Exits.

(1) General. All buildings or structures shall be provided with exits, including stairways, handrails, and guardrails, and have access to the public way as required by the building code. All doors, windows, corridors, stairways, fire escapes or other means of egress shall be maintained free of stored or discarded materials or other obstructions or locks as to prevent or impede egress from the building or structure.

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

(2) Dwelling Units. Every unit or guest room shall have access directly to the exterior of the building or to a public corridor that leads to the exterior. Sleeping rooms located below the fourth story and in basements shall have at least one operable window or exterior door meeting the building code requirements for emergency escape or rescue. These required windows or doors shall be operable from the inside to provide the required full clear opening without the use of separate tools or keys and not requiring special knowledge or effort.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

(H) Appliances. Appliances whether supplied by the owner or tenant, shall be maintained in good working condition, free of leaks or other defects so as not to cause any unsafe or unsanitary condition.

603.1 Mechanical appliances.

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safeworking condition, and shall be capable of performing the intended function.

11-12-5: FIRE PROTECTION: (2532 2564 3541 3560)

(A) General. Required fire rated assemblies shall be maintained as specified in the building code and the fire code adopted in Title XI, Chapter 10, of the Westminster Municipal Code. Such assemblies shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Fire protection equipment, including but not limited

to extinguishing systems, fire alarm systems, smoke detectors, and fire extinguishers, shall be maintained in good and safe working condition as required by the Fire Department.

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition.

(B) Smoke Detectors. Smoke detectors shall be installed in all units as required by the building codes.

704.2 Smoke alarms.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

- 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.*
- 2. In each room used for sleeping purposes.*
- 3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.*

(C) Carbon Monoxide Alarms. Any unit that includes fuel-fired appliances or an attached garage in which interior alterations, repairs, fuel-fired appliance replacement or additions, any of which requires a building permit to be issued, have been made, or any unit that has a change in tenant or occupancy, shall have carbon monoxide alarms installed as required by the building code.

(Carbon monoxide alarms are required by CRS and per the 2012 International Residential Code)

(D) Open Flame Cooking Devices. Open flame cooking devices shall be regulated as required by the provisions of the building code and the fire code adopted in Title XI, Chapter 10, of the Westminster Municipal Code.

603.1 Mechanical appliances.

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safeworking condition, and shall be capable of performing the intended function.

11-12-6: EXTERIOR MAINTENANCE AND ACCESSORIES: (2532 2534 2798 3560)

(A) Weather protection. Buildings, or portions thereof, shall have exterior walls that are weathertight and watertight, and kept free of deterioration, holes, breaks, or loose boards or coverings. Roof surfaces shall be watertight and not have any defects that that will allow water to enter into the structure.

304.1 General. *The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.*

(B) Exterior maintenance.

(1) The exterior finish of all structures shall be maintained. If the exterior finish of a structure is paint or stain, the structure shall be painted or stained prior to a time when the exterior finish has substantially deteriorated. Graffiti shall be removed per Title VIII, Chapter 4, of the Westminster Municipal Code.

304.2 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(2) All architectural projections such as cornices, moldings, lintels, sills and similar projections shall be maintained in good repair and free of defects.

304.8 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(3) All chimneys, antennae (including satellite dishes), vents, gutters and downspouts and similar projections or building accessories shall be structurally sound and in good repair. Such projections shall be properly secured, when applicable, to an exterior wall or roof.

304.11 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(C) Windows and doors. Windows and exterior glazing shall be soundly and adequately glazed, free from loose and broken glass and cracks that could cause physical injury or allow the elements to enter the structure. Windows and doors are to be maintained so that they can be secured in a closed position. Exterior doors shall be maintained weathertight, watertight and rodentproof. Exterior doors of unit shall be solid core or equivalent and be provided with a deadbolt locking device that tightly secures the door. Where window mounted cooling appliances are utilized, the opening around the appliance must be sealed with materials resistant to weather.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.13.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

303.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(D) Screens. Screens shall be provided, year round, for all operable windows. All screens, including screen doors, shall be maintained in good repair and free from tears, holes, or other imperfections of either screen or frame that would admit insects such as flies, flying insects or mosquitoes. Screens with holes one square inch or larger or with tears in excess of two inches shall be repaired or replaced. Screens shall not be damaged or warped, shall fit tight in the framework of the window, and be removable for cleaning and maintenance purposes. Sliding screen doors are required wherever sliding glass doors are present.

304.14 Insect screens. *Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a selfclosing device in good working condition.*

Exception: *Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.*

(E) Infestation. All structures and exterior property shall be maintained free of rodent, insect or vermin infestation which creates an unsafe or unsanitary environment on the subject, or adjacent buildings or properties. All structures and exterior property shall be maintained free of conditions which may cause an unsafe or unsanitary environment.

308.1 Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(F) Addresses. Address numbers a minimum of 3" in height shall be provided on every occupied building or structure located so as to be visible from the street. Individual units within a building or structure shall be individually identified. Address numbers shall be of a contrasting color to their background for easy visibility.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(G) Accessory Structures. All accessory structures shall be maintained in a state of good repair or removed from the site. Such structures shall include, but not be limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, and miscellaneous sheds or structures. These structures should be constructed of materials consistent for the use of the structure and not constructed in a makeshift of haphazard manner.

302.7 Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

11-12-7: SITE MAINTENANCE: (2532 2534 3133 3338 3560)

(A) General. The accumulation of weeds, vegetation, junk (including, but not be limited to, abandoned, unused or nonoperational appliances, equipment, vehicles, machinery, or household furnishings), dead organic matter, debris, garbage, stagnant water, combustible materials or similar materials or conditions shall be subject to the provisions of Title VIII, Chapter 1 of the Westminster Municipal Code and shall be subject to abatement provisions therein.

(Enforced by Code Enforcement)

(B) Parking Areas. All off street parking and access drives shall be improved with asphalt pavement or an equivalent approved surface as determined by the City. Parking areas shall be kept free from potholes, cracks or other deterioration. No dirt, grass or sod parking areas are allowed. All striping and signage, including parking signage and fire lane or access signage shall be maintained in good condition and clearly legible.

(No city regulations for off street parking)

(C) Landscaping.

(1) All landscape areas, improvements and materials shall comply with and be maintained according to the City of Westminster Landscape Regulations and the Westminster Municipal Code. All landscape areas shall be landscaped with approved landscaping, including grass, shrubs, and trees. All landscape areas shall be maintained and all dead or severely damaged plant materials shall be replaced with plant materials as required by the City of Westminster Landscape Regulations. All turf areas shall be maintained so that no turf area exceeds 6 (six) inches in height. Weeds shall not exceed twelve (12) inches in height. Landscape areas may not include tree canopy, dirt, weeds, artificial turf or paving and drive improvements. Properties with an existing Official Development Plan shall be maintained as required by such plan.

(2) Rental dwellings shall be required to have one (1) tree and three (3) shrubs in the front yard landscape area. As required by the City of Westminster Landscape Regulations, a minimum of fifty percent (50%) of each yard area adjacent to a street, or public or private park or open space shall be landscape area. Remaining lot area not landscape area may only be paving or drives as defined in the City of Westminster Standards and Specifications for the Construction of Public Improvements.

(3) Rental properties shall be required to have one (1) tree and three (3) shrubs per 1,000 square feet of landscape area. A minimum of thirty percent (30%) of the lot shall be landscape area as defined by the City of Westminster Landscape Regulations, unless an exception is made by the City for good cause. Remaining lot area not landscape area may only be paving or drives as defined in the City of Westminster Standards and Specifications for the Construction of Public Improvements.

(No city regulations for retroactive landscaping)

(D) Trash. Trash enclosures shall be installed and maintained as required by the Westminster Municipal Code. All trash shall be kept inside the enclosure. Oversized trash that will not fit within

the trash enclosure shall be removed from the property as required by Westminster Municipal Code.

307.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(E) Properties not in compliance with the requirements of this Section shall become compliant by January 1, 2016. Properties determined not to be in compliance based on inspection or review of the site plan required by Section 5-12-5(A)(11) of the Westminster Municipal Code shall before January 1, 2012, submit to the City a plan for property improvements detailing how the property will be timely brought into compliance.

11-12-8: VACANT OR ABANDONED BUILDINGS: (2532 2534 3560)

(A) Vacant or abandoned buildings shall be secured to prevent unauthorized entry.

(B) Exterior building maintenance and site maintenance of abandoned or vacant buildings shall be the same as required for occupied buildings.

(C) Vacant or abandoned buildings and properties shall be maintained free of accumulations of combustible or hazardous material.

108.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

11-12-9: LICENSE REQUIRED; RENTAL PROPERTY: (3560)

Prior to leasing any rental property for occupancy, an owner shall obtain and maintain in good standing a rental property license from the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

(No city requirements)

11-12-10: REGISTRATION REQUIRED; RENTAL DWELLINGS: (3560)

Prior to leasing any rental dwelling for occupancy, an owner shall obtain and maintain in good standing a rental dwelling registration with the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

(No city requirements)

11-12-11: INSPECTIONS: (2532 2534 2798 3560)

(A) General.

(1) The City Manager, acting by and through the Building Division, shall establish a regular and orderly schedule to inspect all rental property within the City. Such schedule shall not preclude inspection of a rental property at other times based on a request of a resident, owner or manager, or other complainant.

(2) Rental dwellings shall be inspected by the City on a complaint basis or as conditions warrant with no regular inspection schedule.

(3) Any violations shall be documented and a photographic record may be made of the property or of any violations discovered on the property.

(No city requirements)

(B) Right of Entry.

(1) When necessary to make an inspection for compliance with the provisions of this Rental Code as part of scheduled inspections, or when the City has probable cause to believe that there exists upon any premises any condition that constitutes a violation of the provisions of this Rental Code, the City Manager or authorized representative, hereinafter referred to as the "Inspector," may enter a premise at all reasonable times to inspect or to perform any duty imposed on him, provided that the following procedure has been followed:

(a) If a premise is currently leased, the Inspector shall first present proper credentials and request permission to enter from a tenant or other person having common authority over the premise. If the leased premise is currently unoccupied, the Inspector shall make a reasonable effort to locate the tenant, and upon locating the tenant, shall present proper credentials and request permission to enter. If a tenant or other person having common authority over the premise cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises giving notice that an inspection may proceed after a court order is obtained from the Municipal Judge of the City.

(b) If a premise is not currently leased, the Inspector shall present proper credentials and request permission to enter from the owner or agent. If the owner or agent cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises giving notice that an inspection may proceed upon issuance of a court order by a Municipal Judge of the City.

(2) If entry is refused, or twenty-four (24) hours after the premises have been posted, the Inspector may appear before the Municipal Judge and shall request pursuant to Rule 241(b)(2) of the Municipal Court Rules of Procedure, as amended, a court order entitling the Inspector to enter upon the premises. Upon presentation of the court order and proper credentials, or possession of same in the case of unoccupied premises, the Inspector may enter upon the premises, using such reasonable force as may be necessary to gain entry.

(3) For purposes of this Section, "probable cause" for a court order exists upon a showing that the inspection is part of the systematic schedule of inspections that is a condition of licensing the rental property and that the tenant or other person having common authority over the premise has failed or refused to grant entry to the Inspector or upon a showing that the facts and circumstances within the Inspector's knowledge are sufficient to warrant a person of reasonable caution in the belief that a violation of this Rental Code may exist. The Inspector shall not be required to demonstrate specific knowledge of the condition of the particular premises in issue in order to obtain a court order.

(C) Unlawful Resistance. It shall be unlawful for any owner, tenant, or person having common authority of a rental property or rental dwelling to deny entry of an Inspector acting pursuant to a court order that has been issued according to the procedure outlined in this Section.

104.3 Inspections.

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

11-12-12: INSPECTION PROCEDURES: (2532 2534 3560)

(A) Authority. The City Manager, acting by and through the Building Division, may inspect rental properties and rental dwellings, individual units thereof, and their associated properties, in order to determine compliance with the provisions of this Rental Code.

(B) Scheduled Inspections of Rental Properties.

(1) The frequency of inspections on rental properties shall be as follows:

- (a) Properties less than six (6) years old shall not be scheduled for inspection.
- (b) Properties between six (6) and twenty (20) years old shall be inspected every four (4) years.
- (c) Properties older than twenty (20) years shall be inspected every two (2) years.

(2) Inspections may be increased in frequency upon a determination that violations of this Rental Code, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a decent, safe, and sanitary condition.

(3) Inspections may be decreased in frequency based on satisfactory results of the latest inspection of the entire rental property; however, a modification of the scheduled inspection schedule shall not be extended more than two (2) years for any property and no inspection schedule shall exceed six (6) years between inspections.

(4) Any rental property may be inspected at any time due to complaints or as conditions warrant.

(C) Notification prior to Inspections. It shall be the responsibility of the owner or agent to notify the individual tenants of the property of the scheduled inspection and to request that permission for the City to enter the premises be granted at the time of the inspection, by a tenant or person with common authority over the premise, either in person or in writing. Without such express permission to enter a unit scheduled for inspection, the City shall not proceed to inspect and shall instead obtain a court order according to the process outlined in Section 11-12-11(B). In addition to the right of entry process set forth in Section 11-12-11(B) above, regular inspections may be preceded by the following notice:

(1) A letter of intent to inspect a property based on the systematic inspection schedule mailed to the owner or agent of the property stating the proposed date and time of the inspection and given a minimum of thirty (30) days before inspection.

(2) Notice to the owner or agent at least seven (7) days in advance of the scheduled inspection to verify the time and date.

(3) If it is necessary for the City to cancel a scheduled inspection, it may send a cancellation notice to the owner or agent of the effected property at least three (3) days prior to the scheduled inspection date.

(D) Inspections of Rental Dwellings. Inspection of rental dwellings shall be on a complaint basis or as conditions warrant with no regular inspection schedule and shall proceed according to the process for right of entry set forth in Section 11-12-11(B).

(No city requirements)

11-12-13: NOTICE OF NON-COMPLIANCE; INSPECTION REPORT: (2532 2534 2798 3560)

(A) When the City determines that non-compliance with this Rental Code exists, a notice of non-compliance and order to correct shall be issued. The notice of non-compliance shall be in writing and shall describe the violation with sufficient detail for it to be properly addressed and corrected. The notice of non-compliance shall provide a reasonable time for correction, no less than seven (7) and no more than ninety (90) days.

(B) Inspection Report. A report of inspection results, including notice of non-compliance, if any, shall be sent to the property owner or agent within ten (10) days of completion of an inspection.

(1) The inspection report shall include the results of the inspection, the period of time for correction of any non-compliant conditions, and the scheduled reinspection date and time.

(2) An inspection report containing only satisfactory results with no notice of non-compliance need not be personally served and may be mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of Westminster Municipal Code.

(C) Any notice of non-compliance and order to correct and any inspection report containing a notice of non-compliance and order to correct shall be served by one of the following methods:

(1) Personally upon the owner or agent, in which case service shall be deemed complete on the date such service occurs.

(2) Notice posted on the premises and mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of Westminster Municipal Code. Service by this method shall be deemed complete three days after mailing and posting, even if no acknowledgment of receipt is provided.

SECTION 107

NOTICES AND ORDERS

107.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

- 1. Be in writing.*
- 2. Include a description of the real estate sufficient for identification.*
- 3. Include a statement of the violation or violations and why the notice is being issued.*
- 4. Include a correction order allowing a reasonable time, but in no event more than 30 days to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.*
- 5. Inform the property owner of the right to appeal.*
- 6. Include a statement of the right to file a lien in accordance with Section 106.3.*

(D) Reinspections. Reinspections may be conducted to verify that the violations identified in a notice of non-compliance have been corrected. Violations that were not noted during the initial inspection but are discovered on the reinspection shall not be subject to correction as part of the initial notice of non-compliance, but may result in the issuance of an additional notice of non-compliance. Imminent hazards identified on a reinspection shall be subject to the provisions of Section 11-12-18.

(E) Owner Certification for Corrections. The City may accept written affirmation from the owner or agent confirming correction of any or all violations documented in the formal notice of non-compliance.

(F) Reinspection Fees. A reinspection fee may be assessed for each follow-up inspection required after the initial reinspection due to an owner's failure to correct satisfactorily the identified violations. For each follow-up inspection required after the initial reinspection a reinspection fee of \$ 50.00 per unit and common area may be assessed, which fee amount may be amended by subsequent resolution of City Council. Reinspection fees not paid in full within thirty (30) days of assessment shall constitute a lien on the property and shall be recorded as such with the County Clerk.

(G) Extensions. If an owner cannot complete the required corrective action in the time set forth in the notice of non-compliance, the owner or agent may request an extension to the completion date, which may be granted upon a determination that substantial progress is being made to correct the violation(s). Such request shall be made in writing and shall contain the reasons that an extension is necessary and the requested length of extension. A request for extension shall be made no less than three (3) days prior to a scheduled reinspection or the required completion date, whichever is earlier.

(H) No Show Fees: If an owner or agent fails to attend an inspection or reinspection, fails to request a timely extension, or fails to provide notice to tenants of the City's request for permission to enter, a no-show fee of \$ 50.00 per missed appointment may be assessed. The fee amount may be amended by subsequent resolution of City Council.

11-12-14: UNLAWFUL CONDUCT; PUBLIC NUISANCE: (2532 2534 3560)

(A) It shall be unlawful for any owner or agent to lease or to allow the use, maintenance, or occupancy of any residential dwelling or residential property that does not comply with the requirements of this Rental Code.

(B) Securing Structures. Any residential dwelling or residential property that is abandoned or

uninhabited and is dilapidated, deteriorated or has become a place frequented by trespassers or transients or has otherwise been declared as a hazard shall be deemed a public nuisance.

(C) The City Manager or authorized representative is hereby deemed a peace officer for the limited purpose of enforcing the provisions of this Rental Code, and shall have the power to issue complaints and summons for violations of these provisions, pursuant to Rule 204, Municipal Court Rules of Procedure, as amended, and Section 1-22-18 of the Westminster Municipal Code.

(D) Any person found guilty of violating any of the provisions of this Rental Code shall, upon conviction thereof, be punished by a fine or imprisonment or both, pursuant to Section 1-8-1 of the Westminster Municipal Code. Each day that a violation of any of the provisions of this Rental Code continues to exist shall be deemed to be a separate and distinct violation.

(E) A violation of any of the provisions of this Rental Code is hereby declared to be a public nuisance, and may be abated according to the procedures established in Title 8, Chapter 4, of the Westminster Municipal Code for the abatement of nuisances.

(F) In addition to all other penalties available, a violation of the provisions of this Rental Code may result in an action to revoke or suspend a rental property license or a rental dwelling registration according to the process set forth in Title V, Chapter 12, of the Westminster Municipal Code.

11-12-15: ENFORCEMENT: (3560)

If, after notice and order to correct, an owner, fails to timely correct the violation and fails to timely appeal the notice and order, the City Manager or authorized representative may issue a complaint and summons for prosecution in Municipal Court or for abatement as a nuisance.

11-12-16: APPEAL: (2532 2534 3560)

(A) An owner may appeal a notice of non-compliance and order to correct to the Board of Building Code appeals. Any such appeal shall be filed in writing with the City Manager within thirty (30) days of the date of service of the notice of non-compliance.

(B) The Board of Building Code Appeals shall hear the appeal within a reasonable time. Procedure for the hearing shall be as established in Title II, Chapter 10, of Westminster Municipal Code. Compliance with a notice of non-compliance shall be stayed until the Board has met and issued its decision.

(C) Any appeal of the decision of the Board shall be made to the District Court. The appellant shall pay for the costs of preparing a transcript and other expenses of preparation of the record of hearing before the Board.

11-12-17: REMEDIES: (2532 2534 3560)

Recovery of Costs. The cost of enforcement proceedings together with the cost of abatement, if so ordered, shall be assessed in any judgment rendered. If the costs identified are not paid they shall constitute a lien upon the property.

11-12-18: IMMINENT DANGER: (2532 2534 3560)

(A) If any structure, premise or portion thereof is found to present an imminent hazard to life or health, the premises shall be posted and the property shall be ordered vacated. Upon order to vacate, the property, or portion thereof, shall be posted as "Dangerous, Do Not Occupy" and written notification of the violations that deem the property, or portion thereof, as an imminent hazard shall be served as required in Section 11-12-13(C).

(B) It shall be unlawful for any person to remove or deface the posted notice, or to occupy the property or to enter the structure except for the purpose of repair. The violations identified as causing the property or portion thereof, to be an imminent hazard shall be corrected and reinspected before the posting is removed and the property, or portion thereof, is reoccupied.

(C) The owner or agent may appeal the order to vacate to the Board of Building Code Appeals, in the same manner as stated in Section 11-12-16, except that the duty to comply with the order to vacate shall not be stayed pending a hearing.

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12. Rental Property Maintenance Code

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 City Code **CHAPTER 12**

RENTAL PROPERTY MAINTENANCE CODE

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- Title XVIII **11-12-18: IMMINENT DANGER**

11-12-1: GENERAL INTENT: (2532 2534 2798 3560)

(A) Title. These regulations shall be known as the Rental Property Maintenance Code of the City of Westminster, herein referred to as the "Rental Code."

(B) Purpose. The purpose of this Rental Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential structures available for rent within the City of Westminster. This Rental Code establishes minimum standards for basic equipment and facilities, for light, ventilation and heating; for safety from fire; for the use and amount of space for human occupancy; and for the safe and sanitary maintenance of residential rental properties.

(C) Scope. The provisions of this Rental Code shall apply to all existing residential rental buildings, and structures, excluding manufactured homes, and all existing premises, or portions thereof used, designed, or intended to be used for dwelling purposes on a rental basis as well as the site, including parking lots, driveways and landscaping, and accessory structures, such as fences, retaining walls, sheds, and other such structures. Rooming houses, congregate residences or lodging houses shall comply with all the requirements of this Rental Code. Except as provided herein, properties, including buildings, or portions thereof, equipment, devices and safeguards, which were required by the building code shall be maintained in conformance with the building code under which they were installed, provided such continued use is not dangerous to life. Where there are conflicts between the building code and this Rental Code, the provisions of this Rental Code shall apply.

(D) Non-Conforming Rights. Except for smoke detectors and carbon monoxide alarms as required by Sections 11-12-5(B) and 11-12-5(C), of this Rental Code, existing residential rental units that were constructed and approved under a previous edition of the building code shall be considered as demonstrating compliance with the construction provisions of this Rental Code, provided that the approved construction is not dangerous to life or health. Nothing in this Rental Code shall be construed to allow the degradation of those systems, devices and equipment required by the building code under which the building was constructed.

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11-12-2: MINIMUM STANDARDS: (2532 2534 3560) No person shall lease to another for occupancy any structure that does not comply with the requirements of this Rental Code. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of compliance as required herein.

11-12-3: DEFINITIONS: (2532 2534 3560 3601)

(A) The following words, terms and phrases, when used in this Rental Code, shall have the following meanings unless the context clearly indicates otherwise:

(1) "Agent" shall mean a manager or operator, or any person, agent, firm or corporation who is designated in writing by the owner to act as the representative of the owner on issues related to a rental property or rental dwelling or for receipt of notices related to a rental property or rental dwelling.

(2) "Bedroom" shall mean any room or space used or intended to be used for sleeping purposes.

(3) "Building" shall mean any structure used or intended for supporting or sheltering any use or occupancy.

(4) "Building code" shall mean any of the codes currently adopted by the City as part of Title XI, Chapter 9, of the Westminster Municipal Code.

(5) "Common authority" shall mean the status of having joint access or control over a leased premise for most purposes.

(6) "Floor area" shall mean the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(7) "Habitable space" shall mean the space in a building for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

(8) "Imminent danger" shall mean a condition that could cause serious or life-threatening injury or death at any time.

(9) "Income restricted property" shall mean a unit of rental property over which the owner, whether a non-profit or a for-profit entity, lacks the sole discretion to increase rent due to state or federal law. By way of example, and not limitation, units within a Section 8 housing project, as defined by 42 U.S.C. § 1437(f), as amended, as well as properties for which the owner takes an income tax credit pursuant to Sections 38 and 42 of the Internal Revenue Code (Title 26, U.S.C.), as amended, qualify as income restricted properties. However, units not within a Section 8 housing project that are rented with tenant-based Section 8 vouchers, pursuant to 42 U.S.C. § 1437(f), as amended, do not qualify as income restricted properties.

(10) "Infestation" shall mean the presence within or around a structure of insects, rodents, vermin or other pests of such kind, or in such numbers, as to cause a hazard to health.

(11) "Lease" shall mean:

(a) an agreement by which an owner gives up to a tenant, for valuable consideration, possession and use of his property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property; or

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(b) the act of an owner giving to a tenant, for valuable consideration, possession and use of his property or a portion thereof for a definite term, at the end of which term the owner has an absolute right to retake control and use of the property.

(12) "Occupancy" shall mean the purpose for which a building or portion thereof is utilized or occupied.

(13) "Owner" shall mean any person, agent, firm or corporation, or a designated representative of the same, having a legal or equitable interest in a rental dwelling or a rental property; or otherwise having control of such property, including the guardian of an estate and an executor or administrator of an estate when ordered to take possession of real property by a court.

(14) "Person" shall mean any individual, partnership, corporation, association, or other type of entity capable of owning or managing property, or an agent, servant, or employee of any individual, partnership, corporation, association, or other entity capable of owning or managing property.

(15) "Premises" shall mean a lot, plot or parcel of land including any buildings thereon.

(16) "Property" shall mean one lot or adjacent lots under common ownership.

(17) "Rental dwelling" shall mean any building or buildings, or portion thereof, on a property under common ownership consisting of no more than three units that provides shelter for human habitation or residential purpose, any portion of which is leased by the owner for occupation by a tenant. "Rental dwelling" shall not mean hotels, motels, hospitals, State licensed residential care facilities, assisted living facilities or nursing homes.

(18) "Rental property" shall mean any building or buildings, or portion thereof, on one property under common ownership consisting of more than three units that provides shelter for human habitation or residential purposes, any portion of which is leased by the owner for occupation by a tenant. "Rental property" shall not mean hotels; motels; hospitals; State licensed residential care facilities, assisted living facilities, or nursing homes; or a facility qualified as Life Care Institution pursuant to C.R.S. §12-13-101, et seq., as amended.

(19) "Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(20) "Tenant" shall mean a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof.

(21) "Unit" shall mean a rental property or a rental dwelling, in whole or in part, that is separately available to be leased and that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the building code.

(B) Words, terms and phrases used in this Rental Code and not defined above shall have the same meaning as assigned by the building codes currently adopted by the City in Title XI, Chapter 9, of the Westminster Municipal Code.

11-12-4: SPACE AND OCCUPANCY STANDARDS: (2532 2534 2798 3560)

(A) Improper Occupancy. Buildings or structures shall not be used for purposes other than those for which the building or structure was designed or intended or in violation of any other provisions of the Westminster Municipal Code or ordinances.

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(B) Room Dimensions.

(1) Ceiling Heights. Habitable rooms in units shall have a ceiling height of not less than seven (7) feet. In rooms with sloped ceilings, the required ceiling height shall be provided in at least 50% of the room. No portion of any room with a ceiling height of less than 5 feet shall be considered as contributing to the minimum floor area as required in subsection (2) below.

(2) Floor Area.

(a) Every unit shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant and an additional one hundred (100) square feet of floor space for each additional occupant. Every room used for sleeping purposes shall have at least seventy (70) square feet of floor space for the first occupant and an additional thirty (30) square feet of floor space for each additional occupant.

(b) The Building Official may waive or modify the above-stated minimums in appropriate circumstances such as the birth or adoption of additional children, a temporary need for medical care for a family member, or care of children by a non-custodial parent.

(3) Width. No room used for living or sleeping purposes shall be less than 7 feet in any dimension. Each toilet shall be installed in a clear space of at least 27 inches in width.

(C) Light and Ventilation.

(1) General. For the purpose of determining light or ventilation required by this Section, any room may be considered as a portion of an adjoining room if one half of the common wall is open and unobstructed and provides an opening of at least 10% of the floor area of the interior room.

(2) Light. Every habitable room within a unit shall be provided with windows or skylights with an area of at least 10% of the floor area. All public hallways, stairways and other exit ways shall be illuminated at all times with not less than 5 footcandles at the floor level.

(3) Ventilation.

(a) Habitable rooms within a unit shall be provided with natural ventilation by means of at least one openable exterior window or skylight with an area of not less than 1/20 of the floor area with a minimum of 5 square feet.

(b) In lieu of required exterior openings for natural ventilation, an approved mechanical ventilation system may be provided. Such system shall be capable of providing two air changes per hour in all habitable rooms and public hallways. In such case, one fifth of the required air supply shall be taken from the outside.

(c) Bathrooms, water closet compartments and similar spaces shall be provided with natural ventilation by means of openable exterior openings with an area not less than 1/20 of the floor area of such rooms with a minimum of 1 1/2 square feet.

(d) In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub or shower and similar rooms, mechanical ventilation system connected directly to the exterior capable of providing five air changes per hour shall be provided. The point of discharge of exhaust containing only a toilet or lavatory or combination thereof, and similar rooms may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

(D) Sanitation.

(1) Units. Every unit shall be provided with a toilet, lavatory, and either a bathtub or shower. These facilities shall be located within the same building as the occupants and occupants shall not be required to go outside the building or through another dwelling unit to reach the facilities.

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(2) Fixtures. All plumbing fixtures and piping shall be maintained as provided in the building code. Each plumbing fixture shall be provided with hot and cold running water necessary for its normal operation and be properly connected to an approved water and sewer system. Plumbing system waste piping shall be maintained free of all sewage obstructions and leaks. Potable water piping shall be free of leaks that cause a consistent flow of water. All plumbing fixtures shall be of smooth, impervious, easily cleanable surfaces and be maintained in safe and sanitary working condition, free of cracks, breaks, rust and leaks. All plumbing fixtures shall be of an approved glazed earthenware type or similar nonabsorbent material. All plumbing fixtures shall be adequately secured so that no strain is placed on the piping connections.

(3) Lavatory Basins. Every room containing a toilet shall have a lavatory located in the same room or in the room immediately adjacent to the room containing the toilet. Laundry tubs, kitchen sinks, or bathtubs are not acceptable substitutes for lavatory purposes.

(4) Room Separation. Every room containing a toilet, bathtub or shower shall be completely enclosed by partitions, doors, or windows from floor to ceiling and wall to wall which will afford privacy to the occupant.

(5) Bathtub and Shower Enclosures. The interior of every shower enclosure shall be watertight, maintained in sound condition, and be easily cleanable. Walls and floors of every shower enclosure shall be made of smooth, non-absorbent materials free of sharp edges and properly sloped to drain completely. Joints in any bathtub or shower enclosure shall be maintained waterproof with caulking or similar material. Repairs shall be required if more than two square feet of the enclosure wall or floor is no longer waterproof or more than two linear feet of caulking has failed or if the leak is causing an unsafe electrical condition.

(6) Kitchen Sink. Every unit shall contain a kitchen sink of seamless construction and impervious to water and grease. Where garbage disposals are provided, they shall be in working order, free of leaks, installed per manufacturer installation instructions and powered by a UL listed power cord.

(7) Openings for Piping. All exterior openings into the interior of the building, including those in a crawl space, provided for the passage of piping shall be properly sealed with snug fitting collars of metal or other material so as to be rodent and insect resistant and securely fastened in place.

(8) Environmental Health. All surfaces in and around the dwelling unit shall be maintained free of mold and mildew.

(E) Structural Requirements.

(1) General. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components, and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and in good repair.

(2) Foundations. Every foundation shall be maintained plumb and free of open cracks and breaks, kept in sound condition and good repair, and shall be weathertight and watertight.

(3) Weather Protection. Every foundation, floor, roof, ceiling, and exterior and interior wall and all exterior doors and windows shall be weathertight and watertight and maintained free of holes, cracks or other defects that admit rain so as to provide shelter for the occupants against the elements and to otherwise exclude dampness. Windows that are designed to open vertically shall be capable of remaining open without the use of tools, props or special knowledge.

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(4) Interior Maintenance. Floors, walls doors and ceilings shall be secure and free of holes, cracks, and breaks. Floor coverings shall be free from any defects that could cause tripping or would prevent the floor from being easily cleaned. Floor coverings such as carpeting, tile, linoleum, and similar material shall be repaired or replaced when more than 10% of the floor covering area is severely deteriorated or if defects create an unsafe or unsanitary condition. Floor coverings that have tears in excess of six inches that are raised above the floor surface to present a tripping hazard shall be repaired.

(5) Drainage. All rain water shall be so drained and conveyed away from every roof and away from every foundation so as to not cause dampness in basements or in walls, ceilings or floors of any building, or erosion of exterior surfaces. Water shall not be discharged in a manner that adversely affects the safety of the general public.

(F) Mechanical Requirements.

(1) Heating.

(a) Every unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68° F at a point 3 feet (3') above the floor in all habitable rooms, bathrooms, and water closet compartments. Units shall be supplied with heat during the period of October through April. Electric heating appliances that are not permanently installed, cooking appliances of any type, or decorative appliances shall not be considered heating facilities for the purpose of providing heat as required by this Section. Unvented fuel-burning heaters or decorative appliances are not permitted except as permitted and approved by the Building Division.

(b) All heating devices or appliances shall be of an approved type and installed as required in the building code and maintained in safe working condition. Required clearances to protected or unprotected combustible materials shall be maintained for heating equipment as well as sufficient clearance to permit the cleaning, maintenance, service and repair of the appliance. Required clearances are those listed on the equipment or otherwise required by the building code. Venting systems for gas-fired appliances shall be maintained in accordance with the building code.

(c) Except within an efficiency dwelling unit, gas-fired water heaters shall not be installed in any sleeping area. Water heating equipment serving any dwelling unit shall be capable of providing water at a temperature of at least 120# F at the fixture outlet and a recovery capacity of at least twenty gallons per hour for each dwelling unit. Water heaters shall be provided with an approved temperature and pressure relief valve and drain extension that terminates at an approved location.

(d) Closets containing heating equipment shall be kept free of stored items, combustibles, flammables or accelerants.

(2) Electrical.

(a) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with the building code. All electrical equipment shall be permanently installed and be an integral part of the electrical wiring of the entire building. Electrical appliance or fixture cords shall be protected with proper coverings having no frayed or exposed wiring.

(b) Every habitable room, bathroom, kitchen, laundry room and public hallway shall have at least two convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, furnace room and public stairway shall contain at least one electric light fixture. Electrical light fixtures should house only those bulbs approved by the manufacturer. Wattage of bulbs shall not exceed the manufacturer's maximum wattage recommendations for the fixture. Exterior fixtures shall be free of missing or broken globes that may leave the bulb exposed to the elements.

(c) Breaker panels shall be readily accessible, shall not be blocked or covered by storage or decoration, and shall not be painted shut. There shall be no unapproved openings within any electrical enclosure.

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(3) Extension Cords. Extension cords shall not be used as permanent electrical wiring or required electrical outlets. No extension cords shall extend or pass from one room to another room. No extension cord shall be placed across any doorway, through any wall or partition, or in an area where such cord is subject to physical damage.

(G) Exits.

(1) General. All buildings or structures shall be provided with exits, including stairways, handrails, and guardrails, and have access to the public way as required by the building code. All doors, windows, corridors, stairways, fire escapes or other means of egress shall be maintained free of stored or discarded materials or other obstructions or locks as to prevent or impede egress from the building or structure.

(2) Dwelling Units. Every unit or guest room shall have access directly to the exterior of the building or to a public corridor that leads to the exterior. Sleeping rooms located below the fourth story and in basements shall have at least one operable window or exterior door meeting the building code requirements for emergency escape or rescue. These required windows or doors shall be operable from the inside to provide the required full clear opening without the use of separate tools or keys and not requiring special knowledge or effort.

(H) Appliances. Appliances whether supplied by the owner or tenant, shall be maintained in good working condition, free of leaks or other defects so as not to cause any unsafe or unsanitary condition.

11-12-5: FIRE PROTECTION: (2532 2564 3541 3560)

(A) General. Required fire rated assemblies shall be maintained as specified in the building code and the fire code adopted in Title XI, Chapter 10, of the Westminster Municipal Code. Such assemblies shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed or improperly installed. Fire protection equipment, including but not limited to extinguishing systems, fire alarm systems, smoke detectors, and fire extinguishers, shall be maintained in good and safe working condition as required by the Fire Department.

(B) Smoke Detectors. Smoke detectors shall be installed in all units as required by the building codes.

(C) Carbon Monoxide Alarms. Any unit that includes fuel-fired appliances or an attached garage in which interior alterations, repairs, fuel-fired appliance replacement or additions, any of which requires a building permit to be issued, have been made, or any unit that has a change in tenant or occupancy, shall have carbon monoxide alarms installed as required by the building code.

(D) Open Flame Cooking Devices. Open flame cooking devices shall be regulated as required by the provisions of the building code and the fire code adopted in Title XI, Chapter 10, of the Westminster Municipal Code.

11-12-6: EXTERIOR MAINTENANCE AND ACCESSORIES: (2532 2534 2798 3560)

(A) Weather protection. Buildings, or portions thereof, shall have exterior walls that are weathertight and watertight, and kept free of deterioration, holes, breaks, or loose boards or coverings. Roof surfaces shall be watertight and not have any defects that that will allow water to enter into the structure.

(B) Exterior maintenance.

(1) The exterior finish of all structures shall be maintained. If the exterior finish of a structure is paint or stain, the structure shall be painted or stained prior to a time when the exterior finish has substantially deteriorated. Graffiti shall be removed per Title VIII, Chapter 4, of the Westminster Municipal Code.

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(2) All architectural projections such as cornices, moldings, lintels, sills and similar projections shall be maintained in good repair and free of defects.

(3) All chimneys, antennae (including satellite dishes), vents, gutters and downspouts and similar projections or building accessories shall be structurally sound and in good repair. Such projections shall be properly secured, when applicable, to an exterior wall or roof.

(C) Windows and doors. Windows and exterior glazing shall be soundly and adequately glazed, free from loose and broken glass and cracks that could cause physical injury or allow the elements to enter the structure. Windows and doors are to be maintained so that they can be secured in a closed position. Exterior doors shall be maintained weathertight, watertight and rodentproof. Exterior doors of unit shall be solid core

or equivalent and be provided with a deadbolt locking device that tightly secures the door. Where window mounted cooling appliances are utilized, the opening around the appliance must be sealed with materials resistant to weather.

(D) Screens. Screens shall be provided, year round, for all operable windows. All screens, including screen doors, shall be maintained in good repair and free from tears, holes, or other imperfections of either screen or frame that would admit insects such as flies, flying insects or mosquitoes. Screens with holes one square inch or larger or with tears in excess of two inches shall be repaired or replaced. Screens shall not be damaged or warped, shall fit tight in the framework of the window, and be removable for cleaning and maintenance purposes. Sliding screen doors are required wherever sliding glass doors are present.

(E) Infestation. All structures and exterior property shall be maintained free of rodent, insect or vermin infestation which creates an unsafe or unsanitary environment on the subject, or adjacent buildings or properties. All structures and exterior property shall be maintained free of conditions which may cause an unsafe or unsanitary environment.

(F) Addresses. Address numbers a minimum of 3" in height shall be provided on every occupied building or structure located so as to be visible from the street. Individual units within a building or structure shall be individually identified. Address numbers shall be of a contrasting color to their background for easy visibility.

(G) Accessory Structures. All accessory structures shall be maintained in a state of good repair or removed from the site. Such structures shall include, but not be limited to, clubhouses, offices, maintenance buildings, carports, retaining walls, fences, garages, and miscellaneous sheds or structures. These structures should be constructed of materials consistent for the use of the structure and not constructed in a makeshift or haphazard manner.

11-12-7: SITE MAINTENANCE: (2532 2534 3133 3338 3560)

(A) General. The accumulation of weeds, vegetation, junk (including, but not be limited to, abandoned, unused or nonoperational appliances, equipment, vehicles, machinery, or household furnishings), dead organic matter, debris, garbage, stagnant water, combustible materials or similar materials or conditions shall be subject to the provisions of Title VIII, Chapter 1 of the Westminster Municipal Code and shall be subject to abatement provisions therein.

(B) Parking Areas. All off street parking and access drives shall be improved with asphalt pavement or an equivalent approved surface as determined by the City. Parking areas shall be kept free from potholes, cracks or other deterioration. No dirt, grass or sod parking areas are allowed. All striping and signage, including parking signage and fire lane or access signage shall be maintained in good condition and clearly legible.

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(C) Landscaping.

(1) All landscape areas, improvements and materials shall comply with and be maintained according to the City of Westminster Landscape Regulations and the Westminster Municipal Code. All landscape areas shall be landscaped with approved landscaping, including grass, shrubs, and trees. All landscape areas shall be maintained and all dead or severely damaged plant materials shall be replaced with plant materials as required by the City of Westminster Landscape Regulations. All turf areas shall be maintained so that no turf area exceeds 6 (six) inches in height. Weeds shall not exceed twelve (12) inches in height. Landscape areas may not include tree canopy, dirt, weeds, artificial turf or paving and drive improvements. Properties with an existing Official Development Plan shall be maintained as required by such plan.

(2) Rental dwellings shall be required to have one (1) tree and three (3) shrubs in the front yard landscape area. As required by the City of Westminster Landscape Regulations, a minimum of fifty percent (50%) of each yard area adjacent to a street, or public or private park or open space shall be landscape area. Remaining lot area not landscape area may only be paving or drives as defined in the City of Westminster Standards and Specifications for the Construction of Public Improvements.

(3) Rental properties shall be required to have one (1) tree and three (3) shrubs per 1,000 square feet of landscape area. A minimum of thirty percent (30%) of the lot shall be landscape area as defined by the City of Westminster Landscape Regulations, unless an exception is made by the City for good cause. Remaining lot area not landscape area may only be paving or drives as defined in the City of Westminster Standards and Specifications for the Construction of Public Improvements.

(D) Trash. Trash enclosures shall be installed and maintained as required by the Westminster Municipal Code. All trash shall be kept inside the enclosure. Oversized trash that will not fit within the trash enclosure shall be removed from the property as required by Westminster Municipal Code.

(E) Properties not in compliance with the requirements of this Section shall become compliant by January 1, 2016. Properties determined not to be in compliance based on inspection or review of the site plan required by Section 5-12-5(A)(11) of the Westminster Municipal Code shall before January 1, 2012, submit to the City a plan for property improvements detailing how the property will be timely brought into compliance.

11-12-8: VACANT OR ABANDONED BUILDINGS: (2532 2534 3560)

(A) Vacant or abandoned buildings shall be secured to prevent unauthorized entry.

(B) Exterior building maintenance and site maintenance of abandoned or vacant buildings shall be the same as required for occupied buildings.

(C) Vacant or abandoned buildings and properties shall be maintained free of accumulations of combustible or hazardous material.

11-12-9: LICENSE REQUIRED; RENTAL PROPERTY: (3560) Prior to leasing any rental property for occupancy, an owner shall obtain and maintain in good standing a rental property license from the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

11-12-10: REGISTRATION REQUIRED; RENTAL DWELLINGS: (3560) Prior to leasing any rental dwelling for occupancy, an owner shall obtain and maintain in good standing a rental dwelling registration with the City pursuant to Title V, Chapter 12, of the Westminster Municipal Code.

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11-12-11: INSPECTIONS: (2532 2534 2798 3560)

(A) General.

(1) The City Manager, acting by and through the Building Division, shall establish a regular and orderly schedule to inspect all rental property within the City. Such schedule shall not preclude inspection of a rental property at other times based on a request of a resident, owner or manager, or other complainant.

(2) Rental dwellings shall be inspected by the City on a complaint basis or as conditions warrant with no regular inspection schedule.

(3) Any violations shall be documented and a photographic record may be made of the property or of any violations discovered on the property.

(B) Right of Entry.

(1) When necessary to make an inspection for compliance with the provisions of this Rental Code as part of scheduled inspections, or when the City has probable cause to believe that there exists upon any premises any condition that constitutes a violation of the provisions of this Rental Code, the City Manager or authorized representative, hereinafter referred to as the "Inspector," may enter a premise at all reasonable times to inspect or to perform any duty imposed on him, provided that the following procedure has been followed:

(a) If a premise is currently leased, the Inspector shall first present proper credentials and request permission to enter from a tenant or other person having common authority over the premise. If the leased premise is currently unoccupied, the Inspector shall make a reasonable effort to locate the tenant, and upon locating the tenant, shall present proper credentials and request permission to enter. If a tenant or other person having common authority over the premise cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises giving notice that an inspection may proceed after a court order is obtained from the Municipal Judge of the City.

(b) If a premise is not currently leased, the Inspector shall present proper credentials and request permission to enter from the owner or agent. If the owner or agent cannot be located after a reasonable effort, a notice of intent to inspect shall be posted on the premises giving notice that an inspection may proceed upon issuance of a court order by a Municipal Judge of the City.

(2) If entry is refused, or twenty-four (24) hours after the premises have been posted, the Inspector may appear before the Municipal Judge and shall request pursuant to Rule 241(b)(2) of the Municipal Court Rules of Procedure, as amended, a court order entitling the Inspector to enter upon the premises. Upon presentation of the court order and proper credentials, or possession of same in the case of unoccupied premises, the Inspector may enter upon the premises, using such reasonable force as may be necessary to gain entry.

(3) For purposes of this Section, "probable cause" for a court order exists upon a showing that the inspection is part of the systematic schedule of inspections that is a condition of licensing the rental property and that the tenant or other person having common authority over the premise has failed or refused to grant entry to the Inspector or upon a showing that the facts and circumstances within the Inspector's knowledge are sufficient to warrant a person of reasonable caution in the belief that a violation of this Rental Code may exist. The Inspector shall not be required to demonstrate specific knowledge of the condition of the particular premises in issue in order to obtain a court order.

(C) Unlawful Resistance. It shall be unlawful for any owner, tenant, or person having common authority of a rental property or rental dwelling to deny entry of an Inspector acting pursuant to a court order that has been issued according to the procedure outlined in this Section.

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11-12-12: INSPECTION PROCEDURES: (2532 2534 3560)

(A) Authority. The City Manager, acting by and through the Building Division, may inspect rental properties and rental dwellings, individual units thereof, and their associated properties, in order to determine compliance with the provisions of this Rental Code.

(B) Scheduled Inspections of Rental Properties.

(1) The frequency of inspections on rental properties shall be as follows:

- (a) Properties less than six (6) years old shall not be scheduled for inspection.
- (b) Properties between six (6) and twenty (20) years old shall be inspected every four (4) years.
- (c) Properties older than twenty (20) years shall be inspected every two (2) years.

(2) Inspections may be increased in frequency upon a determination that violations of this Rental Code, revealed during an inspection, individually or in combination, demonstrate a failure to maintain the rental property in a decent, safe, and sanitary condition.

(3) Inspections may be decreased in frequency based on satisfactory results of the latest inspection of the entire rental property; however, a modification of the scheduled inspection schedule shall not be extended more than two (2) years for any property and no inspection schedule shall exceed six (6) years between inspections.

(4) Any rental property may be inspected at any time due to complaints or as conditions warrant.

(C) Notification prior to Inspections. It shall be the responsibility of the owner or agent to notify the individual tenants of the property of the scheduled inspection and to request that permission for the City to enter the premises be granted at the time of the inspection, by a tenant or person with common authority over the premise, either in person or in writing. Without such express permission to enter a unit scheduled for inspection, the City shall not proceed to inspect and shall instead obtain a court order according to the process outlined in Section 11-12-11(B). In addition to the right of entry process set forth in Section 11-12-11(B) above, regular inspections may be preceded by the following notice:

(1) A letter of intent to inspect a property based on the systematic inspection schedule mailed to the owner or agent of the property stating the proposed date and time of the inspection and given a minimum of thirty (30) days before inspection.

(2) Notice to the owner or agent at least seven (7) days in advance of the scheduled inspection to verify the time and date.

(3) If it is necessary for the City to cancel a scheduled inspection, it may send a cancellation notice to the owner or agent of the effected property at least three (3) days prior to the scheduled inspection date.

(D) Inspections of Rental Dwellings. Inspection of rental dwellings shall be on a complaint basis or as conditions warrant with no regular inspection schedule and shall proceed according to the process for right of entry set forth in Section 11-12-11(B).

11-12-13: NOTICE OF NON-COMPLIANCE; INSPECTION REPORT: (2532 2534 2798 3560)

(A) When the City determines that non-compliance with this Rental Code exists, a notice of non-compliance and order to correct shall be issued. The notice of non-compliance shall be in writing and shall describe the violation with sufficient detail for it to be properly addressed and corrected. The notice of non-compliance shall provide a reasonable time for correction, no less than seven (7) and no more than ninety (90) days.

12/10 11-12-13

11-12-14

(B) Inspection Report. A report of inspection results, including notice of non-compliance, if any, shall be sent to the property owner or agent within ten (10) days of completion of an inspection.

(1) The inspection report shall include the results of the inspection, the period of time for correction of any non-compliant conditions, and the scheduled reinspection date and time.

(2) An inspection report containing only satisfactory results with no notice of non-compliance need not be personally served and may be mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of Westminster Municipal Code.

(C) Any notice of non-compliance and order to correct and any inspection report containing a notice of non-compliance and order to correct shall be served by one of the following methods:

(1) Personally upon the owner or agent, in which case service shall be deemed complete on the date such service occurs.

(2) Notice posted on the premises and mailed to the owner or agent at the address currently on file with the City as part of the licensing or registering of the property pursuant to Title V, Chapter 12, of Westminster Municipal Code. Service by this method shall be deemed complete three days after mailing and posting, even if no acknowledgment of receipt is provided.

(D) Reinspections. Reinspections may be conducted to verify that the violations identified in a notice of non-compliance have been corrected. Violations that were not noted during the initial inspection but are discovered on the reinspection shall not be subject to correction as part of the initial notice of non-compliance, but may result in the issuance of an additional notice of non-compliance. Imminent hazards identified on a reinspection shall be subject to the provisions of Section 11-12-18.

(E) Owner Certification for Corrections. The City may accept written affirmation from the owner or agent confirming correction of any or all violations documented in the formal notice of non-compliance.

(F) Reinspection Fees. A reinspection fee may be assessed for each follow-up inspection required after the initial reinspection due to an owner's failure to correct satisfactorily the identified violations. For each follow-up inspection required after the initial reinspection a reinspection fee of \$ 50.00 per unit and common area may be assessed, which fee amount may be amended by subsequent resolution of City Council. Reinspection fees not paid in full within thirty (30) days of assessment shall constitute a lien on the property and shall be recorded as such with the County Clerk.

(G) Extensions. If an owner cannot complete the required corrective action in the time set forth in the notice of non-compliance, the owner or agent may request an extension to the completion date, which may be granted upon a determination that substantial progress is being made to correct the violation(s). Such request shall be made in writing and shall contain the reasons that an extension is necessary and the requested length of extension. A request for extension shall be made no less than three (3) days prior to a scheduled reinspection or the required completion date, whichever is earlier.

(H) No Show Fees: If an owner or agent fails to attend an inspection or reinspection, fails to request a timely extension, or fails to provide notice to tenants of the City's request for permission to enter, a no-show fee of \$ 50.00 per missed appointment may be assessed. The fee amount may be amended by subsequent resolution of City Council.

11-12-14: UNLAWFUL CONDUCT; PUBLIC NUISANCE: (2532 2534 3560)

(A) It shall be unlawful for any owner or agent to lease or to allow the use, maintenance, or occupancy of any residential dwelling or residential property that does not comply with the requirements of this Rental Code.

12/10 11-12-14

11-12-18

(B) Securing Structures. Any residential dwelling or residential property that is abandoned or uninhabited and is dilapidated, deteriorated or has become a place frequented by trespassers or transients or has otherwise been declared as a hazard shall be deemed a public nuisance.

(C) The City Manager or authorized representative is hereby deemed a peace officer for the limited purpose of enforcing the provisions of this Rental Code, and shall have the power to issue complaints and summons for violations of these provisions, pursuant to Rule 204, Municipal Court Rules of Procedure, as amended, and Section 1-22-18 of the Westminster Municipal Code.

(D) Any person found guilty of violating any of the provisions of this Rental Code shall, upon conviction thereof, be punished by a fine or imprisonment or both, pursuant to Section 1-8-1 of the Westminster Municipal Code. Each day that a violation of any of the provisions of this Rental Code continues to exist shall be deemed to be a separate and distinct violation.

(E) A violation of any of the provisions of this Rental Code is hereby declared to be a public nuisance, and may be abated according to the procedures established in Title 8, Chapter 4, of the Westminster Municipal Code for the abatement of nuisances.

(F) In addition to all other penalties available, a violation of the provisions of this Rental Code may result in an action to revoke or suspend a rental property license or a rental dwelling registration according to the process set forth in Title V, Chapter 12, of the Westminster Municipal Code.

11-12-15: ENFORCEMENT: (3560) If, after notice and order to correct, an owner, fails to timely correct the violation and fails to timely appeal the notice and order, the City Manager or authorized representative may issue a complaint and summons for prosecution in Municipal Court or for abatement as a nuisance.

11-12-16: APPEAL: (2532 2534 3560)

(A) An owner may appeal a notice of non-compliance and order to correct to the Board of Building Code appeals. Any such appeal shall be filed in writing with the City Manager within thirty (30) days of the date of service of the notice of non-compliance.

(B) The Board of Building Code Appeals shall hear the appeal within a reasonable time. Procedure for the hearing shall be as established in Title II, Chapter 10, of Westminster Municipal Code. Compliance with a notice of non-compliance shall be stayed until the Board has met and issued its decision.

(C) Any appeal of the decision of the Board shall be made to the District Court. The appellant shall pay for the costs of preparing a transcript and other expenses of preparation of the record of hearing before the Board.

11-12-17: REMEDIES: (2532 2534 3560) Recovery of Costs. The cost of enforcement proceedings together with the cost of abatement, if so ordered, shall be assessed in any judgment rendered. If the costs identified are not paid they shall constitute a lien upon the property.

11-12-18: IMMINENT DANGER: (2532 2534 3560)

(A) If any structure, premise or portion thereof is found to present an imminent hazard to life or health, the premises shall be posted and the property shall be ordered vacated. Upon order to vacate, the property, or portion thereof, shall be posted as "Dangerous, Do Not Occupy" and written notification of the violations that deem the property, or portion thereof, as an imminent hazard shall be served as required in Section 11-12-13 (C).

12/10 11-12-18

11-12-18

(B) It shall be unlawful for any person to remove or deface the posted notice, or to occupy the property or to enter the structure except for the purpose of repair. The violations identified as causing the property or portion thereof, to be an imminent hazard shall be corrected and reinspected before the posting is removed and the property, or portion thereof, is reoccupied.

(C) The owner or agent may appeal the order to vacate to the Board of Building Code Appeals, in the same manner as stated in Section 11-12-16, except that the duty to comply with the order to vacate shall not be stayed pending a hearing.

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City of Englewood

Finance and Administrative Services Department Monthly Financial Report Annual Survey

A new year has begun and we would like your input on the Monthly Financial Report. Please return the completed survey by **February 4, 2013** to Frank Gryglewicz, Department of Finance and Administrative Services. *We appreciate your time in completing this survey.*

Is the content sufficient? **Yes** **No** If the content is not sufficient, what information would you like included or removed? If possible, please provide examples and/or samples of information you would like included.

Please provide other suggestions for the Monthly Financial Report?



City of Englewood

To: Mayor Randy Penn and City Council
From: Frank Gryglewicz, Director of Finance and Administrative Services
Date: January 14, 2013
Subject: December 2012 Financial Report

Summary of the December 2012 General Fund Financial Report (Please note the numbers in this Report are not audited and subject to change until the Comprehensive Annual Financial Report is presented to Council)

REVENUES:

- Through December 2012, the City of Englewood collected **\$39,309,162 or \$1,002,675 or 2.6 percent more** than last year (See the chart on page 3 and the attached full report for details on changes in revenue in past year).
- The City collected \$2,874,816 in Property Tax and \$243,293 in Specific Ownership Tax through December.
- **Year-to-date sales and use tax revenues were \$22,331,153 or \$594,043 or 2.7 percent more than December 2011**
- Cigarette tax collections were down \$1,145 compared to last year.
- Franchise fee collections were \$80,786 more than last year.
- Licenses and permit collections were \$204,883 more than 2011.
- Intergovernmental revenues were \$1,596 more than the prior year.
- Charges for services decreased \$144,471 from last year.
- Recreation revenues were \$19,578 less than the same period in 2011.
- Fines and forfeitures were \$96,735 more than last year.
- Investment income was \$6,617 less than last year.
- The City collected \$551,295 in rents from the properties at McLellan Reservoir.
- Other revenue was \$191,898 more than last year.
- The City's refund of sales and use tax claims through December 2012 totaled \$157,010.

OUTSIDE CITY (Area 7):

- Outside City sales and use tax receipts (cash basis) were down \$485,350 or 6.2 percent compared to last year.
- At this time potential refunds total approximately \$1,550,000 for claims submitted to Englewood but not completed; the balance of the account to cover intercity claims is \$1,100,000.

CITY CENTER ENGLEWOOD (Area 1):

- Sales and use tax revenue collected through December 2012 totaled \$3,414,514.

EXPENDITURES:

- Expenditures through December were \$39,935,232 or \$438,964 (1.1 percent) more than the \$39,496,268 expended through December 2011. Expenditures will continue to be adjusted until the Comprehensive Annual Financial Report (CAFR) is completed. There are several year-end adjustments still to come, potentially large ones include: December sales tax collection adjustment (adjusted at end of January), Unearned sales tax adjustment (end of January 2013), December 21-31 purchasing card transactions and any unprocessed 2012 invoices (final cutoff is February 11, 2013)

REVENUES OVER/UNDER EXPENDITURES:

- Expenditures exceeded revenues by \$625,982 this year compared to expenditures exceeding revenues by \$1,189,693 in 2011.

TRANSFERS:

- Net 2012 transfers-in to date of \$1,534,243 were made by the end of December 2012 (please refer to page 15 for the makeup).

FUND BALANCE:

- The estimated total fund balance is \$8,784,406 or 22.3 percent of estimated revenue. The estimated Unassigned Fund Balance for 2012 is estimated at \$4,716,519 or 12 percent of projected revenues.
- The 2012 Long Term Asset Reserve (LTAR) balance is \$2,619,375 (the LTAR has been fully repaid from the NSP Fund)

PUBLIC IMPROVEMENT FUND (PIF):

- The PIF has collected \$2,745,552 in revenues and spent \$2,788,044 year-to-date. Estimated year-end fund balance is \$496,222.

City of Englewood, Colorado

December 2012 Financial Report

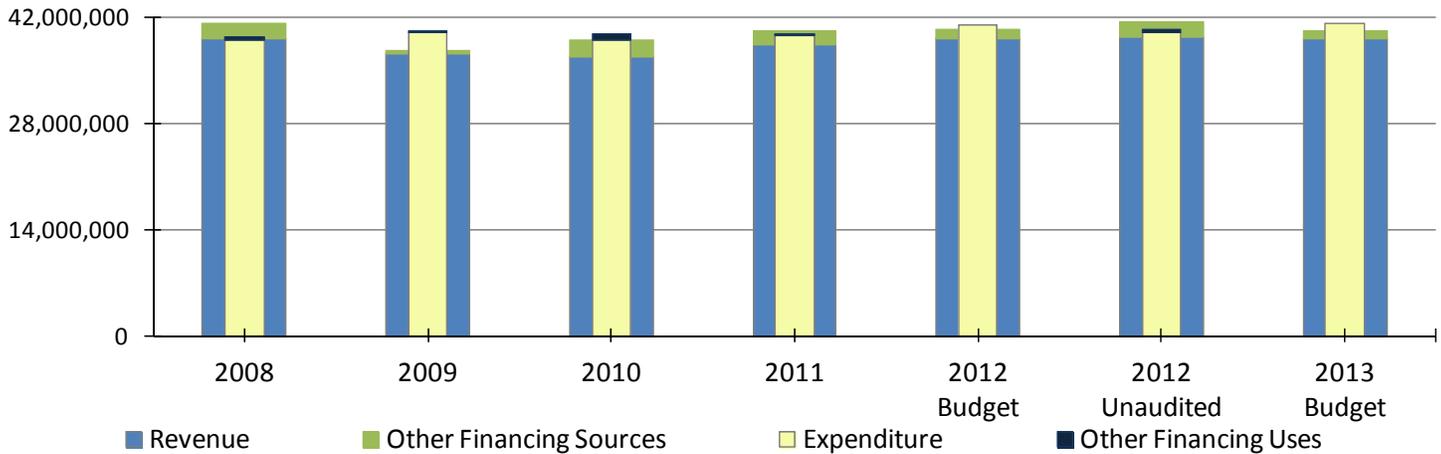
GENERAL FUND OVERVIEW AND ANALYSIS

The General Fund accounts for the major “governmental” activities of the City. These activities include “direct” services to the public such as Police, Fire, Public Works, Parks and Recreation, and Library Services. General government also provides administrative and oversight services through the offices of City Manager and City Attorney; the departments of Information Technology, Finance and Administrative Services, Community Development, Human Resources, Municipal Court and Legislation. Debt service, lease payments, and other contractual payments are also commitments of the General Fund.

General Fund - Surplus and Deficits

The graph below depicts the history of sources and uses of funds from 2008 to 2013 Budget. As illustrated, both surpluses and deficits have occurred in the past. The gap has narrowed over the past few years by reducing expenditures, freezing positions, negotiating lower-cost health benefits, increased revenue collections. Continued efforts will be required to balance revenues and expenditures, especially with persistent upward pressure on expenditures due to increases in the cost of energy, wages and benefits.

General Fund: Total Sources and Uses of Funds



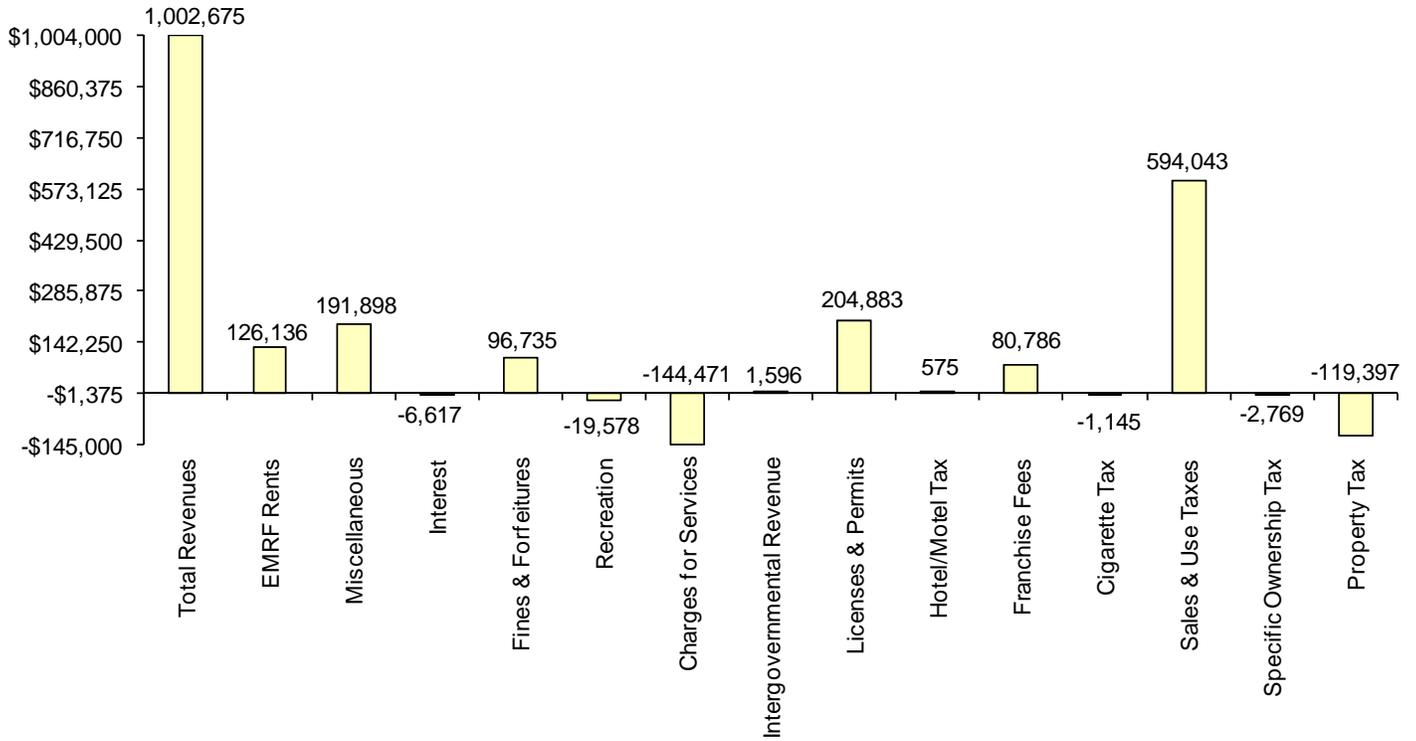
The table below summarizes General Fund Year-To-Date (YTD) Revenue, Expenditure, Sales & Use Tax Revenue and Outside City Sales & Use Tax Revenue for the month ended December, 2012. Comparative figures for years 2011 and 2010 are presented as well. The table also highlights the dollar and percentage changes between those periods.

	2012	2012 vs 2011		2011	2011 vs 2010		2010
		Increase (Decrease)			Increase (Decrease)		
General Fund							
Year-To-Date Revenue	\$ 39,309,250	\$ 1,002,675	2.62%	\$ 38,306,575	\$ 1,486,996	4.04%	\$ 36,819,579
Year-To-Date Expenditure	39,935,232	\$ 438,964	1.11%	39,496,268	\$ 594,926	1.53%	38,901,342
Net Revenue (Expenditure)	\$ (625,982)	\$ 563,711		\$ (1,189,693)	\$ 892,070		\$ (2,081,763)
Estimated Unassigned Fund Balance	\$ 4,716,519	\$ (246,005)	(4.96%)	\$ 4,962,524	\$ 46,877	.95%	\$ 4,915,647
Sales & Use Tax Revenue YTD	\$ 22,331,153	\$ 594,043	2.73%	\$ 21,737,110	\$ 870,595	4.17%	\$ 20,866,515
Outside City Sales & Use Tax YTD	\$ 7,364,380	\$ (485,350)	(6.18%)	\$ 7,849,730	\$ 1,558,508	24.77%	\$ 6,291,222

General Fund Revenues

The City of Englewood’s total budgeted revenue is \$39,120,001. Total revenue collected through December 2012 was \$39,120,001 or \$1,002,675 (2.6 percent) more than was collected in 2011. The chart below illustrates changes in General Fund revenues this year as compared to last year.

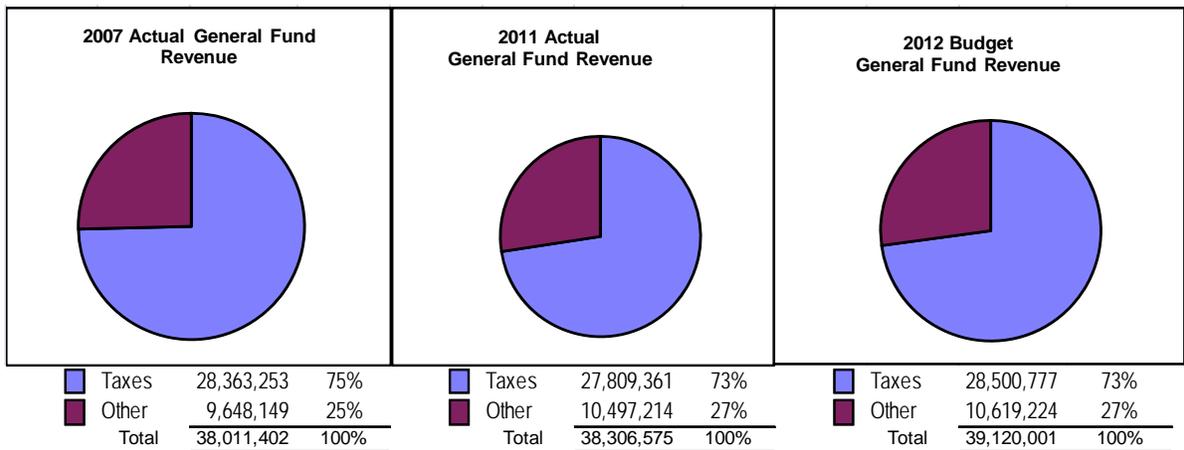
2012 Year-To-Date Change in General Fund Revenue as Compared to Prior Year



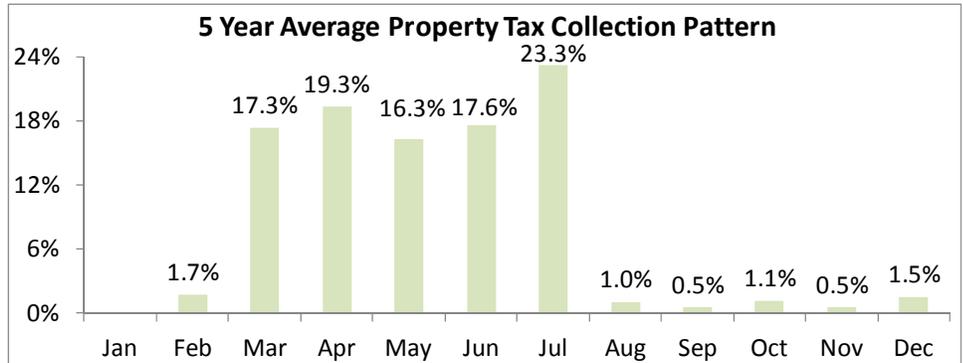
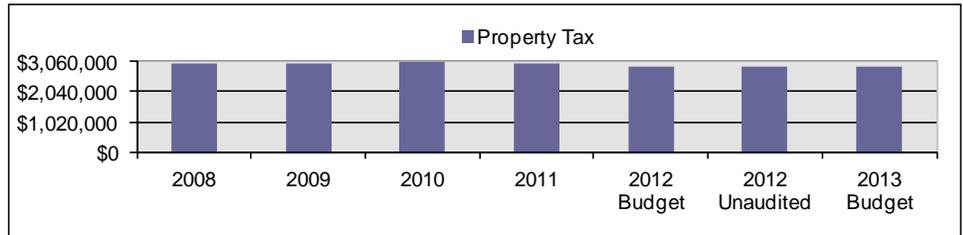
General Fund - Taxes

The General Fund obtains most of its revenue from taxes. In 2011 total revenues were \$38,306,575 of which \$27,809,361 (72.6 percent) came from tax collections. Taxes include property, sales and use, specific ownership, cigarette, utilities, franchise fees, and hotel/motel. The following pie charts illustrate the contribution of taxes to total revenue for 2007, 2011 and 2012 Budget. Taxes as a percentage of total revenue have declined slightly as other fees and charges have been increased to help offset rising costs and relatively flat tax revenues.

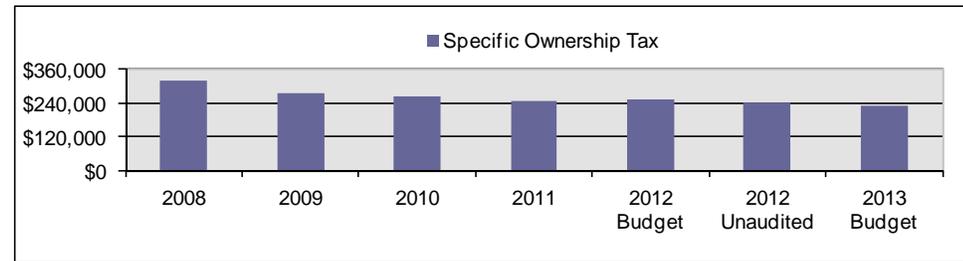
General Fund Revenues Taxes vs. Other



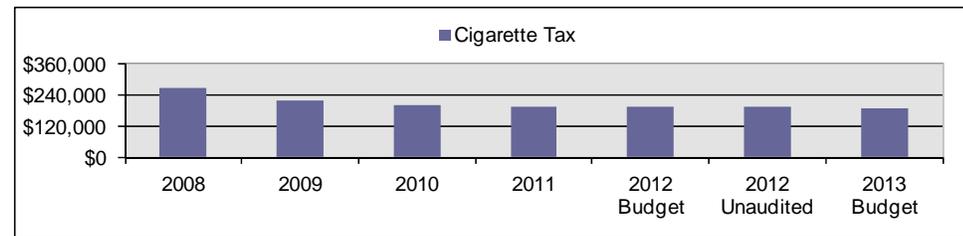
Property taxes: These taxes are collected based on the assessed value of all the properties in the City and the mill levy assessed against the property. The City's total 2011 mill levy collected in 2012 is 7.911 mills. The 2011 mill levy for general operations collected in 2012 is 5.880 mills. In 2001, voters approved a separate, dedicated mill levy for principal and interest payments on the City's general obligation debt for the construction of parks and recreation projects. The dedicated general obligation debt mill levy is accounted for in the Debt Service Fund. The dedicated general obligation debt mill levy dedicated for the City's general obligation debt collected in 2012 is 1.741 mills. The General Fund Property Tax collections grew from \$2,623,118 in 2007 to \$2,994,213 in 2011. This was an increase of \$371,095 or 14.1 percent. In 2011 the City collected \$2,994,213 or 10.8 percent of 2011 total taxes and eight percent of total revenues from property taxes. The City budgeted \$2,880,000 for 2012; and collected \$2,874,816 through December 2012.



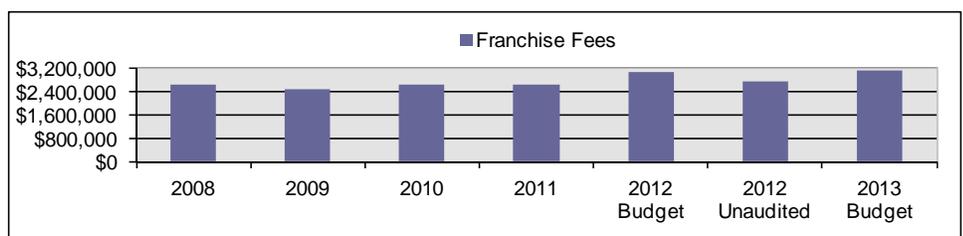
Specific ownership: These taxes are based on the age and type of motor vehicles, wheeled trailers, semi-trailers, etc. These taxes are collected by the County Treasurer and remitted to the City on the fifteenth day of the following month. The City collected \$341,423 in 2007 and \$246,062 in 2011 which is a decrease of \$95,361 or 27.9 percent. The City collected \$246,062 in 2011 which is less than one percent of total revenues and total taxes. The City budgeted \$250,000 for 2012 and collected \$243,293 through December 2012.



Cigarette Taxes: The State of Colorado levies a \$.20 per pack tax on cigarettes. The State distributes 46 percent of the gross tax to cities and towns based on the pro rata share of state sales tax collections in the previous year. These taxes have fallen significantly in the past and continue to fall after the 2009 federal tax increase of approximately \$.62 per pack went into effect. This federal tax increase will fund the State Children's Health Insurance Program (SCHIP). In 2007 the City collected \$278,785, but in 2011 the City collected \$190,763, which is a decrease of \$88,022 or 31.6 percent. These taxes accounted for less than one percent of total taxes and less than one percent of total revenues in 2011. The City budgeted \$190,000 for the year and collected \$189,618 through December 2012, which is \$1,145 or just under one percent less than the \$190,763 collected through December 2011.

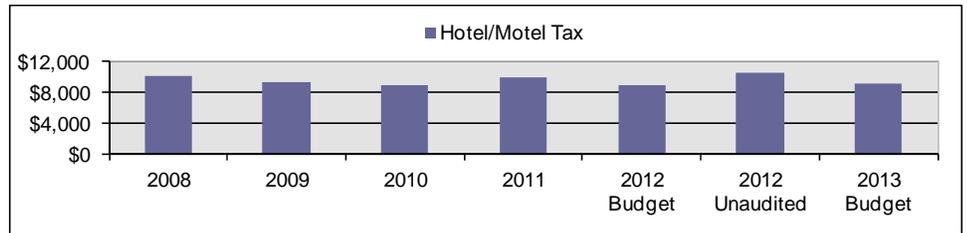


Franchise Fees: The City collects a number of taxes on various utilities. This includes franchise tax on water, sewer, and public services, as well as occupational tax on telephone services. The City collected \$2,356,385 in 2007 and \$2,631,393 in 2011.



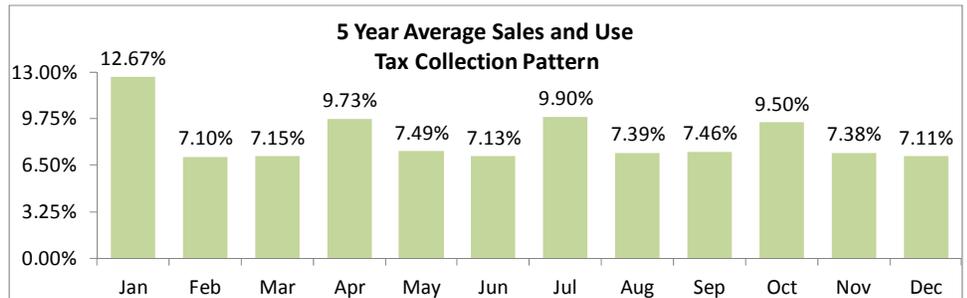
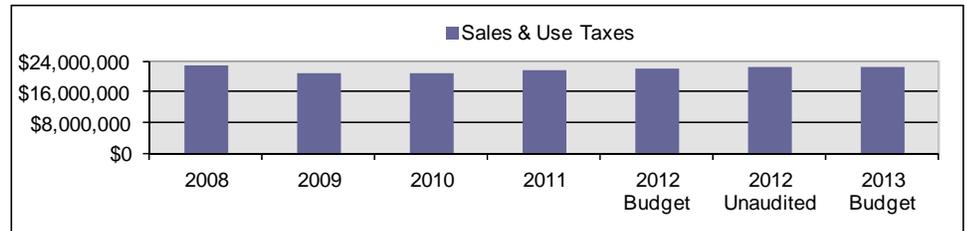
2011, an increase of \$275,008 or 11.7 percent. These taxes accounted for 9.4 percent of taxes and 6.9 percent of total revenues in 2011. The City budgeted \$3,056,938 for the year; collections through December totaled \$2,712,179 compared to \$2,631,393 collected during the same period last year.

Hotel/Motel Tax: This tax is levied at two percent of the rental fee or price of lodging for under 30 days duration. The City budgeted \$8,713 for the year and has collected \$10,395 through December 2012.



Sales and Use Taxes Analysis

Sales and use taxes are the most important (and volatile) revenue sources for the City. Sales and use taxes generated 78.2 percent of all taxes and 57.2 percent of total revenues collected in 2011. In 2007, this tax generated \$22,753,820 for the City of Englewood; in 2011 the City collected \$21,737,110, a decrease of 4.5 percent. This tax is levied on the sale price of taxable goods. Sales tax is calculated by multiplying the sales price of taxable goods times the sales tax rate of 3.5 percent. Vendors no longer receive a fee for collecting and remitting their sales/use taxes. Taxes for the current month are due to the City by the twentieth day of the following month. The City budgeted \$22,115,126 for 2012. Sales and Use Tax revenue through December 2012 was \$22,331,153 while revenue year-to-date for December 2011 was \$21,737,110, an increase of \$594,043 or 2.7 percent.

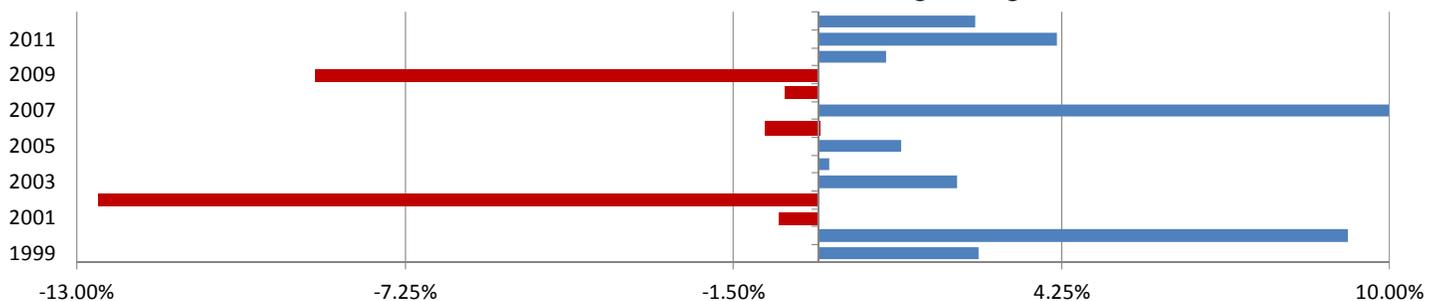


Collections (cash basis) for December 2012 were \$1,597,872 while collections for December 2011 and December 2010 were \$1,419,727 and \$1,501,430 respectively. December 2012 collections were 12.5 percent or \$178,145 more than December 2011 collections and \$96,442 or 6.4 percent more than December 2010 collections.

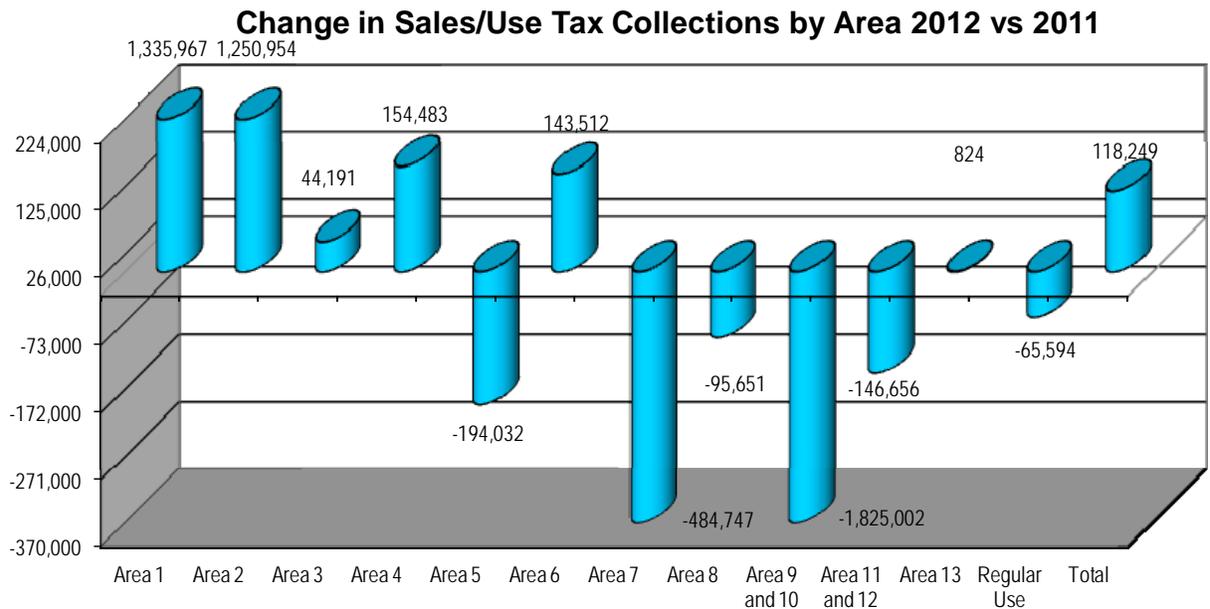
Outside City sales and use tax collections through December totaled \$7,364,380 equaling a decrease of approximately \$485,350 from 2011.

This revenue source tends to ebb and flow (often dramatically) with the economy, growing during economic expansions and contracting during downturns. The past three years of sales tax collections have been exceptionally erratic making it extremely difficult to make accurate short or long term forecasts. It is important to continually review and analyze sales and use tax data including trends in the various geographic areas of the City. The graph below illustrates the annual volatility of sales taxes since 1999.

Retail Sales and Use Tax Annual Percentage Change 1999-2012



The chart below, “Change in Sales/Use Tax Collections by Area 2011 vs. 2010” indicates that most of the decrease in sales tax collections is due to Outside City (Area 7), Centennial Shopping Center (Area 5) and Collections from Public Utilities (Area 8). Economic conditions, judged by sales tax collections, appears to be a “mixed bag” with some geographic areas increasing and some decreasing compared to the same period last year.

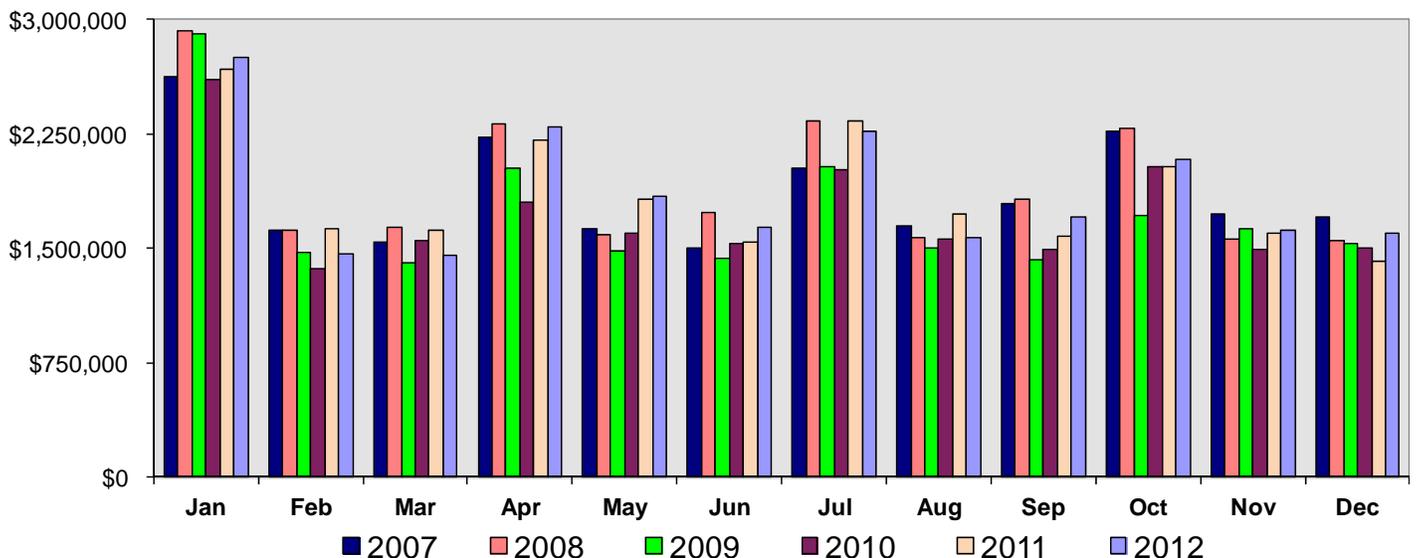


Please note that the geographic map of the sales tax areas was changed as of the February 2012 report, and hopefully makes more sense. Some of the areas will look skewed until more comparable data is available (next year). EURA Areas 9 & 10 and EURA Areas 11 & 12 were incorporated into Areas 1, 2 and 6. Specific changes include:

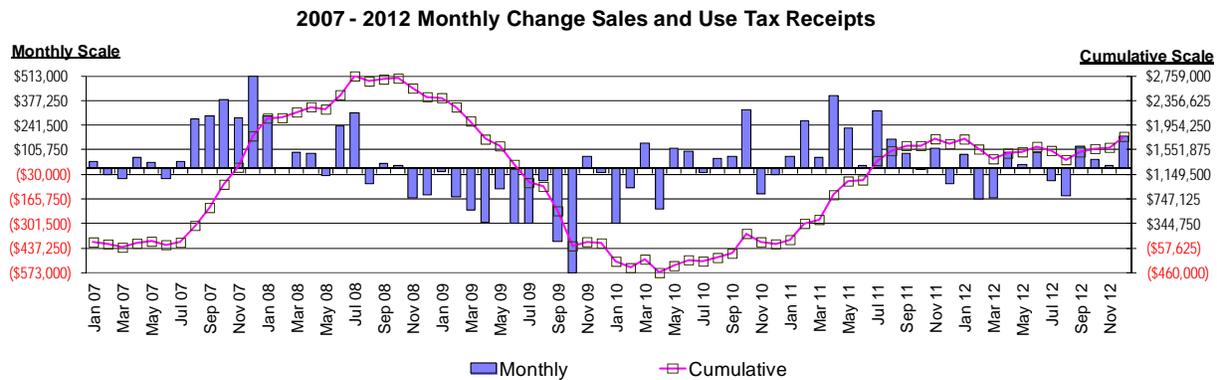
- Area 1 east boundary will change at Bannock St/Englewood Pkwy east to Acoma St south to Jefferson Ave/Hampden Ave/US 285
- Split the address down the middle of the streets for Area 2 and Area 3: Bannock St and Sherman St
- Split the address down the middle of the streets for Area 3 and Area 4: Belleview Ave, Fox St and Logan St
- The north and south side of the street included in Area 1: Jefferson Avenue
- The north and south side of the street included in Area 2: Jefferson Ave/Hampden Ave/US 285

The bar graph below shows a comparison of monthly sales tax collections (cash basis) for 2007 through 2012.

2007-2012 YTD Sales/Use Tax Collections by Month - Cash Basis

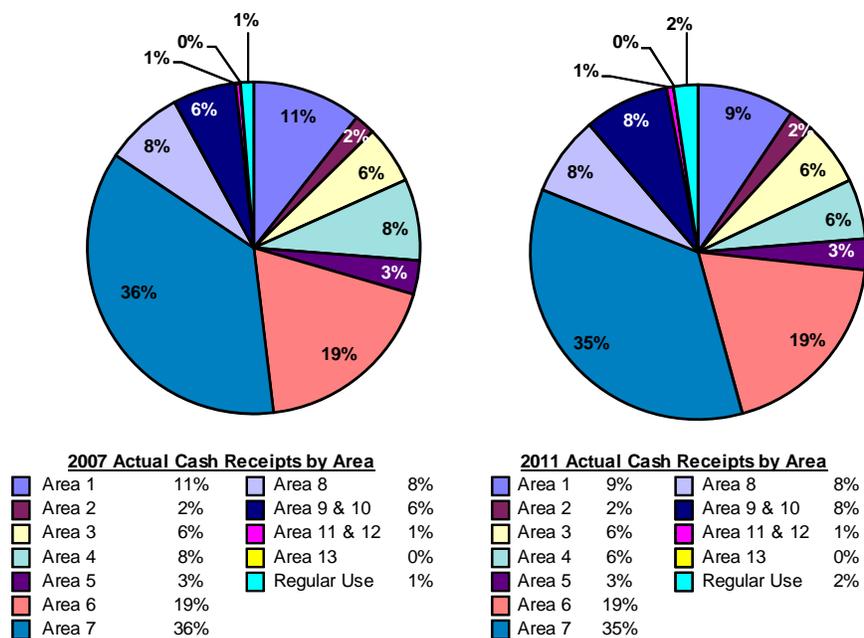


The next chart illustrates sales tax collections (cash basis) by month and cumulative for the years presented.



Sales tax collections are reported by various geographic areas as illustrated in the following pie charts. These illustrate the changing collection patterns for 2007 and 2011.

Geographic Sales Tax Collection Areas



Information for business and geographic Areas 7 and 8 follows:

Area 7: This geographic area records the outside city sales tax collections (Outside City). Outside City has been the geographic area responsible for much of the sales tax growth (and decline) in past years. Outside City collections have decreased 1.2 percent from the same period last year. The chart below illustrates this area’s contribution to total sales and use taxes (cash basis) as well as total revenues since 2008 for collections through the month of December. The importance of Outside City has declined as a percentage of sales and use tax collections but it continues to remain an important impact on the City’s General Fund as illustrated by the following:

	2008	2009	2010	2011	2012
Total Sales and Use Taxes	22,982,559	20,591,187	20,575,238	22,211,917	22,330,166
Outside City Collections	8,023,476	6,435,979	6,291,222	7,849,730	7,364,380
Percentage of Total	34.9%	31.3%	30.6%	35.3%	33.0%
Total General Fund Revenues	38,579,518	36,466,889	36,816,579	38,306,575	39,309,250
Outside City Collections	8,023,476	6,435,979	6,291,222	7,849,730	7,364,380
Percentage of Revenues	20.8%	17.6%	17.1%	20.5%	18.7%

The City records the proceeds of some returns from Outside City into an unearned revenue (liability) account. The criteria staff uses to decide if proceeds should be placed in the unearned account is if a reasonable probability exists for another municipality to claim the revenue. This account currently has a balance of \$1,100,000 to cover intercity claims. The City paid \$236,998 in refunds including intercity sales/use tax claims through December 2012 compared to \$90,465 through December 2011. At this time *potential* refunds total approximately \$1,290,000 for claims submitted to Englewood but not completed.

Area 8: This geographic area consists of collections from public utilities. Collections through December 2012 were 5.6 percent or \$95,650 less than December 2011. Weather conditions, energy usage conservation, and rising energy prices play an important role in revenue collections. Collections could increase or decrease if the remainder of the year is significantly hotter/colder than normal.

Other Sales Tax Related Information

Finance and Administrative Services Department collected \$158,918 in sales and use tax audit revenues and general collections of balances on account through the month of December 2012, this compares to \$202,306 collected in 2011 and \$376,960 collected in 2010.

Of the 59 sales tax accounts reviewed in the various geographic areas, 33 (56 percent) showed improved collections and 26 (44 percent) showed reduced collections this year compared to the same period last year.

The Department issued 394 new sales tax licenses through December 2012; 422 and 356 were issued through December 2011 and 2010 respectively.

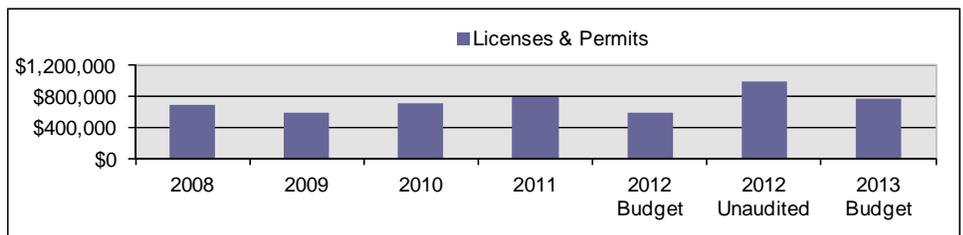
City records indicate that year-to-date 164 businesses closed (101 of them were outside the physical limits of Englewood) and 421 opened (275 of them were outside the physical limits of Englewood).

General Fund - Other Revenue

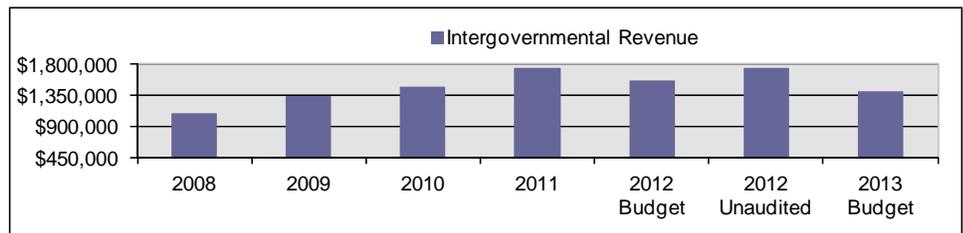
Other revenues accounted for \$10,497,214 or 27.4 percent of the total revenues for 2011; the City budgeted \$9,956,178 for 2012.

The following provides additional information on the significant revenue sources of the General Fund:

Licenses and Permits: This revenue category includes business and building licenses and permits. This revenue source generated \$778,536 during 2011 or two percent of total revenue and 7.4 percent of total other revenue. This revenue source totaled \$1,168,977 in 2007 and decreased to \$778,536 in 2011, a 33.4 percent decrease. The City budgeted \$574,025 for 2012 and year-to-date the City collected \$983,419 or \$204,883 (26.3 percent) more than the \$778,883 collected through December 2010.

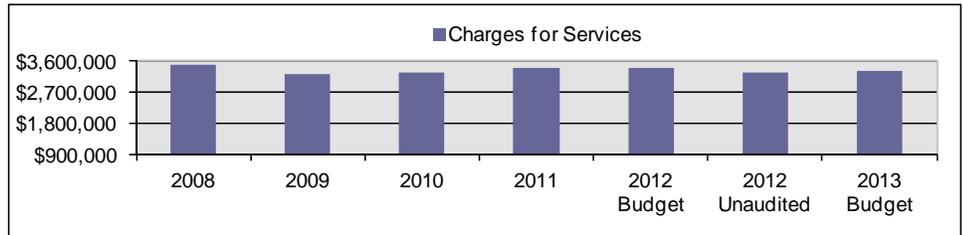


Intergovernmental Revenues: This revenue source includes state and federal shared revenues including payments in lieu of taxes. These revenues are budgeted at \$1,552,315 for 2012. This revenue source totaled \$1,106,280 in 2007 and the City collected \$1,724,807 in 2011, a 55.9 percent increase. The City collected \$1,726,403 through December 2012 this is \$1,596 more than the \$1,724,807 collected in the same period in 2011.



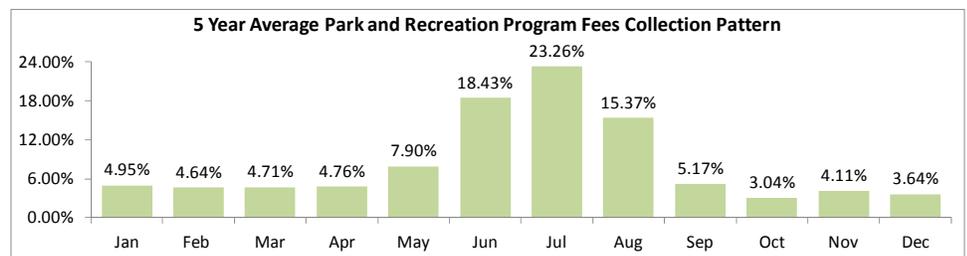
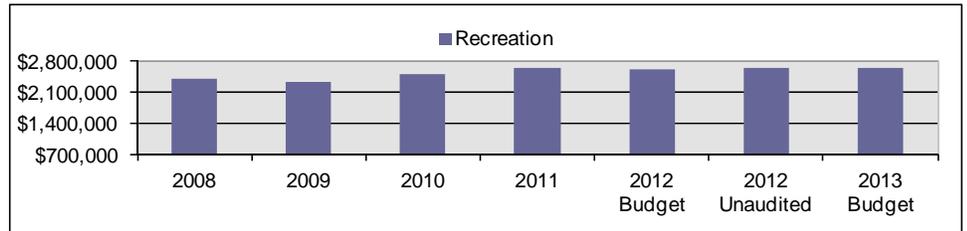
Charges for Services: This includes general government, public safety, fees for the administration of the utilities funds, court costs, highway and street and other charges. This revenue source is budgeted at \$3,399,722 for 2012. This revenue source totaled

\$3,113,550 in 2007 and increased to \$3,384,318 in 2011, an 8.7 percent increase. Total collected year-to-date was \$3,239,847 or \$144,471 (4.3 percent) less than the \$3,384,318 collected year-to-date in 2011.

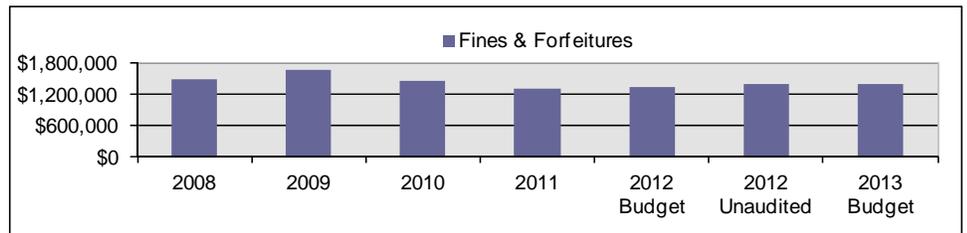


Recreation: This category of revenue includes the fees and charges collected from customers to participate in the various programs offered by the Parks and Recreation Department. This revenue source is budgeted at

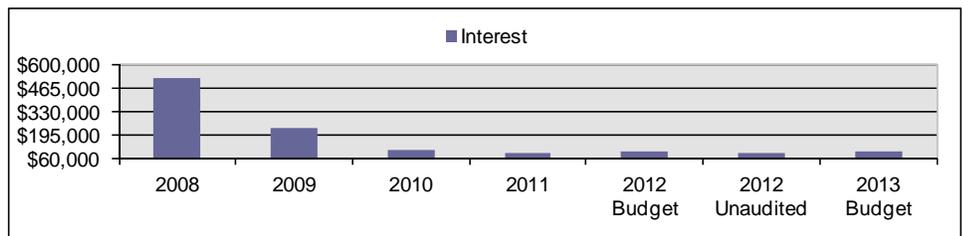
\$2,599,668 for 2012. This revenue source totaled \$2,235,938 in 2007 and increased to \$2,635,221 in 2011, a 17.9 percent increase. Total collections through December 2012 were \$2,615,643 compared to \$2,635,221 collected in 2011.



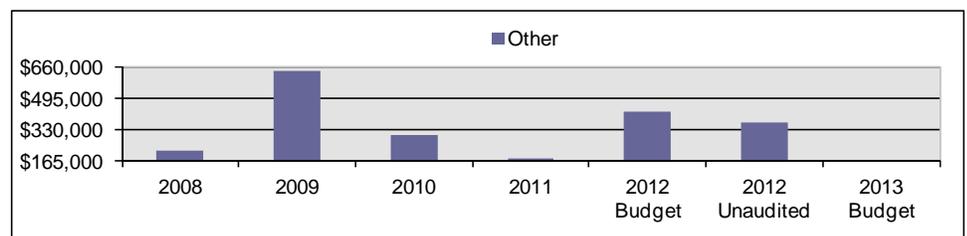
Fines and Forfeitures: This revenue source includes court, library, and other fines. The 2012 budget for this source is \$1,318,450 or 14.7 percent of total other revenue. This revenue source totaled \$1,445,641 in 2007 and decreased to \$1,284,758 in 2011, an 11.1 percent decrease. Total collected year-to-date was \$1,381,493 or \$96,735 (7.5 percent) more than the \$1,284,758 collected in the same time period last year.



Interest: This is the amount earned on the City's cash investments. The 2012 budget for this source is \$100,000. This revenue source totaled \$411,516 in 2007 and decreased to \$91,864 in 2011, a 77.9 percent decrease. The City earned \$84,417 through December 2012; while the City earned \$91,034 through December 2011.



Other: This source includes all revenues that do not fit in another revenue category. The 2012 budget for this source is \$419,153. This revenue source totaled \$166,247 in 2007 and increased to \$173,381 in 2011, a 4.3 percent increase. Total collected year-to-date is \$365,279 (111 percent) more than the \$173,381 collected last year during the same period.



General Fund - Expenditures

In 2006 the City adopted an outcome based budgeting philosophy. City Council and Staff outlined five outcomes to reflect, more appropriately, the desired result of the services delivered to the citizens of Englewood. The five outcomes identified are intended to depict Englewood as:

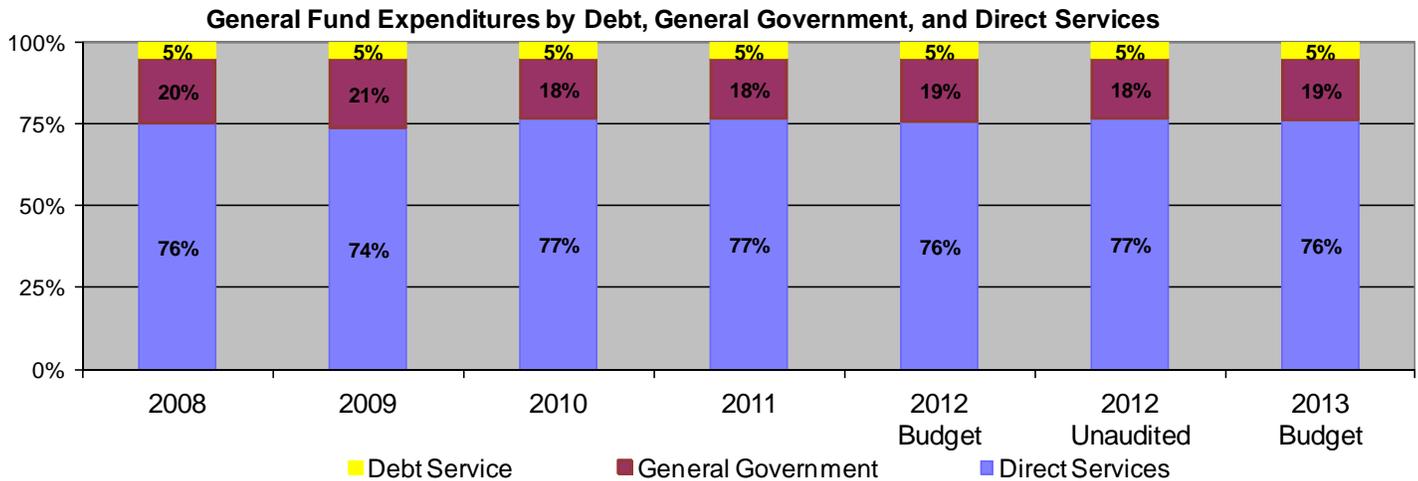
- ▶ A City that provides and maintains quality infrastructure,
- ▶ A safe, clean, healthy, and attractive City,
- ▶ A progressive City that provides responsive and cost efficient services,
- ▶ A City that is business friendly and economically diverse, and
- ▶ A City that provides diverse cultural, recreational, and entertainment opportunities.

Outcome based budgeting is an additional tool the City Council and staff use to better develop ways to serve our citizens. This type of budgeting is refined and reviewed on an on-going basis to help us better focus our resources in meeting the objectives of our citizens.

The City budgeted total expenditures at \$40,949,793 for 2012, this compares to \$39,496,268 and \$38,901,342 expended in 2011 and 2010 respectively. Budgeted expenditures for 2012 general government (City Manager, Human Resources, etc.) totals \$7,728,324 or 18.9 percent of the total. Direct government expenditures (Police, Fire, etc.) are budgeted at \$31,160,730 or 76.1 percent of the total. Debt service (fixed costs) payments are \$2,060,739 or five percent of the total. Total expenditures through December were \$39,935,232 compared to \$39,496,268 in 2011 and \$38,901,342 in 2010.

Total expenditures are subject to change until the Comprehensive Annual Financial Report is prepared. At this time, expenditures through December are \$1,014,561 (approximately 2.5 percent) below budget.

The chart below illustrates the breakdown of expenditures into debt service, general and direct government services.



The schedule below provides the expenditure for each of the General Fund departments for the years 2008 through 2013 Budget.

Expenditure	2008 Actual	2009 Actual	2010 Actual	2011 Actual	2012 Budget	2012 Unaudited	2013 Budget
General Government							
Legislation	350,254	346,044	309,870	298,731	333,793	312,148	330,436
City Manager	674,322	674,170	659,882	639,184	672,072	654,119	679,653
City Attorney	698,563	678,038	702,228	706,841	746,734	710,020	783,147
Municipal Court	915,303	914,494	901,469	848,775	974,417	883,027	962,993
Human Resources	579,136	456,275	419,422	430,792	470,910	470,168	481,392
Finance & Administrative Services	1,626,571	1,575,923	1,445,581	1,446,313	1,541,645	1,459,842	1,583,684
Information Technology	1,280,156	1,360,237	1,280,660	1,332,766	1,360,355	1,334,941	1,340,211
Community Development	1,464,725	1,366,437	1,301,473	1,359,264	1,478,398	1,234,582	1,324,774
Contingencies	59,759	160,578	48,138	152,423	150,000	143,404	150,000
Contribution to Component Unit(s)	-	800,000	-	-	-	-	-
General Government Subtotal	7,648,789	8,332,196	7,068,723	7,215,089	7,728,324	7,202,251	7,636,290
Direct Services							
Public Works	5,189,173	5,152,891	5,137,364	5,259,875	5,436,637	5,048,806	5,308,257
Police	9,974,925	10,183,890	10,312,633	10,395,239	10,921,455	10,762,258	11,250,771
Fire	7,215,444	7,320,268	7,425,903	7,666,842	7,711,732	8,069,132	7,889,065
Library	1,261,112	1,275,554	1,284,083	1,145,613	1,256,481	1,169,276	1,251,293
Parks and Recreation	5,916,449	5,727,968	5,811,809	5,717,147	5,834,425	5,628,133	5,711,776
Direct Services Subtotal	29,557,103	29,660,571	29,971,792	30,184,716	31,160,730	30,677,605	31,411,162
Debt Service							
Debt Service-Civiccenter	1,575,850	1,571,752	1,570,705	1,658,857	1,574,000	1,569,346	1,573,000
Debt Service-Other	233,456	233,456	290,122	437,606	486,739	486,030	489,574
Debt Service Subtotal	1,809,306	1,805,208	1,860,827	2,096,463	2,060,739	2,055,376	2,062,574
Total Expenditure	39,015,198	39,797,975	38,901,342	39,496,268	40,949,793	39,935,232	41,110,026
% Expenditure Change	2.35%	2.01%	-2.25%	1.53%	3.68%	-2.48%	2.94%
Other Financing Uses							
Transfers Out	408,915	177,011	750,000	301,246	0	434,000	0
Total Other Financing Uses	408,915	177,011	750,000	301,246	0	434,000	0
Total Uses of Funds	39,424,113	39,974,986	39,651,342	39,797,514	40,949,793	40,369,232	41,110,026
% Uses of Funds Change	1.92%	1.40%	-0.81%	0.37%	2.90%	-1.42%	1.84%

The chart below provides per capita the General Fund expenditure information categorized into direct and general government services and debt service. Also provided is the per capita General Obligation Debt accounted for in the Debt Service Fund.

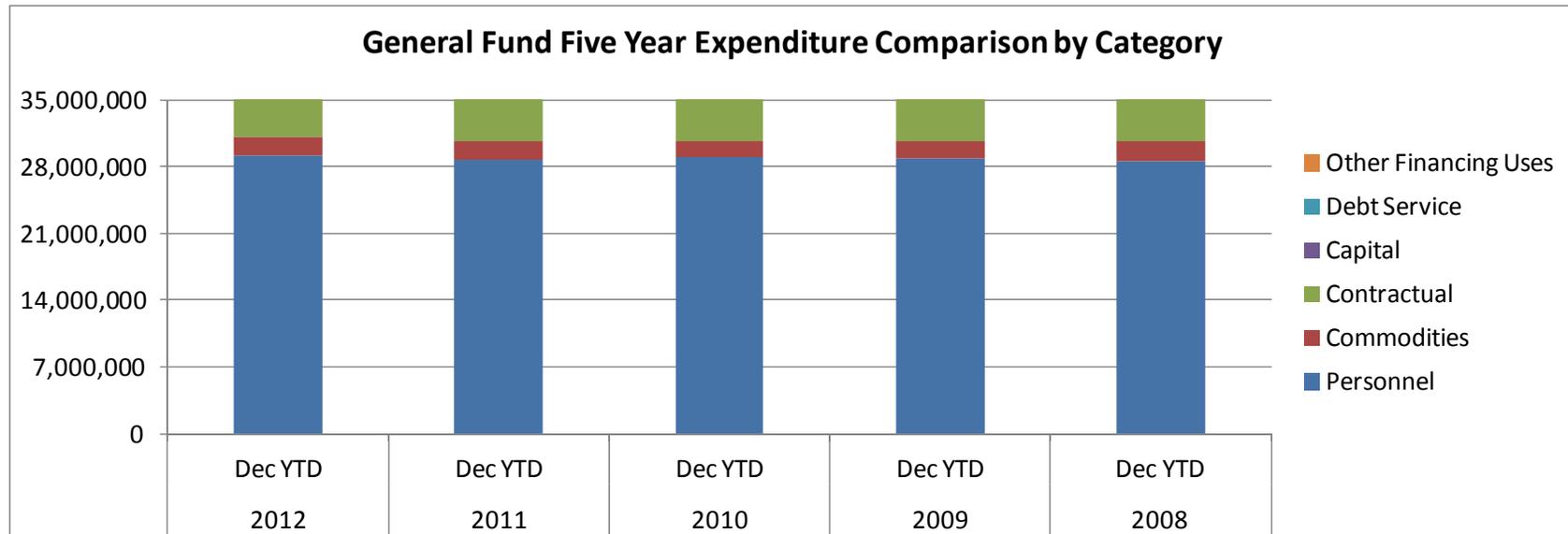
	2008	2009	2010	2011	2012 Budget	2012 Unaudited	2013 Budget
Population*	30,943	30,761	30,255	30,720	30,720	30,720	30,720
General Fund							
General Government Services	\$ 247	\$ 271	\$ 234	\$ 235	\$ 252	\$ 234	\$ 249
Direct Services	\$ 955	\$ 964	\$ 991	\$ 983	\$ 1,014	\$ 999	\$ 1,022
Public Works	\$ 168	\$ 168	\$ 170	\$ 171	\$ 177	\$ 164	\$ 173
Police	\$ 322	\$ 331	\$ 341	\$ 338	\$ 356	\$ 350	\$ 366
Fire	\$ 233	\$ 238	\$ 245	\$ 250	\$ 251	\$ 263	\$ 257
Library	\$ 41	\$ 41	\$ 42	\$ 37	\$ 41	\$ 38	\$ 41
Parks & Recreation	\$ 191	\$ 186	\$ 192	\$ 186	\$ 190	\$ 183	\$ 186
Debt Service	\$ 58	\$ 59	\$ 62	\$ 68	\$ 67	\$ 67	\$ 67
Total Expenditure Per Capita	\$ 1,261	\$ 1,294	\$ 1,286	\$ 1,286	\$ 1,333	\$ 1,300	\$ 1,338
Debt Service Fund							
General Obligation Debt Per Capita	\$ 36	\$ 36	\$ 36	\$ 31	\$ 31	\$ 31	\$ 31

* Source: Colorado Department of Local Affairs Municipal Population Estimates By County; 2010 figure is from Census Data

General Fund - Five Year Expenditure Comparison by Category

	Dec YTD 2012	YTD % Change	% of Total	Dec YTD 2011	YTD % Change	% of Total	Dec YTD 2010	YTD % Change	% of Total	Dec YTD 2009	YTD % Change	% of Total	Dec YTD 2008	% of Total
Personnel services														
Salaries and wages	22,082,082	1.160%	54.658%	21,828,001	-1.770%	54.848%	22,221,991	-0.210%	56.043%	22,269,210	1.570%	55.708%	21,924,162	55.708%
Overtime	668,089	12.000%	1.654%	596,530	14.130%	1.499%	522,692	0.420%	1.318%	520,516	-17.830%	1.302%	633,445	1.302%
Benefits	6,395,267	1.320%	15.830%	6,312,152	1.310%	15.861%	6,230,691	2.610%	15.714%	6,072,244	0.320%	15.190%	6,052,680	15.190%
Personnel services total	29,145,438	1.420%	72.141%	28,736,683	-0.820%	72.207%	28,975,374	0.390%	73.075%	28,861,970	0.880%	72.200%	28,610,286	72.200%
Commodities total	2,010,791	3.200%	4.977%	1,948,413	13.290%	4.896%	1,719,791	-4.390%	4.337%	1,798,680	-16.250%	4.500%	2,147,636	4.500%
Contractual services total	6,051,723	-0.520%	14.979%	6,083,111	6.970%	15.285%	5,686,570	-3.720%	14.341%	5,906,266	0.650%	14.775%	5,868,259	14.775%
Capital total	705,907	11.180%	1.747%	634,918	-4.200%	1.595%	662,743	5.160%	1.671%	630,251	7.820%	1.577%	584,561	1.577%
Total Expenditures	37,913,859	1.370%	93.845%	37,403,126	0.970%	93.984%	37,044,478	-0.410%	93.426%	37,197,168	-0.040%	93.051%	37,210,742	93.051%
Debt service total	2,052,526	-1.940%	5.080%	2,093,142	12.720%	5.259%	1,856,878	3.110%	4.683%	1,800,808	-0.200%	4.505%	1,804,456	4.505%
Other financing uses total	434,000	44.068%	1.074%	301,246	-59.830%	0.757%	750,000	-23.240%	1.891%	977,011	138.928%	2.444%	408,915	2.444%
Total Uses of Funds	40,400,386	1.510%	100.000%	39,797,514	0.370%	100.000%	39,651,356	-0.810%	100.000%	39,974,987	1.400%	100.000%	39,424,113	100.000%
Annual Total	41,342,227	3.881%		39,797,514	0.369%		39,651,356	-0.810%		39,974,987	1.397%		39,424,113	
YTD % of Annual Total	97.722%			100.000%			100.000%			100.000%			100.000%	

13



General Fund - Transfers

The General Fund has provided funds to and has received funds from Special Revenue Funds, Capital Projects Funds, Internal Service Funds and Component Units in order to buffer temporary gaps in revenue and expenditure amounts. In 2012 the General Fund is not in the position to provide funding to the Capital Projects Funds but has received the following net transfers:

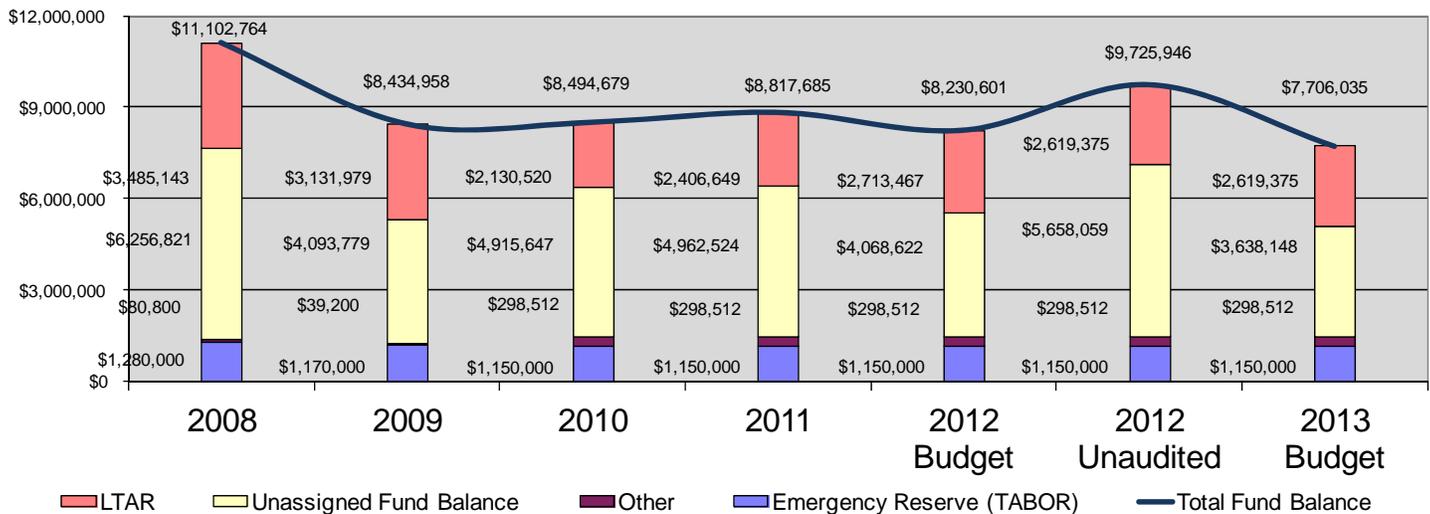
Source of Funds	2012 Budget Amount	2012 YTD Amount	2011 Annual Amount
Special Revenue Funds			
Neighborhood Stabilization Program Fund*	\$ -	\$ 312,726	\$ 396,130
Capital Project Funds			
Public Improvement Fund (PIF)	486,739	201,517	338,308
Internal Service Funds			
Central Services Fund	-	-	100,000
Servicenter Fund	100,000	100,000	100,000
Risk Management Fund	720,000	920,000	546,000
Employee Benefits Fund	-	-	165,000
Transfers Total	<u>\$ 1,306,739</u>	<u>\$ 1,534,243</u>	<u>1,645,438</u>

*In addition to the 2011 amount received (\$396,130) from the Neighborhood Stabilization Program (NSP) Fund, the NSP Fund returned \$47,052 in 2010 of the \$750,000 borrowed in this same year. All the funds borrowed by the NSP Fund in 2010 plus interest in the amount of \$5,908 have been repaid to the General Fund Long-Term Asset Reserve.

General Fund - Fund Balance

The City designates the fund balance into two categories, restricted and unrestricted. The portion of the fund balance which is restricted is referred to as the “Reserves” while the unrestricted portion is referred to as the unassigned fund balance. The unassigned fund balance represents funds the City sets aside for a “rainy day”. Another way to view these unrestricted funds is as a stabilization fund, the intent of which is to smooth over unexpected fluctuations in revenues and expenditures. The fund balance is normally built up when revenues exceed expenditures. In the past, excess funds have been transferred out, usually for capital projects identified in the Multiple Year Capital Plan (MYCP). The unassigned fund balance is not adequate to provide for a transfer from the General Fund to the capital projects funds.

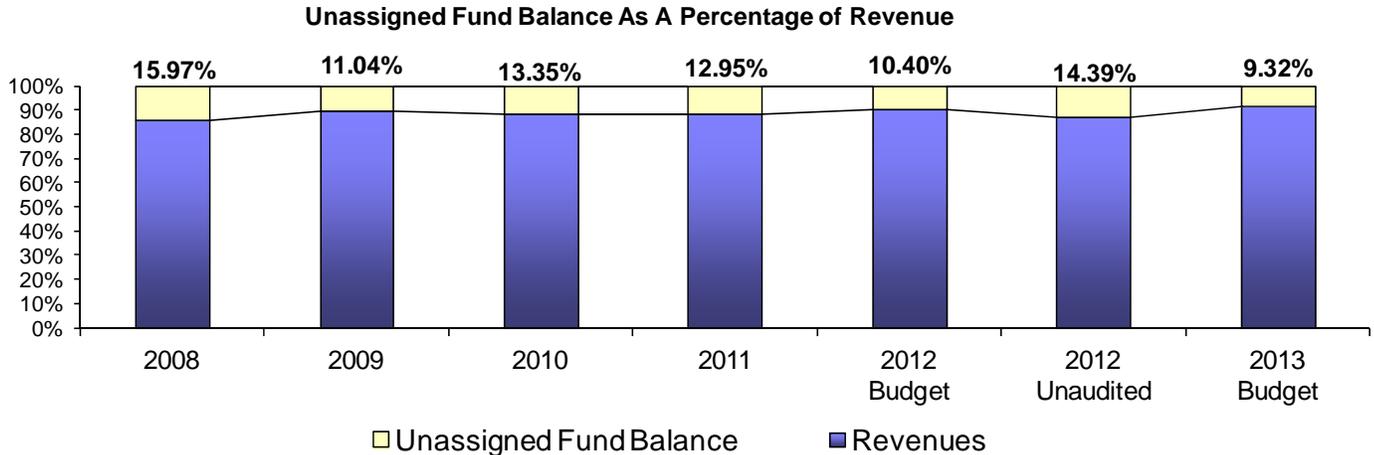
General Fund - Fund Balance



Long Term Asset Reserve (LTAR) At the 2008 Budget workshop, City Council discussed and directed staff to establish a General Fund reserve account to accumulate funds from the sale, lease, or earnings from long-term assets. It was also determined that these funds should be used in a careful, judicious and strategic manner. The funds restricted in this account are to be expended if the funds are appropriated in the annual budget or by supplemental appropriation.

The balance at the end of December 2012 is \$2,619,375. Council reduced the LTAR balance by \$100,000 for improvements to the Little Dry Creek Plaza at the December 4, 2012 regular Council Meeting.

The City's General Fund ended 2011 with total fund balance of \$8,817,685, and an unassigned fund balance of \$4,962,524 is 12.95 percent of revenues or 12.6 percent of expenditures. The unaudited total ending fund balance for 2012 are \$9,725,946 with an unassigned fund balance of \$5,658,059 or 14.4 percent of unaudited revenues or 14.2 percent of unaudited expenditures. The \$5,658,059 would allow the City to operate for approximately 51.7 days (using average daily estimated expenditures) if all other revenues and financing sources ceased. In these times of economic uncertainty, it is more important than ever to maintain reserves to help the City make up for revenue shortfalls and unexpected expenditure increases given that the one-time transfers made to the General Fund to help maintain reserves are no longer available.



PUBLIC IMPROVEMENT FUND OVERVIEW

The Public Improvement Fund (PIF) accounts for the City's "public-use" capital projects (e.g. roads, bridges, pavement, etc.). The PIF funding is from the collection of vehicle and building use taxes, intergovernmental revenues, interest income, and other sources.

Provided for your information is the table below that illustrates the PIF Year-To-Date (YTD) revenue and expenditure amounts for the years 2010 through 2012. The dollar and percentage change between each year is also provided. The Estimated Ending Fund Balance is included in order to account for the remaining PIF appropriation in addition to the remaining annual revenue anticipated for the fund.

Public Improvement Fund (PIF)	2012	2012 vs 2011 Increase (Decrease)		2011	2011 vs 2010 Increase (Decrease)		2010
YTD Revenues	\$ 2,745,552	\$ 832,931	43.55%	\$ 1,912,621	\$ (1,081,649)	(36.12%)	\$ 2,994,270
YTD Expenditures	2,788,044	\$ (1,003,439)	(26.47%)	3,791,483	\$ 244,453	6.89%	3,547,030
Net Revenues (Expenditures)	\$ (42,492)	\$ 1,836,370		\$ (1,878,862)	\$ (1,326,102)		\$ (552,760)
Beginning PIF Fund Balance	\$ 934,251			\$ 2,686,457			\$ 1,515,399
Ending PIF Fund Balance Before Remaining Annual Revenue and Appropriation	\$ 891,759			\$ 807,595			\$ 962,639
Plus: Remaining Annual Revenue	174,007			33,620			174,157
Less: Remaining Annual Appropriation	(569,544)			(603,481)			(673,785)
Estimated Ending Fund Balance	\$ 496,222			\$ 237,734			\$ 463,011
Unappropriated Fund Balance as of December 31,				\$ 274,180			\$ 620,120

The three main funding sources for the PIF are Vehicle Use Tax, Building Use Tax and Arapahoe County Road and Bridge Tax.

	2012 Estimate	2012 Adopted Budget	2012 YTD Actual	2012 Vs 2011 Amount	%	2011 YTD Actual	2011 Vs 2010 Amount	%	2010 YTD Actual
Vehicle Use Tax	\$ 1,200,000	\$ 1,000,000	\$ 1,171,140	\$ 140,364	14%	\$ 1,030,776	\$ 104,061	11%	\$ 926,715
Building Use Tax	\$ 951,705	\$ 550,000	\$ 813,826	\$ 208,742	34%	\$ 605,085	\$ 59,098	11%	\$ 545,987
Arapahoe County Road and Bridge Tax	\$ 197,000	\$ 184,000	\$ 192,120	\$ (1,947)	-1%	\$ 194,067	\$ 1,958	1%	\$ 192,109

Vehicle Use Tax is based on the valuation of new vehicles purchased by City of Englewood residents. This tax is collected and remitted by Arapahoe County at the time the vehicle is registered. **Building Use Tax** is based on the valuation of building permits issued by the City of Englewood. These revenue sources are monitored periodically to determine the revision of the 2012 Estimate. **Arapahoe County Road and Bridge Tax** is restricted to the construction and maintenance of streets and bridges. This tax is based on a mill levy established by Arapahoe County multiplied by the City's assessed valuation multiplied by 50%.

2012 Year-To-Date City Funds At-A-Glance

(Please refer to "Funds Glossary" for a Brief Description of Funds and Fund Types)

	Beginning Balance	Revenue	Expenditure	Other Sources (Uses)	Restricted/ Committed Balance	Ending Balance
Governmental Fund Types (Fund Balance)						
General Fund	8,817,685	38,757,955	39,999,776	1,302,635	4,161,979	4,716,519
Special Revenue Funds						
Conservation Trust	1,184,882	312,660	268,233	(1,233,574)	-	(4,265)
Open Space	1,367,255	436,445	697,685	(1,008,133)	-	97,882
Neighborhood Stabilization Program	408,432	907,858	663,552	(652,737)	-	-
Donors	380,622	221,420	153,239	-	-	448,803
Community Development	-	263,452	286,711	23,259	-	-
Malley Center Trust	279,038	4,919	14,983	-	-	268,974
Parks & Recreation Trust	451,714	14,956	12,023	-	-	454,647
Debt Service Fund						
General Obligation Bond	154,267	856,535	955,027	-	-	55,775
Capital Projects Funds						
PIF	934,251	2,198,758	1,529,086	(1,107,701)	-	496,222
MYCP	827,183	5,499	402,858	(414,118)	-	15,706
Proprietary Fund Types (Funds Available Balance)						
Enterprise Funds						
Water	7,426,594	8,146,922	8,548,048	6,495,561	-	13,521,029
Sewer	5,306,200	14,548,972	14,931,298	-	1,000,000	3,923,873
Stormwater Drainage	990,801	332,668	248,385	2,485	102,500	975,069
Golf Course	735,144	2,111,833	1,880,523	-	293,500	672,954
Concrete Utility	338,297	703,224	708,189	-	-	333,332
Housing Rehabilitation	489,000	219,141	252,545	(89,061)	-	366,536
Internal Service Funds						
Central Services	151,323	361,035	326,768	-	-	185,590
ServiCenter	993,875	2,403,677	2,037,982	(100,000)	-	1,259,570
CERF	1,538,025	783,577	851,755	-	-	1,469,848
Employee Benefits	4,936	5,287,286	5,321,992	(37,000)	-	(66,770)
Risk Management	1,101,326	1,203,288	1,293,334	(926,000)	-	85,281

CLOSING

The Finance and Administrative Services Department staff works closely with the City Manager's Office and the various departments to help identify revenue and expenditure threats, trends and opportunities as well as strategies to balance revenues and expenditures. I will continue to provide Council with monthly reports. It is important to frequently monitor the financial condition of the City so City staff and Council can work together to take action, if necessary, to maintain service levels, employees, and fiscal health of the City.

I plan to discuss this report with Council at an upcoming study session. If you have any questions regarding this report, I can be reached at **303.762.2401**.

FUNDS GLOSSARY

Capital Equipment Replacement Fund (CERF) – Accounts for the accumulation of funds for the scheduled replacement of City-owned equipment and vehicles.

Capital Projects Funds account for financial resources to be used for the acquisition and/or construction of major capital facilities (other than those financed by proprietary funds).

Central Services Fund – Accounts for the financing of printing services and for maintaining an inventory of frequently used or essential office supplies provided by Central Services to other departments of the City on a cost reimbursement basis.

Community Development Fund – Accounts for the **art** Shuttle Program which is funded in part by the Regional Transportation District (RTD). **art** provides riders free transportation to 19 stops connecting CityCenter Englewood, businesses in downtown Englewood, and the medical facilities in and near Craig Hospital and Swedish Medical Center.

Concrete Utility Fund – Accounts for revenues and expenses associated with maintaining the City's sidewalks, curbs and gutters.

Conservation Trust Fund – Accounts for the acquisition of parks and open space land not previously owned by the City and for improvements to existing park and recreation facilities. Financing is provided primarily from State Lottery funds.

Debt Service Funds account for the accumulation of resources and payment of general obligation bond principal and interest from governmental resources and special assessment bond and loan principal and interest from special assessment levies when the government is obligated in some manner for payment.

Donors' Fund – Accounts for funds donated to the City for various specified activities.

Employee Benefits Fund – Accounts for the administration of providing City employee benefit programs: medical, dental, life, and disability insurance.

Enterprise Funds account for operations that: (a) are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges, or (b) where the City Council has decided that periodic determination of revenue earned, expenses incurred and/or net income is appropriate for capital maintenance, public policy, management controls, accountability or other purposes.

Fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

General Obligation Bond Fund – Accounts for the accumulation of monies for payment of General Obligation Bond principal and interest.

Golf Course Fund – Accounts for revenues and expenses associated with the operations of the Englewood Municipal Golf Course.

Governmental Funds distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). These funds focus on the near-term *inflows and outflows of spendable resources*, as well as on balances of spendable resources available at the end of the year.

FUNDS GLOSSARY

Housing Rehabilitation Fund – Accounts for revenues and expenses associated with the City’s housing rehabilitation program.

Internal Service Funds are used to account for the financing of goods or services provided by one department or agency to other departments or agencies of the City on a cost-reimbursement basis.

MOA – Museum of Outdoor Arts

Malley Center Trust Fund – Accounts for a trust established by Elsie Malley to be used for the benefit of the Malley Senior Recreation Center.

Multi-Year Capital Projects Fund (MYCP) - Accounts for the acquisition and/or construction of major capital improvements and facilities. Financing is provided primarily with transfers from other City Funds.

Neighborhood Stabilization Program Fund – Accounts for the federal grant awarded to acquire, rehabilitate and resale approximately eleven foreclosed residential properties located in the City.

Open Space Fund – Accounts for the acquisition of parks and open space land not previously owned by the City and for improvements to existing park and recreation facilities. Financing is provided from the Arapahoe County Open Space Sales Tax of .25%. The Open Space Tax was created on January 1, 2004 and expires on December 31, 2023.

Parks and Recreation Trust Fund – Accounts for a trust established by the City, financed primarily by donations, to be used exclusively for specific park and recreation projects.

Proprietary Funds account for operations that are financed and operated in a manner similar to private business enterprises. It is the intent that the cost of providing such goods or services will be recovered through user charges.

Public Improvement Fund (PIF) – Accounts for the acquisition and/or construction of major capital improvements and facilities. Financing is provided primarily from building and vehicle use taxes.

Risk Management Fund – Accounts for the administration of maintaining property and liability and workers’ compensation insurance.

ServiCenter Fund – Accounts for the financing of automotive repairs and services provided by the ServiCenter to other departments of the City, or to other governmental units, on a cost reimbursement basis.

Sewer Fund – Accounts for revenues and expenses associated with providing wastewater services to the City of Englewood residents and some county residents.

Special Assessment Funds account for and pay special assessment bond principal and interest and/or inter-fund loan principal and interest: Following are funds to account for special assessments: **Paving District No. 35, Paving District No. 38, and Concrete Replacement District 1995.**

Special Revenue Funds account for the proceeds of specific revenue sources that are legally restricted to expenditure for specified purposes.

Storm Drainage Fund – Accounts for revenues and expenses associated with maintaining the City’s storm drainage system.

Water Fund – Accounts for revenues and expenses associated with providing water services to City of Englewood residents.

General Fund Comparative Revenue, Expenditure & Fund Balance Report as of December 31, 2012

Percentage of Year Completed = 100%

<i>Fund Balance January 1</i>	\$ 8,753,654	\$ 8,817,685	\$ 8,817,685	\$ 8,494,679	\$ 8,494,679	\$ 9,234,957	\$ 9,234,957			
<i>Revenues</i>	2012				2011			2010		
	Budget	Dec-12	% Budget	YE Estimate	Dec-11	Dec-11	% YTD	Dec-10	Dec-10	% YTD
Property Tax	2,880,000	2,874,816	99.82%	2,880,000	2,994,213	2,994,213	100.00%	3,020,884	3,020,884	100.00%
Specific Ownership Tax	250,000	243,293	97.32%	230,000	246,062	246,062	100.00%	263,434	263,434	100.00%
Sales & Use Taxes	22,115,126	22,331,153	100.98%	22,115,126	21,737,110	21,737,110	100.00%	20,866,515	20,866,515	100.00%
Cigarette Tax	190,000	189,618	99.80%	184,000	190,763	190,763	100.00%	196,320	196,320	100.00%
Franchise Fees	3,056,938	2,712,179	88.72%	2,900,000	2,631,393	2,631,393	100.00%	2,620,191	2,620,191	100.00%
Hotel/Motel Tax	8,713	10,395	119.30%	10,000	9,820	9,820	100.00%	8,806	8,806	100.00%
Licenses & Permits	574,025	983,419	171.32%	940,000	778,536	778,536	100.00%	695,563	695,563	100.00%
Intergovernmental Revenue	1,552,315	1,726,403	111.21%	1,821,012	1,724,807	1,724,807	100.00%	1,465,970	1,465,970	100.00%
Charges for Services	3,399,722	3,239,847	95.30%	3,261,304	3,384,318	3,384,318	100.00%	3,254,830	3,254,830	100.00%
Recreation	2,599,668	2,615,643	100.61%	2,609,701	2,635,221	2,635,221	100.00%	2,489,781	2,489,781	100.00%
Fines & Forfeitures	1,318,450	1,381,493	104.78%	1,368,450	1,284,758	1,284,758	100.00%	1,437,957	1,437,957	100.00%
Interest	100,000	84,417	84.42%	100,000	91,034	91,034	100.00%	100,545	100,545	100.00%
EMRF Rents	663,046	551,295	83.15%	546,112	425,159	425,159	100.00%	105,125	105,125	100.00%
Miscellaneous	411,998	365,279	88.66%	375,000	173,381	173,381	100.00%	293,658	293,658	100.00%
Total Revenues	39,120,001	39,309,250	100.48%	39,340,705	38,306,575	38,306,575	100.00%	36,819,579	36,819,579	100.00%
Expenditures										
Legislation	333,793	312,148	93.52%	337,748	298,731	298,731	100.00%	309,870	309,870	100.00%
City Attorney	746,734	710,020	95.08%	774,254	706,841	706,841	100.00%	702,228	702,228	100.00%
Court	974,417	883,027	90.62%	949,982	848,775	848,775	100.00%	901,469	901,469	100.00%
City Manager	672,072	654,119	97.33%	665,441	639,184	639,184	100.00%	659,882	659,882	100.00%
Human Resources	470,910	470,168	99.84%	461,343	430,792	430,792	100.00%	419,421	419,421	100.00%
Financial Services	1,541,645	1,459,842	94.69%	1,509,333	1,446,313	1,446,313	100.00%	1,445,581	1,445,581	100.00%
Information Technology	1,360,355	1,334,941	98.13%	1,342,364	1,332,766	1,332,766	100.00%	1,280,660	1,280,660	100.00%
Public Works	5,436,637	5,048,806	92.87%	5,327,838	5,259,875	5,259,875	100.00%	5,137,364	5,137,364	100.00%
Fire Department	7,711,732	8,069,132	104.63%	8,021,054	7,666,842	7,666,842	100.00%	7,425,903	7,425,903	100.00%
Police Department	10,921,455	10,762,258	98.54%	11,043,064	10,395,239	10,395,239	100.00%	10,312,633	10,312,633	100.00%
Community Development	1,478,398	1,234,582	83.51%	1,328,798	1,359,264	1,359,264	100.00%	1,301,473	1,301,473	100.00%
Library	1,256,481	1,169,276	93.06%	1,231,346	1,145,613	1,145,613	100.00%	1,284,083	1,284,083	100.00%
Recreation	5,834,425	5,628,133	96.46%	5,704,923	5,717,147	5,717,147	100.00%	5,811,809	5,811,809	100.00%
Debt Service	2,060,739	2,055,376	99.74%	2,060,739	2,096,463	2,096,463	100.00%	1,860,827	1,860,827	100.00%
Contingency	150,000	143,404	95.60%	150,000	152,423	152,423	100.00%	48,139	48,139	100.00%
Total Expenditures	40,949,793	39,935,232	97.52%	40,908,227	39,496,268	39,496,268	100.00%	38,901,342	38,901,342	100.00%
Excess revenues over (under) expenditures	(1,829,792)	(625,982)	34.21%	(1,567,522)	(1,189,693)	(1,189,693)		(2,081,763)	(2,081,763)	
Net transfers in (out)	1,306,739	1,534,243	117.41%	1,534,243	1,512,699	1,512,699	100.00%	1,341,485	1,341,485	100.00%
Total Fund Balance	\$ 8,230,601	\$ 9,725,946	118.17%	\$ 8,784,406	\$ 8,817,685	\$ 8,817,685	100.00%	\$ 8,494,679	\$ 8,494,679	100.00%

Fund Balance Analysis

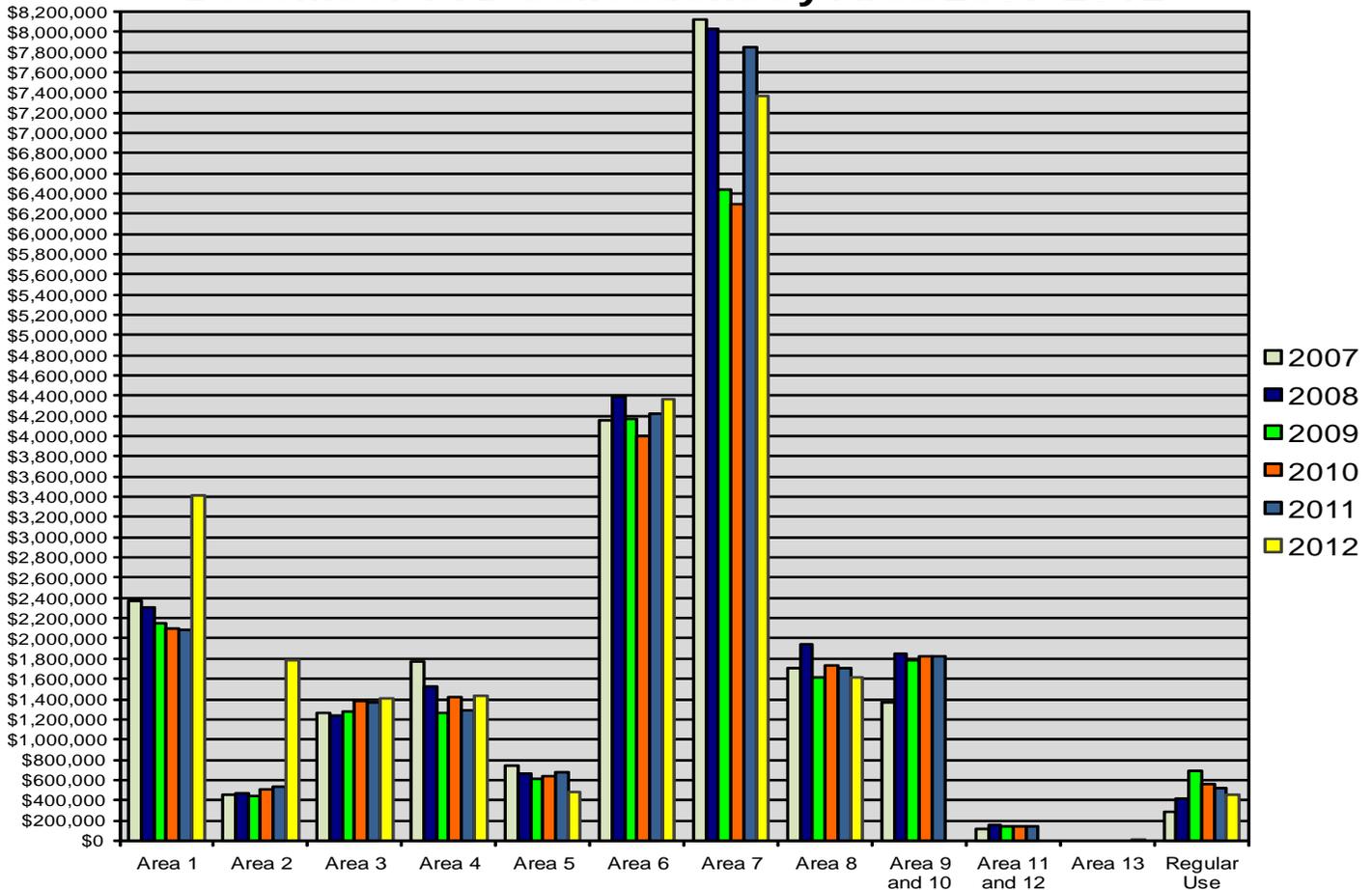
Total Fund Balance	\$ 8,230,601	\$ 9,725,946	\$ 8,784,406	\$ 8,817,685	\$ 8,494,679
Restricted Fund Balance					
-Emergencies (TABOR)	1,150,000	1,150,000	1,150,000	1,150,000	1,150,000
Committed Fund Balance					
-LTAR	2,713,467	2,619,375	2,619,375	2,406,649	2,130,520
-COPS Grant	298,512	298,512	298,512	298,512	298,512
Restricted/Committed	\$ 4,161,979	\$ 4,067,887	\$ 4,067,887	\$ 3,855,161	\$ 3,579,032
Estimated Unassigned Fund Balance	\$ 4,068,622	\$ 5,658,059	\$ 4,716,519	\$ 4,962,524	\$ 4,915,647
As a percentage of projected revenues	10.34%	14.38%	11.99%	12.95%	13.35%
As a percentage of budgeted revenues	10.40%	14.39%	12.06%		
Target	3,912,000	-	5,868,000		

**Sales & Use Tax Collections Year-to-Date Comparison
for the month of December 2012**

Cash Basis

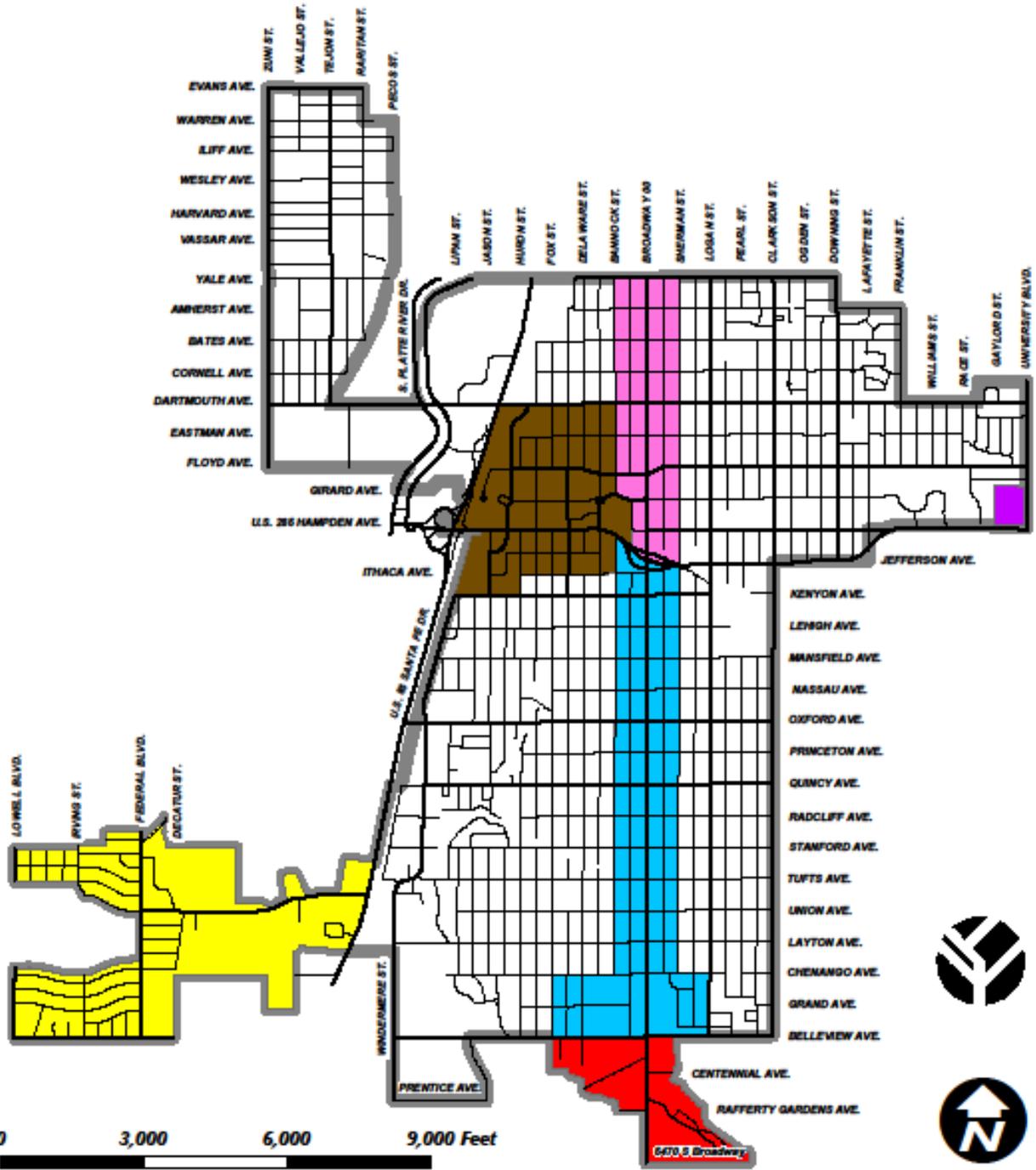
	2007	% Change	2008	% Change	2009	% Change	2010	% Change	2011	% Change	2012	% Change
Area 1	2,371,783	-3.60%	2,312,523	-2.50%	2,145,546	-9.54%	2,091,285	-9.57%	2,078,548	-0.61%	3,414,514	64.27%
Area 2	452,412	13.18%	470,644	4.03%	437,761	-3.24%	503,914	7.07%	537,465	6.66%	1,788,419	232.75%
Area 3	1,261,017	10.40%	1,233,408	-2.19%	1,281,752	1.64%	1,374,807	11.46%	1,367,959	-0.50%	1,412,151	3.23%
Area 4	1,777,035	4.11%	1,522,308	-14.33%	1,265,788	-28.77%	1,421,743	-6.61%	1,283,335	-9.74%	1,437,818	12.04%
Area 5	737,247	9.43%	668,902	-9.27%	617,516	-16.24%	640,137	-4.30%	670,239	4.70%	476,207	-28.95%
Area 6	4,152,602	4.50%	4,397,299	5.89%	4,166,112	-0.33%	4,006,996	-8.88%	4,223,957	5.41%	4,367,469	3.40%
Area 7	8,117,519	11.93%	8,023,476	-1.16%	6,435,979	-20.71%	6,291,222	-21.59%	7,849,730	24.77%	7,364,983	-6.18%
Area 8	1,710,973	-4.86%	1,937,347	13.23%	1,611,473	-5.82%	1,730,224	-10.69%	1,706,051	-1.40%	1,610,401	-5.61%
Area 9 and 10	1,371,231	79.29%	1,850,827	34.98%	1,790,329	-3.27%	1,817,967	1.54%	1,825,002	0.39%	0	-100.00%
Area 11 and 12	112,077	80.04%	153,224	36.71%	145,589	-4.98%	142,436	-2.17%	146,656	2.96%	0	-100.00%
Area 13									0	0.00%	824	0.00%
Regular Use	285,926	-15.94%	412,599	44.30%	693,343	142.49%	554,507	34.39%	522,975	-5.69%	457,381	-12.54%
Total	22,349,822	8.63%	22,982,559	2.83%	20,591,187	-7.87%	20,575,238	-10.47%	22,211,917	7.95%	22,330,166	0.53%
Refunds	247,740	-19.37%	518,888	109.45%	329,330	-36.53%	215,756	-34.49%	90,465	-58.07%	244,919	170.73%
Audit & Collections Revenue*	531,193	21.62%	726,131	36.70%	482,693	-33.53%	376,960	-21.90%	202,306	-46.33%	195,807	-3.21%
*included Above												
Unearned Sales Tax	650,000	0.00%	650,000	0.00%	600,000	-7.69%	600,000	0.00%	1,100,000	83.33%	1,100,000	0.00%
Building Use	1,967,482	131.60%	764,136	-61.16%	402,273	-47.36%	542,808	34.94%	605,085	11.47%	813,826	34.50%
Vehicle Use	1,434,885	14.79%	1,283,056	-10.58%	989,742	-22.86%	943,467	-4.68%	993,288	5.28%	1,279,315	28.80%

December YTD Collections by Area 2007-2012



Area Descriptions

- | | |
|--|--|
| Area 1 - CityCenter (Formerly Cinderella City) | Area 5 - Federal and Belleview W of Santa Fe |
| Area 2 - S of Yale, north & south side of Jefferson Ave/US 285 between Bannock and Sherman | Area 6 - All other City locations |
| Area 3 - S of Jefferson Ave/US 285 between Bannock & Sherman and north side of Belleview between Logan & Delaware | Area 7 - Outside City limits |
| Area 4 - Broadway and Belleview (Between Fox and Sherman and south side of Belleview and to the Southern City Limits) | Area 8 - Public Utilities |
| | Area 9 and 10 - Downtown & Englewood Pkwy |
| | Area 11 and 12 - S of 285, N of Kenyon between Jason and Santa Fe |
| | Area 13 - Hampden Avenue (US 285) and University Boulevard |



City of Englewood, Colorado: Sales Tax Areas

- | | | |
|---------|---------|--------------------------|
| Area 1* | Area 4 | Arterials and Collectors |
| Area 2* | Area 5 | Local Streets |
| Area 3 | Area 13 | Englewood City Limits |

Areas Not Depicted on Map:
 Area 6 - Other City Locations* Area 7 - Outside City Limits Area 8 - Public Utilities
 * Includes EURA designated Areas 9, 10, 11, & 12

City of Englewood, Colorado

INVESTMENT POLICY

The Director of Finance and Administrative Services of the City of Englewood, Colorado is charged with the responsibility to prudently and properly manage any and all funds of the City. Because these funds may be called upon, it is essential that absolute maturity horizons are identifiable for the purpose of liquidity. Moreover, these funds must be fully collateralized and appropriately authorized. The following Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and sound fiscal management.

SCOPE

This Investment Policy shall apply to the investment of all financial assets and all funds of the City of Englewood (hereafter referred to as the "City") over which it exercises financial control, except the City of Englewood Firefighters Pension Fund, Volunteer Firefighters Pension Fund, Police Officers Pension Fund, the Non-Emergency Employees Retirement Plan Fund and other City employee retirement plans.

In order to effectively make use of the City's cash resources, all monies shall be pooled into one investment account and accounted for separately. The investment income derived from this account shall be distributed to the various City funds in accordance with Englewood Municipal Code, 4-1-2-A.

OBJECTIVES

The City's funds shall be invested in accordance with all applicable City policies, Colorado statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

~~The City's principal investment objectives are:~~

- Preservation of capital and the protection of investment principal.
- Maintenance of sufficient liquidity to meet anticipated disbursements and cash flows.
- Diversification to avoid incurring unreasonable risks regarding securities owned.
- Attainment of market rate of return equal to or higher than the performance measure established by the Director of Finance and Administrative Services.
- ~~Conformance with all City, Federal, State and other legal requirements.~~

DELEGATION OF AUTHORITY

The ultimate responsibility and authority for investment transactions involving the City resides with the Director of Finance and Administrative Services (hereinafter referred to as the "Director") who has been designated by the City Manager as the Investment Officer in accordance with Englewood Municipal Code. The Director may appoint other members of the City staff to assist him in the cash management and investment function. Persons who are authorized to transact business and wire funds on behalf of the City will be designated by the Director by the wire transfer agreement executed with the City's approved depository for bank services (see Appendix I).

The Director shall be responsible for all investment decisions and activities, and shall establish written administrative procedures for the operation of the City's investment program consistent with this Investment Policy. The Investment Officer acting within these procedures shall not be held personally liable for specific investment transactions.

The Director may in his discretion appoint one or more Investment Advisors, registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940, to manage a portion of the City's assets. An appointed Investment Advisor may be granted limited investment discretion within the guidelines of this Investment Policy with regard to the City's assets placed under its management. An Investment Advisor can only be appointed after consultation with and approval by the City Manager.

PRUDENCE

The standard of prudence to be used for managing the City's assets is the "prudent investor" rule, which states that a prudent investor "shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." (CRS 15-1-304, Standard for Investments.)

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally ~~riskless without risk~~ and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may ~~be desirable occur~~ in a diversified portfolio and shall be considered within the context of the portfolio's overall return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

The Director and other authorized persons acting in accordance with established procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

ETHICS AND CONFLICTS OF INTEREST

All City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any material financial interest in financial institutions that conduct business with the City, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City's portfolio. Employees shall subordinate their personal investment transactions to those of the City particularly with regard to the timing of purchases and sales.

ELIGIBLE INVESTMENTS AND TRANSACTIONS

All investments will be made in accordance with the Colorado Revised Statutes (CRS) as follows: CRS 11-10.5-101, et seq. Public Deposit Protection Act; CRS 11-47-101, et seq. Savings and Loan Association Public Deposit Protection Act; CRS 24-75-601, et seq. Funds-Legal Investments; CRS 24-75-603, et seq. Depositories; and CRS 24-75-701, et seq. Local governments – authority to pool surplus funds~~investment Funds-Legal Government Pooling~~. Any revisions or extensions of these sections of the CRS will be assumed to be part of this Investment Policy immediately upon being enacted.

As a home rule City, Englewood may adopt a list of acceptable investment instruments differing from those outlined in CRS 24-75-601, et seq. Funds-Legal Investments. Funds of the City of Englewood covered by this Investment Policy may be invested in the following types of securities and transactions:

1. U.S. Treasury Obligations: Treasury Bills, Treasury Notes and Treasury Bonds with maturities not exceeding five years from the date of trade settlement.

2. Treasury Strips (book-entry U.S. Treasury securities whose coupons have been removed) with maturities not exceeding five years from the date of trade settlement.

~~3. Federal Instrumentalities - Debentures, Discount Notes, Medium-Term Notes, Callable Securities and Step-up Securities issued by the following only: Federal National Mortgage Association (FNMA), Federal Home Loan Bank (FHLB), Federal Home Loan Mortgage Corporation (FHLMC) and Federal Farm Credit Banks (FFCB), with maturities not exceeding five years from the date of trade settlement. Subordinated debt may not be purchased. Federal Instrumentality Securities shall be rated in the highest rating category by at least two Nationally Recognized Statistical Rating Organizations (NRSROs) that rate them, and shall be rated not less by any NRSRO that rates the debt.~~

~~3.4~~ Repurchase Agreements with a termination date of 90 days or less utilizing U.S. Treasury and Federal Instrumentality securities listed above, collateralized at a minimum market value of 102 percent of the dollar value of the transaction with the accrued interest accumulated on the collateral included in the calculation.

Repurchase agreements shall be entered into only with dealers who:

- a) are recognized as Primary Dealers by the Federal Reserve Bank of New York, or with firms that have a primary dealer within their holding company structure; and
- b) have executed a City approved Master Repurchase Agreement (see Appendix II). The Director shall maintain a file of all executed Master Repurchase Agreements.

Primary Dealers approved as Repurchase Agreement counterparties, if rated, shall have a short-term credit rating of at least A-1 or the equivalent; and a long-term credit rating of at least A or the equivalent.

Collateral (purchased securities) shall be held by the City's custodian bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.

For the purposes of this section, the term "collateral" shall mean "purchased securities" under the terms of the City approved Master Repurchase Agreement. In no case will the maturity of the collateral exceed 10 years.

5. Reverse Repurchase Agreements with a maturity of 90 days or less executed only against securities owned by the City and collateralized by the same type of security reversed.

6. Flexible Repurchase Agreements with a final maturity of 10 years or less entered into by the City with approved counterparties. These flexible repurchase agreements may be closed out in varying amounts and at varying times at the option of the City. These agreements are deemed by both parties to be purchases and sales of securities and are not loans.

All such flexible repurchase agreements shall meet the following criteria:

- Be determined as legal and valid for both parties;
- Collateral shall be limited to:
 - a) Securities issued by, guaranteed by, or for which the credit of any of the following is pledged for payment: the United States, Federal Farm Credit Bank, Federal Land Bank, Federal Home Loan Bank, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, Export Import Bank or the Government National Mortgage Association; or
 - b) Securities issued by, guaranteed by, or for which the credit of the following is pledged for payment: An entity or organization which is not listed in paragraph a) above, but which is (1) created by, or the creation of which is authorized by, legislation enacted by the United States Congress and which is subject to control by the federal government which is at least as extensive as that which governs an entity or

organization listed in paragraph a) above, and (2) rated in its highest rating category by one or more nationally recognized organizations which regularly rate such obligations.

- Have a fixed rate during the entire life of the agreement;
- The dollar amounts and periods of time when the City may draw funds out of the repurchase agreement shall be agreed upon in writing by both parties and shall be part of the written repurchase agreement exercised by the City and the approved counterparty;
- The City has the option of varying the dollar amount and the timing of the draw down by an agreed upon percentage of the anticipated draw down and a specified number of days. The City and the counterparty to the agreement will specify the details of the allowable variance when the agreement is structured. In addition, the City may draw down in excess of the variance up to the remaining balance in the agreement for a bona fide, unanticipated cash need;
- Collateral shall have a minimum market value (including accrued interest accumulated) of at least 102 percent of the dollar value of the transaction;
- Repurchase agreements shall be entered into only with dealers who are authorized by the Director and have executed a City approved Master Repurchase Agreement;
- The Director shall maintain a file of all executed Master Repurchase Agreements;
- The title to or a perfected security interest in securities, along with any necessary transfer documents, must be transferred and actually delivered to, and shall be held by, the City's third-party custodian bank acting as safekeeping agent. The market value of the collateral securities shall be marked-to-the-market at least weekly based on the closing bid price at the time the custodian for the collateral issues its monthly statement to the City

For the purpose of the section, the term "collateral" shall mean "purchased securities" under the terms of the City approved Master Repurchase Agreement. In no case will the maturity of the collateral exceed 10 years.

7. Time Certificates of Deposit with a maximum maturity of five years or savings accounts in state or national banks or state or federally chartered savings banks operating in Colorado that are state approved depositories (as evidenced by a certificate issued by the State Banking Board) and are insured by the FDIC. Certificates of deposit that exceed the FDIC insured amount shall be collateralized in accordance with the Colorado Public Deposit Protection Act. The collateral shall have a market value equal to or exceeding 102 percent of the difference between the insured amount and the City's total deposits for all funds within the institution.
8. Money Market Mutual Funds registered under the Investment Company Act of 1940 that: 1) are "no-load" (i.e., no commission or fee shall be charged on purchases or sales of shares); 2) have a constant net asset value per share of \$1.00; 3) limit assets of the fund to securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard and Poor's, Aaa by Moody's or AAA/V1+ by Fitch.
9. Colorado Local Government Liquid Asset Trust (COLOTRUST) as authorized under CRS 24-75-702.
10. Prime Bankers Acceptances, rated at least A-1 by Standard & Poor's, P-1 by Moody's and F1 by Fitch at the time of purchase by at least two services that rate them and shall be rated not less by any service that rates them, with a maturity of six months or less issued on domestic banks or branches of foreign banks domiciled in the U.S. and operating under U.S. banking laws. Accepting banks must have a senior debt rating of A2 by Moody's and A by Standard & Poor's

11. Prime Commercial Paper with a maturity of 270 days or less which, at the time of purchase, is rated at least A-1 by Standard & Poor's, P-1 by Moody's and F-1 by Fitch:

- a) At the time of purchase, the commercial paper must be rated by at least two of the above stated rating agencies at the stated minimum rating.
- b) If more than two of the above stated agencies rates an issuer, all of those rating agencies must rate the issuer in accordance with above stated minimum credit criteria.
- c) If the commercial paper issuer has senior debt outstanding, the senior debt must be rated by each service that publishes a rating on the issuer as at least A2 by Moody's, A by Standard and Poor's and A by Fitch.

12. Corporate Bonds issued by a corporation or bank with a final maturity not exceeding three years from the date of trade settlement, rated at least AA- by Standard & Poor's, Aa3 by Moody's, or AA by Fitch at the time of purchase by each service that rates the debt. Authorized corporate bonds shall be U.S. dollar denominated, and limited to corporations organized and operated within the United States with a net worth in excess of \$250 million.

Securities that have been downgraded below minimum ratings described herein may be sold or held at the City's discretion. The portfolio will be brought back into compliance with Investment Policy guidelines as soon as is practical.

OTHER INVESTMENTS

It is the intent of the City that the foregoing list of authorized securities be strictly interpreted. Any deviation from this list must be pre-approved by the Director in writing after approval by the City Manager.

INVESTMENT DIVERSIFICATION

It is the intent of the City to diversify the investment instruments within the portfolio to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities. The asset allocation in the portfolio should, however, be flexible depending upon the outlook for the economy, the securities market, and the City's cash flow needs.

The City may invest to the following maximum limits within each category:

- 50% in Certificates of Deposit
- 40% in Commercial Paper
- 20% in Bankers Acceptances
- 30% in Corporate Bonds; 5% in any one issuer or its affiliates or subsidiaries.

Tests for limitations on percentages of holdings apply to the composite of the entire portfolio of the City, not to individual portfolios maintained by the City. Percentage limitations used for measurements are based on the percentage of cost value of the portfolio.

INVESTMENT MATURITY AND LIQUIDITY

Investments shall be limited to maturities not exceeding five years from the date of trade settlement. In addition, the weighted average final maturity of the total portfolio shall at no time exceed ~~24 months~~ three years.

SELECTION OF BROKER/DEALERS.

The Director shall maintain a list of broker/dealers approved for investment purposes (see Appendix III), and it shall be the policy of the City to purchase securities only from those authorized firms.

To be eligible, a firm must meet at least one of the following criteria:

1. be recognized as a Primary Dealer by the Federal Reserve Bank of New York or have a primary dealer within their holding company structure,
2. report voluntarily to the Federal Reserve Bank of New York,
3. qualify under Securities and Exchange Commission (SEC) Rule 15c-3 (Uniform Net Capital Rule).

Broker/dealers will be selected by the Director on the basis of their expertise in public cash management and their ability to provide service to the City's account. Each authorized broker/dealer shall be required to submit and annually update a City approved Broker/Dealer Information Request form which includes the firm's most recent financial statements. In the event that an external investment advisor is not used in the process of recommending a particular transaction in the City's portfolio, any authorized broker/dealer from whom a competitive bid is obtained for the transaction will attest in writing that he/she has received a copy of this policy.

The City may purchase Commercial Paper from direct issuers even though they are not on the approved list of broker/dealers as long as they meet the criteria outlined in Item 12 of the Eligible Investments and Transactions section of this Investment Policy.

COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.

If the City is offered a security for which there is no other readily available competitive offering, then the Director will document quotations for comparable or alternative securities.

SELECTION OF BANKS AS DEPOSITORIES AND PROVIDERS OF GENERAL BANKING SERVICES

The City shall maintain a list of banks approved to provide banking services or from whom the City may purchase certificates of deposit. Banks in the judgment of the Director no longer offering adequate safety to the City will be removed from the list. To be eligible for authorization, a bank shall qualify as a depository of public funds in Colorado as defined in CRS 24-75-603.

SAFEKEEPING AND CUSTODY

The safekeeping and custody of securities owned by the City shall be managed in accordance with applicable Federal and Colorado laws and regulations.

The Director shall approve one or more banks to provide safekeeping and custodial services for the City. A City approved Safekeeping Agreement shall be executed with each custodian bank prior to utilizing that bank's safekeeping services. To be eligible, a bank shall qualify as a depository of public funds in the State of Colorado as defined in CRS 24-75-603 and be a Federal Reserve member financial institution.

Custodian banks will be selected on the basis of their ability to provide service to the City's account and the competitive pricing of their safekeeping related services. The City's designated custodian bank is set forth in Appendix IV of this Investment Policy.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. Ownership of all securities shall be perfected in the name of the City, and sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investments, except certificates of deposit and local government investment pools purchased by the City shall be delivered by either book entry or physical delivery and will be held in third-party safekeeping by the City's designated custodian bank, its correspondent bank or the Depository Trust Company (DTC).

All Fed wireable book entry securities owned by the City shall be evidenced by a safekeeping receipt or a customer confirmation issued to the City by the custodian bank stating that the securities are held in the Federal Reserve system in a Customer Account for the custodian bank which will name the City as "customer."

All DTC eligible securities shall be held in the custodian bank's Depository Trust Company (DTC) participant account and the custodian bank shall issue a safekeeping receipt evidencing that the securities are held for the City as "customer."

All non-book entry (physical delivery) securities shall be held by the custodian bank's correspondent bank and the custodian bank shall issue a safekeeping receipt to the City evidencing that the securities are held by the correspondent bank for the City as "customer."

The City's custodian will be required to furnish the City with a monthly report of securities held as well as an account analysis report of monthly securities activity.

PROVISIONS FOR ARBITRAGE

The City periodically issues debt obligations which are subject to the provisions of the Tax Reform Act of 1986 (section 148F), Arbitrage Rebate Regulations. Due to the legal complexities of arbitrage law and the necessary immunization of yield levels, the procedures undertaken in the reinvestment of all or a portion of the proceeds of such debt issuance may extend beyond those outlined in this Investment Policy. The Director, upon advice from Bond Counsel and financial advisors, may alter provisions of this Investment Policy for arbitrage related investments as may be necessary to conform with federal arbitrage regulations. In all cases, however, investments will be in compliance with Colorado Revised Statutes. This section is only applicable to City funds subject to arbitrage restrictions.

REPORTING

An investment report shall be prepared, at least on a monthly basis, listing the investments held by the City, the current market valuation of the investments and performance results. The monthly investment report shall be submitted in a timely manner to the City Manager and the City Council. A record shall be maintained by the Department of Finance and Administrative Services of all bids and offerings for securities transactions in order to ensure that the City receives competitive pricing.

The City has established reporting and accounting standards for callable U.S. instrumentality securities. Callable securities may be retired at the issuer's option prior to the stated maximum maturity. All securities holding reports for the City shall disclose the stated maturity as well as the first call date of each callable security held. In the case of callable securities which are purchased priced to the first call date and, in the opinion of the Director, have an overwhelming probability of being called on the first call date, weighted average maturity, amortization as well as yield shall be calculated using the first call date. The Director may, however, choose to use a further call date maturity date for reporting purposes when conditions mandate.

PERFORMANCE REVIEW

The Director and the City Manager shall meet at least quarterly to review the portfolio's adherence to appropriate risk levels and to compare the portfolio's total return to the established investment objectives and goals.

The Director shall periodically establish a benchmark yield for the City's investments which shall be equal to the average yield on the U.S. Treasury security which most closely corresponds to the portfolio's actual effective weighted average maturity. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio should be included in the computation of the portfolio's rate of return.

POLICY REVISIONS

This Investment Policy will be reviewed periodically by the Director and may be amended as conditions warrant by the City Manager and the City Council.

Prepared by:

Prepared by:

/s/

/s/

Frank Gryglewicz
Director of Finance and Administrative
Services

Steve Dazzo/ Kevin Engels
Accounting Manager

Approved by City Council
September 17, 1990

Amended by City Council
September 5, 1995

Amended by City Council
December 16, 1991

Amended by City Council
December 15, 1997

Amended by City Council
April 5, 1993

Amended by City Council
February 7, 2000

Amended by City Council
June 20, 2005

Amended by City Council
October 16, 2006

Amended by City Council
November 3, 2008

Amended by City Council
2011

State of Colorado, County of Arapahoe:

I, Loucrishia A. Ellis, City Clerk in and for the City of Englewood, in the State aforesaid, do hereby certify that the foregoing is a full, true and correct copy of the Investment Policy as the same appears upon the records of my office which are in my custody.

Given under by hand and official seal, this _____

/s/

Loucrishia A. Ellis
City Clerk

APPENDIX I

Authorized Personnel

The following persons are authorized to conduct investment transactions and wire transfer funds on behalf of the City of Englewood:

~~Kevin Engels, Accounting Manager~~

~~Steve Dazzo, Accounting Manager~~

Kathy Cassai, Accountant II

~~Kevin Engels, Accountant~~

Christine Hart, Accountant II

Frank Gryglewicz, Director of Finance and Administrative Services

APPENDIX II

Repurchase Agreements

The following firms have executed a City approved Master Repurchase Agreement with the City of Englewood.

Banc of America Securities, LLC
Morgan Stanley DW Inc.

Agreements maintained in separate file.

APPENDIX III

Authorized Broker/Dealers and Financial Institutions

The following firms are approved for investment purposes by the City of Englewood.

Barclays Capital

~~Banc of America Securities, LLC~~

~~Citigroup Global Markets, Inc.~~

~~Fundamental Capital Markets~~ Deutsche Bank Securities Inc.

Goldman, Sachs & Co

Jefferies & Company, Inc.

J.P. Morgan Securities Inc.

Merrill Lynch, Pierce, Fenner & Smith Inc

~~Merrill Lynch~~

Mizuho Securities USA Inc.

Morgan Keegan & Company, Inc.

Morgan Stanley Smith Barney – Citigroup Global Markets platform

Morgan Stanley Smith Barney – Morgan Stanley platform

RBC Capital Markets Corporation

UBS Financial Services Inc.

Wunderlich Securities, Inc.

APPENDIX IV

Designated Custodial Banks

The following bank is authorized as the designated custodial bank for the City of Englewood:

Wells Fargo Institutional Retirement and Trust
Bank, NA
Northstar East Building
1740 Broadway
MAC# C7300-105
Denver, CO 80274608 Second Ave., 8th Floor
Minneapolis, MN 55479

CITIZENS OF THE YEAR

1990	Beverly Simon (deceased)
1991	Dorothy Romans (deceased)
1992	Roy and Ethel Altenbach (deceased)
1993	Horsecar Committee Gil Eggleston (deceased) Virginia Johnson (deceased) Arthur Kulp (deceased) Eugene Otis Helen Perrin (deceased) Dudley Pitchford (deceased) Packy Romans (deceased) Frank & Gladys Remes (deceased) Orris Saunders (deceased) Dr. and Mrs. John Simon (deceased) Jim Taylor (deceased) Kells Waggoner Dorothy Dalquist Chuck Grimes Tom Munds
1994	Jess Gerardi
1995	Frank (deceased) & Gladys Remes
1996	Austin Gomes
1997	Jim Taylor (deceased)
1998	George and Perkie Allen
1999	Dori Nazarene (deceased)
2000	Harold Rust (deceased)
2001	Milton and Bernice Senti (deceased)
2002	Gene and Vera Snyder (Gene is deceased)
2003	Citizen of the Century – Charles R. Allen (deceased)
2004	Selwyn Hewitt
2005	Orris Saunders (deceased)
2006	Judy Cain and the late Jim Cain
2007	Nancy Peterson
2008	Olga Wolosyn (deceased)
2009	Eugene Otis
2010	Roscoe Davidson
2011	Marty Mosman
2012	Tom Burns