

CITY OF LEADVILLE, COLORADO
Ordinance No. 3
Series of 2021

**AN ORDINANCE AMENDING CHAPTER 3.08 OF THE
LEADVILLE MUNICIPAL CODE TO ADD A NEW SECTION
3.08.030 CONCERNING LONG-TERM LEASES**

WHEREAS, the City Council of the City of Leadville (“City Council”) possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville; and

WHEREAS, C.R.S. § 31-15-801 authorizes the City to enter into long-term leases, including lease-purchase agreements, to acquire property such as buildings and equipment for governmental or proprietary purposes; and

WHEREAS, such long-term leases authorized pursuant to C.R.S. § 31-15-801 must be approved by ordinance; and

WHEREAS, State law does not define what constitutes a long-term lease under C.R.S. § 31-15-801; and

WHEREAS, the City desires to adopt a reasonable definition of the term *long-term lease* in the Leadville Municipal Code to eliminate the ambiguity caused by the lack of definition in state law and allow City procurement operations to operate efficiently; and

WHEREAS, City Council desires to amend Chapter 3.08, regarding procurement, to add a new Section 3.08.030 defining *long-term lease*; and

WHEREAS, the City Council finds that this Ordinance in the best interest of public health, safety and welfare.

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

Section 1. **Recitals.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. **Section 3.08.030 Added.** Chapter 3.08 of the Leadville Municipal Code is hereby amended to add a new Section 3.08.030, titled “Long-Term Leases,” to read as follows:

3.08.030 – Long-Term Leases.

- A. The City is authorized by Section 31-15-801, C.R.S., to acquire buildings, equipment, and other property by entering into a long-term lease, including a long-term lease with the option to purchase and acquire title to such leased property, through the adoption of an ordinance by City Council.
- B. For the purpose of procuring vehicles and other equipment by the City, *long-term lease* shall mean any lease or rental agreement, including lease-purchase agreements, with a term of more than five (5) years. City Council shall approve all such long-term leases by ordinance.
- C. Leases or rental agreements, including lease-purchase agreements, for the City's procurement of vehicles and other equipment with a term of five (5) years or less may be authorized by resolution of the City Council, if and as required, in accordance with the City's adopted purchasing policy in effect at the time of approval of the lease.
- D. This section does not apply to leases or rental agreements involving real estate, including real estate owned by the City.

Section 3. Remaining Provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code shall continue in full force and effect.

Section 4. Codification Amendments. The codifier of Leadville's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Leadville Municipal Code.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

Section 7. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Leadville, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 8. Effective Date. This ordinance shall become effective thirty (30) days after publication following final passage.

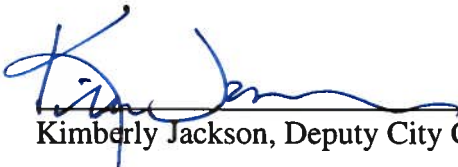
INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 2nd day February, 2021.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:

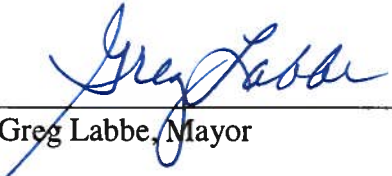


Kimberly Jackson, Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on this 2nd day of March, 2021.

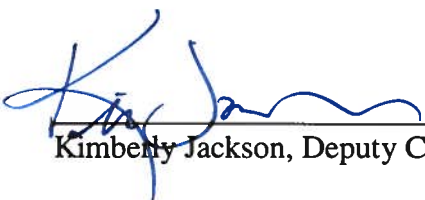
PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 2nd day of March, 2021.

CITY OF LEADVILLE, COLORADO:



Greg Labbe, Mayor

ATTEST:



Kimberly Jackson, Deputy City Clerk

PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 18th day of March, 2020.