

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1848
Series of 2015

Series of 2015

A BILL FOR AN ORDINANCE AMENDING SECTION 3-7-12 OF THE NORTHGLENN MUNICIPAL CODE REGARDING THE TIME AND BASIS FOR SEEKING A REHEARING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 3-7-12 of the Northglenn Municipal Code is amended to read as follows:

Section 3-7-12. Time for Rehearing or Appeal.

(a) Except as otherwise provided by ordinance or by law, an application for rehearing shall be made:

(1) Within the time fixed by the agency at the time of announcement of the decision; or

(2) Within ten (10) days after the decision.

(b) Except as otherwise provided by ordinance or by law, an appeal from a decision shall be commenced by filing with the agency, within ten (10) days after the decision, a notice of appeal, SUBJECT TO THE FOLLOWING LIMITATIONS:

(1) THIS SECTION 3-7-12 SHALL NOT CREATE A SUBSTANTIVE RIGHT TO APPEAL EXCEPT AS PROVIDED IN SUBSECTION (b)(2);

(2) UNLESS OTHERWISE PROVIDED BY ORDINANCE, STATUTE, LAW OR RULE, AN APPLICANT MAY NOT APPEAL A DETERMINATION BY THE AGENCY UNLESS:

(A) APPLICANT IDENTIFIES WITH PARTICULARITY AN ERROR OF LAW MADE BY THE AGENCY; OR

(B) APPLICANT IDENTIFIES WITH PARTICULARITY NEWLY DISCOVERED MATERIAL EVIDENCE THAT THE APPLICANT COULD NOT, WITH REASONABLE DILIGENCE, HAVE DISCOVERED AND PRODUCED AT THE ORIGINAL HEARING.

(c) The provisions of this section relating to time are procedural and shall not be construed to create or confer any right to rehearing or appeal nor to affect any right to rehearing or appeal otherwise provided by ordinance, statute, law or rule.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2015.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2015.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney