

## ORDINANCE NO. 2137

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, AMENDING CHAPTER 8.25, ADMINISTRATIVE CITATIONS OF THE GOLDEN MUNICIPAL CODE, PERTAINING TO PLANNING AND ZONING VIOLATIONS

WHEREAS, the City of Golden (“City”) desires to broaden its enforcement options concerning the rules and regulations set forth in Title 18, Planning and Zoning, of the Golden Municipal Code to include the issuance of administrative citations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:<sup>1</sup>

Section 1. Section 8.25.010, Administrative citations, of the Golden Municipal Code is amended to read as follows:

This chapter provides for administrative penalties that may be imposed for violation of parking offenses as set forth in Part 12 of the Model Traffic Code, 2010 revised edition, as adopted by the city; specific nuisances including litter prohibited, prohibition of scattering gravel mud and dirt on streets and roads, and camping on public property as set forth in chapter 5.01 of the Code, container required (trash) as set forth in chapter 5.03 of the Code, removal required (weeds) as set forth in chapter 5.05 of the Code, pruning, corner clearances (trees, shrubs and bushes) as set forth in chapter 5.06 of the Code, hobby repair work (vehicles) as set forth in chapter 5.07 of the Code, noise prohibited, restrictions amplified outdoor music, exhaust and muffler restrictions, and use of sirens, red light restriction as set forth in chapter 5.15 of the Code, cultivation regulations and operational regulations (marijuana) as set forth in chapter 5.19 of the Code, rabies control, reporting animal bites, confinement-quarantine, license required, running at large prohibited, incompetent control prohibited, cats reasonable control, disturbing the peace, confinement during estrus, removal of animal excrement, animal scattering trash, livestock fencing requirement, horses prohibited, and picketing on public property as set forth in title 7 of the Code, consumption regulated (alcohol open container), underage persons tobacco restriction and prohibitions, possession of marijuana, possession of open container marijuana, and possession, manufacture, sale or delivery of drug paraphernalia as set forth in chapter 8.04 of the Code, the park and recreation facility rules as set forth in chapter 8.30 of the Code, permit required and permit restrictions as set forth in chapter 10.90 of the Code and as otherwise specified in the Code, the rules, orders and regulations issued by the city manager pursuant to section 2.08.110 of the Code, which are deemed reasonably necessary for the administration, protection and maintenance of any public property or buildings belonging to or under control of the city, ~~and the~~ stormwater quality regulations, requirements, and prohibitions set forth in chapter 13.30 of the Code, ~~and the requirements, rules and prohibitions set forth in title 18 of the Code.~~

Section 2. Section 8.25.120, Penalties assessed, of the Golden Municipal Code is amended to read as follows:

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<sup>1</sup> Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strikethrough~~.

- (a) Except as set forth in subsection (d) herein, the penalty for violation of the ordinances, rules, orders and regulations shall be established by the city manager, but shall not exceed the following amount regardless of the number of violations per citation, as follows:
  - (1) First administrative citation: \$50.00.
  - (2) Second administrative citation: \$100.00.
  - (3) Third or subsequent administrative citation(s): \$150.00.
- (b) Payment of the penalty shall not bar further enforcement action by the city.
- (c) All penalties assessed shall be payable to the city.
- (d) Penalties for violations of the regulations, requirements and prohibitions set forth in chapter 13.30 of the Code shall be ~~punished by~~ subject to a fine not exceeding \$1,000 per violation.
- (e) Penalties for violation of the regulations, requirements, and prohibitions set forth in title 18 of the Code shall be subject to a fine not exceeding \$500 per violation.

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of health, welfare and safety of the community.

Section 7. Violations of this ordinance shall be punishable as set forth in Section 1.01.110 of the Golden Municipal Code.

Introduced, read, passed and ordered published this 30<sup>th</sup> day of April, 2020.

Passed and adopted upon second reading and ordered published this 14<sup>th</sup> day of May, 2020.

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Laura M. Weinberg, Mayor

ATTEST:

APPROVED AS TO FORM:

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Monica S. Mendoza, CMC, City Clerk

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David S. Williamson, City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 30<sup>th</sup> day of April, 2020 and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held on the 14<sup>th</sup> day of May, 2020, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published in the aforesaid newspaper, as the law directs on the 14<sup>th</sup> day of May, 2020.

Witness my hand and official seal of the City of Golden, Colorado, on the 14<sup>th</sup> day of May, 2020.

(SEAL)

ATTEST:

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Monica S. Mendoza, CMC  
City Clerk of the City of Golden, Colorado