

## ORDINANCE NO. 2205

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, AMENDING CHAPTER 4.90 OF THE GOLDEN MUNICIPAL CODE REGARDING PUBLIC SALES AND DISPLAY PERMITS AND OUTDOOR SEATING AND SERVICE PERMITS

WHEREAS, the City of Golden (“City”) is a home rule municipal corporation created and organized pursuant to Article 20 of the Colorado Constitution and the Home Rule Charter of the City of Golden (“Charter”); and

WHEREAS, pursuant to Section 2.2 of the Charter and Section 2.08.010 of the Golden Municipal Code (“Code”), the City possesses all the powers, functions, rights, and privileges in the operation of a municipality except those expressly forbidden to home rule municipal cities by the constitution or statute, and the City Council is the body of final responsibility in all matters affecting the city; and

WHEREAS, by virtue of Article 20 of the Colorado Constitution, and as further authorized by state law, including, but not limited to, Section 31-15-702 of the Colorado Revised Statutes, the City has broad authority to exercise its police powers to regulate the use of City streets, sidewalks, and alleys, to regulate traffic and sales upon City streets and sidewalks, and to do all acts that may be necessary or expedient for the promotion of business in the downtown area; and

WHEREAS, the City of Golden previously enacted Ordinance No. 2151, which created a permitting program for outdoor seating, sales, service, and display on downtown public sidewalks and downtown public parking lanes; and

WHEREAS, the City Council now desires to restrict the use of downtown public parking lanes for outdoor seating and service only by creating a separate Outdoor Dining and Service Permit; and

WHEREAS, the City Council finds that all of the above changes are consistent with its desire to promote health, safety, and welfare as well as to promote the success of local businesses and the vitality of the downtown area.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Chapter 4.90, Public Sidewalk Sales and Display Permits, is hereby retitled to read: “Public Sales and Display Permits and Outdoor Seating and Service Permits.”

Section 2. Section 4.90.020, Definitions, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strike through~~:

#### **Sec. 4.90.020. Definitions.**

The following terms used in the chapter have the following meanings, unless the context clearly indicates otherwise:

\* \* \*

Sidewalk shall mean the portion of a public right-of-way that is designed and intended for pedestrian access and use.

~~Sidewalk shall have the same meaning as set forth in the Golden Municipal Code, section 11.08.020.~~

\* \* \*

Section 3. Section 4.90.030, Use of Sidewalks Prohibited, is hereby repealed in its entirety, and reenacted to read as follows:

**Sec. 4.90.030. Use of Sidewalks Prohibited.**

- (a) Except as provided in Section 4.90.040, it shall be unlawful to provide or display for sale any goods on a public sidewalk.
- (b) It shall be unlawful to sell or display any goods or services, provide any outdoor seating or to provide services, or construct any building, building extension, kiosk, or structure on a public sidewalk without a Public Sidewalk and Display Permit under this chapter.

Section 4. Chapter 4.90 of the Golden Municipal Code is hereby amended with the addition of a new Section 4.90.035 entitled, "Use of Parking Lanes Prohibited" to read as follows:

**Sec. 4.90.035. Use of Parking Lanes Prohibited.**

- (a) Except as provided in Section 4.90.040, it shall be unlawful to provide or display for sale any goods in any parking lane.
- (b) It shall be unlawful to provide any outdoor seating or to provide services, or construct any building, building extension, kiosk, or structure in a public parking lane for the purpose of providing outdoor seating or services without an Outdoor Seating and Service Parking Lane Permit issued under this chapter.

Section 5. Section 4.90.040, Uses Allowed Without Permits, is hereby amended to read as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

**Sec. 4.90.040. Uses Allowed Without Permits.**

The following uses are allowed without a permit, provided the use does not constitute a hazard to public safety or property, prevent the free flow of pedestrian traffic, or violate other provisions of the Golden Municipal Code:

\* \* \*

- (e) Limited display of items offered for sale by the adjacent retail establishment, and only when ~~in conformance with the minimum clearances listed in subsection 4.90.060(e) such uses do not~~ to exceed one square foot of display area for each one linear foot of store frontage on a street, provided that the maximum display area for any store will be 50 square feet ~~and do not unreasonably restrict or obstruct the flow of pedestrian traffic on the sidewalk or vehicular traffic in the right-of-way, and. The following minimum clearances must be maintained; however, greater clearances may be required if the nature and extent of pedestrian traffic warrants:~~

- (1) Six (6) feet from the permitted area to any fire hydrant, tree grate, light fixture, traffic signal or sign, street curbing, or any other fixed obstruction which is over one foot in height.
- (2) The minimum clearance between the permitted area and any sidewalk level tree grate may be reduced to five feet for all rights-of-way except Washington Avenue.

The above minimum clearances may be waived by City staff when processing the application if good cause is shown by applicant for why the applicant cannot satisfy the above minimum criteria.

Section 6. Section 4.90.050, Application Procedures, is hereby repealed in its entirety, and reenacted with a new title to read “Application Procedures for a Public Sidewalk and Display Permit” to read as follows:

**Sec. 4.90.050. Application Procedures for a Public Sidewalk and Display Permit.**

- (a) An application for a Public Sidewalk and Display Permit shall be filed with the Director of Community Development, and shall be accompanied by the following:
- (1) A nonrefundable application fee as established by City Council resolution.
  - (2) Written consent and authorization by all owners of the property with frontage along or abutting the portion of sidewalk which is the subject of the application.
  - (3) A site plan of the proposed permitting area detailing the nature, extent, and design of the sales, service, or display area. The site plan shall include all building extensions, fencing, railing, fixtures, tables, chairs, or other facilities to be located in the permitted area. If the site plan for the proposed permitted area is such that alterations or modifications to existing or planned landscaping and public improvement adjacent to the area are anticipated or required, the site plan shall include those alterations and modifications and the estimated costs thereof.
  - (4) The type of goods or services that will be sold or displayed in the permitted area, and the anticipated hours of operation.

- (b) Applications for a Public Sidewalk and Display Permit shall be reviewed by the city manager and appropriate staff including, but not limited to, police, fire department, community development, and public works.
- (c) In considering the application for a Public Sidewalk and Display Permit, the city manager shall consider the following factors:
  - (1) Compliance and ability to comply with the conditions and requirements as set out in this chapter.
  - (2) The impact that issuing the permit will have on the flow of pedestrian traffic, flow of vehicular traffic in adjacent or nearby rights-of-way, and availability of parking.
  - (3) The impact that issuing the permit will have on the provision of public utilities and other municipal services which utilize the right-of-way.
  - (4) Architectural compatibility of any proposed structures, railing, kiosk or a building extension with the building and surrounding area.
  - (5) Compatibility of the use of the permit within the public realm and surrounding area.
- (d) Any proposal to construct, erect or install a permanent structure in the city right-of-way, or a proposal that would permanently eliminate or remove parking in the city right-of-way, shall be transmitted to city council for review and action.

Section 7. Chapter 4.90 of the Golden Municipal Code is hereby amended with the addition of a new Section 4.90.055 entitled, “Application Procedures for an Outdoor Seating and Service Permit” to read as follows:

**Sec. 4.90.055. Application Procedures for an Outdoor Seating and Service Permit.**

- (a) An application for an Outdoor Seating and Service Permit shall be filed with the Director of Community Development, and shall be accompanied by the following:
  - (1) A nonrefundable application fee as established by City Council resolution.
  - (2) Written consent and authorization by all owners of the property with frontage along or abutting the parking lane which is the subject of the application.
  - (3) A site plan of the proposed permitting area detailing the nature, extent, and design of the outdoor dining and service area. The site plan shall include all building extensions, fencing, railing, fixtures, tables, chairs or other facilities to be located in the permitted area. If the site plan for the proposed permitted area is such that alterations or modifications to existing or planned landscaping and public improvement adjacent to the area are anticipated or required, the site plan shall include those alterations and modifications and the estimated costs thereof.

- (4) The type of services that will be sold in the permitted area, and the anticipated hours of operation.
- (b) Applications for an Outdoor Seating and Service Permit shall be reviewed by the city manager and appropriate staff including, but not limited to, police, fire department, community development, and public works.
- (c) In considering the application for an Outdoor Seating and Service Permit, the city manager shall consider the following factors:
  - (1) Compliance and ability to comply with the conditions and requirements as set out in this chapter.
  - (2) The impact that issuing the permit will have on the flow of pedestrian traffic, flow of vehicular traffic in adjacent or nearby rights-of-way, and availability of parking.
  - (3) The impact that issuing the permit will have on the provision of public utilities and other municipal services which utilize the right-of-way.
  - (4) Architectural compatibility of any proposed structures, kiosk or a building extension with the building and surrounding area.
  - (5) Compatibility of the use of the permit within the public realm and surrounding area.
- (d) Any proposal to construct, erect or install a permanent structure in the city right-of-way, or a proposal that would permanently eliminate or remove parking in the city right-of-way, shall be transmitted to city council for review and action.

Section 8. Section 4.90.060, Requirements and Conditions, is hereby repealed in its entirety and reenacted with a new title, “Requirements and Conditions of a Public Sidewalk and Display Permit” to read as follows:

**Sec. 4.90.060. Requirements and Conditions of a Public Sidewalk and Display Permit.**

- (a) A Public Sidewalk and Display Permit shall only be available in the C2 (general commercial) zone district.
- (b) If a Public Sidewalk and Display Permit is requested for an area that is not immediately adjacent to a business associated with the sale of the food and beverages, the issuance of the Public Sidewalk and Display Permit shall include the right to transport food and beverages over the right-of-way to the permitted area where sales, service, and consumption are allowed provided that such transport does not involve transferring an area where motorized traffic is allowed and can be accomplished without unreasonably interfering with the flow of pedestrian traffic. Sale of alcohol in the permitted area requires the licensed premises to be modified to include the outdoor seating area, in accordance with state and local law.

- (c) The existence of the permitted area and obstructions therein shall not unreasonably restrict or obstruct the flow of pedestrian traffic on the sidewalk or vehicular traffic in the right-of-way. The following minimum clearances must be maintained; however, greater clearances may be required if the nature and extent of pedestrian traffic warrants:
  - (3) Six (6) feet from the permitted area to any fire hydrant, tree grate, light fixture, traffic signal or sign, street curbing, or any other fixed obstruction which is over one foot in height.
  - (4) The minimum clearance between the permitted area and any sidewalk level tree grate may be reduced to five feet for all rights-of-way except Washington Avenue.

The above minimum clearances may be waived by City staff when processing the application if good cause is shown by applicant for why the applicant cannot satisfy the above minimum criteria.

- (d) If the requested permit necessitates modifications or alterations to existing, or planned, public right-of-way improvements or landscaping, the full cost of such modifications or alterations shall be the responsibility of the permittee. The city may require the permittee to install such modifications or alterations, or at the city's option, require that a cash contribution be made by the permittee in an amount equal to the estimated cost, as determined by city staff, of completing the alteration or modification. If the requested permit necessitates the elimination of existing or planned parking spaces, the city may require the permit applicant to make a payment to the city, in an amount determined by city staff, to offset the cost of acquisition and upkeep of off-street parking to replace those parking spaces eliminated by reason of the issuance of the permit. If the permit application would require such modifications or alternations, the city council may enter into a separate agreement with the permit applicant regarding the installation of such modifications or payment and additional terms as may be deemed necessary. Payments required to offset the cost of acquisition of public parking spaces may, at the option of the city, be allowed in annual payments over a period not to exceed three years. The installation of improvements or payment of costs and expenses by virtue ~~if~~ of this section or any agreement entered into as a result of this section shall not confer upon the permit holder any rights in excess of those in otherwise associated with the granting of a sidewalk sales and display permit or as set forth in the agreement. In the event of the nonrenewal, termination, cancellation or revocation of a permit, the permittee shall not be entitled to a refund of any cost or expenses expended under the provisions of this paragraph.
- (e) The construction of any kiosk or building extension shall be completed within the time period established in the permit.
- (f) All building extensions, kiosks, or other obstructions existing by virtue of the permit shall be illuminated as necessary, in compliance with the City's Municipal Code, to ensure public safety during hours of operation and non-operation from dusk to sunrise.

- (g) All permittees shall be responsible for maintaining the area within ten (10) feet of the permitted area boundary in a neat, clean and hazard free condition, including the disposal of all trash.
- (h) The holder of a Public Sidewalk and Display Permit shall indemnify, defend, and save harmless the city, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the permitted use. The holder of the permit shall maintain during the period of the permit comprehensive general public liability and property damage insurance with limits which equal or exceed the maximum liability which may be imposed by virtue of the Colorado Governmental Immunity Act. The policy shall name the city, its officers, employees and agents as insurance and no other insurance maintained by the city will be called upon to contribute to a loss covered by the policy. A certificate of insurance reflecting compliance with this section shall be presented to the city prior to issuance of a permit, with updates presented prior to permit renewal requests.
- (i) The annual fee for a Public Sidewalk and Display Permit issued under this chapter shall be as established by City Council resolution.
- (j) The issuance of a Public Sidewalk and Display Permit pursuant to this section shall not relieve the permittee from compliance with other provisions of the Golden Municipal Code as may be applicable, including but not limited to building codes, fire codes, public safety codes, business license provisions, zoning codes, health department regulations or liquor code requirements. The permittee must also comply with the fire code, which requires access for fire trucks including at least twenty (20) feet fire lane being kept clear of merchandise, vehicles, and other obstructions.
- (k) The issuance of a Public Sidewalk and Display Permit pursuant to this section shall not relieve the permittee from compliance with other provisions of state and federal law, including the Americans with Disabilities Act, as amended.
- (l) The permitted area shall be used only in a manner consistent with the site plan and materials which are submitted with the application.
- (m) A Public Sidewalk and Display Permit issued under this chapter may contain conditions of operation or other special conditions that the city manager or city council, as applicable, determines are necessary to minimize impacts to the flow of pedestrian traffic on the sidewalk or public right-of-way, the flow of vehicular traffic in adjacent or nearby rights-of-way, to minimize impacts to parking, to mitigate the effects of the public health emergency, to protect the health, safety, welfare of persons or property within the City of Golden, or to preserve the public peace.
- (n) Temporary signs located for wayfinding, traffic control, and posting of site regulations is permissible without a permit so long as such sign locations do not block lines of site or emergency access to the site. No temporary signs may be adhered to barriers or installed permanently in the public right-of-way. All temporary signs must comply with City's Municipal Code regulations for signs.

- (o) The permittee must ensure that the permitted area is kept free of litter and rubbish and must maintain additional trash containers, as may be necessary, that are serviced by the permittee to ensure proper disposing of litter and rubbish on a regulate basis.
- (p) The permittee must endeavor to protect the city's water quality by regularly controlling litter, regularly sweeping the permitted area, properly disposing of waste, and ensuring that waste does not enter the street, gutter, or storm drainage inlet. Further, permittees shall ensure that any storm drainage inlets inside the permitted area remain clear.

Section 9. Chapter 4.90 of the Golden Municipal Code is hereby amended with the addition of a new Section 4.90.065 entitled, "Requirements and Conditions of an Outdoor Seating and Service Permit" to read as follows:

**Sec. 4.90.065. Requirements and Conditions for an Outdoor Seating and Service Permit.**

- (a) Outdoor Seating and Service Permits shall be available only in the C2 (general commercial) zone district.
- (b) The use of a parking lane shall be confined to commercially zoned properties in the downtown area, as defined in chapter 18.40 of the Municipal Code. The following conditions shall apply to each permit request:
  - (1) Outdoor Seating and Service Permits in the parking lane shall only be issued for the period between the third Friday in April to the first Tuesday of November in a given year.
  - (2) Fencing or barricades not to exceed four feet in height, and shall be no more than 50 percent opaque, are required to enclose the outdoor seating area within the parking lane.
  - (3) Details related to the use of umbrellas, outdoor heating and lighting and temporary structures, as well as fencing design, shall be regulated and addressed by the permit application process.
- (c) If an Outdoor Seating and Service Permit is requested for an area that is not immediately adjacent to a business associated with the sale of the food and beverages, the issuance of the Outdoor Seating and Service Permit shall include the right to transport food and beverages over the right-of-way to the permitted area where sales, service, and consumption are allowed provided that such transport does not involve transferring an area where motorized traffic is allowed and can be accomplished without unreasonably interfering with the flow of pedestrian traffic. Sale of alcohol in the permitted area requires the licensed premises to be modified to include the outdoor seating area, in accordance with state and local law.
- (d) The existence of the permitted area and obstructions therein shall not unreasonably restrict or obstruct the flow of pedestrian traffic on the sidewalk or vehicular traffic in



the right-of-way. The following minimum clearances must be maintained; however, greater clearances may be required if the nature and extent of pedestrian traffic warrants:

- (1) Six (6) feet from the permitted area to any fire hydrant, tree grate, light fixture, traffic signal or sign, street curbing, or any other fixed obstruction which is over one foot in height.
- (2) The minimum clearance between the permitted area and any sidewalk level tree grate may be reduced to five feet for all rights-of-way except Washington Avenue.

The above minimum clearances may be waived at the sole discretion of City staff when processing the application if good cause is shown by applicant for why the applicant cannot satisfy the above minimum criteria.

- (e) If the requested permit necessitates modifications or alterations to existing, or planned, public right-of-way improvements or landscaping, the full cost of such modifications or alterations shall be the responsibility of the permittee. The city may require the permittee to install such modifications or alterations, or at the city's option, require that a cash contribution be made by the permittee in an amount equal to the estimated cost of completing the alteration or modification. If the requested permit necessitates the elimination of existing or planned parking spaces, the city may require the permit applicant to make a payment to the city to offset the cost of acquisition and upkeep of off-street parking to replace those parking spaces eliminated by reason of the issuance of the permit. Payments required to offset the cost of acquisition of public parking spaces may, at the option of the city, be allowed in annual payments over a period not to exceed three years. The installation of improvements or payment of costs and expenses by virtue of this section shall not confer upon the permit holder any rights in excess of those in otherwise associated with the granting of a sidewalk sales and display permit. In the event of the nonrenewal, termination, cancellation or revocation of a permit, the permittee shall not be entitled to a refund of any cost or expenses expended under the provisions of this paragraph.
- (f) The construction of any kiosk or building extension shall be completed within the time period established in the permit.
- (g) All building extensions, kiosks, or other obstructions existing by virtue of the permit shall be illuminated as necessary to ensure public safety during hours of operation and non-operation from dusk to sunrise.
- (h) All permittees shall be responsible for maintaining the area within ten (10) feet of the permitted area boundary in a neat, clean and hazard free condition, including the disposal of all trash.
- (i) The holder of an Outdoor Seating and Service Permit shall indemnify, defend and save harmless the city, its officers, employees and agents against any and all claims arising from any occurrence occasioned by the permitted use. The holder of the permit shall

maintain during the period of the permit comprehensive general public liability and property damage insurance with limits which equal or exceed the maximum liability which may be imposed by virtue of the Colorado Governmental Immunity Act. The policy shall name the city, its officers, employees and agents as insurance and no other insurance maintained by the city will be called upon to contribute to a loss covered by the policy. A certificate of insurance reflecting compliance with this section shall be presented to the city prior to issuance of a permit, with updates presented prior to permit renewal requests.

- (j) The annual fee for an Outdoor Seating and Service Permit issued under this chapter shall be established by City Council by resolution, provided that in 2023 the total permit fee shall not exceed \$2,050.00.
- (k) The issuance of an Outdoor Seating and Service Permit pursuant to this section shall not relieve the permittee from compliance with other provisions of the Golden Municipal Code as may be applicable, including but not limited to building codes, business license provisions, zoning codes, health department regulations or liquor code requirements.
- (l) The issuance of an Outdoor Seating and Service Permit pursuant to this section shall not relieve the permittee from compliance with other provisions of state and federal law, including the Americans with Disabilities Act, as amended.
- (m) The permitted area shall be used only in a manner consistent with the site plan and materials which are submitted with the application.
- (n) An Outdoor Seating and Service Permit issued under this chapter may contain conditions of operation or other special conditions that the city manager or city council, as applicable, determines are necessary to minimize impacts to the flow of pedestrian traffic on the sidewalk or public right-of-way, the flow of vehicular traffic in adjacent or nearby rights-of-way, to minimize impacts to parking, to mitigate the effects of the public health emergency, to protect the health, safety, welfare of persons or property within the City of Golden, or to preserve the public peace.

Section 10. Section 4.90.070, Permit Periods, Renewals, Assignment, and Termination, is hereby repealed in its entirety and reenacted with a new title, “Public Sidewalk and Display Permit Periods, Renewals, Assignment, and Termination” to read as follows:

**Sec. 4.90.070. Public Sidewalk and Display Permit Periods, Renewals, Assignment, and Termination.**

- (a) A Public Sidewalk and Display Permit issued pursuant to this Chapter shall be valid for a period of 12 months from date of issuance.
- (b) After the initial permit period, the city manager may renew the permit for an additional twelve (12) month period, provided that the permittee, at least 30 days prior to the expiration of the permit, makes a written request for renewal and pays the application fee. In deciding whether to renew the permit, the city manager shall consider the factors set out in subsection 4.90.050(c) of this chapter.

- (c) The city manager may terminate any Public Sidewalk and Display Permit issued under this Chapter, with or without cause, by providing the permittee 30 days' written notice.
  - (1) In the event of a termination without cause, a pro rata share of the annual fee shall be refunded to the permittee. Cause for termination shall include a violation of any provision of the conditions or requirements of the permit, or of any other provision of the Golden Municipal Code, the laws of the State of Colorado or the United States.
  - (2) The city manager may order the immediate termination of a Public Sidewalk and Display Permit issued under this chapter if the city manager determines that continuation of the permit presents an immediate threat to the health, safety or welfare of the citizens of Golden.
  - (3) The permittee shall not be entitled to the return of any of its expenses or costs incurred other than the pro rata annual fee if the termination is without cause.
- (d) Public Sidewalk and Display Permits issued pursuant to this Chapter shall not be assignable or transferable without the prior written consent of the city manager.
- (e) Upon termination of any Public Sidewalk and Display Permit issued under this chapter, whether said termination is by a virtue of expiration of the permit period, by notice from the city manager, or otherwise, the permittee shall remove all structures or improvements from the permit area and restore the permit area to its condition existing prior to issuance of the permit within three (3) days of termination.

Section 11. Chapter 4.90 of the Golden Municipal Code is hereby amended with the addition of a new Section 4.90.075 entitled, "Outdoor Seating and Service Permit Periods, Renewals, Assignment, and Termination" to read as follows:

**Outdoor Seating and Service Permit Periods, Renewals, Assignment, and Termination.**

- (a) An Outdoor Seating and Service Permit issued pursuant to this Chapter shall be valid for a period of the third Friday in April to the first Tuesday in November in a given year.
- (b) An Outdoor Seating and Service Permit may be renewed for an additional period of the third Friday in April to the first Tuesday in November by filing a renewal application, including paying the application fee, by March 15 in the year following the issuance of the first Outdoor Seating and Service Permit. In deciding whether to renew the permit, the city manager shall consider the factors set out in subsection 4.90.055(c) of this chapter.

- (c) The city manager may terminate any Outdoor Seating and Service Permit issued under this Chapter, with or without cause, by providing the permittee 30 days' written notice.
  - (1) In the event of a termination without cause, a pro rata share of the annual fee shall be refunded to the permittee. Cause for termination shall include a violation of any provision of the conditions or requirements of the permit, or of any other provision of the Golden Municipal Code, the laws of the State of Colorado or the United States.
  - (2) The city manager may order the immediate termination of a Public Sidewalk and Display Permit issued under this chapter if the city manager determines that continuation of the permit presents an immediate threat to the health, safety or welfare of the citizens of Golden.
  - (3) The permittee shall not be entitled to the return of any of its expenses or costs incurred other than the pro rata annual fee if the termination is without cause.
- (d) Outdoor Seating and Service Permits issued pursuant to this Chapter shall not be assignable or transferable without the prior written consent of the city manager.
- (e) Upon termination of any Outdoor Seating and Service Permit issued under this chapter, whether said termination is by a virtue of expiration of the permit period, by notice from the city manager, or otherwise, the permittee shall remove all structures or improvements from the permit area and restore the permit area to its condition existing prior to issuance of the permit within three (3) days of termination.

Section 12. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision will 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 13. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 14. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 15. 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 16. This ordinance shall become effective five (5) days after publication following final passage in accordance with Section 5.9 of the Charter for the City of Golden, Colorado.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, THE 28<sup>th</sup> DAY OF MARCH, 2023.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, THE 11<sup>th</sup> DAY OF APRIL, 2023.

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Laura M. Weinberg, Mayor

ATTEST:

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Monica Mendoza, City Clerk

APPROVED AS TO FORM:

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Kathie B. Guckenberger, 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 28<sup>th</sup> day of March, 2023 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 11<sup>th</sup> day of April, 2023, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 11<sup>th</sup> day of April, 2023.

Witness my hand and official seal of the City of Golden, Colorado, on the 11<sup>th</sup> day of April, 2023.



ATTEST:

**MONICA S. MENDOZA**

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