SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

NO. CB-1868
Series of 2016

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

A PUBLIC HEARING WILL BE HELD ON CB-1868, SERIES OF 2016, ENTITLED "A BILL FOR AN ORDINANCE AMENDING THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW SECTION 9-4-14 PROHIBITING SITTING OR LYING DOWN ON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN DESIGNATED AREAS" JULY 11, 2016 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 27th day of June, 2016.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

AFFIDAVIT OF POSTING:

I, Johanna Small, certify that CB-1868 was posted at the authorized posting places in the City of Northglenn this 5th day of July, 2016.

City Clerk's Office

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1868
Series of 2016

Series of 2016

A BILL FOR AN ORDINANCE AMENDING THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW SECTION 9-4-14 PROHIBITING SITTING OR LYING DOWN ON PUBLIC SIDEWALKS AND RIGHTS-OF-WAY IN DESIGNATED AREAS

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

Section 1. The Northglenn Municipal Code is amended by the addition thereto of a new Section 9-4-14 to read as follows:

Section 9-4-14. Sitting or Lying Down in Designated Areas.

(a) Legislative Findings. The City Council finds and determines that intentionally blocking, obstructing or interfering with the safe or free passage of a pedestrian or vehicle by any means in high traffic areas, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact is a public safety concern without regard to the speech of the individual who is intentionally blocking, obstructing or interfering with the safe or free passage of a pedestrian or vehicle, and that such conduct should be regulated to address the public safety concerns caused by individuals taking evasive action to avoid such contact.

(b) Unlawful. In all non-residential districts and at all signalized intersections within residential districts, as the same are designated by the City of Northglenn Zoning Ordinance, it shall be unlawful for any person to sit, kneel, recline or lie down upon the surface of any public right-of-way, or upon any bedding, chair, stool, or any other object placed upon the surface of the public right-of-way, between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m. daily and between the hours of ten o'clock (10:00) p.m. and three o'clock (3:00) a.m. on Friday and Saturday nights.

(c) Definitions. For the purposes of this section, the term below shall have the following meaning:

"Public right-of-way" means any street, sidewalk, trail, path alley, parkway, curb, median, jersey wall, traffic island or any other publicly owned property intended or used for pedestrian, recreational or vehicular travel.

(d) Defense: It is an affirmative defense to a violation of this section that a person:

(1) Sits, kneels, reclines or lies down upon the public right-of-way due to a medical emergency.

(2) As a result of a medically confirmable disability, utilizes a wheelchair, walker or other similar mobility supporting device to move about the public right-of-way.

(3) Is operating or patronizing a commercial establishment located in the public right-of-way pursuant to any permit or license issued by the City.

(4) Sits or kneels on the public right-of-way when attending a parade, festival, performance, rally, demonstration, meeting or similar special event conducted in the public right-of-way pursuant to any permit or license issued by the City.

(5) Sits upon an object intended for sitting in the public right-of-way furnished by the City or by any other public agency.

(6) Sits upon a public sidewalk at or near a transit stop while waiting for public transportation.

(e) Notification by Law Enforcement. No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this section against any person unless the person engages in conduct prohibited by this section after having first been notified by a law enforcement officer that the conduct violates this section.

(f) Penalties.

(1) Upon a conviction for a first offense for violating this section, the court shall impose a fine of not more than five hundred dollars ($500.00), or a sentence of probation, or both.

(2) Upon a conviction for a second or subsequent offense for violating this section, the court shall impose a fine of not more than five hundred dollars ($500.00), or imprisonment in jail for a period of not more than ninety (90) days, or a sentence of probation, or by a combination of fine, imprisonment, and a sentence of probation.

INTRODUCED, READ AND ORDERED POSTED this 27th day of June, 2016.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2016.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney