



**CITY CLERK'S OFFICE MEMORANDUM**  
**#4-2022**

**DATE:** Jan. 24, 2022

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager 

**FROM:** Johanna Small, City Clerk 

**SUBJECT:** CB-1978 – Gender Neutral Municipal Code Revisions

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**PURPOSE**

To consider CB-1978, an ordinance on second reading amending the Municipal Code to include gender-neutral pronouns and eliminate gender specific language.

**BACKGROUND**

Current social awareness of transgender and gender-nonconforming identities has brought to light the importance of non-binary gender inclusivity. The drafting of legislation and other documents is changing to reflect and support the legal status of transgender persons and non-binary genders. Jurisdictions across the country are making changes related to gender identity and recognize that a change in language is an important step to advance equality and improve inclusion.

Action Item 6.1 of the City's Strategic Plan is to promote diversity, inclusivity, and social equity within the City. Using gender-neutral language promotes inclusivity and aligns with Strategic Priority Area #6 to maintain and celebrate our diverse community.

The Municipal Code was originally written to include masculine pronouns. Staff believes it is both timely and necessary to make the environment of City Hall and the language of City legislation consistent with the principles of inclusion. Removing outdated, gender-specific language is important so that the Code does not reinforce stereotypes and gender bias. Gender-neutral language seeks to eliminate bias and treat all those affected by laws and other government actions equally.

The City Attorney has drafted CB-1978 to degenderize various sections in the City's Municipal Code. The table below contains examples of the gender-neutral language in the proposed ordinance.

Current word(s):	Replace with:
Chairman	Chairperson
Councilman's Bill	Council Member's Bill
Councilmen	Council members
Firemen	Fire personnel
He	The City Manager, the Director, the Mayor, the individual member of Council, the Animal Control Officer, the applicant, the taxpayer, etc.
His	Any person's, their

The proposed Code revisions achieve gender neutrality and do not change the meaning or intent of the Code provisions. In many cases, the revised language includes more specific descriptors, such as the director, the applicant, the taxpayer, etc., which provides more clarity and is less ambiguous.

Language is an instrument that can be used as a tool to oppress, discriminate, and exclude, or it can equally well be used to advance equality. Amending the Municipal Code to include gender-neutral language supports City Council's value of inclusivity and advances gender equality at the local level.

#### **BUDGET/TIME IMPLICATIONS**

City Council approved CB-1978 on first reading at the Jan. 10, 2022 City Council meeting. If CB-1978 is adopted on second reading, the ordinance will take effect five days following publication.

#### **RECOMMENDATION**

Staff recommends approval of CB-1978 on second reading.

#### **STAFF REFERENCE**

If Council members have any questions, please contact Johanna Small, City Clerk, at [jsmall@northglenn.org](mailto:jsmall@northglenn.org) or 303.450.8757.



conferred and imposed upon ~~him~~ THE MAYOR by the Charter or ordinances of the City of Northglenn.

Section 5. The title of Section 2-2-5 and the text of Section 2-2-5 of the Northglenn Municipal Code are hereby amended to read as follows:

**Section 2-2-5. Compensation and Employment of Mayor, Mayor Pro Tem and Councilmen COUNCIL MEMBERS**

(a) The Mayor and the members of the City Council shall be paid an honorarium commensurate with ~~his~~ THEIR present salary. The Mayor shall receive an honorarium in an amount equal of City Council members together with an additional forty percent (40%) and the mayor pro-tem shall receive an additional fifteen percent (15%). City Council may increase the honorarium, in an amount not to exceed ten percent (10%) per term, provided that the honorarium of any member may not be increased or decreased during ~~his~~ THE term of office, nor shall any increase be acted upon or effective within sixty (60) days prior to any general election.

(b) The Mayor and ~~councilmen~~ COUNCIL MEMBERS may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

(c) No ~~council-man~~ COUNCIL MEMBER nor the Mayor shall be appointed City Manager during the term for which ~~he~~ THE INDIVIDUAL MEMBER OF COUNCIL shall have been elected.

Section 6. Section 2-2-7(f) of the Northglenn Municipal Code is hereby amended to read as follows:

(f) A person appointed to fill any vacancy in an elective office shall hold the office for the balance of the unexpired term of ~~his~~ THE predecessor and until ~~his~~ A successor shall be duly qualified.

Section 7. Section 2-2-8 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 2-2-8. Oath of Office.** Before entering upon the duties of ~~his~~-THE RESPECTIVE office, every elective officer shall take, subscribe before, and file with the City Clerk an oath or affirmation that ~~he~~ SUCH OFFICER will support the Constitution of the United States, the Constitution of the State of Colorado, the City Charter and the ordinances of the City, and will faithfully perform the duties of office

Section 8. Section 2-2-10 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 2-2-10. Election and Tenure.** Every officer at a general municipal election shall take office at the first meeting of City Council following certification of election results, and shall hold such office until ~~his~~ A successor is duly qualified.

Section 9. Section 2-3-1, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) The City Manager shall be the chief administrative officer of the City. ~~He~~ THE CITY MANAGER shall have and exercise all the administrative powers vested in the City.

(b) The City Manager shall be selected solely on the basis of ~~his~~ THE CITY MANAGER'S administrative qualifications with special reference to training and experience. The City Manager shall be required to reside within a forty-five (45) minute approximate commuting time of the City limits.

Section 10. Section 2-3-3, subsections (a), (d), (e), and (f) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) The City Manager shall be responsible to the Mayor and the Council for the proper administration of all affairs of the City placed in ~~his~~ THE CITY MANAGER'S charge.

\* \* \*

(d) The City Manager shall have the power to suspect and discipline all officers, department heads and employees whom ~~he~~ THE CITY MANAGER is empowered to appoint, in accordance with personnel rules promulgated by the City Manager and approved by the Council.

(e) Department Heads appointed by the City Manager may be removed by ~~him~~ THE CITY MANAGER at any time for cause, subject to the advice and approval of City Council.

(f) The City Manager shall establish the salary of each of ~~his~~ THE Department Heads subject to the limitations as to the minimum and maximum allowable salary range as Council shall annually set.

Section 11. Section 2-3-4, subsections (c) and (f) of the Northglenn Municipal Code are hereby amended to read as follows:

(c) To issue such administrative regulations and outline such general administrative procedures applicable to areas and departments confided to ~~his~~ THE CITY MANAGER'S supervision, in the form of rules which are not in conflict with the City Charter, laws of this state or the ordinances of the City.

\* \* \*

(f) To recommend to the Council for adoption such measures, resolutions, acts and policies as ~~he~~ THE CITY MANAGER may deem necessary or desirable for the efficient and proper operation of the City and the performance of its functions.

Section 12. Section 2-3-5 of the Northglenn Municipal Code are hereby amended to read as follows:

**Section 2-3-5. Delegation of Authority.**

(a) The City Manager shall have the authority to delegate to a deputy or assistant appointed by ~~him~~ THE CITY MANAGER, to the heads of departments, or to other officers or employees designated by ~~him~~ THE CITY MANAGER, such part of the power and authority vested in ~~him~~ THE CITY MANAGER by City Charter or to this ordinance as ~~he~~ THE CITY MANAGER shall deem necessary and proper, at any time and from time to time.

(b) The City Manager shall have the further authority to delegate any power, jurisdiction or authority vested by City Charter, ordinance or by law in a City officer subordinate to the City Manager, to ~~his~~ A deputy or assistant or to other officers or employees designated by ~~him~~ THE CITY MANAGER, at any time and from time to time.

Section 13. Section 2-3-6(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or ~~his~~ ANY PERSON'S removal from, office by the City Manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City, save and except as set forth in Section 2-3-3(e). The term "**Administrative service**" means and includes every department, officer, function and service for which or for whom the City Manager is responsible under the provisions of this ordinance.

Section 14. Section 2-6-4 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 2-6-4. Duties.** The City Attorney shall be the legal representative of the City and ~~he~~ THE CITY ATTORNEY shall advise the City Council and City officials in matters relating to their official powers and duties and perform such other duties as Council may prescribe by ordinance or resolution.

Section 15. Section 2-11-4(g) of the Northglenn Municipal Code is hereby amended to read as follows:

(g) No city official may vote in ~~his~~ THE CITY OFFICIAL'S capacity as a council member or board member in any matter where the city official has appeared on ~~his~~ THE CITY OFFICIAL'S own behalf.

Section 16. Section 3-1-1 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 3-1-1. Introduction of Bills.**

(a) A proposed ordinance shall be submitted to the City Council in the form of a ~~Councilman's~~ COUNCIL MEMBER'S Bill.

(b) A ~~Councilman's~~ COUNCIL MEMBER'S Bill may be proposed by any member of the City Council, the Mayor, the City Manager, the City Attorney or any officer of the City, but no such bill shall be introduced at a meeting of the City Council unless sponsored by one or more members of the City Council or by the Mayor.

(c) The names of the sponsor of each ~~Councilman's~~ COUNCIL MEMBER'S Bill shall appear on the original bill at the time of introduction.

Section 17. Section 3-3-3, subsections (b) and (f) of the Northglenn Municipal Code are hereby amended to read as follows:

(b) Special meetings shall be called by the City Clerk on the written request of the Mayor or of any two members of the Council, or the City Manager, on at least 24 hours written notice to each member of Council, served personally or at ~~his~~ EACH COUNCIL MEMBER'S usual place of residence, or by any means determined by the Council to provide adequate notice.

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(f) The vote by "yes" or "no" shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council meetings. Every ordinance shall require the affirmative vote of the majority of the entire City Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. No member of the Council shall vote on any question in which ~~he~~ THE COUNCIL MEMBER has a substantial personal or financial interest other than the common public interest or on any question concerning ~~his~~ THE COUNCIL MEMBER'S own conduct, and in those instances the member shall disclose this interest to the Council. On all other questions each member, who is present, shall vote when ~~his~~ THE COUNCIL MEMBER'S name is called. Any member refusing to vote, except when not so required by this paragraph, shall be deemed delinquent in ~~his~~ THE COUNCIL MEMBER'S duties.

Section 18. Section 3-5-3(c) of the Northglenn Municipal Code is hereby amended to read as follows:

(c) Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that ~~he~~ THE CIRCULATOR personally circulated the petition, the number of signatures thereon, that all signatures were affixed in ~~his~~ THE CIRCULATOR'S presence, that ~~he~~ THE CIRCULATOR believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Section 19. Section 3-5-4(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Within ten (10) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intentions to amend it with the Clerk within two (2) days after receiving the copy of ~~his~~ THE CLERK'S certificate and files a supplementary petition upon additional forms within ten (10) days after receiving the copy of such certificate...

Section 20. Section 3-7-1(a)(5)(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time ~~he~~ THE DECLARANT made the statement and intended that the statement should be represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto; or...

Section 21. Section 3-7-6, subsections (a)(1) and (c) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(1) The ~~chairman~~ CHAIRPERSON of the agency;

\* \* \*

(c) No person shall act as a presiding officer in a hearing concerning a matter in which such person or a member of ~~his~~ SUCH PERSON'S family has a personal financial interest.



Section 22. Section 3-7-9(a) of the Northglenn Municipal Code is hereby amended to read as follows:

- (a) Every party to a hearing shall have the right to present ~~his~~ THE PARTY'S case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

Section 23. Section 3-7-14, subsections (a), (b) and (c) of the Northglenn Municipal Code are hereby amended to read as follows:

- (a) A member of an agency shall be disqualified from participation in a hearing or decision concerning a matter in which such person or a member of ~~his~~ SUCH PERSON'S family has a personal financial interest.
- (b) Any member of any agency shall BE DISQUALIFIED ~~disqualify himself~~ from participation in a hearing before the agency if ~~he~~ THE MEMBER has any of the following relationships with a party, other than the City, whose rights or property are or may be affected or determined in such hearing:...
- (c) Any member of an agency who has, toward a party whose rights or property are or may be affected or determined in such hearing, such prejudice, antagonism or other personal relationship that ~~he~~ THE MEMBER could not fairly and impartially hear and determine the case, shall BE DISQUALIFIED ~~disqualify himself~~.

Section 24. Section 3-8-1(2) of the Northglenn Municipal Code is hereby amended to read as follows:

- (2) **"Professional lobbyist"** means any individual who engages ~~himself~~ DIRECTLY, or is engaged by any other person, for remuneration or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any government official or employee acting in ~~his~~ THE PROFESSIONAL LOBBYIST'S official capacity, any individual who appears as counsel or advisor in an adjudicatory proceeding, or communications or conduct by an attorney-at-law when such communication or conduct is made on behalf of a client whose name has been identified and when such communication or conduct constitutes the practice of law.

Section 25. Section 3-8-2, subsections (2), (3) and (4) of the Northglenn Municipal Code are hereby amended to read as follows:

- (2) the name, address, and telephone number of any person by whom ~~he~~ THE PROFESSIONAL LOBBYIST is employed;
- (3) the name, address, and telephone number of any person for whom ~~he~~ THE PROFESSIONAL LOBBYIST will be lobbying; and

(4) the name, address and telephone number of any person by whom ~~he~~ THE PROFESSIONAL LOBBYIST is paid or is to be paid for such lobbying.

Section 26. Section 3-8-3 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 3-8-3. Annual Renewal.** Disclosure statements shall be effective until January 15 of the following calendar year. A professional lobbyist shall file an updated disclosure statement on or before January 15 of each year unless at that time ~~he~~ THE PROFESSIONAL LOBBYIST is no longer a professional lobbyist.

Section 27. Section 4-1-8 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 4-1-8. Organization.** The Director of the Department of Community Safety may create or abolish, from time to time, such bureaus and divisions within the Department of Community Safety as ~~he~~ THE DIRECTOR shall deem necessary and proper to the proper organization of the Department.

Section 28. Section 4-2-2(f) of the Northglenn Municipal Code is hereby amended to read as follows:

(f) Unusual occurrence shall mean one or more of the events described in Section 4-2-1(a) when proclaimed a disaster or an emergency by the governor of the state or the Mayor of the City of Northglenn, or other situation demanding coordination of multi-jurisdictional resources or otherwise deemed an unusual occurrence or emergency by the Director or ~~his~~ THE DIRECTOR'S designee.

Section 29. Section 4-2-6(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) In the event of an unusual occurrence, the Mayor of the City of Northglenn, or in ~~his~~ THE MAYOR'S absence the Mayor Pro Tem, may declare or proclaim a local disaster at which time the Director shall undertake appropriate responses pursuant to the Emergency Plan, mutual aid agreements, and this article.

Section 30. The definition of "Chief of police" within Section 4-6-2 of the Northglenn Municipal Code is hereby amended to read as follows:

"Chief of police" - The appointed chief of the Northglenn Police Department, or ~~his~~ THE CHIEF'S designee.

Section 31. Section 4-6-3 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 4-6-3. Direct Dial Alarm Devices Prohibited.** It shall be unlawful for any person, firm, corporation, or other entity to sell, lease, install, maintain or have in operation on ~~his~~ ANY premises in the City of Northglenn any direct dial alarm device, as defined in section 4-6-2.

Direct dial alarm devices used by the physically handicapped are specifically exempt from this prohibition.

Section 32. Section 4-6-4(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) It shall be unlawful for any person to intentionally cause the transmission of an alarm ~~he~~ SUCH PERSON knows to be false.

Section 33. Section 4-6-7(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Whenever the police department determines a charge shall be made pursuant to section 4-6-6, a bill and notice shall be sent to the alarm user at ~~his~~ THE ALARM USER'S last known address, stating the assessment which has been made, the reason therefore, the date payment is due, and notifying the alarm user that THE ALARM USER ~~he~~ has a right to a hearing before the Chief of Police if a request therefore is made before the due date.

Section 34. Section 4-7-1(e) of the Northglenn Municipal Code is hereby amended to read as follows:

(e) The City Manager or ~~his~~ THE CITY MANAGER'S designee shall be responsible for determining the public places where the open carrying of firearms shall be prohibited, which may include but is not limited to the following: buildings, sites, and areas, including municipally owned, operated, or leased buildings or properties; recreation facilities; and public parks, trails, or open space.

Section 35. Section 5-2-6(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Records to be Made Available for Audit. All such books, accounts and records shall be open for examination at any reasonable time by the Director or ~~his~~ THE DIRECTOR'S duly authorized agents. In the case of a person, firm or corporation which does not keep the necessary books, accounts and records within the City, it shall be sufficient if such person, firm or corporation produces within this City such books, accounts and records or such information as shall be reasonably required by the Director for examination by the Director or an agent duly authorized by ~~him~~ THE DIRECTOR, or

in lieu thereof, said person, firm or corporation shall pay in advance, or as approved by the Director, such travel, lodging, meal and related expenses as shall reasonably be incurred by the Director or ~~his~~ the DIRECTOR'S duly authorized agent in examination of said books, accounts and records at such place where said books, accounts and records are kept.

Section 36. Section 5-2-7, subsections (b), (c) and (e) of the Northglenn Municipal Code are hereby amended to read as follows:

(b) Confidential Nature of Returns. Except in accordance with judicial order, consent of the taxpayer or as otherwise provided by law, the Director, ~~his~~ THE DIRECTOR'S agents, clerks and employees shall not divulge or make known in any way information disclosed in any document, report or return filed in connection with any of the taxes covered by this Code. The officials charged with the custody of such documents, reports and returns shall not be required to produce them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Director in an action or proceeding under the provisions of any such taxing or open record statutes when the report of facts shown thereby are directly involved in such action or proceeding, in either of which events the Court may require the production of, and may admit into evidence, so much of said reports, or of the facts shown thereby, as are pertinent to the action or proceeding, and no more.

(c) Taxpayer Request for Records. Nothing contained in this section shall be construed to prohibit the delivery to a person or ~~his~~ THE PERSON'S duly authorized representative of a copy of any return or report filed in connection with ~~his~~ THE PERSON'S tax, and such copies may be certified by the Director, or ~~his~~ THE DIRECTOR'S deputy or agent, and when so certified shall be evidence equally with and in like manner as the originals and may be received by the courts of this State as evidence of the contents.

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(e) Records Available to Authorized Jurisdictions. Notwithstanding the provisions of this section, the Director in ~~his~~ THE DIRECTOR'S discretion may furnish to the taxing official of any other state and its political subdivisions, to the State of Colorado and its political subdivisions, and the United States any information contained in tax returns and related schedules and documents filed pursuant to the Code, or in the report of an audit or investigation made with respect thereto provided that said jurisdiction enters into agreement with the Director to grant similar privileges to the City, and provided further, that such information is to be used only for tax purposes.

Section 37. Section 5-2-9, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Jeopardy Enforcement. If the Director finds that collection of the tax will be jeopardized by delay, in ~~his~~ THE DIRECTOR'S discretion, ~~he~~ THE DIRECTOR may

declare the taxable period immediately terminated, determine the tax, and issue notice and demand for payment thereof; and, having done so, the tax shall be due and payable forthwith, and the Director may proceed immediately to collect such tax as provided in subsection 5-2-17 (Distrain).

(b) Immediate Enforcement Action. In any other case wherein it appears that the revenue is in jeopardy, the Director may immediately issue demand for payment; and, regardless of the provisions of Section 5-2-11 (Hearing) and 5-2-12 (Appeals) of the Code, the tax shall be due and payable forthwith and, in ~~his~~ THE DIRECTOR'S discretion, the Director may proceed immediately to collect said tax as provided in subsection 5-2-17 (Distrain).

Section 38. Section 5-2-10 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 5-2-10. Notice by Mail.** The taxpayer shall at all times have the burden of ensuring that ~~his~~ THE TAXPAYER'S correct address is on file with the Director. In the event that a notice is sent to the taxpayer, pursuant to this Code, and said notice is not received by the taxpayer through no fault of the City of Northglenn, or the notice is returned by the post office as undeliverable or rejected by the taxpayer, such notice shall be deemed given on the date mailed and the City of Northglenn shall have no further obligation to complete service of the notice.

Section 39. Section 5-2-1, subsections (a), (d) and (e) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Request for Hearing. Any taxpayer may request an informal hearing on any proposed tax by reason of Notice of Final Determination—Assessment and Demand for Payment or by reason of denial of ~~his~~ THE TAXPAYER'S claim for refund by application to the Director within thirty (30) days of the receipt of a notice of deficiency, assessment or denial of refund. The request for hearing shall be in writing and shall set forth the taxpayer's reasons for and the amount of the requested changes in the deficiency, assessment or denial of refund.

\* \* \*

(d) Director to Conduct Hearing. The hearing shall be held before the Director, or a hearing officer designated by the Director. The hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the City may submit a brief. At the hearing, the taxpayer may assert any facts, make any arguments and file any briefs and affidavits ~~he~~ THE TAXPAYER believes pertinent to ~~his~~ THE case. The taxpayer shall be notified of the name of the hearing officer twenty (20) days before the hearing date and any objection by the taxpayer

to the hearing officer shall be filed in writing at least forty-eight (48) hours prior to the hearing.

(e) Hearing Based on Written Brief. The taxpayer may also file a written brief and such other written materials or documents as ~~he~~ THE TAXPAYER shall deem appropriate and request that the Director reconsider the deficiency without a hearing. The Director shall proceed to reconsider the deficiency in the same manner as if the written material submitted had been presented at a hearing pursuant to this section. The submission of written material shall be considered for all purposes the same as a request for and submission of the material at a hearing. The City staff shall be permitted to respond in writing to the submittals of the Taxpayer. Rebuttal submissions may be permitted at the discretion of the Director.

Section 40. Section 5-2-13, subsections (d), (e), (h) and (k) of the Northglenn Municipal Code are hereby amended to read as follows:

(d) Refund of Excess Use Taxes. Whenever the Director discovers from the examination of a return or pursuant to an audit of a taxpayer's records that the taxpayer has overpaid use taxes due the City, the Director shall issue ~~his~~ THE DIRECTOR'S warrant for payment of the excess taxes to the taxpayer, unless the overpayment is applied to offset other tax due. The Director shall keep in ~~his~~ THE DIRECTOR'S files a duplicate of said warrant and also a statement which sets forth the reason why such refund was ordered. If the refund totals less than \$15.00, the refund amount shall be credited to the taxpayer's use tax account, unless the taxpayer requests payment of the refund.

(e) Taxpayer's Discovery of Overpayment of Use Tax. A taxpayer may apply for a refund of payment of excess use taxes within sixty (60) days after discovery of the overpayment. The Director may deny such refund if ~~he~~ THE DIRECTOR finds the taxpayer did or reasonably should have discovered the overpayment more than sixty (60) days prior to the date of the application for a refund. The taxpayer may petition the Director for a hearing on the claim in the manner provided in Section 5-2-11 within thirty (30) days after receipt of the Director's Denial of Refund.

\* \* \*

(h) Special Refund – Undercollection – Retailer Overpayment of Taxes. If any retailer can demonstrate to the reasonable satisfaction of the Director, or ~~his~~ THE DIRECTOR'S authorized agent, that consistent, diligent application and adherence by the retailer of the equivalent bracket system rates results in actual under collection of the sales tax by the retailer, then the Director is authorized to allow said retailer either a credit against future tax liability or a refund of such under collection as the Director may determine.

\* \* \*

(k) Refunds not Assignable. The right of any person to a refund under this Code shall not be assignable and such application for refund must be made by the same person who purchased the goods and paid the tax thereon as shown in the invoice of the sale thereof, except as provided in Subsection 5-2-13(j) hereof. The Director may, upon receiving a properly executed release of claim from the taxpayer and evidence to substantiate that ~~his~~ THE PERSON'S tax was remitted in error to another municipality, issue a joint refund check in the name of the taxpayer and the municipality, provided that the municipality has entered into an agreement to grant similar privileges to the City of Northglenn.

Section 41. Section 5-2-17, subsections (a), (b)(1), (b)(3) and (c) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Warrant. The Director may issue a warrant under ~~his~~ THE DIRECTOR'S own hand directed to any representative of the Department of Finance, including the sheriff of any county of the State, commanding ~~him~~ SUCH PERSON to distrain, seize, and sell the personal property of the taxpayer, except such personal property as is exempt from execution and sale by any provision of this Code, for the payment of the tax due together with penalties and interest accrued thereon and collection costs.

(b) Distrain Seizure – Advertisement – Sale – Redemption.

(1) The agent charged with the collection shall make or cause to be made an account of the goods or effects distrained, a copy of which, signed by the agent making such distrain, shall be left with the owner or possessor, or at ~~his~~ SUCH PERSON'S usual place of abode with some member of ~~his~~ SUCH PERSON'S family over the age of eighteen (18) years, or at ~~his~~ SUCH PERSON'S usual place of business with ~~his~~ SUCH PERSON'S stenographer, bookkeeper, or chief clerk, or if the taxpayer is a corporation, shall be left with any officer, manager, general agent, or agent for process, with a note of the sum demanded and the time and place of sale. If said notice cannot be served on the taxpayer within the thirty (30) miles of the City of Northglenn, it shall be mailed to the taxpayer's last known address, return receipt requested.

\* \* \*

(3) The time fixed for the sale shall not be less than ten (10) days nor more than sixty (60) days from the date of such notification to the owner or possessor of the property and the publication or posting of such notices. Said sale may be adjourned from time to time by said agent or sheriff if ~~he~~ SUCH PERSON deems it advisable, but not for a time to exceed in all ninety (90) days from the date first fixed for the sale. When any personnel property is advertised for sale under distraint as aforesaid, the agent or sheriff making the seizure shall proceed to sell such property at public auction, offering the same at not less than a fair minimum price, including the expenses of making the seizure and of advertising the sale, and if the amount bid for the property at the sale is not equal to the fair minimum price so fixed, the agent or sheriff conducting the sale may declare the same to be purchased

by him for the City. The property so purchased may be sold by the agent or sheriff under such regulations as may be prescribed by the Director.

(c) Certificate of Sale--Evidence of Purchase. In all cases of sale, the agent or sheriff making the sale shall issue a certificate of sale to each purchaser, and such certificate shall be prima facie evidence of the right of the agent or sheriff to make such sale, and the conclusive evidence of the regularity of ~~his~~ SUCH PERSON'S proceedings in making the sale; and shall transfer to the purchaser all right, title and interest of such delinquent in and to the property sold; and where such property consists of certificates of stock in the possession of the agent or sheriff, the certificate of sale shall be notice, when received, to any corporation, company or association of said transfer, and said certificate of such sale shall be authority for such corporation, company, or association to record the transfer on its books and records; and where the subject of sale is securities or other evidences of debt, in the possession of the agent or sheriff, the certificate of sale shall be good and valid evidence of title in the person holding the same, as against any other person. Any surplus remaining above the taxes, penalties, interest, costs and expenses of making the seizure and of advertising the sale, shall be returned to the owner, or such other person having a legal right thereto, and, on demand, the Director shall render an account in writing of the sale.

Section 42. Section 5-2-18(d) of the Northglenn Municipal Code is hereby amended to read as follows:

(d) Exhaustion of Administrative Employees. No lawsuit may be filed by the City until the time for the taxpayer to exercise ~~his~~ THE TAXPAYER'S administrative remedies or to file an appeal has expired. This remedy shall be in addition to all other existing remedies available to the City. No *de novo* trial of the facts shall be permitted if the taxpayer has had a hearing before the Director or has had the opportunity for such a hearing, but failed to exhaust ~~his~~ THE TAXPAYER'S administrative remedies.

Section 43. Section 5-2-20(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Compromise Record. Whenever a compromise, in value or valuation, of One Thousand Dollars (\$1,000.00) or less is made by the Director or ~~his~~ THE DIRECTOR'S delegate in any case, there shall be placed on file in the office of the Director or ~~his~~ THE DIRECTOR'S delegate the opinion of the Director with ~~his~~ THE DIRECTOR'S reasons therefor, which may include financial inability of the taxpayer to pay a greater amount, with a statement of: ...

Section 44. Section 5-2-21(a) of the Northglenn Municipal Code is hereby amended to read as follows:



(a) Any person or taxpayer who shall sell out ~~his~~ SUCH PERSON'S business or stock of goods or all the assets of a business to another person or any person or taxpayer who quits business, shall make out the return as required by this Code and remit all taxes due within twenty (20) days after the business or stock of goods is sold, or the taxpayer quits business. The purchaser or successor to the business, stock of goods or assets shall withhold sufficient of the purchase money to cover all of said taxes until such time as the former owner produces a receipt from the Director showing that all taxes have been paid in full.

Section 45. Section 5-2-23, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Certificate of Discharge Subject to Lien. If any property, real or personal, under the law, shall be subject to a lien for the payment of any tax due to the City, the Director may issue a certificate of discharge of any part of the property subject to the lien if ~~he~~ THE DIRECTOR finds that the fair market value of that part of such property remaining subject to the lien is at least double the amount of the liability remaining unsatisfied in respect to such tax and the amount of all prior liens upon such property.

(b) Certificate of Discharge to Part of Property. If any property, real or personal, under the law, shall be subject to a lien for the payment of any tax due to the City, the Director may issue a certificate of discharge of any part of the property subject to the lien if there be paid over to the Director in part satisfaction of the liability in respect to such tax an amount determined by the Director, which shall not be less than the value, as determined by ~~him~~ THE DIRECTOR, of the interest of the City in the part to be so discharged.

Section 46. Section 5-2-24, subsections (a), (b) and (d)(1) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Satisfaction of Liability. For the purpose of facilitating the settlement and distribution of estates, trusts, receiverships, other fiduciary relationships, and corporations in the process of dissolution or which have been dissolved, the Director may agree with the fiduciary or surviving Directors upon the amount of taxes due from the decedent, or from the decedent's estate, the trust, receivership, or other fiduciary relationship, or corporation, for any of ~~his~~ SUCH PERSON'S or its taxable periods, under the provisions of the taxes covered by the Code and except upon a showing of fraud, maleficence or misrepresentation of material fact, payment in accordance with such agreement shall be full satisfaction of the taxes for the taxable periods to which the agreement related.

(b) Personal Liability. Except as provided in Subsection 5-2-23(d) of this section, any personal representative of a decedent, or of the estate of a decedent, or any trustee, receiver, or other person acting in a fiduciary capacity, or any director of a corporation in the process of dissolution or which has been dissolved, who distributes the estate or fund in ~~his~~ SUCH PERSON'S control without having first paid any taxes covered by this Code due from such

decedent, decedent's estate, trust estate, receivership, or corporation, covered by this Code and which may be assessed within the time limited by this Code, shall be personally liable to the extent of the property so distributed, for any unpaid taxes of the decedent, decedent's estate, trust estate, receivership, or corporation, covered by this Code and which may be assessed within the time limited by this Code

(d) Limitation of Liability.

(1) In case tax covered by this article is due from a decedent, or of ~~his~~ DECEDENT'S estate, or by a corporation, in order for personal liability under subsection (b) of this section to remain in effect, determination of the tax due shall be made and notice and demand therefor shall issue within eighteen (18) months after written request for such determination, filed after the filing of the decedent's final return or filed after the filing of the return of the decedent's estate with respect to which such request is applicable, by any personal representative of such decedent, or by the corporation, filed after the filing of its return; but a request under this provision shall not extend the period of limitation otherwise applicable.

Section 47. Section 5-2-25(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Trust Status of Tax in Possession of Retailer. All sums of money paid by the purchaser to the retailer as taxes imposed by this Code shall be and remain public money, the property of the City of Northglenn, in the hands of such retailer and ~~he~~ SUCH RETAILER shall hold the same in trust for the sole use and benefit of the City of Northglenn, until paid to the Director, and for failure to so pay to the Director, such retailer shall be punished as provided by law. Thus, the Statute of Limitation provided herein does not apply to collections of public money in the possession of the retailer and such moneys are collectable at any time after their due date upon demand of the Director.

Section 48. Section 5-3-6(d)(26) of the Northglenn Municipal Code is hereby amended to read as follows:

(d)(26) Transient Not Liable on Prior Purchase. The use, storage, distribution or consumption while temporarily within this City of tangible personal property brought into the City by a non-resident thereof for ~~his~~ THE NON-RESIDENT'S own personal use is exempt hereunder.

Section 49. Section 5-3-7, subsections (c) and (d) of the Northglenn Municipal Code are hereby amended to read as follows:

(c) Retailer Responsibility for Collection of Tax. Every retailer or vendor engaged in business and selling at retail as the same are defined in this Code shall, irrespective of the provisions of Section 5-3-3(c) of this Code, be liable and responsible for the payment of an amount equivalent to the amount of the tax imposed by Section 5-3-3 computed on the

total of all sales made by ~~him~~ THE RETAILER OR VENDOR ENGAGED IN BUSINESS AND SELLING AT RETAIL of commodities or services as specified in Section 5-3-5 of this Code.

(d) Retailer Responsibility for Remittance of Tax. Every retailer or vendor engaged in business and selling at retail, as the same are defined in this Code, shall file a return as prescribed herein with the Finance Director on or before the twentieth (20th) day of the month for the preceding month or months under report and remit the amount of tax imposed by Section 5-3-3 computed on the total of such sales and also the amount of any excess tax collections as provided in Section 5-3-15, less than one percent (1%) of the amount of taxes to be paid by ~~him~~ THE RETAILER OR VENDOR ENGAGED IN BUSINESS AND SELLING AT RETAIL under this Code to cover the retailer's expense of collection and remittance of the tax; but if any retailer is delinquent in remitting said tax other than in unusual circumstances shown to the satisfaction of the Finance Director, the retailers shall not be allowed to retain any amounts to cover ~~his~~ THE RETAILER'S expense in collecting and remitting said tax and an amount equivalent to the full tax shall be remitted to the Finance Director by any such delinquent retailer. The retailer shall add the tax as a separate and distinct item and such tax shall be a debt from the consumer to the retailer and shall be recoverable at law in the same manner as other debts.

Section 50. Section 5-3-10(a)(1) of the Northglenn Municipal Code is hereby amended to read as follows:

(a)(1) Payment on Estimated Basis. By paying the tax on the "Estimated Percentage Basis" based on a percentage of the total valuation of construction contract and paid, either through the owner, lessee or the general contractor, or separately if ~~he~~ THE ENTITY is a subcontractor electing to do so, at the time a building permit is issued.

Section 51. Section 5-3-11(c) of the Northglenn Municipal Code is hereby amended to read as follows:

(c) Agent of Seller and Seller Liable for Tax. The Taxpayer shall report such tax on the City Consumer Use Tax Returns prescribed. The seller or ~~his~~ THE SELLER'S agent will be held liable for Sales and Use Tax remittance on the sale of business in the event the purchaser fails to remit the tax due on the purchase.

Section 52. Section 5-3-13(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Purchasers of Automotive Vehicles. Any person residing in the City, as specified by 42-6-137, C.R.S., who shall purchase any automotive vehicle, as defined in subsection 5-3-4(a)(3) of this Code, whether new or used, from sources within or without this City, for use within the City, and who has not paid the tax imposed thereon by this Code, to a retailer or vendor required or authorized to collect such tax, shall immediately and prior to

registering the vehicle, pursuant to 42-6-137, C.R.S., and obtaining the license therefor, shall make a return showing such transaction to the Finance Director and thereupon pay to ~~him~~ THE FINANCE DIRECTOR the tax applicable thereto as provided in this Code, and failure to do so shall constitute a violation of this Code.

Section 53. Section 5-3-15 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 5-3-15. Excess Collections - Failure to Remit Collections.** If any retailer shall, during any reporting period, collect as a tax an amount in excess of four percent (4%) of ~~his~~ THE RETAILER'S total taxable sales, he shall remit to the Finance Director the full net amount of the tax herein imposed and also such excess. If record of City and State Tax Collections are kept separately, the retailer will remit excess of City tax collected over and above City Net Taxable Sales and Service. If there is no separate record kept of City and State tax collections and it is not possible to determine the excess to be remitted to each, the retailer shall remit forty-nine percent (49%) of such excess to the City. The retention by the retailer of any excess collections or the intentional failure to remit punctually to the Finance Director the full amount required to be remitted by the provisions of this Code, is hereby declared to be a violation of this Code.

Section 54. Section 5-3-17(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Alcoholic Beverage Sales by the Drink and Coin Operated Device Sales of Tangible Personal Property. Any retailer selling malt, vinous or spirituous liquors by the drink or coin operated device sales may include in ~~his~~ THE RETAILER'S sales price the tax levied under this Section; provided, that no such retailer shall advertise or hold out to the public in any manner, directly or indirectly, that such tax is not included as part of the sales price to the consumers. The schedule set forth in Section 5-3-3 of this Code shall be used by such retailer in determining amounts to be included in such sales price. No such retailer shall gain any benefit from the collection or payment of such tax except as permitted in subsection 5-3-7(d) nor shall the use of the schedule set forth in Section 5-3-3 of this Code relieve such retailer from liability for payment of the full amount of the tax levied by this Section.

Section 55. Section 5-3-18(c) of the Northglenn Municipal Code is hereby amended to read as follows:

(c) Reporting Periods. If the accounting methods regularly employed by the retailer or licensed consumer in the transaction of his business, or other conditions, are such that the returns aforesaid made on a calendar month basis, will impose unnecessary hardship, the Finance Director may upon request of the retailer, or licensed consumer, accept returns at such intervals as will, in ~~his~~ THE FINANCE DIRECTOR'S opinion, better suit the

convenience of the taxpayer and will not jeopardize the collection of the tax; provided, however, the Finance Director may by rule permit a retailer or licensed consumer whose monthly tax collected is less than one hundred (\$100) to make returns and pay taxes at intervals not greater than (3) three months, or as approved by the Finance Director.

Section 56. Section 5-3-24(d) of the Northglenn Municipal Code is hereby amended to read as follows:

(d) Summons to Court for Violations of Code. The City Manager or ~~his~~ THE CITY MANAGER'S duly authorized agent, including personnel of the Department of Finance, have the authority of peace officers, as that term is defined under the Colorado Municipal Court Rules, to summons into the Northglenn Municipal Court any person who may be in violation of this code as set forth under subparagraph (a) of this section.

Section 57. Section 5-8-14(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, ~~he~~ THE CITY MANAGER shall report to the City Council without delay, indicating the estimated amount of deficit, any remedial action taken by ~~him~~ THE CITY MANAGER, and ~~his~~ THE CITY MANAGER'S recommendation as to any other steps to be taken,

Section 58. Section 5-8-19 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 5-8-19. Monthly Budget Report.** The City Manager shall submit to the City Council such reports as ~~he~~ THE CITY MANAGER deems appropriate or as requested by the City Council, in the form of a monthly budget report.

Section 59. Section 6-3-1 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 6-3-1. Requisitions and Estimates.** Each director of a department of the City shall make and file detailed requisitions or estimates of ~~his~~ THE department's requirements for supplies and contractual services in such manner, at such times, and for such future periods as the City Manager may prescribe.

Section 60. Section 6-5-3, subsections (b) and (c) of the Northglenn Municipal Code are hereby amended to read as follows:

(b) Direct Solicitation of Bids. The City Manager, or ~~his~~ THE CITY MANAGER'S designated representative may solicit bids from responsible prospective suppliers.

(c) Bidders' List. The City Manager, or ~~his~~ THE CITY MANAGER'S designated representative, may solicit bids from all responsible prospective suppliers who have

requested that their names be added to the bidders' list, which the City Manager, or ~~his~~ THE CITY MANAGER'S designated representative, shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale.

Section 61. Section 6-5-4 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 6-5-4. Bid Deposits--Performance Bonds.**

(a) When deemed appropriate by the City Manager, ~~he~~ THE CITY MANAGER may prescribe bid deposits in the public notice inviting bids.

(1) Unsuccessful bidders shall be entitled to a return of such deposits.

(2) A successful bidder shall forfeit any surety required by the public notice if ~~he~~ SUCH BIDDER fails to enter into a contract with the City within ten days after the award.

(b) The City Manager shall have the authority to require a performance bond or an irrevocable bank letter of credit as a condition of any contract to be awarded to a successful bidder in such amount as ~~he~~ THE CITY MANAGER shall find reasonably necessary to protect the best interests of the City.

Section 62. Section 6-5-6 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 6-5-6. Rejection of Bids.**

(a) The City Manager, or ~~his~~ THE CITY MANAGER'S designated representative, may reject any bid, all bids, or any part of any bid for any supplies or contractual services when such rejection is in the public interest.

(b) The City Manager, or ~~his~~ THE CITY MANAGER'S designated representative, shall not accept the bid of any person who is in default on the payment of taxes, license fees, or other money to the City.

Section 63. Section 6-5-10(b)(1) of the Northglenn Municipal Code is hereby amended to read as follows:

(b)(1) A written solicitation adequate to notify potential qualified contractors, subcontractors and suppliers of the nature of the work opportunity, including a general description of the contemplated scope of the project work, the anticipated method of project delivery, and a recitation of the significant standards and legal and technical requirements applicable to the project work. Said solicitation shall be published at least once in a manner calculated to obtain the best representation of qualified bidders in the Denver metropolitan

area, and in addition, the City Manager, or ~~his~~ THE CITY MANAGER'S designated representative, may solicit bids from responsible prospective contractors;

Section 64. Section 6-8-1, subsections (e) and (f) of the Northglenn Municipal Code are hereby amended to read as follows:

(e) Before payments may be made from the petty expenditures revolving fund, such payments shall be justified by a receipt or voucher approved by the City Manager or ~~his~~ THE CITY MANAGER'S duly authorized representative; and when such payments are made to an officer or employee of the City, they shall be evidenced by a petty cash receipt signed by such officer or employee.

(f) The petty expenditures revolving fund shall be balanced prior to replenishment or other periodic time as designated by the Director of Finance or ~~his~~ THE DIRECTOR OF FINANCE'S duly authorized representative.

Section 65. Section 6-11-1(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) All directors of departments shall submit to the City Manager, at such times and in such form as ~~he~~ THE CITY MANAGER may prescribe, inventories including reports showing stocks of all supplies and equipment which are no longer used or which have become obsolete, worn out, or scrapped.

Section 66. Section 6-13-3, subsections (b) and (c) of the Northglenn Municipal Code are hereby amended to read as follows:

(b) It shall be an affirmative defense in a forfeiture proceeding brought pursuant to this article if the owner of such property establishes by a preponderance of the evidence:

(i) That the property had been taken from ~~him~~ THE OWNER and used without ~~his~~ THE OWNER'S consent, express or implied

(ii) That ~~he~~ THE OWNER was uninvolved in the acts listed in Section 6-13-2 and neither knew nor reasonably should have known of those acts; and

(2) That ~~he~~ THE OWNER had done all that reasonably should have been done to prevent the use of the property in connection with said acts.

(c) No bona fide lienholder's interest shall be forfeited under the provisions of this article if such lienholder establishes that ~~he~~ SUCH LIENHOLDER neither knew nor should have known after a reasonable inquiry that such property was being used or was likely to be used for any act specified in Section 6-13-2, that such use was without ~~his~~ SUCH LIENHOLDER'S consent, express or implied, and that the lien had been perfected in the manner prescribed by law prior to such seizure. The City Attorney shall set forth in the

petition initiating the forfeiture action the existence of any liens and whether forfeiture of any liens will be sought. If forfeiture of a lien is not sought, the lienholder need not appear to preserve ~~his~~ THE LIENHOLDER'S interest. If it appears to the satisfaction of the court that a lienholder's interest satisfies the above requirements for exemption, such lienholder's interest shall be preserved by the court by ordering the lienholder's interest to be paid by the City or from such proceeds of the sale as provided in Section 6-13-5.

Section 67. Section 7-2-2(e) of the Northglenn Municipal Code is hereby amended to read as follows:

(e) "Handicapped person" shall mean a person so severely handicapped that ~~he~~ SUCH PERSON is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the Division of Rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially ~~his~~ SUCH PERSON'S ability to move from place to place.

Section 68. Section 7-3-1(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Definitions. A "**traffic hazard**" is any tree, bush, shrub, other plant, sign, fence, or other structure (except a house or building) or object that obstructs, hinders, or impairs the ability of an operator of a motor vehicle to see another motor vehicle approaching ~~him~~ SUCH OPERATOR on the same street or any intersecting street or to see a pedestrian at a crosswalk or children in the street in time for such operator safely to stop the motor vehicle which ~~he~~ SUCH INDIVIDUAL is operating without the danger of an ensuing collision.

Section 69. Section 7-3-3(b)(2) of the Northglenn Municipal Code is hereby amended to read as follows:

(b)(2) Upon or within any City park property or other recreational facility within the City of Northglenn, except in an area specifically posted for such use, or except when such operation is specifically permitted by written order of the Manager or ~~his~~ THE MANAGER'S designated representative.

Section 70. Section 7-3-4, subsections (a)(1) and (a)(2) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(1) Any motor vehicle left unattended on private property for a period of seventy-two (72) hours or longer without the consent of the owner or lessee of such property or ~~his~~ THE OWNER'S legally authorized agent.

(a)(2) Any motor vehicle left unattended on public property, including any portion of a highway, street, or public right-of-way within the limits of the City of Northglenn for a period of twenty-four (24) hours or longer unless the owner or driver thereof has conspicuously affixed thereto a dated notice indicating ~~his~~ SUCH OWNER OR DRIVER'S



intention to return or shall have otherwise notified the Northglenn Police of ~~his~~ SUCH OWNER OR DRIVER'S intention to remove same within a reasonable time period not to exceed thirty-six (36) hours from the time of discovery by the Department.

Section 71. Section 7-3-5, subsections (a)(1) and (a)(4) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(1) In the event a motor vehicle is abandoned on private property, the owner or lessee of such property or ~~his~~ SUCH OWNER OR LESSEE'S legally authorized agent may have it removed from ~~his~~ SUCH property by having it towed and impounded by a tow operator.

\* \* \*

(a)(4) Any motor vehicle on a public right-of-way shall be considered abandoned pursuant to Section 7-3-4(a), unless the owner, operator has conspicuously affixed thereto a dated notice indicating ~~his~~ THE intention to return or has otherwise notified the Department of ~~his~~ THE intention to move the vehicle within a reasonable time period not to exceed thirty-six (36) hours from the time of discovery by the Department. No additional time for removal shall be granted to an abandoned motor vehicle parked in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance and shall be removed pursuant to Section 7-3-6.

Section 72. Section 7-3-6(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Whenever any officer finds a motor vehicle, attended or unattended, standing upon any portion of a highway right-of-way in such a manner as to constitute an obstruction to traffic or proper highway maintenance, such officer is authorized to cause the motor vehicle to be moved to eliminate any such obstruction; and neither the officer nor anyone acting under ~~his~~ SUCH OFFICER'S direction shall be liable for any damage to such motor vehicle occasioned by such removal.

Section 73. Section 7-3-7, subsections (a)(4) and (b)(1) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(4) Should the Department of Revenue report the vehicle as stolen, the police department shall notify the rightful owner as required by subsection 7-3-7(a)(1) above. Otherwise, the police department, within five (5) working days of receiving the report of the Department of Revenue as to the vehicle, shall notify by certified mail the owner of record, if ascertained, and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 7-3-9 and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned to the police department, the location of the motor vehicle and the location from which it was towed, and that, unless claimed within thirty (30) calendar days from the date the notice was sent as determined from the postmark on the notice, the motor

vehicle is subject to sale. Such notice shall also inform the owner of record of ~~his~~ SUCH OWNER'S opportunity to request a hearing concerning the legality of the towing of ~~his~~ SUCH OWNER'S abandoned motor vehicle. Such request shall be made in writing to the police department within ten (10) days of the postmarked date of sending such notice. Such hearing, if requested, shall be conducted pursuant to Chapter 3, Article 7 of the Northglenn Municipal Code with the Chief of Police or ~~his~~ THE CHIEF OF POLICE'S designee to act as hearing officer. The issue at such hearing shall be limited to whether the vehicle was legally towed. In the event it is determined at the hearing that the motor vehicle was illegally towed, all towing charges and storage fees assessed against the vehicle shall be forgiven.

\* \* \*

(b)(1) Any tow operator having in ~~his~~ SUCH TOW OPERATOR'S possession any abandoned motor vehicle from a private tow from the City of Northglenn shall immediately notify the Chief of Police of the City of Northglenn, or ~~his~~ THE CHIEF OF POLICE'S designee as to the name of the tow operator and the location of the impound lot to which the vehicle is towed. The tow operator shall also provide a description of the abandoned motor vehicle, including the make, model, color, and year; the number, issuing state, and expiration date of the license plate, and the vehicle identification number. Upon such notification, the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, shall recover and secure the motor vehicle and notify its rightful owner and terminate the abandonment proceedings under this article. The police department shall have the right to recover from the owner its reasonable costs to recover and secure the vehicle.

Section 74. Section 7-3-9(d) of the Northglenn Municipal Code is hereby amended to read as follows:

(d) Any balance then remaining shall be paid by the Department of Revenue: First, to any lienholder of record as ~~his~~ SUCH LIENHOLDER'S interest may appear upon the records of the Department of Revenue; second, to any owner of record as ~~his~~ SUCH OWNER'S interest may so appear; and then to any person submitting proof of ~~his~~ SUCH PERSON'S interest in such motor vehicle upon the application of such lienholder, owner, or person. If such payments are not requested and made within one hundred twenty (120) days of the sale of the abandoned motor vehicle, the balance shall be transmitted to the state treasurer, who shall credit the same to the highway users fund.

Section 75. Section 7-9-7(a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) It shall be unlawful for any person to operate an unlicensed vehicle in any of the following places without first obtaining the permission or authorization hereinafter required

(1) On any property owned by the City of Northglenn including public streets, highways, sidewalks and in other public areas without written order of the City Manager or ~~his~~ THE CITY MANAGER'S designated representative.

(2) Upon or within any City park property or other recreational facility with the City of Northglenn, except in an area specifically posted for such use, or except when such operation is specifically permitted by written order of the City Manager or ~~his~~ THE CITY MANAGER'S designated representative.

(3) On any property owned by a school district or any public school grounds or campus including a designated parking lot unless such operation is specifically permitted by written order of the district superintendent of schools or ~~his~~ THE DISTRICT SUPERINTENDENT'S designated representative.

(4) On any private property within the City of Northglenn including private parking lots and sidewalks unless by specific written order of the owner or designated representative of the owner of such property to the individual operating the unlicensed vehicle.

Section 76. Section 8-1-4, subsections (d) and (e) of the Northglenn Municipal Code are hereby amended to read as follows:

(d) The City Council shall designate one municipal judge who shall serve in that capacity during the term for which ~~he~~ SUCH MUNICIPAL JUDGE was appointed.

(e) The City Council may remove a municipal judge for just cause, including but limited to the following:

(1) That ~~he~~ THE MUNICIPAL JUDGE has been found guilty of a felony or other crime involving moral turpitude;

(2) That ~~he~~ THE MUNICIPAL JUDGE has a disability which interferes with the performance of ~~his~~ THE MUNICIPAL JUDGE'S duties and which is or is likely to become of a permanent character;

(3) That ~~he~~ THE MUNICIPAL JUDGE has willfully or persistently failed to perform ~~his~~ THE MUNICIPAL JUDGE'S duties;

(4) That ~~he~~ THE MUNICIPAL JUDGE is habitually intemperate; or

(5) That ~~he~~ THE MUNICIPAL JUDGE has violated one or more of the Canons of Judicial Ethics or any section of this ordinance.

Section 77. Section 8-1-8, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Such performance bond shall be approved by the City Council and shall be conditioned on the faithful performance of ~~his~~ SUCH PERSON'S duties and for the faithful accounting and payment of all funds deposited with or received by the court.

(b) Any deputy municipal court clerks that may be hired shall likewise be required to post a performance bond in a like amount to guarantee faithful performance of ~~his~~ SUCH PERSON'S duties and for faithful accounting and payment of all funds deposited with or received by the municipal court.

Section 78. Section 8-1-10(c) of the Northglenn Municipal Code is hereby amended to read as follows:

(c) Pending deposit in the General Fund, the City Treasurer may keep such fines, costs, jury fees, and other fees as revolving funds for the operation of the municipal court, but ~~he~~ THE CITY TREASURER shall deposit the balance of such revolving funds in the General Fund at least once each fiscal year.

Section 79. Section 8-2-2, subsections (b)(1) and (b)(5) of the Northglenn Municipal Code are hereby amended to read as follows:

(b)(1) As used in this Section 2:

(a) "Bail" means the amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody to assure that ~~he~~ SUCH PERSON will appear before the court in which ~~his~~ SUCH PERSON'S appearance may be required or that ~~he~~ SUCH PERSON will comply with conditions set forth in a bond.

(b) "Bond" means an undertaking with or without security entered into by a person in custody by which ~~he~~ SUCH PERSON IS BOUND ~~binds himself~~.

\* \* \*

(b)(5) In cases when the municipal judge requires the posting of bond, ~~he~~ THE MUNICIPAL JUDGE may, in ~~his~~ THE MUNICIPAL JUDGE'S discretion direct the clerk of the municipal court to accept as bond:...

Section 80. Section 9-1-1, subsections (a)(4), (a)(7), (a)(8), (a)(14) and (a)(17) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(4) "Criminal negligence" – A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, ~~he~~ SUCH PERSON fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

\* \* \*

(a)(7) "Intentionally" or "with intent" – All offenses defined in this chapter in which the mental culpability requirement is expressed as "intentionally" or "with intent" are declared to be specific intent offenses. A person acts "intentionally" or "with intent" when ~~his~~ SUCH PERSON'S conscious objective is to cause the specific result proscribed by the ordinance defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.

(a)(8) "Knowingly" or "willfully" – All offenses defined in this chapter in which the mental culpability requirement is expressed as "knowingly" or "willfully" are declared to be general intent crimes. A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by an ordinance defining an offense when ~~he~~ SUCH PERSON is aware that ~~his~~ SUCH PERSON'S conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "will-fully" with respect to a result of ~~his~~ SUCH PERSON'S conduct, when ~~he~~ SUCH PERSON is aware that ~~his~~ SUCH conduct is practically certain to cause the result.

\* \* \*

(a)(14) "Proper authorization" – Written or verbal authorization of an officer, agency or judge of the City of Northglenn or the State of Colorado authorizing or requiring an act which is done in pursuance of such authorization; and, in the case of any ordinance provision defining an offense against private property, the written or verbal authorization or permission of the owner of such property. A public officer or employee acting within the scope of ~~his~~ SUCH PERSON'S authority or employment shall be deemed to have proper authorization therefor.

\* \* \*

(a)(17) "Recklessly" – A person acts recklessly when ~~he~~ SUCH PERSON consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

Section 81. Section 9-2-2, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) A person commits a trespass when ~~he~~ SUCH PERSON unlawfully enters or remains in or upon premises of another person. It is unlawful for any person:

\* \* \*

(b) A person commits a trespass when ~~he~~ SUCH PERSON unlawfully enters or remains in or upon a motor vehicle, trailer, or mobile home of another person. It is unlawful for any person: ...

Section 82. Section 9-2-10, subsection (a)(2) of the Northglenn Municipal Code is hereby amended to read as follows:

(a)(2) Having lawfully obtained possession for temporary use of the personal property of another person, which is available only for hire, knowingly fails to reveal the whereabouts of or fails to return said property to the owner thereof, or the owner's representative, or to the person from whom ~~he~~ THE INDIVIDUAL received it, within seventy-two (72) hours after the time at which ~~he~~ THE INDIVIDUAL agreed to return it.

Section 83. Section 9-2-11(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) It is unlawful to commit fraud by check. Any person knowing ~~he~~ SUCH PERSON has insufficient funds with the drawee, who, with intent to defraud, issues a check in an amount less than two thousand dollars (\$2,000.00) for the payment of services, wages, salary, commissions, labor, rent, money, property, or other thing of value commits fraud by check.

Section 84. Section 9-2-13 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-2-13. Illegal Use of Municipal Recycling Facilities.** It is unlawful for any non-resident of the City of Northglenn, or for any business entity, not doing business in the City of Northglenn, to deposit material in any City Recycling facility. It is also unlawful for any business within the City of Northglenn to deposit material in any City recycling facility, without specific prior approval of the City Manager or ~~his~~ THE CITY MANAGER'S designee. The City Manager or ~~his~~ THE CITY MANAGER'S designee may establish rules and regulations for the use of City recycling facilities which shall be posted at all such recycling facilities and it is unlawful for any person or business entity to violate such posted rules and regulations.

Section 85. Section 9-3-2 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-3-2. Prostitution.** It is unlawful for any person to commit prostitution. Any person who performs or offers or agrees to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation or anal intercourse with any person not ~~his~~ SUCH PERSON'S spouse in exchange for money or other thing of value commits prostitution.

Section 86. Section 9-3-4 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-3-4. Keeping a Place of Prostitution.** It is unlawful for any person to keep a place of prostitution. Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one (1) or more of the following commits keeping a place of prostitution if ~~he~~ SUCH PERSON:

- (1) Knowingly grants or permits the use of such place for the purpose of prostitution; or
- (2) Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which ~~he~~ SUCH PERSON should reasonably know that the place is being used for the purpose of prostitution.

Section 87. Section 9-3-6 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-3-6. Promoting Prostitution.** It is unlawful for any person to promote prostitution. Any person who, for pecuniary gain, furnishes or makes available to another person any facility, knowing that the same is to be used for or in aid of prostitution, or who advertises in any manner that ~~he~~ SUCH PERSON furnishes or is willing to furnish to make available any such facility for such purposes, commits promoting prostitution.

Section 88. Section 9-3-9 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-3-9. Indecent Exposure.** It is unlawful for any person to commit indecent exposure. A person commits indecent exposure if ~~he~~ SUCH PERSON knowingly exposes ~~his~~ SUCH PERSON'S genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to other persons.

Section 89. Section 9-4-2 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-4-2. Disorderly Conduct.** It is unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if ~~he~~ SUCH PERSON intentionally, knowingly, or recklessly:

- (a) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace; or
- (b) Abuses or threatens a person in a public place in an obviously offensive manner; or

- (c) Makes unreasonable noise in a public place or near a private residence that ~~he~~ SUCH PERSON has no right to occupy; or
- (d) Fights with another in a public place except in an amateur or professional contest of athletic skill; or
- (e) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting; or
- (f) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

Section 90. Section 9-4-6 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-4-6. Disrupting Lawful Assembly.** It is unlawful for any person to disrupt a lawful assembly if, with the intent to prevent or disrupt any lawful meeting, procession or gathering, ~~he~~ SUCH PERSON significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterances or by any other means.

Section 91. Section 9-5-3(a) of the Northglenn Municipal Code is hereby amended to read as follows:

- (a) It is unlawful for any person to impersonate a public servant. A person commits impersonating a public servant if ~~he~~ SUCH PERSON falsely pretends to be a public servant other than a peace officer and performs any act in that pretended capacity.

Section 92. Section 9-5-4, subsections (b) and (d) of the Northglenn Municipal Code are hereby amended to read as follows:

- (b) It is unlawful for any person to drive a vehicle to or close by the scene of a fire, explosion, traffic accident, riot or impending riot, other disaster or investigation so as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or any other emergency vehicle, or to fail to move a vehicle from the scene of such disaster when ordered to do so by police officers, ~~firemen~~ FIRE PERSONNEL, emergency personnel or military personnel in the performance of their duties in coping with such fire, explosion, traffic accident, riot or impending riot, other disaster or investigation.

\* \* \*

- (d) It is unlawful for any person to threaten violence, reprisal or any other injurious act to any police officer, ~~fireman~~ FIRE PERSONNEL, City employee or other public official who is engaged in the performance of ~~his~~ SUCH PERSON'S official duties, or to make



such a threat by reason of such officer's performance or attempted performance of ~~his~~ SUCH PERSON'S official duties.

Section 93. Section 9-5-5 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-5-5. Resisting Arrest--Escaping Custody--Rescuing Prisoner.**

(a) It is unlawful for any person to prevent or attempt to prevent a police officer, acting under color of ~~his~~ SUCH OFFICER'S official authority, from effecting the arrest of any person, by the use or threatened use of force or physical violence or any other means which creates a substantial risk of causing physical injury to such police officer.

(b) **"Police Officer"**, as used in the section, means any person defined as a peace officer by C.R.S. Section 18-1-901, as amended, who is in uniform or who has displayed ~~his~~ SUCH OFFICER'S credentials to the person whose arrest is attempted.

(c) A police officer is **"acting under color of ~~his~~ SUCH OFFICER'S official authority"** when, in the course of ~~his~~ SUCH OFFICER'S duties, SUCH OFFICER is called upon to make or does in fact make a good-faith judgment, based on surrounding facts and circumstances, that an arrest should be made. It is no defense to a prosecution under this section that the arrest was unlawful if the police officer was acting under color of ~~his~~ SUCH OFFICER'S authority and did not use unreasonable or excessive force in effecting the arrest.

(d) It is unlawful for any person to escape or attempt to escape, or in any manner aid another to escape, or attempt to rescue or rescue a person, from the custody of a police officer or from the custody of any person aiding such police officer after being commanded by such police officer to so take such person into custody; provided, that the provisions of this section shall not apply when the escapee is being held for a felony or charged with any felony.

Section 94. Section 9-5-6 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-5-6. Disobeying--Refusing to Aid.**

(a) It is unlawful for any person knowingly to disobey the lawful or reasonable order of police officers, ~~firemen~~ FIRE PERSONNEL, emergency personnel or military personnel, given incident to the discharge of the official duties of such police officers or ~~firemen~~ FIRE PERSONNEL or incident to the duties of emergency personnel or military personnel when coping with an emergency, explosion or other disaster.

(b) A person commits an unlawful act when, upon command by a person known to ~~him~~ SUCH PERSON as a police officer, ~~he~~ SUCH PERSON unreasonably refuses to aid such police officer in coping with an emergency situation.

Section 95. Section 9-5-8 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-5-8. Unlawful Interference--Public Buildings and Proceedings.** It is unlawful for any person to so conduct ~~himself~~ SUCH PERSON at or in any public building owned, operated or controlled by the City, the state or any of its political subdivisions, in such a manner so as to willfully deny to any public official, public employee or any invitee on such premises, the lawful rights of such official, employee or invitee to enter, use or leave the facilities of any such public building.

Section 96. Section 9-5-9, subsections (b) and (c) of the Northglenn Municipal Code are hereby amended to read as follows:

(b) It is unlawful for any person on the premises of any educational institution or within one hundred feet (100') of any building or other facility being used by any educational institution to willfully impede the staff or faculty of such institution in the lawful performance of their duties or to willfully impede a student of such institution in the lawful pursuit of ~~his~~ SUCH PERSON'S educational activities through the use of restraint, coercion or intimidation or with force and/or violence or threatened violence.

(c) It is unlawful for any person to willfully refuse or fail to leave the property of, or any building or other facility used by, any educational institution upon being requested to do so by the chief administrator officer, ~~his~~ SUCH OFFICIAL'S designees charged with maintaining order on the school premises and in its facilities or a dean of such education institution.

Section 97. Section 9-8-1(l) of the Northglenn Municipal Code is hereby amended to read as follows:

(l) **"Possession of alcohol"** -- means that a person has or holds any amount of ethyl alcohol anywhere on ~~his~~ SUCH person, or that a person owns or has custody of ethyl alcohol within ~~his~~ SUCH PERSON'S immediate presence or control.

Section 98. Section 9-9-1(b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) Violations.

(1) It is unlawful for any person to drink, possess or have under ~~his~~ SUCH PERSON'S control any alcoholic beverage in an open container or in a container, the seal of which is

broken, in any designated public place within the City of Northglenn, or in any vehicle within reach of the driver thereof, with the exception contained in Subsection (c).

(2) It is unlawful for any person, while operating a vehicle in any public place within the City of Northglenn, to drink, possess, have under ~~his~~ SUCH PERSON'S control or allow any alcoholic beverage within the passenger compartment of a vehicle, in an open container or in a container the seal of which is broken, with the exception contained in Subsection (c).

Section 99. Section 9-9-4(d)(1) of the Northglenn Municipal Code is hereby amended to read as follows:

(d) Unlawful Acts:

(1) It is unlawful for any person to possess drug paraphernalia if ~~he~~ SUCH PERSON knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of the State of Colorado or the City of Northglenn.

Section 100. Section 9-11-5, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) Right of entry -- generally. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized inspector has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on ~~him~~ THE INSPECTOR, provided, that if such building or premises is occupied, such inspector shall first present proper credentials and request entry; and if such building or premises is unoccupied, ~~he~~ THE INSPECTOR shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises, and upon locating the owner, occupant or other person or persons shall present proper credentials and request entry. If entry is refused, such person shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, ~~he~~ THE INSPECTOR shall leave at the building or premises, a twenty-four hours' written notice of intention to inspect. The notice given to the owner or occupant or left on the premises as aforesaid shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a municipal judge of the City, or judge of any other court having jurisdiction.

After the expiration of the twenty-four hour period from the giving or leaving of such notice, the authorized inspector may appear before any Municipal Judge of the Municipal Court of the City and upon a showing of probable cause obtain a search warrant entitling ~~him~~ SUCH AUTHORIZED INSPECTOR to enter the building or the premises. Upon presentation of the search warrant and proper credentials, or possession of same in the case

of an unoccupied building or premises, the person may enter into the building or the premises using such reasonable force as may be necessary to gain entry therein.

(b) Right of entry--emergencies. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, an authorized inspector upon a presentation of proper credentials or identification, in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises, may enter into any building or any premises within the jurisdiction of the City. In the emergency situation such person or ~~his~~ SUCH PERSON'S authorized representative may use such reasonable force as may be necessary to gain entry into the building or the premises.

For purposes of this subsection, an emergency situation includes any situation where there is imminent danger of loss of life, limb or property. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by the authorized official acting pursuant to this subsection.

Section 101. Section 9-11-6 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-11-6. Liable for Nuisance.** Any person who shall hereafter make or cause any nuisance to exist shall be deemed the author thereof. Provided, that any person who shall have possession or control of any private ground or premises, whether ~~he~~ SUCH PERSON is owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of one (1) day continuation of such nuisance.

Section 102. Section 9-11-7, subsection (c) of the Northglenn Municipal Code is hereby amended to read as follows:

(c) **Protest.** Upon receipt of any notice under this section, the owner or occupant may file a protest with the City Clerk of the determination of the existence of a nuisance. Any protest shall be made in writing within the period provided for in the notice. The period of abatement as stated in the notice shall be extended until the final disposition of the protest by the City Manager plus ten (10) days. The City Manager or a hearing officer appointed by ~~him~~ THE CITY MANAGER shall forthwith schedule a hearing on the protest. Such hearing shall be conducted in accordance with Section 3-7-1 et seq. of this Municipal Code relating to quasi-judicial proceedings. Any protesting party who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided.

Section 103. Section 9-11-16.5 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 9-11-16.5. Obstructing Streets and Sidewalks.** It is unlawful for any person to willfully, maliciously or recklessly place in any doorway or driveway not owned by ~~him~~ SUCH PERSON or under ~~his~~ SUCH PERSON'S lawful control or on any sidewalk, public highway, street or alley in the City any object which causes or tends to cause the obstruction thereof or of any part thereof.

Any violation of this section is a civil infraction, punishable according to Section 1-1-10(a)(3) of the Municipal Code, as amended, or is a nuisance, punishable according to this Chapter, or both. In no case shall a violation of this section be deemed to be punishable by jail time. The penalty set forth in Section 1-1-10(a)(2) of the Municipal Code does not apply.

Section 104. Section 10-1-4, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Whenever a code enforcement officer has probable cause to believe that any person, firm, corporation or association of persons has violated the provisions of any City ordinance provided by Section 10-1-3 to be enforced by the building department, ~~he~~ SUCH OFFICER may, in ~~his~~ SUCH OFFICER'S OFFICIAL capacity, ~~as such officer~~ issue and serve a summons and complaint requiring such person to appear before the Municipal Court of the City of Northglenn to answer charges of such violation. A summons and complaint signed by a code enforcement officer may be served by another code enforcement officer or by a police officer or by any person authorized by law to serve process.

Section 105. Section 10-12-11 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 10-12-11. Permits--Revocation, Suspension and Denial.** The building official may revoke, suspend or deny any permit provided for in this Article if ~~he~~ THE BUILDING OFFICIAL finds that the permit holder is responsible for any one or more of the following acts or omissions:

- (1) Failure to comply with any of the provisions of this Article;
- (2) Violation of any other local, state or federal law or regulation relating to asbestos; or
- (3) Any misrepresentation, falsehood, or omission contained in the application for such permit.

Section 106. Section 10-18-5, subsections (a) and (b) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) When Required. The respective licensees, whether individuals, firms or corporations, shall not be required to possess those skills and qualifying experience records required for the work they are permitted to do under the terms and

provisions of their respective licenses, provided that they retain in their business a supervisor whose skills and qualifying experience records are such that ~~he~~ SUCH SUPERVISOR would be qualified to supervise all work in ~~his~~ SUCH SUPERVISOR'S principal's license category. The respective licensees' rights to do business shall be dependent upon the continued retention of the designated supervisors in active, full-time capacity.

(b) Termination of Supervisor. Whenever a designated supervisor terminates ~~his~~ THE SUPERVISOR'S association with a licensee or otherwise becomes inactive, the licensee shall immediately notify the building department. In such event, the license shall be deemed to be suspended and there shall be a thirty (30) day grace period from the date of termination of the supervisor in order to acquire a proper supervisor before complete termination of the license. Should the supervisor be replaced, such fact shall be made known to the Building Department. If the proposed replacement is found to meet the required qualifications, the license shall again be deemed in full force and effect without imposition of an additional license fee for the license period.

Section 107. Section 14-1-1, subsection (k) of the Northglenn Municipal Code is hereby amended to read as follows:

(k) "Manager" means the City Manager of the City of Northglenn, or ~~his~~ THE CITY MANAGER'S authorized representative.

Section 108. Section 14-1-4, subsection (c) of the Northglenn Municipal Code is hereby amended to read as follows:

(c) It shall be unlawful for any person, except any animal control officer as defined by this ordinance or a person authorized by this ordinance to perform the duties of an animal control officer, to represent ~~himself~~ SUCH PERSON as an animal control officer, and thereby obtain possession of any dog, cat, animal or fowl.

Section 109. Section 14-2-6, subsection (e) of the Northglenn Municipal Code is hereby amended to read as follows:

(e) A person, being the owner or keeper of a dog, shall be guilty of dog at large if such dog runs at large within the City. A dog shall be deemed to be running at large when it is off the premises of the owner or keeper and not within the effective control of that owner or keeper, ~~his~~ SUCH OWNER OR KEEPER'S agent, servant, or competent member of ~~his~~ SUCH OWNER OR KEEPER'S family, by means of a leash, cord or chain. A dog shall also be deemed to be running at large when it is on an unfenced portion of the premises of the owner or keeper and the owner or keeper is not physically present within eyesight of the dog. For purposes of this definition, the "**premises of the owner or keeper**" shall not include the common areas of condominiums, townhouses, and apartment buildings, or any public sidewalk, park, or right of way, and any dog not in the effective control of its owner or keeper upon the common area of any condominium, townhouse or apartment building,

or any public area, shall be deemed to be running at large. A dog will not be deemed to be running at large in the following circumstances:...

Section 110. Section 14-2-7 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 14-2-7. Confinement or Muzzling of Dogs During Rabies Danger—Impoundment of Dogs Not Confined or Muzzled.** Whenever the ~~Mayor~~ THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE shall find that any danger exists from rabies, plague or other canine-carried disease or that any other danger exists from dogs running at large within the City, ~~he~~ THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE may issue ~~his~~ A proclamation requiring every owner, possessor, or keeper of any dog within the City to confine or muzzle securely the same for such time as ~~he~~ THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE may designate, during which time it shall be unlawful for any dog to be within the City unless so confined or muzzled securely with a strong wire or leather muzzle fastened so as to prevent any such dog from biting. It shall be the duty of the animal control officer and all police officers of the City to seize and impound any dog that may be found during the time so designated by the ~~Mayor~~ THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE unless confined or muzzled as provided in this ordinance.

Section 111. Section 14-2-11, subsections (c) and (d) of the Northglenn Municipal Code are hereby amended to read as follows:

(c) The animal control officer may, whenever ~~he~~ SUCH OFFICER has reason to believe that any violation of this Chapter has been committed or exists, notify the owner of any dog, or dogs of the existence of such violation and request the discontinuance or correction of such violation within a reasonable time stated within such notice. Such notice shall contain a statement that the ordinances of the City provide for issuance of the summons and complaint for violations of the ordinance, and the possible penalties provided by the ordinance. This provision shall not apply to violations of Sections 14-2-9 and 14-2-10.

(d) The animal control officer may enter upon private property for the purpose of seizing a dog to be impounded if the animal control officer is in pursuit of a dog which ~~he~~ THE OFFICER has probable cause to believe to be in violation of any of the provisions of this Chapter and which has strayed to or taken refuge on such private property in the course of such pursuit, or if such entry onto private property is necessary to remove a danger of imminent bodily harm to a human being, animal, dog or cat.

Section 112. Section 14-2-14 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 14-2-14. Barking Dogs.** It shall be unlawful for any person to own, keep, or have in ~~his~~ SUCH PERSON'S possession or harbor any dog which, without provocation, by frequent or habitual howling, barking, or otherwise, shall cause annoyance or disturbance to any persons. This section shall not apply to an animal control officer in the performance of ~~his~~ SUCH OFFICER'S duties nor to hospitals conducted for treatment of dogs and small animals.

Section 113. Section 14-3-4 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 14-3-4. Entry on Private Property.** The animal control officer may enter upon private property for the purpose of seizing a cat, domestic animal or reptile to be impounded, or for the purpose of seizing an estray, which has strayed to or taken refuge on such private property in the course of pursuit thereof by the animal control officer, or if such entry onto private property is necessary to remove or prevent a hazard or danger to any person or property, or if such entry is authorized by order of a municipal judge. The animal control officer may enter upon private property, with the consent of the owner of such property, in the performance of ~~his~~ SUCH OFFICER'S duties under this ordinance.

Section 114. Section 14-3-8, subsection (g) of the Northglenn Municipal Code is hereby amended to read as follows:

(g) It shall be unlawful for any person to own, keep, have in ~~his~~ SUCH PERSON'S possession or harbor any cat, or other domestic animal which without provocation, shall cause annoyance or disturbance to any person by habitual howling, barking, meowing, squawking, squealing or otherwise disturbing the peace. This section shall not apply to an animal control officer in the performance of ~~his~~ SUCH OFFICER'S duties, nor to hospitals conducted for treatment of small animals and cats.

Section 115. Section 14-3-10, subsections (b), (c) and (d) of the Northglenn Municipal Code are hereby amended to read as follows:

(b) The animal control officer may, whenever a violation of the provisions of this ordinance is committed by any person in ~~his~~ THE ANIMAL CONTROL OFFICER'S presence or whenever ~~he~~ SUCH OFFICER shall have probable cause to believe that a violation of the provisions of this ordinance has been committed by any person, institute proceedings in the Municipal Court of the City of Northglenn for the prosecution of such violation, by issuing a summons and complaint

(c) The animal control officer may, whenever a violation under the provisions of this ordinance is committed by any person in ~~his~~ THE ANIMAL CONTROL OFFICER'S presence, or whenever ~~he~~ SUCH OFFICER shall have probable cause to believe that a violation of the provisions of this ordinance has been committed by any person, issue a



warning notice requiring the correction or discontinuance of any violation or existing condition within a period of not more than seven (7) days.

(d) The animal control officer may, whenever ~~he~~ THE ANIMAL CONTROL OFFICER has reason to believe that any violation of this ordinance has been committed or exists, notify the owner of any cat, or cats, of the existence of such violation and request the discontinuance or correction of such violation within a reasonable time stated within such notice. Such notice may contain a statement that the ordinances of the City provide for issuance of the summons and complaint for violations of the ordinance, and the possible penalties provided by the ordinance.

Section 116. Section 14-3-13, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Any person residing in the City of Northglenn desiring to keep upon the premises upon which ~~he~~ SUCH PERSON resides three (3) or more rabbits may apply for a license pursuant to the provisions of this ordinance.

Section 117. Section 14-4-12, subsections (a), (c) and (d) of the Northglenn Municipal Code are hereby amended to read as follows:

(a) An animal control officer may by order cause any dog, cat, ferret, horse, cow or sheep to be confined for a period of ten (10) days for rabies observation when:

(1) ~~He~~ THE ANIMAL CONTROL OFFICER has probable cause to believe that such dog, cat, ferret, horse, cow or sheep has bitten any person, or has bitten any dog, cat or domestic animal of different ownership; or

(2) ~~He~~ THE ANIMAL CONTROL OFFICER has probable cause to believe that a person has been bitten by a dog, cat, ferret, horse, cow or sheep, and a reasonable basis for believing that the dog, cat, ferret, horse, cow or sheep proposed to be confined has bitten or could have bitten such person; or

(3) ~~He~~ THE ANIMAL CONTROL OFFICER has probable cause to believe that such dog, cat, ferret, horse, cow or sheep has rabies; or

(4) ~~He~~ THE ANIMAL CONTROL OFFICER has probable cause to believe that such dog, cat, ferret, horse, cow or sheep has been exposed to rabies.

\* \* \*

(c) Whenever any dog, cat, ferret, horse, cow or sheep which has been vaccinated against rabies as provided in this chapter is ordered confined under the provisions of Section 14-4-12(a), the animal control officer may order such confinement on the premises

of the owner of such dog, cat, ferret, horse, cow or sheep, if ~~he~~ THE ANIMAL CONTROL OFFICER determines: ...

(d) If the animal control officer determines that confinement of such dog, cat, ferret, horse, cow or sheep cannot be accomplished as provided in Section 14-4-12(c), ~~he~~ THE ANIMAL CONTROL OFFICER may order such dog, cat, ferret, horse, cow or sheep confined for the purposes of Section 14-4-12(a);

(1) At a private veterinary hospital, at the expense of the owner of such dog, cat, ferret, horse, cow or sheep, if such owner agrees to be responsible for such expense; or

(2) At the animal control facility, in which event the owner of such dog, cat, ferret, horse, cow or sheep shall be responsible for payment of the pound fee established by this ordinance.

Section 118. Section 14-4-14, subsections (a)(4), (d)(3) and (g) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(4) The words "summons may issue" mean that the animal control officer, if ~~he~~ THE ANIMAL CONTROL OFFICER shall have probable cause to believe that a violation of the provisions of Section 14-2-6(e) or Section 14-3-8(b) of this chapter has been committed by the owner of such dog or cat, shall institute proceedings for the prosecution of such violation, by issuing to the owner of such dog or cat a summons and complaint which shall require the appearance of said owner before the Municipal Court, or at the clerk's office of said court, to answer the charges therein specified.

\* \* \*

(d)(3) The animal control officer, if ~~he~~ THE ANIMAL CONTROL OFFICER shall have probable cause to believe that a violation of the provisions of Section 14-2-6(e) or Section 14-3-8(b) of this chapter has been committed by the owner of such dog or cat, shall institute proceedings for the prosecution of such violation, by issuing to the owner of such dog or cat a summons and complaint which shall require the mandatory appearance of said owner before the Municipal Court of the City of Northglenn to answer the charges therein specified. If for any reason proceedings are not commenced as herein provided, a notice shall issue to the owner of such dog or cat.

\* \* \*

(g) If the owner of any impounded dog or cat subject to a temporary holding fee under the provisions of this ordinance shall establish, by affidavit or as otherwise provided by rule of the Manager, that ~~he~~ SUCH OWNER is an indigent person without money or property to pay the temporary holding fee, the animal control officer may release such dog or cat without payment of such temporary holding fee.

Section 119. Section 14-5-2 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 14-5-2. Cruelty to Animals--Neglect of Animals--Offenses.** It is unlawful for any person to commit cruelty to or neglect animals. A person commits cruelty to animals if ~~he~~ Such Person knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather or abandons it.

Section 120. Section 14-5-3, subsection (b) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) For the purpose of this Section, a person encourages a fight between animals for the purpose of monetary gain or entertainment if ~~he~~ SUCH PERSON:...

\* \* \*

(3) Knowingly allows such fight to occur on any property owned or controlled by ~~him~~ SUCH PERSON;

(4) Knowingly allows any animal used for such a fight to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by ~~him~~ SUCH PERSON;

Section 121. Section 17-2-3, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) All members of the Board shall be bona fide residents of the City of Northglenn for not less than one year preceding their appointment. If any member of the Board ceases to reside in the City, ~~his~~ SUCH MEMBER'S position on the Board shall immediately become vacant.

Section 122. Section 17-2-4, subsection (g) of the Northglenn Municipal Code is hereby amended to read as follows:

(g) The City Manager or ~~his~~ THE CITY MANAGER'S designee, upon consultation with the president of the Board, shall prepare the Board's agenda.

Section 123. Section 17-2-5, subsections (c) and (e) of the Northglenn Municipal Code are hereby amended to read as follows:

(c) Special meetings may be called by any officer of the Board or by the City Manager or ~~his~~ THE CITY MANAGER'S designee. Members will be notified in writing not less than seven (7) calendar days prior to the date of any special meeting, such notice to contain a list of the items to be considered at the special meeting provided, however, that upon majority vote of the Board a special meeting may be called with less than the required notice.

\* \* \*

(e) Each member of the Board shall vote, while the ex-officio member, City Manager or ~~his~~ THE CITY MANAGER'S designee, and the clerk will not vote. Members with a conflict of interest shall petition to abstain from voting and the entire membership present shall vote on the abstention. Votes shall be cast only at official meetings.

Section 124. Section 18-5-6, subsections (a)(2) and (a)(3) of the Northglenn Municipal Code is hereby amended to read as follows:

(a)(2) Failure to comply with this ordinance or violation of any ordinance applicable to ~~his~~ AN APPLICANT'S permitted activities;

(a)(3) Failure to obtain sales tax license as required by the City or failure of the applicant, ~~his~~ THE APPLICANT'S supervisor, or ~~his~~ THE APPLICANT'S employer to remit any sales tax due to the City.

Section 125. Section 18-5-7, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) No person shall transfer or attempt to transfer ~~his~~ SUCH PERSON'S license to any other person, and no person shall use a license issued to any other person

Section 126. Section 18-5-9 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 18-5-9. Appeal.** At ~~his~~ AN APPLICANT'S election, an applicant may appeal any decision relating to ~~his~~ AN APPLICANT'S license or permit by the City Clerk to the City Council. If the applicant requests, the Council shall hold a hearing pursuant to the procedures set forth in the City Charter and ordinances of the City of Northglenn. Council's decision shall be by a majority of a quorum of the Council.

Section 127. Section 18-5-13 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 18-5-13. Identification Cards.** The City Clerk shall issue to each person at the time of the delivery of ~~his~~ SUCH PERSON'S permit, an identification card or badge bearing the words "**Licensed Person**" the period of time for which the

permit is issued, and the number of the permit, in plainly discernible letters and figures. Each person shall conspicuously display such identification card or badge whenever ~~he~~ SUCH PERSON is engaged in door-to-door sales except when so engaged by telephone. The City Clerk may cause the same document to be used as the identification card and the permit.

Section 128. Section 18-5-14 of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 18-5-14. Exhibition of Permit.** Whenever requested by any police officer or by any customer or prospective customer, a person shall exhibit ~~his~~ SUCH PERSON'S identification card and ~~his~~ SUCH PERSON'S permit.

Section 129. Section 18-11-2(e) of the Northglenn Municipal Code is hereby amended to read as follows:

(e) **"Manager"** shall mean an individual who manages, directs, supervises, oversees, and administers the acts and transactions of the agents or servants of any establishment governed by this Chapter or who, through ~~his~~ SUCH MANAGER'S own actions, directs, oversees, and administers the affairs of any such establishment.

Section 130. Section 18-15-8((b)(1) of the Northglenn Municipal Code is hereby amended to read as follows:

(b)(1) The Northglenn Police Department shall make a report to the licensing authority to approve or deny the license based on its investigation. In investigating the qualifications of any applicant, licensee, or employee or agent of the licensee or applicant, the licensing authority may have access to criminal history record information furnished by criminal justice agencies subject to any restrictions imposed by such agencies. In the event the licensing authority takes into consideration information concerning the applicant's criminal history record, the licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of ~~his~~ SUCH APPLICANT'S application for a license.

Section 131. Section 18-15-9(f) of the Northglenn Municipal Code is hereby amended to read as follows:

(f) Each license issued under this article is separate and distinct, and no person shall exercise any of the privileges granted under any license other than that which ~~he~~ SUCH PERSON holds. A separate license shall be issued for each specific business or business entity and each geographical location.

Section 132. Section 18-15-16(e) of the Northglenn Municipal Code is hereby amended to read as follows:

(e) Any person unless ~~he~~ SUCH PERSON is, with respect to ~~his~~ SUCH PERSON'S character, record, and reputation, satisfactory to the licensing authority.

Section 133. Section 18-15-17, subsections (a)(3), (a)(4), and (a)(5) of the Northglenn Municipal Code are hereby amended to read as follows:

(a)(3) To be in or upon the premises of a massage parlor or to obtain the services provided in a massage parlor by misrepresentation of age or by any other method in any place where massage is practiced when such person is under eighteen (18) years of age, unless such person is accompanied by ~~his~~ SUCH PERSON'S parent or legal guardian, or has a physician's prescription for such massage services;

(a)(4) To allow the sale, giving, or procuring of any massage services to any person under the age of eighteen (18) years, unless such person is accompanied by ~~his~~ SUCH PERSON'S parent or legal guardian, or has a physician's prescription for such massage services;

(a)(5) To employ any person under the age of eighteen (18) years in a massage parlor; however, if any person who is not eighteen (18) years of age exhibits a fraudulent proof of age that ~~he~~ SUCH PERSON is eighteen (18) years of age or older, any action relying on such fraudulent proof of age shall not constitute grounds for the revocation or suspension of any license issued under this article for violation of subsection (a)(3) through (5) of this section, unless the person inspecting such proof of age knew or should have known that it was fraudulent;

Section 134. Section 20-2-1, subsection (a) of the Northglenn Municipal Code is hereby amended to read as follows:

(a) Every non-resident owner of a dwelling unit within the City whether occupied or vacant shall file a registration statement on a form to be provided by the City Manager or ~~his~~ THE CITY MANAGER'S designee (hereinafter referred to as "Manager") for each unit for which ~~he~~ SUCH NON-RESIDENT OWNER is receiving or is entitled to receive rent. A non-resident owner is any natural person who does not maintain ~~his or her~~ SUCH NON-RESIDENT OWNER'S principal residence at the dwelling unit in question. The registration statement required by this section shall be updated to include current information within thirty (30) days following any change of ownership, business name, address or telephone number. Not less often than once every five (5) years each non-resident owner shall provide written confirmation on a form provided by the manager that the information contained in the registration statement on file with the City is current.

INTRODUCED, READ AND ORDERED POSTED this 10<sup>th</sup> day of January,  
2022.

  
MEREDITH LEIGHTY  
Mayor

ATTEST:

  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2022.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney