

ORDINANCE NO. 2167

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, AMENDING CHAPTER 8.30 OF THE GOLDEN MUNICIPAL CODE REGARDING HOURS OF USAGE FOR CITY TRAILS

WHEREAS, the City of Golden (“City”) offers residents and visitors access to and use of a comprehensive system of parks and recreation facilities, which includes 253 acres of park space, 24 miles of trails, and 402 acres of open space and other recreational facilities; and

WHEREAS, pursuant to C.R.S. §31-15-103 and C.R.S. §31-15-104, the City is authorized to enact ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, the City is further authorized pursuant to Section 2.2 of its Home Rule Charter and C.R.S. § 31-15-401(e) and C.R.S. § 31-15-702 to prevent and suppress noises and disturbances and to regulate the use of public parks and public grounds; and

WHEREAS, Section 8.30.030(e) of the Golden Municipal Code (“Code”) currently provides that unless otherwise posted, outdoor parks are open to the public between the hours of 5:00 a.m., to 11:00 p.m., but all trails remain open 24 hours a day to pedestrian and bicycle traffic; and

WHEREAS, the City Council desires to amend the Code to authorize the City Manager to adjust the hours of use of City trails by posting signs as needed to ensure that City residents and visitors may enjoy City trails in a manner that is safe and that minimizes noises and disturbances related to the use of such trails; and

WHEREAS, the City Council finds that granting the City Manager such authority will enhance the community’s ability to enjoy City trails and therefore the City Council finds that the enactment of this ordinance will promote and preserve the health, safety, welfare, comfort, and convenience of the City’s residents and visitors.

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

Section 1. Park Hours Provision Amended. Section 8.30.030(e) of the Golden Municipal Code Section regarding park hours is amended to read in full as follows, with additions shown in underline and deletions shown in ~~strikethrough~~:

(e) *Park Hours.* Unless otherwise posted by the city manager, outdoor parks are open to the public between the hours of 5:00 a.m.; to 11:00 p.m. ~~All trails, however,~~Unless otherwise posted by the city manager, all trails ~~remain~~ are open 24 hours each day to bicycle and pedestrian traffic.

Section 2. **Repealer.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 3. **No Existing Violation Affected.** Nothing in this ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this ordinance. Any such ordinance or provision thereof so amended, repealed or superseded by this ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits or proceedings, or prosecutions imposing, inflicting or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings and appeals pending before any court or administrative tribunal.

Section 4. **Safety.** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community. The City Council further determines that this ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. **Severability.** If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 6. **Codification Amendments.** The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Golden Municipal Code.

Section 7. **Effective Date.** This Ordinance shall become effective five (5) days after publication following final passage in accordance with Section 5.9 of the Charter for the City of Golden, Colorado.

Introduced, read, passed and ordered published this 10th day of August, 2021.

Passed and adopted upon second reading and ordered published this 24th day of August, 2021.



Laura Weinberg, Mayor

ATTEST:

Monica S. Mendoza
Monica S. Mendoza, CMC

Approved as to form:

Kathie Guckenberger
Kathie Guckenberger (Aug 24, 2021 21:13 MDT)
Kathie B. Guckenberger, City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 10th day of August, 2021 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 24th day of August, 2021, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 24th day of August, 2021.

Witness my hand and official seal of the City of Golden, Colorado, on the 24th day of August, 2021.



ATTEST:

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









2167 Allowing City Manager to Adjust Trail Hours

Final Audit Report

2021-08-30

Created:	2021-08-25
By:	Monica Mendoza (mmendoza@cityofgolden.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAAgOB-cUbk0gdNf9pMu8-ahdzrVIE4Z2jJ

"2167 Allowing City Manager to Adjust Trail Hours" History

-  Document created by Monica Mendoza (mmendoza@cityofgolden.net)
2021-08-25 - 3:11:45 AM GMT- IP address: 24.8.115.194
-  Document emailed to Kathie Guckenberger (kathie@mcm-legal.com) for signature
2021-08-25 - 3:12:05 AM GMT
-  Email viewed by Kathie Guckenberger (kathie@mcm-legal.com)
2021-08-25 - 3:12:52 AM GMT- IP address: 24.8.115.194
-  Document e-signed by Kathie Guckenberger (kathie@mcm-legal.com)
Signature Date: 2021-08-25 - 3:13:10 AM GMT - Time Source: server- IP address: 24.8.115.194
-  Document emailed to Laura Weinberg (lweinberg@cityofgolden.net) for signature
2021-08-25 - 3:13:12 AM GMT
-  Email viewed by Laura Weinberg (lweinberg@cityofgolden.net)
2021-08-30 - 2:49:19 PM GMT- IP address: 73.181.47.22
-  Document e-signed by Laura Weinberg (lweinberg@cityofgolden.net)
Signature Date: 2021-08-30 - 2:49:43 PM GMT - Time Source: server- IP address: 73.181.47.22
-  Agreement completed.
2021-08-30 - 2:49:43 PM GMT