



City of Arvada

City Council Agenda

FEBRUARY 17, 2026

Councilmembers:

Lauren Simpson, Mayor
Randy Moorman, Mayor Pro-Tem
Shawna Ambrose, District 2
Sharon Davis, At large
Bob Fifer, District 4
Michael P. Griffith, At large
Rebecka Lovisone, District 3

Staff Members Usually Present:

Don Wick, City Manager
Linda Haley, Deputy City Manager
Allison Scheck, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Infrastructure
Jessica Garner, Director of Community & Econ. Dev.
Bryan Archer, Chief Financial Officer
Gabriella Bommer, Director of Human Resources
Ryan Stevenson, Director of Vibrant Community & Neighborhoods
Rachael Kuroiwa, Director of Communications & Engagement
Ed Brady, Chief of Police
Kristen Rush, City Clerk

Info: 720-898-7550

THIRD FLOOR CONFERENCE ROOM EXECUTIVE SESSION 5:00 P.M.

Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) and Legal Advice, Pursuant to CRS 24-6-402(4)(b) regarding Request for Boundary Change of JCMD No. 1 and JCMD NO. 2

REGULAR MEETING CITY COUNCIL CHAMBERS 6:00 P.M.

1. Call to Order - 6:00 PM
2. Moment of Reflection and Pledge of Allegiance - Councilmember Fifer
3. Roll Call of Councilmembers
4. Approval of Minutes
 - A. February 3, 2026, City Council Meeting and February 10, 2026, Special City Council Meeting
5. Recognitions and Communications - None
6. Presentations - None
7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit
8. New Business
 - A. Consent Agenda
 1. R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way
 2. R26-011, A Resolution Authorizing A Master License Agreement By and Between the City of Arvada and Forged Fiber 37, LLC

B. Resolutions - None

C. Ordinances (First Reading)

1. CB26-002, An Ordinance Repealing and Reenacting Chapter 66, Parks and Recreation, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)
2. CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)
3. CB26-004, An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

9. Other

10. Public Hearings - 6:15 PM

- A. CB26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals (Ordinance No. 4917) (Presenter: Nora Steenson, Deputy City Attorney)
 1. R26-012, A Resolution Adopting Short-Term Rental Program Rules (Presenter: Nora Steenson, Deputy City Attorney)

11. Public Comment - Five Minute Limit

12. Reports from City Council

- A. Council Committee Reports

13. Reports from City Manager

- A. Review of Future Workshops and Presentations

14. Reports from City Attorney

15. Adjournment



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
FEBRUARY 3, 2026**

- A. Legal Advice Pursuant to CRS 24-6-402(4)(b) regarding a Potential Ethics Violation, Ethics Investigation and Administrative Process under the Arvada Code of Ethics

Councilmember Ambrose moved to go into executive session for Legal Advice Pursuant to CRS 24-6-402(4)(b) regarding a Potential Ethics Violation, Ethics Investigation and Administrative Process under the Arvada Code of Ethics.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Fifer, Griffith

Those Absent: Davis, Lovisone

The Motion was Approved

Councilmember Lovisone joined the meeting at 4:40 p.m.

1. Call to Order - 6:00 p.m.
2. Moment of Reflection and Pledge of Allegiance
3. Roll Call of Councilmembers

Those Present: Mayor Lauren Simpson, Mayor Pro Tem Randy Moorman, Councilmember Shawna Ambrose, Councilmember Sharon Davis, Councilmember Bob Fifer, Councilmember Michael Griffith, Councilmember Rebecka Lovisone.

Also Present: Don Wick, City Manager, Rachel Morris, City Attorney, Linda Haley, Deputy City Manager, Allison Scheck, Deputy City Manager, Bryan Archer, Chief Financial Officer, Jacqueline Rhoades, Director of Infrastructure, Jessica Garner, Director of Community and Economic Development, Jessie Bauters, Communications Manager, Department of Community and Economic Development and Kristen Rush, City Clerk.

4. Approval of Minutes – January 6, 2025

The minutes stand approved.

5. Recognition and Communication – None

6. Public Comment –

- A. Bodhi Cabeen, Arvada resident, addressed council regarding the Climate and Sustainability Action Plan
- B. Brett Dickerson, Arvada resident, addressed council regarding short term rentals.
- C. Brett Vernon, Arvada resident, addressed council regarding the Jefferson Parkway.
- D. Hannah Szakal, Arvada resident, addressed council regarding resident trust, security and

- transparency.
E. Robert Treta, Arvada resident, addressed council regarding housing.

7. New Business

A. Consent Agenda –

1. R26-007 A Resolution Authorizing an Agreement Between the City of Arvada and Stantec Consulting Services Inc. for Professional Services Relating to the Design of Sanitary Sewer for NTL 8 – W 68th and Sheridan to W 61st Pl and Tennyson, Project No. 26-SR-04, in an Amount Not to Exceed \$1,355,625.20
2. R26-008 A Resolution Authorizing an Agreement Between the City of Arvada and Essential Contractors, Inc. for West 60th Avenue Roadway Improvements, Sheridan Boulevard to Wolff Street, Project No. 15-ST-18 in an Amount Not to Exceed \$836,146.80

Councilmember Fifer moved that R26-007, A Resolution Authorizing an Agreement Between the City of Arvada and Stantec Consulting Services Inc. for Professional Services Relating to the Design of Sanitary Sewer for NTL 8 – W 68th and Sheridan to W 61st Pl and Tennyson, Project No. 26-SR-04, in an Amount Not to Exceed \$1,355,625.20; R26-008, A Resolution Authorizing an Agreement Between the City of Arvada and Essential Contractors, Inc. for West 60th Avenue Roadway Improvements, Sheridan Boulevard to Wolff Street, Project No. 15-ST-18 in an Amount Not to Exceed \$836,146.80, be approved.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Griffith, Lovison
The Motion was Approved

B. Resolutions –

1. R26-009 A Resolution Repealing the Current City Council Rules of Procedures Governing Meetings and Adopting City Council Bylaws

Nora Steenson, Deputy City Attorney, reviewed this resolution with council.

Public Comment on this resolution:

Myla Lyons, Arvada resident
Patty Shannon, Arvada resident
Mark Breese, Arvada resident
Lilly Allish, Arvada resident
Dan Bradley, Arvada resident
Mike Rawluk, Golden resident
Mike Schweitzer, Arvada resident
Pamela Durkee, Arvada resident
Gina Hallisey, Arvada resident
Rich Bohling, Arvada resident
Jordan Green, Arvada resident
Sarah Cowan, Arvada resident

Councilmember Lovisone moved to keep the current practice with no overall time limit for the first one.

The following votes were cast on the Motion:
Those voting Yes: Moorman, Davis, Griffith, Lovisone
Those voting No: Simpson, Ambrose, Fifer,
The Motion was Approved

Mayor Pro Tem Moorman moved that Option C, to move the public hearings be moved to before the first regular public comment period,

The following votes were cast on the Motion:
Those voting Yes: Moorman, Fifer, Griffith
Those voting No: Simpson, Ambrose, Davis, Lovisone
The Motion Failed

Councilmember Griffith moved that we keep the current practice, which means that any person may speak during public comment on a topic whether pertinent to the city business or not.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Griffith, Lovisone
The Motion was Approved

Councilmember Lovisone, regarding resident priority, moved to keep the current practice, meaning that it is in the presiding officer's sole discretion, give Arvada residents priority to speak.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Griffith, Lovisone
The Motion was Approved

Councilmember Lovisone moved that R26-009, A Resolution Repealing the Current City Council Rules of Procedures Governing Meetings and Adopting City Council Bylaws, be postponed until April 21, 2026.

The following votes were cast on the Motion:
Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Griffith, Lovisone
The Motion was Approved

C. Ordinances (First Reading) -

1. CB26-001 An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals (Public Hearing to be set for February 17, 2026 at 6:15 p.m.)

Mayor Pro Tem Moorman moved that CB26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals, be approved on first reading, ordered published in full and a public hearing set for February 17, 2026, at 6:15 p.m.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Davis, Fifer, Lovisone

Those voting No: Griffith

The Motion was Approved

10. Public Hearings – None

11. Other -

- A. Motion to Authorize Retention of an Outside Investigator and/or Outside Counsel to Pursue an Investigation and Administrative Process under Arvada's Code of Ethics.

Councilmember Davis requested to be recused from this item.

Mayor Simpson asked for a vote to recuse Councilmember Davis from the motion.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Fifer, Griffith, Lovisone

Those Abstaining: Davis

The Motion was Approved

Councilmember Fifer moved to Authorize Retention of an Outside Investigator and/or Outside Counsel to Pursue an Investigation and Administrative Process under Arvada's Code of Ethics.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Fifer, Griffith, Lovisone

Those Abstaining: Davis

The Motion was Approved

12. Public Comment - Five Minute Limit –

- A. Lilly Allish, Arvada resident, thanked council for their votes tonight.
- B. Mike Rawluk, Arvada resident, addressed council regarding Trip Generation of new development.
- C. Robert Treta, Arvada resident, addressed council regarding Accessory Dwelling Units and Short Term Rentals.
- D. Sarah Cowan, Arvada resident, addressed council regarding rules regarding building.
- E. Mark Breese, Arvada resident, addressed council regarding the Welby Gardens Hearing.

13. City Council Reports –

- A. Mayor Pro Tem Moorman said that he would be holding his monthly coffee chat on Friday at Sweet Bloom, from 2-4 p.m.
- B. Councilmember Ambrose thanked staff for attending Adams County Leadership Summit.
- C. Councilmember Ambrose said that DRCOG is conducting a study around housing dynamics

- in Arvada around rail stations.
- D. Councilmember Ambrose reviewed upcoming events and said that these events can be found on visitarvada.org.
14. City Manager Reports –
- A. Don Wick, City Manager, reviewed the upcoming workshop schedule.
- B. Mr. Wick thanked council for attending the West 72nd Avenue meeting.
15. City Attorney Reports –
- Rachel Morris, City Attorney, thanked council for their engagement with the council bylaws.
16. Adjournment at 9:00 p.m.

Lauren Simpson, Mayor

SEAL:

Kristen R. Rush, City Clerk



SUMMARY OF MINUTES OF THE SPECIAL MEETING OF THE ARVADA CITY COUNCIL HELD FEBRURY 10, 2026

1. Call to Order - 6:10 p.m.
2. Moment of Reflection and Pledge of Allegiance
3. Roll Call of Councilmembers

Those Present: Mayor Lauren Simpson, Mayor Pro Tem Randy Moorman, Councilmember Shawna Ambrose, Councilmember Bob Fifer, Councilmember Michael Griffith, Councilmember Rebecka Lovisone.

Councilmember Fifer moved to excuse Councilmember Davis from the meeting.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Fifer, Griffith, Lovisone

Those Absent: Davis

The Motion was Approved

Also Present: Don Wick, City Manager, Rachel Morris, City Attorney, Linda Haley, Deputy City Manager, Allison Scheck, Deputy City Manager, Bryan Archer, Chief Financial Officer, Jacqueline Rhoades, Director of Infrastructure, Jessica Garner, Director of Community and Economic Development, Jessie Bauters, Communications Manager, Department of Community and Economic Development and Kristen Rush, City Clerk.

4. Motion
 - A. Motion to Waive Attorney Client Privilege for Specifically Identified Communications Between the City Attorney and Members of Council from January 26, 2026 through February 2, 2026 Relevant to the Pending Ethics Investigation

Councilmember Ambrose moved to Waive Attorney Client Privilege for Specifically Identified Communications Between the City Attorney and Members of Council from January 26, 2026 through February 2, 2026 Relevant to the Pending Ethics Investigation.

The following votes were cast on the Motion:

Those voting Yes: Simpson, Moorman, Ambrose, Fifer, Lovisone

Those voting No: Griffith

Those Absent: Davis

The Motion was Approved

16. Adjournment at 6:25 p.m.

Lauren Simpson, Mayor

City of Arvada
February 3, 2026
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SEAL:

Kristen R. Rush, City Clerk



REPORT TO CITY COUNCIL

AGENDA ITEM
8.A.

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: Consent Agenda

Report in Brief

1. R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way

2. R26-011, A Resolution Authorizing A Master License Agreement By and Between the City of Arvada and Forged Fiber 37, LLC

Suggested Motion: Moved by: _____ I move that the Consent Item(s),
Number(s) _____

be
(Removed from the Consent Agenda and Heard Upon Item _____) (Referred to a Workshop) (Postponed Indefinitely).

YES _____ NO _____ ABSENT _____

That All/Remaining Consent Items be (Approved) (Rejected).

YES _____ NO _____ ABSENT _____

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL RESOLUTION

**AGENDA ITEM
8.A.1.**

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way

Report in Brief

Presenter: Rob Smetana, Planning Manager

The applicant, Gurumurthi Ravishankar, is requesting a revocable license to allow a portion of an existing trellis to remain within the right-of-way of W. 67th Avenue.

The Arvada team recommends that the City Council approve R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way.

Financial Impact

N/A

Background

The existing trellis is located approximately one foot into the W 67th Avenue right-of-way. The trellis is 173 inches in length with a height of 57 inches.

The City team has reviewed the request and has determined that the encroachment is acceptable, as it does not impede the adjacent sidewalk or access to a nearby water meter.

Discussion

As part of this request, the height of the existing trellis will be reduced to comply with Land Development Code regulations. The encroachment will be similar to situations where fences have been permitted in the right-of-way in the past.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

The recommended action aligns with the Community and Economic Development Priority Area of the City Council Strategic Plan.

SUBJECT: R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way

PAGE: 2
ITEM: 8.A.1.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way.

Suggested Motion:

I move that R26-010, A Resolution Approving a License Agreement by and between the City of Arvada and Gurumurthi Ravishankar, for the Grant of a Revocable Encroachment License to Install a Trellis in the West 67th Avenue Right-of-Way, be (approved) (rejected).

Prepared by:
Heidi Van Gieson, Administrative Specialist

Reviewed by:

Approved by:

Rob Smetana, Planning Manager	01/28/2026
Josie Suk, Development Systems and Administrative Manager	01/28/2026
Jessica Garner, Director of Community and Economic Development	01/28/2026
Gail Walker, Legal Specialist-Contracts	01/29/2026
Kelsy Sargent, Assistant City Attorney	02/02/2026
Rachel Morris, City Attorney	02/04/2026
Allison Scheck, Deputy City Manager	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R26-010

A RESOLUTION APPROVING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF ARVADA AND GURUMURTHI RAVISHANKAR, FOR THE GRANT OF A REVOCABLE ENCROACHMENT LICENSE TO INSTALL A TRELLIS IN THE WEST 67TH AVENUE RIGHT-OF-WAY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, a License Agreement, which is in substantially the same form as that attached hereto, by and between the City of Arvada and Gurumurthi Ravishankar.

Section 2. The City of Arvada hereby approves a grant of a revocable encroachment license.

Section 3. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 17th day of February 2026.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____

Request for revocable license

Property Address: 12443 W 67th Ave, Arvada CO 80004

Zone: RN-7.5

Property Owner: Gurumurthi Ravishankar

I would like to request a permit for a fence/trellis to support a beautiful flowering wisteria.

The vine is 8 years old and was originally supported by a metal structure that was falling down. I constructed a wooden trellis (14' long). The vine beautifies the neighborhood and I have received many compliments from neighbors that appreciate the vine.

I was informed by Rob Smetana, Manager of City Planning, that since it was in the city easement, I needed a revocable license which I am applying for here.

The structure is entirely open and does not obstruct view. I have attached images of the structure. Currently the structure is 8' high (image attached) I can reduce it down to 57 inches as suggested by Mr. Smetana.

I sincerely hope this will be approved. The image of the flowering plant is illustrative.

Best regards

Ravishankar

Images



Exhibit Site Plan



**A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF ARVADA
AND GURUMURTHI RAVISHANKAR FOR THE GRANT OF A
REVOCABLE ENCROACHMENT LICENSE TO INSTALL A TRELLIS
IN THE W 67TH AVENUE RIGHT-OF-WAY**

1.0 **PARTIES.** The parties to this license ("License") are the City of Arvada, a Colorado municipal corporation ("Arvada") at 8101 Ralston Road, Arvada, Colorado 80002, and Gurumurthi Ravishankar, owner of the property adjacent to the encroachment area ("Licensee").

2.0 **RECITALS AND PURPOSE.**

2.1 Licensee is the owner of the real property at 12443 W 67th Avenue in the City of Arvada, Colorado ("Owner's Property"). Arvada is the owner of real property, or has some interest in the real property, located adjacent to Owner's property and more commonly known as W. 67th Avenue right-of-way ("Arvada's Property").

2.2 Licensee has expressed a desire to encroach upon a specific and limited portion of Arvada's Property for the purpose of installing a retaining wall as more fully depicted in **Exhibit A** (collectively the "Permitted Encroachments").

2.3 Arvada is willing to grant a revocable license to the Licensee under the terms and conditions as hereinafter specified in this License.

3.0 **TERMS AND CONDITIONS.** In consideration of Arvada's agreement to permit the Licensee to encroach upon Arvada's Property, and in consideration of the mutual promises and covenants contained herein, the sufficiency and adequacy of consideration being acknowledged by the parties, Arvada and Licensee agree as follows:

3.1 Arvada hereby grants to the Licensee a revocable license for the encroachment as described above, with such limitations as are set forth herein, including, but not limited to:

3.1.1 Any improvements allowed by this License to be kept upon Arvada's Property shall be so kept at Licensee's sole expense and Licensee agrees to maintain any such improvement in good repair during the period of this License.

3.1.2 Licensee understands and agrees that Arvada shall not be liable or responsible for any costs related to any damage, maintenance, repair, or removal of any structures kept upon Arvada's Property pursuant to this License.

3.2 The License as granted in paragraph 3.1 above shall continue from the date of this License to the time that this License is terminated. Arvada may terminate this License at any time by giving written notice to the Licensee 14 days in advance of the effective date of termination and specifying the date of termination therein and, in the event Arvada exercises said right to terminate, Licensee expressly agrees to remove any encroachments from Arvada's property by the effective date of termination and return such property to its original condition as promptly thereafter as is reasonably possible.

3.3 Licensee expressly agrees to indemnify and hold harmless Arvada and any of its officers or employees from any and all claims, damages, liability, or court awards, including costs and attorney's fees, that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, in connection with, arising out of, or related to the issuance of this license or any omission or act of commission by Licensee or any of its employees, agents, representatives, or contractors in encroaching upon Arvada's property.

3.4 Licensee agrees that it will never institute any action or suit at law or in equity against Arvada or any of its officers or employees, nor institute, prosecute, or in any way aid in the institution or prosecution of any claim, demand, or compensation for or on account of any damages, loss, or injury either to person or property, or both, known or unknown, past, present, or future, arising from the revocable license granted to Licensee herein.

3.5 Licensee agrees to provide, secure, and maintain at all times during the term of this License commercial general liability insurance of at least \$1,000,000 per occurrence, with an annual aggregate limit of \$2,000,000, naming Arvada as an additional insured on the policy. Failure to maintain sufficient insurance shall not terminate, modify, preclude or limit the obligations of Licensee under this License or limit in any way Licensee's liability to or indemnification of Arvada for any reason. Arvada does not waive, nor shall anything herein be construed as a waiver of, any of the rights, privileges, or immunities granted to it under the Colorado Governmental Immunity Act, Section 24-10-101 *et seq.*, C.R.S., as amended.

3.6 Licensee agrees to repair and reconstruct any damage to Arvada's property prior to or immediately upon termination of this License for any reason and return such property to its original condition at the expense of Licensee and at no expense to Arvada.

4.0 **ASSIGNMENT.** Except as may be the legal consequence, pursuant to paragraph 10 hereof, of a conveyance of Licensee's Property, this License shall not be assigned by Licensee without the prior written consent of Arvada which may withhold its consent for any reason.

5.0 **NOTICES.** Any notice required or permitted by this License shall be in writing and shall be deemed to have been sufficiently given for all purposes if personally served or if sent by facsimile transmission or by U.S. mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as have been previously furnished in writing, to the other party and parties. Notice shall be deemed to have been given when deposited in the United States mail.

6.0 **EXHIBITS.** All exhibits referred to in this License are, by reference, incorporated herein for all purposes.

7.0 **INTEGRATION AND AMENDMENT.** This License represents the entire License between the parties and there are no oral or collateral agreements or understandings. This License may be amended only by an instrument in writing signed by the parties. If any other provision of this License is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this License shall continue in full force and

effect.

8.0 **GOVERNING LAW AND VENUE.** This License shall be governed by the laws of the State of Colorado without reference to its conflicts of laws principles. Venue for any action arising under this License or for the enforcement of this License shall be in the appropriate court for Jefferson County, Colorado.

9.0 **WAIVER OF BREACH.** A waiver by any party of this License of the breach of any term or provision of this License shall not operate or be construed as a waiver of any subsequent breach of either party.

10.0 **BINDING EFFECT.** This License shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns and shall constitute covenants running with Owner's Property. This License shall be recorded with the Clerk and Recorder's Office of Jefferson County, Colorado.

11.0 **NO THIRD PARTY BENEFICIARIES.** It is expressly understood and agreed that enforcement of the terms and conditions of this License, and all rights of action relating to such enforcement, shall be strictly reserved to the City and Licensee, and nothing contained in this License shall give or allow any such claim or right of action by any other third party on such License. It is the express intention of the City and the Licensee that any person other than the City or Licensee receiving services or benefits under this License shall be deemed to be an incidental beneficiary only.

DATED this _____ day of _____, 202_.

CITY OF ARVADA, a Colorado municipal corporation

Lauren Simpson, Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

City Clerk

APPROVED AS TO FORM:

For Rachel A. Morris, City Attorney

LICENSEE:

By: Gurumurthi Ravishankar
Owner
12443 W 67th Avenue
Arvada CO 80004

STATE OF COLORADO

)

) ss.

COUNTY OF _____

)

The foregoing instrument was acknowledged before me this _____ day of _____, 202_, by _____ in the capacity as Owner of 12443 W. 67th Avenue, Arvada, CO 80004.

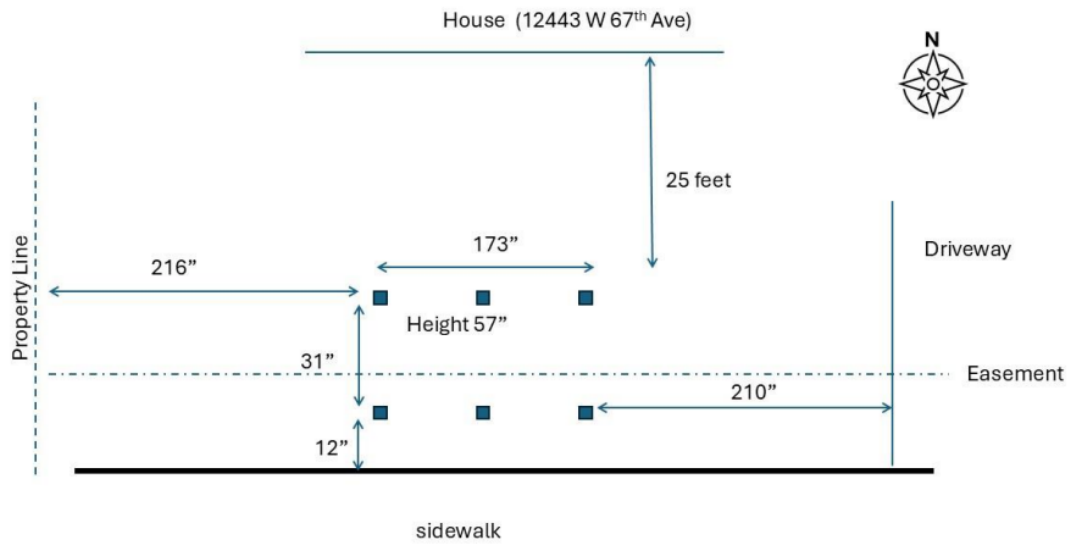
Witness my hand and official seal.

(SEAL)

Notary Public

My commission expires: _____

EXHIBIT A





REPORT TO CITY COUNCIL RESOLUTION

**AGENDA ITEM
8.A.2.**

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: R26-011, A Resolution Authorizing A Master License Agreement By and Between the City of Arvada and Forged Fiber 37, LLC

Report in Brief

PRESENTER: Claudia Vaughan, City Engineer

This license agreement will allow utilities access to the public right-of-way, establish the specific terms and conditions for Metronet's fiber deployment, covering issues like right-of-way management, permitting, and construction standards. By granting this non-exclusive license, Council is furthering the goal of supporting improved technology systems for community members while ensuring City infrastructure is protected, consistent with the broader strategic results for the community.

The Arvada team recommends that the City Council approve R26-011, A Resolution Authorizing A Master License Agreement By and Between the City of Arvada and Forged Fiber 37, LLC.

Financial Impact

There is no financial impact.

Background

No previous City Council action has been taken related to this master license agreement between the City of Arvada and Forged Fiber 37, LLC and the agreement incorporates city engineering standards, as well as access policy and procedure.

Discussion

This non-exclusive agreement ensures that a private provider can legally and safely install a new fiber network, which provides competition and expanded high-speed internet access for community members and local institutions.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This action aligns with the Infrastructure Priority Area and Service: INF5 Applies cost-effective and timely engineering, planning and design, construction practices, and established standards and specifications to align public infrastructure reinvestment capacity with community needs.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R26-011, A Resolution Authorizing A Master License Agreement By and Between the City of Arvada and Forged Fiber 37, LLC.

Suggested Motion:

I move that R26-011, A Resolution Authorizing A Master License Agreement By and Between the City of Arvada and Forged Fiber 37, LLC., be (approved) (rejected).

Prepared by:
Claudia Vaughan, City Engineer

Reviewed by:

Approved by:

Claudia Vaughan, City Engineer	01/27/2026
Jacqueline Rhoades, Director of Infrastructure	01/29/2026
Bryan Archer, Chief Financial Officer	01/29/2026
Tammy Hedlund, Legal Specialist	01/29/2026
Zachary Woolweaver, Assistant City Attorney I	01/29/2026
Rachel Morris, City Attorney	02/04/2026
Allison Scheck, Deputy City Manager	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R26-011

A RESOLUTION AUTHORIZING A MASTER LICENSE AGREEMENT BY AND
BETWEEN THE CITY OF ARVADA AND FORGED FIBER 37, LLC

WHEREAS, the residents of Arvada would benefit from the deployment of fiber throughout the City; and

WHEREAS, a Master License Agreement would allow Forged Fiber 37, LLC to begin their work of deploying fiber while adequately protecting the City and its resources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, a Master License Agreement by and Between the City of Arvada and Forged Fiber 37, LLC, which is in substantially the same form as that attached hereto.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 17th day of February, 2026.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____

MASTER LICENSE AGREEMENT

This Non-Exclusive Master License Agreement (“**Agreement**”) is entered into on this ____ day of _____, 202__, by and between the City of Arvada, a Colorado home rule municipality (“**the City**”), and Forged Fiber 37, LLC, a Delaware limited liability company, and its subsidiaries, successors, or assigns (“**Licensee**”).

RECITALS

- A. The City has jurisdiction over the access to and use of the public rights-of-way located within the City (“**Public ROW**”). For purposes of this Agreement, “Public ROW” is defined as “each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the City: streets, roadways, highways, avenues, lanes, alleys, bridges and sidewalks.” Parks, trails, open space and ditch property are not right-of-way; provided however that Licensee may utilize any utility easements within such properties where the specific terms of such easements grant access to Grantee.
- B. Licensee desires, and the City desires to authorize Licensee, to install, maintain, operate, and control a fiber optic infrastructure network in Public ROW (“**Network**”) for the purpose of offering communications services (“**Services**”), including broadband Internet access service as defined in 47 C.F.R. § 8.1(b) (“**Broadband Internet Services**”), but excluding wireless communications services which are subject to authorization and regulation under Chapter 7 of the City’s Land Development Code, and multichannel video programming services that would be subject to a video services franchise and telecommunications services as defined in 47 C.F.R. § 153(53), to residents and businesses in the City (“**Customers**”).
- C. The Network consists of equipment and facilities that may include aerial or underground fiber optic cables, lines, wires, or strands; underground conduits, vaults, access manholes and handholes; electronic equipment; power generators; batteries; pedestals; boxes; cabinets; vaults; and other similar facilities, and except for fiber optic lines, excludes any equipment and facilities commonly considered as part of wireless communications facilities (“**Network Facilities**”).

AGREEMENT

In consideration of the mutual promises made below, the City and Licensee agree as follows:

1. Permission to Use and Occupy.

- 1.1. Permission to Use and Occupy Public ROW. The City grants Licensee permission to use and occupy the Public ROW (the “**License**”) for the purpose of constructing, installing, repairing, maintaining, operating, and if necessary, removing the Network and the related Network Facilities (the “**Work**”). This Agreement and the License do not authorize Licensee to use any property other than the Public ROW as agreed herein. The permission described herein is a general authorization to use the Public ROW and does not authorize any site-specific use or occupation. Site-specific authorization shall be granted pursuant to the City’s regular permitting process. Licensee’s use of any other

City property, including poles and conduits, which if granted, will be governed under a separate agreement regarding that use.

- 1.2. Scope of Agreement. All rights expressly granted to the Licensee under this Agreement, which shall be exercised at the Licensee's sole cost and expense, shall be subject to the exercise of the City's police powers. This Agreement is subject to the City's authority under Applicable Law as it exists now or may be amended from time-to-time, and subject to the conditions set forth in this Agreement. For the purposes of this Agreement, "Applicable Law" means any statute, ordinance, judicial decision, executive order or regulation having the force and effect of law, that determines the legal standing of a case or issue, and includes, without limitation, Chapter 94 of the Arvada Municipal Code.
- 1.3. Subject to City's Right to Use Public ROW. This Agreement is subject and subordinate to the City's prior and continuing right to use the Public ROW, including constructing, installing, operating, maintaining, repairing, or removing sewers, water pipes, storm drains, gas pipes, utility poles, overhead and underground electric lines and related facilities, and other public utility and municipal uses.
- 1.4. Subject to Pre-Existing Property Interests. The authorization granted by the City herein is subject to all valid pre-existing easements, restrictions, conditions, covenants, encumbrances, claims of title or other property interests that may affect the Public ROW. Licensee will obtain at its own cost and expense any permission or rights as may be necessary to accommodate such pre-existing property interests.
- 1.5. No Grant of Property Interest. The License does not grant or convey any property interest.
- 1.6. Non-Exclusive. The License is not exclusive. The City expressly reserves the right to grant licenses, permits, franchises, privileges or other rights to any other individual, corporation, partnership, limited liability company, trust, joint stock company, business trust, unincorporated association, joint venture, governmental authority or other entity of any nature whatsoever ("**Person**"), as well as the right in its own name, to use Public ROW for similar or different purposes allowed Licensee under this Agreement.
- 1.7. Applicability of City Site Planning Process. Nothing in this Agreement shall waive or modify the Licensee's obligation to comply with the City's regular site plan process, in the placement of the Licensee's equipment. In addition, the Licensee shall comply with the City's most recent Engineering Code of Standards and Specifications (the "Standards") and with all requirements as stated in the applicable permits. Licensee understands and agrees that the City is in the process of developing and approving standards and specifications governing fiber optic installation and maintenance in the Public ROW, and Licensee shall be bound to comply with any generally applicable standards and specifications as and when they are adopted.

2. Licensee's Obligations.

- 2.1. Obtaining Required Permits. Licensee shall apply for and obtain all required Public ROW Permits and pay any associated review and inspection fees. The City shall respond to the Licensee's requests for permits in the ordinary course of its business to facilitate the deployment of the Network in the Public ROW in a reasonable and timely manner. Such review and inspection fees will be in accordance with the City's adopted fee schedule

reflecting the City's costs in administering permits, plus any other documented expenses incurred by the City, including, without limitation, the cost of any dedicated staff, or outside consultants, to facilitate the coordination, permitting and inspection of this Work and to maintain the City's ability to respond in such reasonable and timely manner. Except for a non-refundable application fee, City will provide Licensee with an estimate of the fees associated with the Public ROW Permits prior to incurring the costs associated with the review and inspection. As a condition of obtaining any permit that involves digging or other excavation in the Public ROW, the Licensee shall provide plans in the specified format based on the method of deployment and further explained in Exhibit B and in accordance with the City's Engineering Code of Standards and Specifications, as may be amended, including without limitation, any adopted fiber optic specifications. Such drawings and plans shall be provided to the City with each request for a construction permit. If the Licensee wishes to change the location or method of deployment of any of the equipment from what is indicated in the original permits, the Licensee shall apply for a new permit prior to changing any location; provided, however, that Licensee may make reasonable changes at the time of deployment depending on the conditions found at the permitted locations at the discretion of the Municipal Inspector. Review and approval of the construction plans is only for general compliance with the City Code and regulations. All responsibility for existing conditions, correctness of dimensions, details, concepts, quantities, and safety during construction shall remain with Licensee. Construction inspection by the City in no way reflects any responsibility on the part of the City for safety, quality, or quantity control, and in no way implies acceptance of the work, or any part thereof, by the City.

- 2.2. Obtaining Required Stormwater Management Plan Permits. Licensee shall obtain a State of Colorado Stormwater Discharge Permit prior to obtaining any permit from the City. A copy of the Stormwater Discharge Permit shall be provided to the City upon the City's request. Licensee will utilize best management practices as identified in the Stormwater Management Plan. The City is authorized to require additional Best Management Practices or erosion methods if the City determines they are necessary.
- 2.3. No Interference. Licensee, in the performance and exercise of its rights and obligations under this Agreement, shall not interfere in any manner with the existence and operation of all public and private rights of way (except in the case where the Licensee's rights are prior or superior to such private right of way), sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, cable television, and other communications, utility, or municipal or other government property, except as permitted by Applicable Law, this Agreement, or mutual agreement with any affected party.
- 2.4. Gas and Electric Facilities.

2.4.1 Licensee agrees and understands that if the City has permitted or allowed natural gas gathering, storage, transmission, distribution, or related facilities within the Public ROW, the Licensee has been fully advised by the City that such natural gas facilities may now transport and may continue to transport natural gas at significant pressures. Licensee shall advise all employees, agents, contractors, and other persons who enter upon the Public ROW of the existence and nature of such natural gas facilities and the potential danger and risk involved.

2.4.2 Licensee agrees and understands that any natural gas facilities, if located within the Public ROW, may be subject to cathodic protection by rectifier and related anode beds, and that Licensee shall not be liable for stray current or interfering signals induced in the Licensee's equipment as a result of the operating of the cathodic protection system.

2.4.3 Licensee agrees and understands that if the City has permitted and allowed to be constructed electric transmission, distribution, or related facilities within the Public ROW, Licensee has been fully advised by the City that such electric facilities may now transmit and may continue to transmit electric current at significant voltages, and that the conductors on electric lines may not be insulated. Licensee shall advise its employees, agents, contractors, and other persons who enter upon the Public ROW of the existence and nature of such electric facilities and the potential danger and risk involved.

- 2.5. Damage and Restoration. Whenever any Work is required or permitted under this Agreement and any applicable permit, and such Work shall cause the Public ROW or any City or other public or private property to be damaged, or whenever Licensee, in connection with any of its operations, causes damage to the Public ROW or any other public or private property, the Licensee, at its sole cost and expense, shall repair, or cause to be repaired, the damage and return the Public ROW and all affected property to a safe and satisfactory condition equal to or better than as existed prior to the damage. Further, if the City's Infrastructure Director determines that any damage poses a risk to the safety and/or health of the public, such damage shall be repaired within 24 hours; any damage to public infrastructure, including roadways, sidewalks, drainage or utility infrastructure, and associated items, or actively operating irrigation systems, shall be repaired within ten (10) days; any other damage to private property shall be repaired within thirty (30) days. If the Licensee does not repair the damage as described herein, then the City shall have the following options along with any other remedy available by law: (A) upon fifteen (15) days' prior written notice to the Licensee, to perform or cause to be performed such reasonable and necessary work on behalf of the Licensee and to (1) use the Licensee's Performance Bond, specified in Section 7 below, to fund such work and (2) charge the Licensee for the actual costs incurred by the City at City's standard rates, including administrative time; and (B) upon fifteen (15) days' prior written notice to the Licensee, to Stop Work on all other projects of Licensee within the City until repairs are made or reimbursement to City is paid. Upon receipt of a demand for payment by the City, the Licensee shall promptly reimburse the City for such costs. All restoration work undertaken or caused by Licensee within the Public ROW shall adhere to the standards listed in Chapter 95 of the Arvada Municipal Code and the City's Engineering Code of Standards and Specifications, as may be amended.
- 2.6. Fire, Disaster or Other Emergency. In the case of fire, disaster or other emergency, or when the City determines any part of the Network poses an immediate threat to the health and safety of the public, the City may relocate, remove, or disconnect the Licensee's Network facilities located in the Public ROW or on any other property of the City in accordance with Section 3.1. Any removal, disconnection, or relocation performed by the City under this provision and Section 3.1 shall be at the Licensee's sole cost and expense.
- 2.7. Licensee's Sole Cost and Expense. Licensee will perform the Work at its sole cost and expense. Licensee shall be solely responsible for all repairs, maintenance, and adjustments, and damage to the Network, excluding damage caused by third parties, and

City shall have no obligation to repair such damage, except where the damage arises from the negligence or willful misconduct of City, its employees, agents, or contractors.

- 2.8. Reasonable Care. Licensee will exercise reasonable care when performing the Work and will use commonly accepted practices and equipment to minimize the risks of personal injury, property damage, soil erosion, and pollution of surface or groundwater.
- 2.9. No Nuisance. Licensee will maintain its Network Facilities in good and safe condition so that its Network Facilities do not cause a public nuisance.
- 2.10. As-Built Drawings and Maps. Licensee shall maintain accurate as-built drawings and maps of its Network located within the City and shall provide electronic or hard copies, as requested by the City, following the completion of construction for a permitted segment. Licensee shall cooperate with the City to furnish such information in an electronic mapping format compatible with the then-current City electronic mapping format.
- 2.11. Network Design. Nothing in this Agreement requires Licensee to build to all areas of the, and subject to Applicable Law, Licensee retains the discretion to determine the scope, location, and timing of the design and construction of the Network. Notwithstanding the foregoing, the Licensee will consider community need and areas without significant access to alternative fiber optic communications systems in developing plans for the Network.
- 2.12. Construction Forecast. Following the Installation Date, the Licensee shall provide the City, on an annual basis, a construction forecast for the upcoming three-year period. The City recognizes that the Licensee cannot guarantee the construction forecast, but the Licensee agrees to keep the City informed of the progress of its schedule.
- 2.13. Authority of the City Infrastructure Director. The Infrastructure Director or designee is designated by the City Manager to exercise all authority on behalf of the City to ensure that the proposed design of facilities is in compliance with the City's Code and regulatory standards. The Infrastructure Director or designee shall have the authority to request additional information to be provided to resolve potential issues related to the interests of the Public and City infrastructure. The Infrastructure Director or designee may require certain improvements or repairs to be included when the proposed work directly affects public safety or the sustainability of City infrastructure or when otherwise authorized by Applicable Law; provided, however, that any such requirements will be included in the applicable approved permit. The Infrastructure Director, or their designee, must approve of all changes or field modifications that, in the opinion of the Infrastructure Director, affect public safety or the sustainability of City infrastructure.
- 2.14. Authority of the City Municipal Inspector. The City Municipal Inspector is designated by the City Manager to exercise all authority on behalf of the City to ensure that the proposed construction of facilities is in general compliance with the City's Code and regulatory standards. Municipal Inspectors will observe work performed under the issued permit for construction, including all materials to be incorporated in the work, excavation, bedding, backfill, and all construction methods and practices. The Municipal Inspectors have the authority to request relevant additional information be provided to verify compliance with the City's Code and regulatory standards and approved construction plans when deemed necessary in the opinion of the Municipal Inspectors.

The Licensee shall furnish all reasonable facilities and shall assist the Municipal Inspectors as necessary for the proper inspection of materials to be used and workmanship involved in the construction. The Municipal Inspectors have the authority to reject inferior materials or defective workmanship and to suspend work not in accordance with the City's Code and regulatory standards until such time as corrections are made and approved. The Municipal Inspectors, as designated field representatives of the Infrastructure Director, are authorized to make minor changes to approved drawings or require changes to be resubmitted to the Infrastructure Director for approval before proceeding with the work.

- 2.15. Work Hours. Licensee shall abide by all City requirements regarding authorized work hours. Licensee shall obtain any necessary nighttime work exemptions from the City Engineer for all work outside of those authorized work hours.
- 2.16. Hazardous Substances. Licensee agrees that Licensee, its contractors, subcontractors and agents, will not use, generate, store, produce, transport or dispose of any Hazardous Substance on, under, about or within the area of the Public ROW in violation of Applicable Law. Except to the extent of the negligence or intentional misconduct of City, Licensee shall pay, indemnify, defend and hold City harmless against and to the extent of any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or used by Licensee, its contractors or subcontractors pursuant to this Agreement. Licensee shall ensure that any on-site or off-site storage, treatment, transportation, disposal or other handling of any Hazardous Substance will be performed by persons who are properly trained, authorized, licensed and otherwise permitted to perform those services.
- 2.17. Utility Notification Center. Prior to undertaking any work pursuant to this Agreement, the Licensee shall take all actions necessary to become a tier 1 member of the Utility Notification Center of Colorado, and comply with and adhere to local procedures, customs and practices relating to the one call locator service program established in C.R.S. Section 9-1.5-101, et seq., as such may be amended from time to time.
- 2.18. Post-Removal Restoration of Public ROW. When removal or relocation is required under this Agreement, Licensee will, after the removal or relocation of the Network Facilities, at its own cost, repair and return the Public ROW in which the facilities were located to a safe and satisfactory condition in accordance with the construction-related conditions and specifications as established by the City.

3. City's Obligations.

- 3.1. Emergency Removal or Relocation by City. In the event of a public emergency that creates an imminent threat to the health, safety, or property of the City or its residents as determined by the Infrastructure Director, the City may remove or relocate the applicable portions of the Network Facilities without prior notice to Licensee. The City will, however, make best efforts to provide prior notice to Licensee before making an emergency removal or relocation. In any event, the City will promptly provide to Licensee a written description of any emergency removals or relocations of Licensee's Network Facilities. Licensee will reimburse the City for its actual, reasonable, and documented costs or expenses incurred for any such work performed by the City, the direct cause of which was Licensee's construction, installation, operation, maintenance, repair, or

removal of its Network Facilities. Upon receipt of a demand for payment by the City, the Licensee shall promptly reimburse the City for such costs. If payment is not received within forty (45) days, the City may draw on the Performance Bond, specified in Section 7 below, for the costs incurred and/or issue a Stop Work on all other projects of Licensee within the City.

- 3.2. Relocation to Accommodate Governmental Purposes. If Licensee's then-existing Network Facilities would interfere with the City's planned use of the Public ROW or other City property for a legitimate governmental purpose, such as the construction, installation, repair, maintenance, or operation of a new water, sewer, or storm drain line, or a public road, curb, gutter, sidewalk, park, or recreational facility, Licensee will, upon written notice from the City, relocate its Network Facilities at Licensee's own expense to such other location or locations in the Public ROW as may be mutually agreed by the parties, taking into account the needs of City's governmental purpose and Licensee's interest in maintaining the integrity and stability of its Network. Licensee will relocate its Network Facilities within a commercially reasonable period of time agreed to by the parties, but in no event later than 30 days after receipt of written notice from the City, taking into account the urgency of the need for relocation, the difficulty of the relocation, and other relevant facts and circumstances.
- 3.3. Relocation to Accommodate Non-Governmental Purposes. If Licensee's then-existing Network Facilities would interfere with a third-party's use of the Public ROW, Licensee will not be required to relocate its Network Facilities, unless another party incurs the cost of Licensee's relocation.

4. Contractors and Subcontractors.

- 4.1. Use of Contractors and Subcontractors. Licensee may retain contractors and subcontractors to perform the Work on Licensee's behalf. Licensee shall be responsible for ensuring a contractor's or subcontractor's compliance with all applicable provisions of this Agreement, and shall be responsible to the City for all activities in which contractors or subcontractors are involved.
- 4.2. Contractors to be Licensed. Licensee's contractors and subcontractors used for the Work will be properly licensed under Applicable Law.
- 4.3. Authorized Individuals. Licensee's contractors and subcontractors may submit individual permit applications to the City on Licensee's behalf, so long as the permit applications are signed by individuals that Licensee has authorized to act on its behalf via a letter of authorization provided to the City in the form attached as **Exhibit A ("Authorized Individuals")**. The City will accept permit applications under this Agreement submitted and signed by Authorized Individuals, and will treat those applications as if they had been submitted by Licensee under this Agreement.

5. Defense and Indemnity.

- 5.1. Obligations. Licensee will defend, protect, indemnify and hold harmless the City, its officers, elected representatives, and employees, and indemnify them against all third party claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and

costs of defense (collectively, the “Losses”) arising out of the Licensee’s activities, actions and inactions, undertaken pursuant to this Agreement, except to the extent arising from or caused by the negligence or willful misconduct of the City, its elected officials, officers, employees, agents, or contractors.(“**Third Party Legal Proceeding**”).

5.2. **Waiver of Claims.** Licensee waives all claims, demands, causes of action, and rights it may assert against the City on account of any loss, damage, or injury to any Network Facilities or any loss or degradation of the Services as a result of any event or occurrence which is beyond the reasonable control of the City.

5.3. **Conditions.** Section 6.1 (Obligations) is conditioned on the following: (a) the City must promptly notify Licensee in writing of the Third Party Legal Proceeding and any allegation(s) that preceded the Third Party Legal Proceeding no later than fifteen (15) days after the City became aware of the Third Party Legal Proceeding; (b) the City must reasonably cooperate in the defense at Licensee’s request and any reasonable costs incurred by the City in providing such cooperation shall be reimbursed by the Licensee; and (c) the City must tender sole control of the indemnified portion of the Third Party Legal Proceeding to Licensee, subject to the following: (i) the City may appoint its own non-controlling counsel, at its own expense; and (ii) any settlement requiring the City to admit liability, pay money, or take (or refrain from taking) any action, will require City’s prior written consent, not to be unreasonably withheld, conditioned, or delayed, and the ultimate decision on settlement is in the City’s sole discretion.

6. **Limitation of City’s Liability.** To the extent permitted by law, the City shall be liable only for the cost of repair to damaged Network Facilities arising from the negligence or willful misconduct of City, its employees, agents, or contractors and shall in no event be liable for indirect or consequential damages. The City does not waive any of the benefits, coverages or protections of the Colorado Governmental Immunity Act.

7. **Performance Bond.** Licensee will, promptly after the Effective Date, provide the City with a replenishable performance bond in the amount of fifty thousand dollars (\$50,000) naming the City as obligee and guaranteeing Licensee’s faithful performance of its obligations under this Agreement. The performance bond will remain in full force during the Term of this Agreement. This performance bond may be used to cover actual costs incurred by the City as required by any provision of this Agreement including, without limitation, covering any costs incurred to repair any damage to the Public ROW not corrected by the Licensee.

8. **Insurance.**

8.1. Licensee will carry and maintain:

Commercial General Liability (CGL) insurance, with policy limits not less than \$5,000,000 in aggregate and \$5,000,000 for each occurrence covering bodily injury and property damage with the following features and including personal and advertising injury liability and products-completed operations : (a) CGL primary insurance endorsement; and (b) Commercial Automobile Liability covering all owned, hired, and non-owned autos in an amount of \$5,000,000 combined single limit each accident for bodily injury and property damage; (c) all required insurance policies shall include the City, its council members, officers, and employees as additional insureds as their interest may appear under this Agreement for any covered liability arising out of the Licensee’s performance of work under this

Agreement: (d) coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein. Claims-made policies are not acceptable; (e) upon receipt of notice from its insurer(s), the Licensee shall use commercially reasonable efforts to provide the City with thirty (30) days' advance written notice of cancellation, unless Licensee is not provided at least forty-five (45) days' advance notice of the cancellation from its insurer. In such case, the Licensee shall provide notice to the City of the cancellation within seven (7) days of receiving notice from its insurer.

- 8.2. All insurance certificates, endorsements, coverage verifications and other items required pursuant to this Agreement will be mailed directly to City's Risk Manager, which at a minimum, shall state the following: (a) The policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured; project name; policy expiration date; and specific coverage amounts; (b) that the Licensee's insurance policies are primary as respects any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance; and (c) that the Licensee's insurance policies waive any right of recovery the insurance company may have against the City.

The certificate(s) of insurance shall be mailed to the City at the address specified in Section 12 below and shall be updated annually within thirty (30) days of the anniversary of the Effective Date of this Agreement.

- 8.3 Workers' Compensation Insurance. Licensee shall obtain and maintain, at all times during the term of this Agreement statutory workers' compensation and employer's liability insurance in an amount of \$1,000,000 each accident/disease/policy limit and shall furnish the City with a certificate showing proof of such coverage.
- 8.4 Insurer Criteria. Any insurance provider of the Licensee shall be admitted and authorized to do business in the State of Colorado and shall carry a minimum rating assigned by *A.M. Best & Company's Key Rating Guide* of "A-" Overall and a Financial Size Category of "VII". Insurance policies and certificates issued by non-admitted insurance companies are not acceptable.
- 8.5 Severability of Interest. "Severability of interest" or "separation of insureds" clauses shall be made a part of the Commercial General Liability and Commercial Automobile Liability policies.

9. Term. This Agreement is effective on the date the last party to sign executes this Agreement ("**Effective Date**"). The Agreement will expire automatically on the twentieth anniversary of the Effective Date ("**Original Term**"), unless earlier terminated in accordance with the provisions herein. Thereafter, the Agreement will automatically renew for successive 5-year terms (each a "**Renewal Term**") unless a party provides at least six (6) months' prior written notice to the other party of its intent not to renew. Notwithstanding the foregoing, the Licensee must use commercially reasonable efforts to commence construction of its Network within the City within two (2) years of the Effective Date. If construction is not commenced in such time period, unless the City agrees to an extension, this Agreement may be terminated in the City's sole discretion.

10. Termination.

- 10.1. Termination by the City. The City may terminate this Agreement if Licensee is in default of any material provisions of the Agreement, provided that the City must first provide Licensee written notice of the default and forty-five (45) days to cure, unless the cure cannot reasonably be accomplished in that time period, in which case Licensee must commence its efforts to cure within that time period and diligently process such cure to completion. If the Licensee believes that a reason beyond its control has prevented or delayed its ability to cure the default, it shall provide documentation as reasonably required by the City to substantiate the Licensee's claim. If the Licensee has not yet cured the deficiency, it shall also provide the City with its proposed plan for remediation, including the timing for such cure.
- 10.2. Termination by Licensee. Licensee may terminate this Agreement for convenience upon one hundred eighty (180) days' written notice to the City. Upon termination under this clause, the Licensee shall follow the removal requirements under this Agreement and Applicable Law. The removal of the Network shall be at the Licensee's sole expense.

11. Assignment.

11.1 In this Section, the following words have the meanings indicated:

- (a) "Control" means actual working control in whatever manner exercised. "Control" includes, but may not necessarily require, majority stock ownership.
- (b) "Proposed Transferee" means a proposed purchaser, transferee, lessee, assignee, or person acquiring ownership or control of this Agreement or of the Licensee.

11.2 Except as set forth below, Licensee shall not sell, transfer, lease, assign, sublet or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation or otherwise, this Agreement or any of the rights or privileges therein granted, without the prior consent of the City, except that such consent shall not be required for sales, transfers, leases, assignments, subleases or disposals to any parent, subsidiary, affiliate or any person, firm or corporation that Controls, or is under common Control, with the Licensee. The Licensee shall provide no less than thirty (30) days written notice to the City of the details of any transaction described herein that requires City consent.

11.3 The requirements of Subsection 11.2 shall not, except as set forth below, apply to any surviving successor entity or newly created successor entity in the event of a merger, sale, reorganization or consolidation involving the Licensee, unless such merger, sale, reorganization or consolidation results in a change of control. The City reserves the right to be reimbursed for its reasonable costs relating to a transfer of ownership, including without limitation, attorneys' fees. The word "control" as used herein is not limited to majority stockholders but includes actual working control in whatever manner exercised.

11.4 Following any assignment of this Agreement to an Affiliate, Licensee will remain responsible for such Affiliate's performance under the terms of this Agreement. For purposes of this section, (a) "Affiliate" means any Person that now or in the future, directly or indirectly controls, is controlled with or by, or is under common control with Licensee; and (b) "control" means, with respect to: (i) a U.S. corporation, the ownership, directly or indirectly, of fifty

percent (50%) or more of the voting power to elect directors thereof, or (ii) a non-U.S. corporation, if the voting power to elect directors thereof is less than fifty percent (50%), the maximum amount allowed by applicable law; and (iii) any other Person, fifty percent (50%) or more ownership interest in said Person, or the power to direct the management of such Person.

11.5 The consent or approval of the City to transfer by the Licensee does not constitute a waiver or release of the rights of the City in or to its Public ROW or easements and any transfer shall by its own terms be expressly subject to the terms and conditions of this Agreement.

11.6 Any sale, transfer or assignment of this Agreement will bind the successor in interest to the terms of this Agreement.

11.7 Notwithstanding anything contained in this Agreement, the Licensee may pledge the assets of the Network for the purpose of financing provided that such pledge of assets shall not impair the Licensee or mitigate the Licensee's responsibility and capability to meet all its obligations under the provisions of this Agreement.

12. Notice. All notices related to this Agreement will be in writing and sent, if to Licensee to the email addresses set forth below, and if to the City to the address set forth in the City's signature block to this Agreement. Notices are effective (a) when delivered in person, (b) upon confirmation of a receipt when transmitted by electronic mail, (c) on the next business day if transmitted by registered or certified mail, postage prepaid (with confirmation of delivery), (d) on the next business day if transmitted by overnight courier (with confirmation of delivery), or I three (3) days after the date of mailing, whichever is earlier.

Licensee's e-mail address for notice is: FF_Right_Of_Way@att.com.

13. General Provisions.

13.1 Governing Law; Jurisdiction. This Agreement is governed by the laws of the state of Colorado, without reference to its conflicts of law principles. If suit is brought by a party to this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of Colorado, County of Jefferson, or in the United States District Court for the District of Colorado.

13.2 Neither party will be liable for failure or delay in performance to the extent caused by circumstances beyond its reasonable control. If a party believes that a reason beyond its control has prevented or delayed its ability to perform, it shall provide documentation as reasonably required by the other party to substantiate its claim, and shall also provide the other party with its proposed plan for completing performance.

13.3 This Agreement sets out all terms agreed between the parties and supersedes all previous or contemporaneous agreements between the parties relating to its subject matter.

13.4 Entire Agreement. This Agreement, including any exhibits, constitutes the entire agreement between the parties related to this subject matter, and any change to its terms must be in writing and signed by the parties.

13.5 Non-exclusive Use. Licensee understands that this Agreement does not provide the Licensee with exclusive use of the Public ROW and that City shall have the right to permit other providers of communications services and other utilities to install equipment or devices in the Public ROW. Licensee and the City acknowledge that any agreement for placement of facilities or equipment in the Public ROW will be a public record, and will always be accessible to the Licensee, upon request.

13.6 Waiver of Breach. The waiver by either party of any breach or violation of any provision of this Agreement shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Agreement.

13.7 Severability of Provisions. If any one or more of the provisions of this Agreement shall be held by court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such provision(s) shall be deemed severable from the remaining provisions of this Agreement and shall not affect the legality, validity, or constitutionality of the remaining portions of this Agreement. Each party hereby declares that it would have entered into this Agreement and each provision hereof regardless of whether any one or more provisions may be declared illegal, invalid, or unconstitutional.

13.8 Contacting the Licensee. Licensee shall be available to the staff employees of any City department having jurisdiction over the Licensee's activities twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints resulting from the attachment, installation, operation, maintenance, or removal of the Network Facilities. The City may contact by telephone the 24-hour emergency operator at telephone number (877) 453-8353, Option 1 or by email to FF_Right_Of_Way@att.com regarding non-emergency problems or complaints. The Licensee shall provide to the City a new 24-hour telephone number pursuant to Section 12 prior to changing telephone numbers.

13.9 Federal and State Authorizations. Licensee has obtained all government licenses, permits and authorizations by the Federal Communications Commission which are required in order to provide the Services.

13.10 Consent Criteria. In any case, where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, the approval or consent must be in writing and such party shall not unreasonably delay, condition, or withhold its approval or consent.

13.11 Representations and Warranties. Each of the parties to this Agreement represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform the parties' respective obligations hereunder and that such obligations shall be binding upon such party without the requirement of the approval or consent of any other person or entity in connection herewith.

13.12 Amendment of Agreement. This Agreement may not be amended except pursuant to a written instrument signed by both parties.

13.13 No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the parties. It is the express intention of the parties that any person other than the City and the Licensee shall be deemed to be only an incidental beneficiary under this Agreement.

13.14 Governmental Immunity. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*

13.15 Public Document. Licensee hereby acknowledges that the City is a public entity subject to the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* (CORA), and as such, this Agreement may be subject to public disclosure thereunder. In the event the provisions of any exhibit or attachment hereto, or of any other document, including any electronic document, purport to require protection from public disclosure of any so-called “confidential” or “proprietary” information or data, such provisions shall be null and void to the extent inconsistent or in conflict with CORA, and the City’s good faith disclosure of any such information or data pursuant to CORA shall not constitute a breach of this Agreement.

13.16 No Binding Dispute Resolution. Any exhibit or attachment hereto, or any other document, including any electronic document, governing the provision of the Services that requires binding arbitration, or any other binding extra-judicial dispute resolution process in which the final resolution is not determined by the City, shall be void and unenforceable. Those final resolutions determined by the City are subject to review by court action pursuant to City Code and Rule 106 of the Colorado Rules of Civil Procedure.

13.17 Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

13.18 Counterparts; Electronic Disposition. This Agreement may be executed in any number of counterparts, including facsimile, PDF, and other electronic copies, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument. Each party to this Agreement agrees that both parties may use electronic signatures. The parties acknowledge and agree that the original of this Agreement, including the signature page, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately represent the original of this Agreement, may be used for any purpose as if it were the original, including proof of the content of the original writing.

[Signature page follows]

Signed by authorized representatives of the parties on the dates written below.

_____	Arvada, Colorado
_____	_____
(Authorized Signature)	(Authorized Signature)
_____	_____
(Name)	(Name)
_____	_____
(Title)	(Title)
Address: _____	Address: _____
_____	_____
_____	_____
Date: _____	Date: _____

**EXHIBIT A
FORM OF LETTER OF AUTHORIZATION**

[LICENSEE LETTERHEAD]

[Date]

Via Email (**[Email Address]**)

CITY OF ARVADA
8101 RALSTON ROAD
ARVADA, CO 80002

Re: **[Amended]** Letter of Authorization

Dear **[Name]**,

In accordance with Section [4.3] of the Non-Exclusive Public ROW License Agreement dated _____ between the City of Arvada ("City") and [_____] ("_____"), _____ hereby designates the following Authorized Individuals (as that term is defined in the Agreement), who may submit and sign permit applications and other submissions to Municipality on behalf of _____.
[If applicable: This letter amends and supersedes the Letter of Authorization dated _____.]

[Insert name and title for each Authorized Individual, including any Authorized Individual previously named and whose authority continues. Strike through the names of any individuals who are no longer authorized, if any.]

- 1. Name, Title**
- 2. Name, Title**
- 3. Name, Title (previously authorized, authorization continues)**
- 4. Name, Title (authorization withdrawn)**

This authorization may be withdrawn or amended and superseded by a written amendment to this Letter of Authorization, which will be effective 24 hours after receipt by Municipality.

Kind regards,

[Name]
Manager, _____

Exhibit B

Plans submitted to the City by the Licensee for the purpose of obtaining Right of Way Permits shall follow the City of Arvada Engineering Code of Standards and Specifications and comply with the following general requirements for each method of deployment:

Micro-Trenching

- a. RESERVED. Licensee will not use micro-trenching as a method of deployment.

Conventional Trenching below 24 inches

Refer to City of Arvada Engineering Code of Standards and Specifications, including but not limited to:

- a. Base sheets need to include a readable (in focus) aerial photo with property lines, easements, address, and other basic information provided.
- b. The plan must show existing utilities at a Quality Level B as defined by ASCE 38-02. Additional potholing may be required to verify existing utilities in the area of work.
- c. The proposed utility can be shown schematically with specific details indicated by legend and/or notes to show the intended installation location.

Conventional Boring

Refer to City of Arvada Engineering Code of Standards and Specifications, including but not limited to:

- a. Base sheets need to include a readable (in focus) aerial photo with property lines, easements, address, and other basic information provided.
- b. The plan must show existing utilities at a Quality Level B as defined by ASCE 38-02. Additional potholing may be required to verify existing utilities in the area of work.
- c. The proposed utility can be shown schematically with specific details indicated by legend and/or notes to show the intended installation location.
- d. Pothole information is required for City of Arvada utilities, gas lines, and in some areas, sanitary sewer services.
- e. A proposed profile will be shown for the bore as requested.
- f. Municipal Inspectors or authorized representatives must be present for any and all bore crossings of Arvada owned infrastructure.

The above list of general requirements is not exhaustive. Additional information or steps will likely be requested during the permitting process.



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.1.**

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: CB26-002, An Ordinance Repealing and Reenacting Chapter 66, Parks and Recreation, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

Report in Brief

PRESENTER: Ryan Stevenson, VCN Director

In partnership with the City Attorney's Office, the Vibrant Community and Neighborhoods (VCN) Work System is seeking to repeal and replace Chapter 66, Parks and Recreation, of the Arvada City Code in order to modernize existing rules and regulations to accommodate best industry practices in the use of open space areas, parks, recreational facilities, and urban design amenities. Doing so will allow the public to enjoy these resources in ways that are respectful of these properties and all users. In addition, the purpose is to facilitate sound parks and recreation management techniques and initiatives focused on ensuring the resilience, sustainability, and long-term viability of these valuable recreational assets.

The Arvada team recommends that the City Council approve CB26-002, An Ordinance Repealing and Reenacting Chapter 66, Parks and Recreation, of the Arvada City Code.

Financial Impact

There are no anticipated financial impacts associated with this ordinance.

Background

The last complete re-write of Chapter 66 occurred in 1981. Since then, changes have been made piecemeal—1988, 1993, 2003, and 2011—but nothing comprehensive in nearly 15 years. During that same time, the City has grown, recreational assets have diversified, and expectations around safety, equity, and access have evolved. As a result, the Code no longer reflects how the City actually manages its parks and facilities day to day. The current regulations are sparse with little to no guidance on procedures that the Vibrant Community and Neighborhoods (VCN) Work System must routinely utilize (e.g., Issuance of a park permit; designating an area as “closed” for the purpose of vegetation management; establishing hours of operation, etc.). Furthermore, the current regulations do not account for the different types of recreational assets owned and maintained by the City (e.g., open space, parks, recreational facilities, and urban design amenities.) The goal of this ordinance is to repeal and reenact the chapter to both modernize existing rules and regulations and to enact new legislation that is in line with industry best practices for use of all of the City’s recreational assets and help to facilitate sound management techniques.

Discussion

The approach to drafting was intentionally conservative and practical. Where existing regulations are still applicable, those were integrated, sometimes re-numbering or re-titling for clarity. Where gaps existed, clear procedures and standards were added so expectations are well-defined for staff, users, and enforcement.

Integrated Content

Existing regulations, including Sections 66-22 through 66-33 (Currently, Article II, Public Parks Regulations) and Sections 66-53 through 66-60 (Currently, Article III, Arvada/Blunn Reservoir Rules) were all incorporated into this ordinance. Provisions

were re-numbered and re-titled.

New Content

Article I

- Definitions - this ordinance contains a more thorough definitions section that accounts for the different types of recreational assets, defines roles, etc.
- Authority of the VCN Director - the authority for the VCN Director is not currently described in the Code. Provisions were added codifying the VCN Director's authority to:
 - Manage, operate, control/repair/clean recreational resources;
 - Set fees (in accordance with Ch. 2 of the City Code);
 - Summarily remove or trespass users for good cause; and
 - Issue permits to use a recreational resource (this section also includes terms/conditions associated with the application and use of a permit).

Article II

- Unlawful acts - the existing regulations pertaining to unlawful conduct were integrated into this article, but regulations were also added or expanded. More specifically, the ordinance:
 - Expands regulations related to vehicles and parking;
 - Expands regulations related to hazardous activities and the possession of dangerous items;
 - Expands regulations related to animals (to include pets/domesticated animals, horses, wildlife, etc.);
 - Adds regulations related to the display of a permit and compliance with associated permit conditions (to include a clear reference to vendor cart and food trucks operating upon a recreational resource); and
 - Moves charge of Criminal Mischief – Recreational Resource that is currently in Chapter 62 of the Code to this Chapter 66.

Article III

- Very few changes were made to regulations pertaining to the Arvada/Blunn Reservoir. However, Section 66-61, "Park permit fees for groups consuming 3.2 beer" that is currently housed in Article III was removed.

Article IV

- This new article applies to the City's two publicly operated golf courses - West Woods Golf Club and Lake Arbor Golf Club. These assets are unique, as they fall more on the business operations side of the City. These assets differ a bit in terms of permitted actions - for example, alcohol consumption (without a permit) and operation of golf cars in parks is prohibited under Article II, but alcohol is sold by the City and the City supplies users with golf cars at our golf courses, so they necessarily need to be regulated differently.
- This new article contains regulations related to the consumption of alcohol, renting/use of golf cars, modifying course grounds, fishing on course grounds, etc.

Public Contact

The City Attorney's Office, in partnership with VCN, presented to and deliberated with the Arvada Parks Advisory Committee (APAC) at two meetings in November and December 2025. City staff then presented the ordinance to City Council at a public workshop taking place on January 13, 2026. To the extent possible, comments from City Council from that public workshop have been incorporated into the ordinance.

Commission Recommendation

N/A

Strategic Alignment

This strategic result directs the mission of VCN: *"A vibrant community is engaged in civic life, the arts, and the outdoors. It comprises individuals and groups who are dedicated to their community, get involved with neighborhood associations, and participate with local government to ensure responsiveness to changing needs, resulting in Arvada being the preferred place to live, work, play, and stay."* Supporting that mission are the VCN Work System Goals : VCN1 - VCN8. The proposed rewrite is impactful to each of the work system's goals.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB26-002, An Ordinance Repealing and Reenacting Chapter 66, Parks and Recreation, of the Arvada City Code, Public Hearing to be set for March 3, 2026 at 6:15 p.m.

Suggested Motion:

I move that CB26-002, An Ordinance Repealing and Reenacting Chapter 66, Parks and Recreation, of the Arvada City Code, be (approved on first reading, ordered published in full, and a public hearing set for March 3, 2026, at 6:15 p.m.) (rejected).

Prepared by:
Gail Walker, Legal Specialist-Contracts

Reviewed by:

Approved by:

Derrick Kuhl, Deputy Director VCN	01/28/2026
Jermel Stevenson, Director VCN	01/28/2026
Bryan Archer, Chief Financial Officer	01/28/2026
Gail Walker, Legal Specialist-Contracts	01/29/2026
Janelle Miller, Assistant City Attorney	01/29/2026
Rachel Morris, City Attorney	02/04/2026
Allison Scheck, Deputy City Manager	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 26-002
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING CHAPTER 66, PARKS AND
RECREATION, OF THE ARVADA CITY CODE

WHEREAS, the City of Arvada has the authority under C.R.S. §31-15-702 to establish and regulate the use of parks and public grounds, and otherwise has the authority as a Home Rule city to establish laws, regulations, and procedures that protect life and property; and

WHEREAS, the City of Arvada offers a vast array of open space areas, parks, recreational facilities, and urban design amenities to citizens; and

WHEREAS, these recreational assets help define the City's exceptional quality of life; and

WHEREAS, the City maintains these assets to the highest possible standards while making the best use of City resources in an equitable and consistent fashion; and

WHEREAS, the City partners with area parks and recreation districts to ensure that our recreational resources are made available and accessible to as many users as is feasible; and

WHEREAS, some users wish to utilize recreational resources for relatively passive pursuits, such as tranquil reflection and relaxation; and

WHEREAS, some users desire recreational resources that are designed for organized sports activities, such as golf or baseball; and

WHEREAS, the City endeavors, to the extent practicable, to accommodate the needs and desires of all users of its recreational resource; and

WHEREAS, certain activities may be detrimental to the intended use of the City's recreational resources or the properties themselves, or may even be potentially hazardous to those who use or enjoy these resources; and

WHEREAS, the Arvada City Council finds the City has a significant interest in providing, maintaining, and preserving safe open space areas, parks, recreational facilities, and other urban design amenities for the use and enjoyment of all residents; and

WHEREAS, the City Council has evaluated the use of Arvada's recreational assets and determined that regulations concerning access to and use of these resources are reasonably related to the City's interest in providing safe and enjoyable recreational resources for all citizens; and

WHEREAS, the City Council finds that it is in the public's interest to manage the City's recreational resources in ways that allow for a variety of recreational activities, that enhance the resilience of these resources, that minimize risks to these valuable resources

and those who use them, and that foster the continued environmental, social, and economic viability of these assets; and

WHEREAS, the City Council finds that the repeal and reenactment of laws relating to the access to, use and enjoyment of, and preservation of recreational assets by citizens is necessary to protect the health, safety, and welfare of the public.

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

Section 1. Chapter 66, Parks and Recreation, of the Arvada City Code is hereby repealed in its entirety and reenacted to read as follows:

“PARKS AND RECREATION

Article I.

Administration and Management of Recreational Resources

Sec. 66-1—10. Reserved.

Sec. 66-11. Legislative declaration; purpose.

The city council hereby finds that the city offers a vast array of open space areas, parks, recreational facilities, and urban design amenities that are heavily used and greatly valued by citizens. As the steward of these recreational resources, the city is obligated to use best practices to manage these assets in ways that maximize the enjoyment of these areas by all users; that reduce potential risks to users and to property; and that enhance the role these recreational resources play in creating vibrant neighborhoods. The city council also finds that efforts to regulate activities in and upon open space areas, parks, recreational facilities, and urban design amenities are necessary to protect those assets and the health, safety, and welfare of the public.

The purpose of this ordinance is to establish laws governing the access to and use of open space areas, parks, recreational facilities, and urban design amenities to allow the public to enjoy or utilize these resources in ways that are respectful of these properties and all users. In addition, the purpose of this ordinance is to facilitate sound parks and recreation management techniques and initiatives focused on ensuring the resilience, sustainability, and long-term viability of these valuable recreational assets.

Sec. 66-12. Definitions.

In this chapter, the following definitions apply, unless the context clearly requires otherwise:

Alcohol beverage has the same meaning as that set forth in Colo. Rev. Stat. §44-3-103 as may be from time to time amended, except that it shall not include a spirituous liquor as defined in Colo. Rev. Stat. §44-3-103(54).

Day means a calendar day.

Director means the director of the city's Vibrant Community and Neighborhoods work system or designee thereof.

District means any parks and recreation district approved by the city that is located partly or wholly within Arvada.

Good cause means a reason that is supported by credible evidence to take a certain action. In the context of decision making about whether to summarily remove or trespass a person from a recreational resource under this chapter, good cause means that a director, recreation official, or peace officer has credible evidence that demonstrates a violation by an occupant or user of the resource of a city or State law, policy, procedure, rule, regulation, or code of conduct, or that demonstrates an occupant or user has engaged in conduct that substantially interferes with the enjoyment of the resource by others or with the efficient operation of the resource.

Human-powered vehicle means a mode of transportation that uses only human muscle to power for propulsion, such as a bicycle, tricycle, skateboard, etc.

Motorized vehicle means a self-propelled vehicle which is designed primarily for travel on the public highways, and which is generally and commonly used to transport persons and property over the public highways. For purposes of this chapter, it also includes but is not limited to electric devices as that term is defined in sec. 54-91 of this Code, electric scooters, farm tractors, golf cars, low-power scooters, low-speed electric vehicles, motorcycles, mini-bikes and other similar vehicles, and off-highway vehicles, but does not include wheelchairs or vehicles moved solely by human power.

Open space or *open space area* means a city-owned or managed property not formally designated by the city as a park that is maintained predominantly in a natural, scenic, and open condition to preserve the area for passive recreational pursuits consistent with the protection of open land and the environment, including but not limited to a green belt or other similar area, a bank or bed of a non-navigable fresh stream flowing through an open space area, a walkway or other pathway within the open space area, and a city-owned parking lot in or upon an open space area. It does not include a city sidewalk or a street or roadway along the perimeter of an open space area and does not include a park, recreational facility, or urban design amenity.

Park means a city-owned or managed property located within the city that is formally designated by the city as a park, including but not limited to a bank or bed of a non-navigable fresh stream flowing through a park, a flower garden, lawn, or

other natural or landscaped area in or upon a park, a splash pad area in or upon a park, an off-leash dog park, a city-owned parking lot in or upon a park, a sidewalk or other pathway in or upon a park, or a picnic table, shelter, or other city-owned structure in or upon a park. It does not include a city sidewalk or a street or roadway along the perimeter of a park and does not include an open space area, a recreational facility, or an urban design amenity.

Permit means a license, permit, or use agreement issued by the director that allows for the use of a recreational resource, including but not limited to an alcohol beverages permit, a fishing permit, a field programming permit, a park use permit, or a pavilion use permit.

Recreational facility means a city-owned or managed place or premises dedicated generally to or used for a specific sporting activity or recreational pursuit engaged in by the public. It includes but is not limited to the Arvada/Blunn reservoir, a lake or other body of water, a bicycle, equestrian, or pedestrian path or trail, a city- or district-owned parking lot in or upon a recreational facility, a bank or bed of a non-navigable fresh stream flowing through an outdoor recreational facility, a golf course, club house, indoor or outdoor baseball diamond, basketball court, equestrian center, fitness center, football field, ice rink, pickleball court, soccer field, skate park area, swimming pool, tennis court, and the appurtenances thereto. It does not include a city sidewalk or a street or roadway along the perimeter of a recreational facility and does not include an open space area, park, or an urban design amenity.

Recreation official means an employee of the City of Arvada or a district who is acting within the course and scope of their duties. It also includes a uniformed or credentialed volunteer authorized by the city to act as a park or reservoir ranger or to work during a city festival or similar permitted or special event who is acting within the course and scope of their duties, and a volunteer authorized by a district who is acting within the course and scope of their duties.

Recreational resource or *resource* means a city-owned or managed open space area, park, recreational facility, urban design amenity, and includes any other city-owned asset managed by the director.

Sign or *signage* means an announcement or communication that is produced in whole or in part by the construction, erection, affixing, or placing of a placard or structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface.

Structure means anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground. It includes a tent or similar portable shelter made of fabric or similar material stretched over poles or other supports that is typically fixed to the ground by means of a stake or stakes and that may be enclosed by means of a zipper, ties, or similar device such that an occupant would not be readily visible from outside of the tent

when closed. It does not include a canopy or tarpaulin typically used as a temporary sunshade that is no larger than 64 square feet in total area, designed to always be completely open on one or more sides, and not affixed to the ground by means of a stake or stakes.

Urban design amenity means an outdoor area located within the city, owned by the city, and made available by the city for the enjoyment or viewing pleasure of the public, including but not limited to a flower garden, lawn, or other natural or designed landscaped area running along or beside a city sidewalk or a street or roadway, or other area designated by the city as an urban design amenity, or a bank or bed of a non-navigable fresh stream flowing through an urban design amenity. It does not include a city sidewalk or a street or roadway along the perimeter of an urban design amenity and does not include an open space area, a park, or a recreational facility.

Sec. 66-13. Authority of the director.

- (a) *Generally.* The director is responsible for managing recreational resources in ways that maximize the enjoyment of these resources by all users, that reduce potential health and safety risks to users, that promote resilience and sustainability, that protect the long-term viability of the properties themselves, that communicate to the public an understanding of the purposes and uses of recreational resources and the practical limitations on those uses, and that enhance the role these resources play in creating vibrant neighborhoods and a safe community.
- (b) *Operations.* The director has the power and authority to establish and enforce policies, procedures, rules, regulations, and codes of conducts related to the management, operation, and control of recreational resources, the occupancy and use of these resources, the construction, care, maintenance, and repair of any structure thereon, and the care of the land on which these resources are located as set forth herein.
 - (1) *Manage and schedule operations.* The director may develop and administer a system to manage the use, permitted use, programming, and scheduling of any recreational resource managed by the city, and create, issue, modify, suspend, or revoke any permit used to administer that system.
 - (2) *Regulate occupancy and use.* The director may regulate the time, place and manner of activities in or upon a recreational resource, authorize the closure of or limit or restrict the occupancy and use of a recreational resource or portion thereof or otherwise act to protect designed or natural features and structures in or upon a resource from damage or overuse, to protect the value and viability of the resource, or to protect the health, safety, or welfare of the public. The director may take any reasonable action to facilitate these actions, including enclosing a resource or portion thereof. The director may authorize the issuance or posting of signs or other notices setting forth the

hours of operation of any recreational resource as well as any limitation, restriction, or prohibition on the occupancy or use of that resource.

- (i) In making a decision to limit, restrict, or prohibit the access to, use of, or occupation of a recreational resource, the director may consider common or best resilience principles and sustainable parks and recreational resources management practices, the identity of an area, the resource's traditional or future use, circulation control, the need to protect the resource from damage, the most efficient use of construction, repair, and maintenance staff and resources, education of the public, or any other relevant consideration.
 - (ii) The posting or placement of a sign by the director under this subsection (b) shall not constitute or be deemed to be the adoption of a rule.
- (3) *Set fees.* The director may assess, impose, and publish in accordance with chapter 2 of this Code a fees schedule relating to the permitted use, field or facility sports programming use, licensing, or other use of any recreational resource, and damage or other deposits as may be reasonably necessary to protect recreational assets and facilitate the efficient use and management of these resources.
- (4) *Trespass users.* Understanding that owners and managers of property have the right to limit, restrict, or prohibit access to that property under sec. 62-4-504.5 of this Code, the director may for good cause limit, restrict, revoke, or otherwise prohibit the access to or use of any recreational resource by any user reasonably deemed by the director to be in violation of any applicable city or State law, policy, procedure, rule, regulation, or code of conduct in accordance with the procedures set forth in this chapter.
- (5) *Clean, repair, and maintain structures and land.* The director may authorize the cleaning, repair, and maintenance of, and construction or landscaping in or upon a recreational resource and remove or have removed an unpermitted structure found in or upon a recreational resource, including an unpermitted structure that is found in a park after 11:00 p.m. or before sunrise the next day.
- (6) *Return certain property.* Consistent with existing law and upon request of the city manager, the director may ensure that any recreational resource situated on property owned by the city's Water Fund be returned for use by the city's utilities department. These resources include but are not limited to the Arvada/Blunn Reservoir, the Bird's Nest Disc Golf Course, the West Arvada Dog Park, and any other recreational resource created in the future upon property owned by the city's Water Fund.

- (7) *Other.* The director is authorized to take any other action reasonably necessary to administer, facilitate, or enforce upon the provisions of this chapter to ensure the city's recreational resources are developed, maintained, and managed in ways that enhance the overall quality of life for recreational resource users and residents, that promote sustainable practices, that promote necessary health and safety measures, that preserve as appropriate objects or areas of cultural, historic, or scientific value or interest, that help mitigate the impacts of unusual weather or other events so as to increase the resilience of our recreational resources, and to otherwise preserve and protect the long-term viability of these valuable assets.

Sec. 66-14. Hours of operation.

Except as otherwise set forth herein, open space areas and parks will be open to the public between sunrise and 11:00 p.m. each day. Except as otherwise set forth herein, recreational facilities will be open to the public at regular operating hours designated by the director and posted at the facility or on the internet as appropriate.

Sec. 66-15. Recreational resource permit.

- (a) *Issuance.* The director may issue permits to use a recreational resource. For purposes of this chapter, entering into a license or use agreement shall be deemed to be the issuance of a permit. A permit pertaining to use of the Arvada/Blunn Reservoir will be issued under article III of this chapter. The director may modify, suspend, or revoke a previously issued permit.
 - (1) *Effect.* A permit allows for the reservation and use of a recreational resource or any area within a recreational resource by the permit holder for a planned event or activity or for a certain period according to the terms and conditions of the permit.
 - (2) *Transferability.* A permit is not transferable unless the terms and conditions of the permit allows for its transfer.
- (b) *Terms and conditions.*
 - (1) *Mandatory.* Each permit will be subject to the terms and conditions noted on the permit or otherwise published on the City's website. At a minimum, each permit to use a recreational resource or portion thereof must contain the following terms or conditions:
 - (i) *Payment of fees.* The permit holder must agree to pay all permit, service, and damage or other deposit fees, and agree to pay reasonable clean up and repair costs not covered by the damage deposit for the permitted event;

- (ii) *Compliance with laws.* The permit is conditioned on compliance with any laws, policies, procedures, rules, regulations, or codes of conduct applicable to that recreational resource;
 - (iii) *Display.* The permit must be displayed at the event or be available for immediate display upon request by a recreation official or peace officer on the day(s) and during the time or times designated in the permit;
 - (iv) *Noise.* The permit holder is responsible for ensuring that activities at the permitted event do not create noise that is unreasonable considering the nature of the permitted event and the activities allowed under the permit; and
 - (v) *Suspension or revocation.* The permit holder must acknowledge that the director may modify, suspend, or revoke a permit. Remedies, if any, for the modification, suspension, or revocation of a permit shall be noted in the terms and conditions of the permit.
- (2) *Other.* The director may place additional terms and conditions on the issuance of a permit for the use of a recreational resource or portion thereof under a permit, including but not limited to the following terms and conditions:
- (i) *Insurance.* A permit holder may be required to acquire and show proof of insurance sufficient to insure against risks reasonably anticipated as part of the permitted endeavor or activity as determined in the sole discretion of the director; or
 - (ii) *Tents.* Notwithstanding any other provision of this Code, the director may allow the construction or erection of a tent or other structure by the permit holder in or upon a recreational resource and may allow the tent or other structure to remain in or upon the recreational resource for the duration of the permit, including overnight; or
 - (iii) *Alcohol beverages.* The director may permit the consumption of alcohol beverages only to a natural person 21 years of age or older, and only for recreational resources designated by the director. Any permit granted for the use of alcohol beverages must contain the following conditions:
 - a. *Hours permitted.* Each permit that allows for the consumption of alcohol beverages upon the permitted premises shall set forth the specific time at which the consumption of the beverage(s) may begin and end on each day the permit is granted;

- b. *Glass containers prohibited.* All containers used to transport alcohol beverages to or from the premises and to consume beverages at the event must be of non-glass material; and
- c. *Permit holder to remain on premises.* The permit holder must remain on the premises at any time during which alcohol beverages are available for consumption on the permitted premises.

Sec. 66-16. Fees.

- (a) *Permit fees.* The director may set and shall assess a fee for each permit as noted in the applicable fees schedule and may set and shall assess a damage or other deposit fee.
 - (1) *Refunds.* No refund of a fee for a permit that has been modified, suspended, or revoked by the director is due the permit holder, except where the permit was suspended or revoked due to circumstances entirely out of the permittee's control, such as an adverse weather event. In that case, the permit fee may be refunded on a pro-rated basis. No refund of a city permit or service fee is due a permit holder who has been summarily removed or trespassed from the premises of a permitted event under sec. 66-17 of this article, or who has been trespassed from the premises of a permitted event under a no trespass order issued by a peace officer under sec. 62-4-504.5 of this Code. A damage deposit fee may be refunded in whole or in part in accordance with the provisions of this chapter if the area subject to the permit is in clean condition, and if no damage other than reasonable wear and tear occurred during the time the permit holder utilized the permitted area.
- (b) *Other fees.* The director may set and shall assess service or other fees as noted in the applicable fees schedule.
- (c) *Setting.* In setting permit fees, damage or deposit fees, and service or other fees, the director may consider any factor or cost deemed relevant in covering or recovering the direct and indirect costs of providing the service or the use of the recreational resource, including but not limited to the nature of the use of the resource, the type and location of an event, the level of disruption caused by an event or activity, whether alcohol beverages are permitted at an event, the need for trash collection and removal, the need for cleaning, and the need to repair damage to any recreational resource following an event. Damage or other deposits related to the use of a recreational resource may not be reduced for any person, group, or organization. All permit fees shall be set and published in accordance with the procedures set forth in chapter 2 of this Code.

Sec. 66-17. Use of recreational resources; remedies for inappropriate use.

- (a) *Use.* All recreational resources are available for use or enjoyment by the public on a “first-come, first-served” basis as appropriate to the resource and throughout the year unless otherwise indicated by signage, or unless the resource or an area within that resource has been reserved by a permit or is otherwise subject to the city’s field programming scheduling system. Notwithstanding the above, the city may, by intergovernmental agreement, give priority to certain sports or recreational activities sponsored or programmed by a special district.
- (b) *Summary removal.* A recreation official or peace officer may for good cause order any person to leave a recreational resource. A person who is summarily removed from a recreational resource for good cause shall not return to that resource that same day.
 - (1) *Hazardous situations.* Nothing in this subsection shall be deemed to limit the authority of a recreation official or peace officer to issue an order to vacate an area or resource, or to take other action reasonably necessary to respond to an adverse weather event or another hazardous condition or situation. An order to vacate or other action taken by an official or officer under this subsection (b) shall not be deemed to be a modification, suspension, or revocation of a permit.
- (c) *Trespass.*
 - (1) *Director’s authority.* The director may for good cause trespass any person from a recreational resource. A trespass notice limiting, restricting, revoking, or prohibiting access to a recreational resource issued under this subsection (c) may remain in effect for no more than six months following the date of the director’s notice. A person need not be summarily removed from a recreational resource before the director takes action to trespass that person from the resource.
 - (2) *Process.*
 - (i) *Notice.* The director shall provide notice to any person whose access to a recreational resource is to be limited, restricted, revoked, or prohibited under subsection (c) of this section by sending a letter by first class U.S. Mail or by electronic mail to the person’s last known physical or electronic address, or by personal service. The notice must generally describe the date and nature of the conduct that prompted the enforcement action, and the nature, scope, and length of the enforcement action. The notice shall also state that the person is entitled to be heard about whether the evidence in the record supported the director’s trespass action and provide information about how to appeal the action.

- (ii) *Appeal of the director's action.* A person who has been trespassed from recreational resource may appeal the director's action by filing with the Arvada Municipal Court, within 14 days of the date of the director's notice, a written request for review of the director's action on form prescribed by the court, along with a statement or other evidence explaining why there was not good cause for the director's action.
 - (iii) *Review by hearing officer.* The presiding municipal court judge or designee thereof acting as a hearing officer shall, within 21 days of the date the appeal was filed, review the evidence submitted by the appellant, along with any information submitted by the director, and issue a written decision about the matter. The only issue to be determined by the hearing officer is whether there exists in the record good cause to support the director's action. Should the hearing officer determine that there was not sufficient evidence in the record to support the director's action, the sole remedy is that the person will be allowed to return to the recreational resource. Should the hearing officer fail to issue a written decision within 21 days, the hearing officer will be deemed to have found good cause for the director's action. Nothing in this section shall be deemed to permit a violation of the terms and conditions of any permit, or a violation of any law, policy, procedure, rule, regulation, or code of conduct by a person whose ability to access or use a recreational resource has been restored or reinstated.
- (3) *Review by court.* The decision of the hearing officer shall be considered a final agency decision reviewable under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
- (d) *Concurrent remedies.* A person may be summarily removed from a recreational resource by order of a recreation official or peace officer, or trespassed from that resource by the director, or both. Nothing in this section may be deemed to limit the authority of the director to otherwise enforce the provisions of a licensing or use agreement or contract or the terms or conditions of a permit. Nothing in this section may be deemed to limit the authority of a peace officer to issue a summons and complaint or arrest for a violation of law committed in or upon a recreational resource and for which they have probable cause, or to issue a no trespass order under sec. 62-4-504.5 of this Code or as otherwise authorized by law.

Sec. 66-18—30. Reserved.

Article II. Unlawful Acts

Sec. 66-31-40. Reserved.

Sec. 66-41. Vehicles and parking.

- (a) *Motorized vehicles.* It shall be unlawful for any person to operate or ride a motorized vehicle in or upon a recreational resource anywhere other than in or upon a designated roadway or parking area in or upon that resource.
- (b) *Speed limit.* Except as otherwise noted in this chapter, it shall be unlawful for any person to operate or drive a motorized vehicle, where otherwise permitted, in or upon any recreational resource at a speed greater than 15 miles per hour.
- (c) *Parking.* It shall be unlawful for any person to park a motorized vehicle in or upon a recreational resource except in or upon a designated parking area.
- (d) *Exceptions.*
 - (1) Nothing in this section may be deemed to prohibit a peace officer or other first responder, a recreation official or authorized city volunteer, or an authorized city contractor from operating or parking a motorized vehicle anywhere in or upon a recreational resource while acting within the course and scope of their duties.
 - (2) A golf car may be operated or parked in or upon a golf course where the operation or parking of a golf car is not prohibited.
 - (3) An electric device as defined in sec. 54-91 of this Code may be operated upon a bicycle or pedestrian path or trail. An electric device may be parked in or upon an open space area, a park, outside of any indoor recreational facility or in or upon an open-air recreational facility, or in or upon an urban design amenity if the parked device does not create a hazard to passersby, obstruct a passageway, interfere with the operation of the recreational resource, or damage landscaping or other city property.
- (e) *Summons placed on vehicle.* A peace officer may ticket a vehicle found to be parked in violation of this section by placing a copy of the summons upon the vehicle or otherwise by issuing a summons in accordance with the provisions of this Code.

Sec. 66-42. Trespass.

It shall be unlawful for any person to be in or upon a recreational facility at a time other than during its regular operating hours, or to be in or upon an open space area or a park between the hours of 11:00 p.m. and sunrise the next day, unless the area is designated as being open under a city-issued festival or other special permit.

Exception. Nothing in this section shall be deemed to prohibit a peace officer or other first responder, a recreation official or authorized city volunteer, or an authorized contractor working within the course and scope of their duties from

being in or upon a recreational resource outside of its regular hours of operation or posted hours, or in violation of signage prohibiting entry into a resource.

Sec. 66-43. Use of recreational resources.

- (a) *Watersports.* It shall be unlawful for any person to boat, fish, float using a flotation device, raft, scuba dive, swim, wade, water ski, windsurf, paddleboard, or engage in any other watersport activity in or upon a recreational resource, except in a facility specifically designed and constructed for that activity, or where the activity is permitted by signage.
- (b) *Snow and ice activities.* It shall be unlawful for any person to snow ski, sled, snowboard, snowshoe, ice skate, ice fish, or engage in any other snow or ice activity in or upon a golf course or where the activity is prohibited by signage.
- (c) *Permits.*
 - (1) *Failure to display permit.* It shall be unlawful for any permit holder to fail to immediately display, upon the request of any peace officer or recreation official, a permit authorizing the holder to use a recreational resource or any portion thereof.
 - (2) *Failure to comply with permit conditions.* It shall be unlawful for any permit holder to fail to comply with a term or condition set forth on a permit.
- (d) *Placement of a structure.*
 - (1) *Unlawful to erect.* It shall be unlawful for any person to build, erect, or place a structure, including a tent, in or upon a recreational resource managed by the city without first having obtained from the director a permit that allows for the erection of the structure or tent.
 - (2) *Unlawful to leave in place.* It shall be unlawful for any permit holder to leave in place a structure, including a tent, in or upon a recreational resource managed by the city after the expiration of the permit allowing for the erection or placement of that structure or tent.
- (e) *Vendor carts and food trucks.* It shall be unlawful for any person to operate or allow to be operated any vendor cart, food truck, or similar business in or upon a recreational resource without first having obtained a transient merchant permit to operate in or upon the premises as set forth in chapter 3 of Arvada's Land Development Code. A transient merchant permit must be prominently displayed upon the cart or truck or be available for immediate display upon request by a recreation official or peace officer when the cart or truck is on or upon the recreational resource. It shall be unlawful for the operator or manager of the cart or truck to fail to display or make the permit immediately available upon request by a recreation official or peace officer.

Sec. 66-44. Health and sanitation.

- (a) *Littering.* It shall be unlawful for any person to dump, deposit, or dispose of any glass, paper, can, bottle, box, garbage, trash, debris, or rubbish in or upon a recreational resource, except in a designated trash or recycling receptacle provided for such purpose.
- (b) *Glass bottles or containers.* It shall be unlawful to possess or use a glass bottle or container of any kind in or upon a recreational resource.
- (c) *Discharge of pollutant into water.* It shall be unlawful for any person to discharge or otherwise place in any creek, fountain, lake, pond, pool, or stream in or upon a recreational resource any substance, matter, or thing which may cause or result in pollution of those waters.

Sec. 66-45. Hazardous activities; dangerous items.

- (a) *Hazardous activities.* It shall be unlawful for any person to engage in any activity in or upon a recreational resource which may constitute a hazard to the safety of other users of the resource unless the area is specifically designed and signed for the activity. Hazardous activities include but are not limited to:
 - (1) Archery or the possession of an archery bow or arrow;
 - (2) Hitting a golf ball or golfing;
 - (3) Shooting a paintball, BB, air gun pellet, or other projectile, or the possession of a paintball gun, BB gun, air gun, or other item designed to shoot or launch a projectile;
 - (4) Launching, landing, operating, or flying of a drone or any unmanned aircraft system, or of a motorized, radio, or remote controlled or operated model or toy aircraft, or the possession of such a system or device, except in the area designated by the city as the Arvada Modelers Airpark; or
 - (5) Any other activity that may constitute a hazard to the safety of other park users.
- (b) *Possession of dangerous items.*
 - (1) *Propane tanks.* It shall be unlawful for any person to possess or use a propane tank or torch in or upon a recreational resource, except in compliance with a condition of a previously issued permit to use the recreational resource or by a licensed contractor engaged in work authorized by the director or designee thereof in or upon the recreational resource.

- (2) *Whips.* It shall be unlawful for any person to possess in or upon any recreational resource a whip that measures more than 18 inches in length from the bottom end of the handle to the end of its longest cord or lash. For purposes of this subsection (b)(2), a whip means a strip or strips of leather, cord, or similar material sometimes plaited together and fastened to a handle to create a flexible object commonly designed to beat or flog a person or animal.
- (3) *Firearms.* It shall be unlawful for any person to open or openly carry any firearm in or upon any recreational resource owned by the City. The provisions of section 62-12-101 of this Code shall apply to any prosecution for a violation of this subsection (b)(3).
- (4) *Fireworks.* It shall be unlawful for any person to possess or use fireworks as that term is defined in sec. 62-13-136 of this Code, except as permitted under any applicable subsection(s) of that section.
- (c) *Open fires.* It shall be unlawful for any person to start, build, or maintain a fire in or upon a recreational resource except within an area specially designed and constructed by the city to accommodate a cooking or other open fire and then, only when not otherwise prohibited by an applicable fire restriction or ban. It shall be unlawful to leave unattended a fire in or upon a recreational resource without first having completely extinguished the fire and properly disposing of any ashes.
- (d) *Penalty.* A violation of this sec. 66-45 shall be punished by a fine, imprisonment, or both not to exceed the limits established in sec. 1-5 of this Code, but in no event shall any such punishment exceed the maximum penalties set forth by state law for a violation that corresponds to a state offense prohibiting the same conduct.

Sec. 66-46. Animals.

- (a) *Definitions.* In this section, the following definitions apply, unless the context clearly requires otherwise:

Damage means causing harm to, or the destruction of, wildlife, wildlife habitat, or a wildlife den or nest.

Run or *running at large* shall have the same meaning as set forth in sec. 14-3 of this Code.

Wildlife shall be defined as set forth in Colo. Rev. Stat. §33-1-102, and for purposes of enforcement of this section, it includes migratory and domestic waterfowl, including but not limited to ducks, geese, and swans.

- (b) *Horses.* It shall be unlawful for any person to ride, lead, or otherwise permit a horse in or upon a recreational resource except upon a posted equestrian trail or in or upon a designated equestrian center.

- (c) *Pet or other domesticated animals.* It shall be unlawful for any owner or custodian of a pet or other domesticated animal to allow the animal to run or go or be at large while in or upon a recreational resource.

Exceptions.

- (1) A dog may be off leash at the area designated as the West Arvada Dog Park, the area designated as the Bird's Nest Disc Golf Course Park, or at an area designated by the city as a dog training site.
 - (2) Cats are excepted from the provisions of this subsection (c).
- (d) *Feeding of wildlife.* It shall be unlawful for any person to feed, cause to be fed, or provide food for any wildlife in or upon a recreational resource.
- (e) *Molestation of wildlife.* It shall be unlawful for any person to catch, attempt to catch, hunt, trap, molest, harass, worry, harm, chase, injure, or kill any wildlife in or upon a recreational resource, except with the prior written authorization of the director.
- (f) *Possession of wildlife.* It shall be unlawful for any person to take or have in their possession any wildlife while in or upon a recreational resource.
- (g) *Disruption or damage to wildlife habitat.* It shall be unlawful for any person to willfully disrupt, damage, or destroy any wildlife habitat located in or upon a recreational resource, or to willfully remove any wildlife, habitat, or vegetation from a park except with the prior written authorization of the director. Wildlife habitat includes, but is not limited to, a den or nest containing wildlife or eggs.
- (h) *Exceptions generally.* Nothing in this section shall be deemed to prevent the fishing of game fish at the Arvada/Blunn Reservoir in accordance with the rules set forth in article III of this chapter. Nothing in this section shall be deemed to prohibit the director from authorizing the disruption of, trapping of, or removal of an animal, wildlife, or wildlife habitat including the destruction or removal of any den or nest from a recreational resource managed by the director, in accordance with applicable state or federal laws. Nothing in this section shall be deemed to prevent an animal management officer or peace officer from taking lawful action to catch, attempt to catch, trap, chase, or kill any animal in or upon any recreational resource while acting within the course and scope of their duties, and as permitted under applicable law.
- (i) *Penalty.* A violation of this sec. 66-46 shall be punished by a fine, imprisonment, or both not to exceed the limits established in sec. 1-5 of this Code, but in no event shall any such punishment exceed the maximum penalties set forth by state law for a violation that corresponds to a state offense prohibiting the same conduct.

Sec. 66-47. Interference with operations.

It shall be unlawful for any person to willfully fail to immediately comply with an order issued by a recreation official or peace officer to leave or otherwise vacate a recreational resource; to willfully fail to immediately comply with any other order issued by an official or officer related to the safe and efficient operation of the resource; or to hinder, obstruct, or otherwise interfere with any recreation official or peace officer in the discharge of their official duties. For purposes of this section, *recreation official* includes a uniformed or credentialed sports referee, umpire, judge, scorekeeper, timekeeper, or similar person officiating, working, or volunteering at a pre-scheduled or permitted sporting contest or event occurring in or upon a recreational resource owned or managed by the city or a district. A violation of this section shall be punished by a fine, imprisonment, or both not to exceed the limits established in sec. 1-5 of this Code, but in no event shall any such punishment exceed the maximum penalties set forth by state law if such violation corresponds to a state offense prohibiting the same conduct.

Sec. 66-48. Criminal mischief – recreational resource.

- (a) *Definition.* For purposes of this section, *damage* means to cause harm to a recreational resource or any landscaping or structure in or upon a recreational resource by any means, including but not limited to the unauthorized burning, cutting, defacing, placing graffiti or marking upon, digging, driving upon, excavating, trenching, or otherwise injuring or impairing the natural beauty or usefulness of a recreational resource. Damage also includes but is not limited to the unauthorized alteration or modification to a designed or natural landscaping area, painting of turf, structures, or trail surfaces, mowing of maintained turf or natural vegetation surfaces, planting, pruning, removing, or in any way modifying trees, plants, flowers, turf, or other vegetation, whether natural or maintained, in or upon a recreational resource. Damage also includes but is not limited to the unauthorized removal of, modification to, adjustment to, connection to, or turning on or off an irrigation system or any part thereof, and the application of any fertilizer or other chemical to vegetation in or upon a recreational resource.
- (b) *Unlawful act.* A person commits criminal mischief of a recreational resource when that person knowingly damages property, real or otherwise, in or upon a recreational resource.
- (c) *Monetary damage.* This section shall apply only where the aggregate amount of damage to the real or personal property that is damaged or destroyed in a single criminal episode is less than \$2,000.00.
- (d) *Penalty.* A violation of this section shall be punished by a fine, imprisonment, or both not to exceed the limits established in sec. 1-5 of this Code, but in no event shall any such punishment exceed the maximum penalties set forth by state law if such violation corresponds to a state offense prohibiting the same conduct.

Sec. 66-49. Violation and penalty.

- (a) *Penalty.* Except as otherwise set forth herein, a violation of this article shall be punished by a fine not to exceed the limits established in sec. 1-5 of this Code.
- (b) *Continuing violation.* In accordance with sec. 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.
- (c) *Concurrent remedies.* The initiation of a prosecution for a violation of a provision of this article shall not preclude the director from taking other appropriate actions to stop or reduce the possibility of a violation of a permit term or condition, city or State law, policy, procedure, rule, regulation, or code of conduct on or about the recreational resource, to stop or reduce the possibility of a disturbance occurring on or about a recreational resource, or from taking action that enhances safe and efficient operation of the resource and otherwise protects the health, safety, and welfare of the public.

Sec. 66-50—60. Reserved.

Article III. Arvada/Blunn Reservoir

Sec. 66-61. Title.

This article may be known and will be cited as the “Arvada/Blunn Reservoir Ordinance.”

Sec. 66-62. Purpose.

The purpose of this article is to establish specific laws about the access to and use of the Reservoir to allow the public to enjoy or utilize this asset in ways that are respectful of the premises and to the rights of all users, and to facilitate sound recreational resource management.

Sec. 66-63. Definitions.

In this article, the following definitions apply, unless the context clearly requires otherwise:

Arvada/Blunn Reservoir, Reservoir, or premises means the lake, dam, spillways, appurtenances, and surrounding lands owned by the city and designated as the “Arvada/Blunn Reservoir” in Ordinance No. 2153 and that have been annexed to the city by Ordinance No. 2371 and by Ordinance No 2396. It does not include the West Arvada Dog Park or the Bird’s Nest Disc Golf Park.

Fishing shall have the same meaning as set forth in Colo. Rev. Stat. §33-1-102.

Good cause means a reason that is supported by credible evidence to take a certain action. In the context of decision making about whether to summarily remove or trespass a person from the Arvada/Blunn Reservoir under this article, good cause

means that the director, a Reservoir coordinator, a Reservoir ranger, or peace officer has credible evidence that demonstrates a violation by an occupant or user of the Arvada/Blunn Reservoir or State law, policy, procedure, rule, regulation, or code of conduct, or that demonstrates an occupant or user has engaged in conduct that substantially interferes with the enjoyment of the Arvada/Blunn Reservoir by others or with the efficient operation of the Arvada/Blunn Reservoir.

Reservoir coordinator means the city employee authorized by the director to manage the day-to-day operations of the Arvada/Blunn Reservoir and includes the city's parks manager.

Reservoir permit means a permit to use the premises and includes but is not limited to an annual fishing permit, a daily fishing permit, an annual vehicle permit, a daily vehicle permit, and an annual boat permit.

Reservoir ranger means a uniformed or credentialed volunteer authorized by the city to oversee activities at the Arvada/Blunn Reservoir and assist in enforcing rules related to the safe use of the premises.

Sec. 66-64. Authority of the director.

The director has all the powers and duties with respect to the Reservoir as they have for other recreational resources set forth in elsewhere in this chapter, as well as the powers and duties set forth in this article.

Sec. 66-65. Hours of operation.

The Reservoir will be open to Reservoir permit holders from 7:00 a.m. to 7:00 p.m. beginning on April 1 through and including October 31 of each year unless there is ice on the Reservoir as determined by the director, or unless the Reservoir has been closed by the director under sec. 66-13 of this chapter, or due to high winds or other adverse weather events.

Sec. 66-66. Reservoir permits.

- (a) *Issuance.* The director may issue permits to use the Reservoir.
- (b) *Effect.* A permit allows for the use of the premises by the permit holder and their guests in accordance with the terms and conditions of the permit and applicable laws, policies, procedures, rules, regulations, or codes of conduct for the Reservoir.
- (c) *Terms and conditions.* The director shall place terms and conditions on the issuance of a Reservoir permit or on the use of the premises as otherwise required in this chapter and may place additional conditions on a permit as the director sees fit in their sole discretion.

- (d) *Transferability.* Reservoir permits are not transferable, except that an annual vehicle permit may be transferred from one wheeled vehicle registered to a permit holder to another wheeled vehicle registered to that permit holder if the vehicle's owner can demonstrate good cause for the transfer as it relates to ownership or damage to the first vehicle.

Sec. 66-67. Reservoir permit fees.

- (a) *Definitions.* In this section, the following definitions apply unless the context clearly indicates otherwise:

Person with disabilities means a person who has a physical or mental impairment that substantially limits one or more major life activities. A person with a disability does not include a person currently engaged in illegal drug use.

Senior citizen means any person who is 62 years of age or older.

Veteran means a person who served in a branch of the United States military.

Youth means any person who is under the age of 18 years.

- (b) *Generally.* Fees for Reservoir permits shall be set in accordance with the provisions of sec. 66-16 of this chapter.
- (c) *Reduced rates.* The director, in conjunction with the adoption of fees relating to the use of the Arvada/Blunn Reservoir, may set reduced permit rates for the following persons: city residents, veterans, persons with disabilities, senior citizens, and youth.
- (1) *Supporting documentation.* In responding to a request for a reduced permit fee relating to the use of the Arvada/Blunn reservoir, the director may, in their sole discretion, request from the permit applicant any documentation necessary to demonstrate the applicant's qualification for the reduced fee. The director may determine based on the documentation provided whether the applicant qualifies for a reduced permit fee rate.
- (2) *Appeal of director's denial.* Any person aggrieved by the director's decision to deny a reduced permit fee who wishes to appeal the decision must file with the director by electronic or first-class U.S. Mail a written request for a reconsideration of the matter along with any relevant documentation to be considered by the director in reconsidering the decision. The reconsideration request must be received by the director within seven days of the director's decision. The director shall conduct a review of the record and may issue a ruling on the reconsideration request within 21 days of the request. If no such ruling is issued by the director, the reconsideration

request will be deemed denied. Any decision of the director under this section shall be deemed a final agency decision under Rule 106 of the Colorado Rules of Civil Procedure.

- (d) *Refund.* No refund is due a permit holder whose has been summarily removed or trespassed from the premises under sec. 66-68 of this article, or who has been trespassed from the premises under a no trespass order issued by a peace officer under sec. 62-4-504.5 of this Code.

Sec. 66-68. Use of the Reservoir; remedies for inappropriate use.

- (a) *Use.* The principal recreational use of the Arvada/Blunn Reservoir is for the fishing of game fish as that term is defined in Colo. Rev. Stat. §33-1-102.
- (b) *Summary removal.* A recreation official or peace officer may for good cause order any person to leave the premises. A person who is summarily removed from the premises for good cause shall not return to the premises that same day.
 - (1) *Hazardous situations.* Nothing in this subsection shall be deemed to limit the authority of a recreation official or peace officer to issue an order to vacate the premises, or to take other action reasonably necessary to respond to inclement weather or another hazardous condition or situation. An order to vacate or other action taken by a recreational official or peace officer under this subsection (b) shall not be deemed to be a modification, temporary suspension, suspension, or revocation of a permit.
- (c) *Director's trespass authority.* The director may for good cause shown trespass any person from the premises. A trespass notice limiting, restricting, revoking, or prohibiting access to the premises issued under this subsection (c) may remain in effect for no more than six months following the date of the director's notice. A person need not be summarily removed from the premises before the director takes action to trespass that person from the premises.
- (d) *Process to trespass user from the Reservoir.*
 - (1) *Notice.* The director shall provide notice to the person whose access to the premises is to be limited, restricted, revoked, or prohibited under subsection (c) of this section as set forth in sec. 66-17 of this Code.
 - (2) *Appeal of the director's action.* A person who has been trespassed from the premises may appeal the director's action as set forth in sec. 66-17 of this Code.
 - (3) *Review by hearing officer.* The review of evidence in the record and the hearing officer's actions shall take place as set forth in sec. 66-17 of this Code.

- (4) *Review by court.* The decision of the hearing officer shall be considered a final agency decision reviewable under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.
- (e) *Concurrent remedies.* A person may be summarily removed from the premises by order of a recreation official or peace officer, or trespassed from the premises by the director, or both. A person need not be summarily removed from the premises before the director takes action to trespass that person from the premises. Nothing in this section may be deemed to limit the authority of the director to otherwise enforce the provisions of a licensing or use agreement or the terms or conditions of a permit. Nothing in this section may be deemed to limit the authority of a peace officer to issue a summons and complaint or arrest for a violation of law committed in or upon the premises and for which they have probable cause, or to issue a no trespass order under sec. 62-4-504.5 of this Code or as otherwise authorized by law.

Sec. 66-69. Unlawful acts.

- (a) *Entry and use, generally.* In addition to the unlawful acts set forth in this section, all acts declared to be unlawful in or upon other recreational resources are also declared to be unlawful upon the Reservoir premises. It shall be unlawful for any person to:
 - (1) Enter the premises in a vehicle from anywhere except at the main entrance located on West 66th Avenue;
 - (2) Operate a motorized vehicle in excess of 10 miles per hour anywhere on the premises;
 - (3) Operate a motorized vehicle anywhere on the premises except on the entrance road or parking lot;
 - (4) Operate a motorized vehicle in or upon the premises or allow a motorized vehicle in or upon the premises that does not have affixed to the lower left side of the front windshield at all times a current and valid Reservoir permit, or displayed prominently from within the vehicle so as to be clearly visible from the outside a daily Reservoir permit for the vehicle;
 - (5) Enter the premises in a vehicle containing more than six people, including a permit holder except with the prior permission of the director, the parks manager, or the reservoir coordinator;
 - (6) Be or remain within 50 feet of the small ponds located south of the Reservoir but north of West 66th Avenue;
 - (7) Be or remain inside the inner perimeter of land immediately surrounding the Reservoir except with a valid boating or fishing permit and only then as permitted by signage;

- (8) Walk or bike upon the premises or remain in or upon any area except upon a designated and signed trail; or
- (9) Be or remain on the premises at any time other than during the Reservoir's hours of operation.

(b) *Boating.*

- (1) It shall be unlawful for any person to launch or operate a boat in or upon the Reservoir:
 - (i) Before 7:00 a.m. or after 7:00 p.m.;
 - (ii) Without always having on board while the boat is in the water one Coast Guard approved lifesaving device for each occupant of the boat, and any additional safety equipment required by the State;
 - (iii) Unless the boat and operation thereof conforms with the rules and regulations promulgated by the Colorado Division of Parks and Wildlife, including but not limited to submitting to any inspection required by State authorities;
 - (iv) That does not carry or hold a person 16 years of age or older;
 - (v) That does not have affixed to the left bow a current and valid Reservoir permit;
 - (vi) That has or is equipped with a gasoline-powered engine, except that boats may have or be equipped with an electric trolling motor;
 - (vii) Within 75 feet of any person fishing from the shore of the Reservoir, except when engaged in departing from or returning to the boat dock or ramp; or
 - (viii) In a careless or reckless manner.
- (2) It shall be unlawful for any person to launch a boat except from upon the boat dock or ramp.
- (3) To eliminate unnecessary delays in the launching of a boat from the boat ramp, each person engaged in launching a boat shall work diligently to launch the boat expeditiously and without avoidable delays. It shall be unlawful for any person to fail to launch or unnecessarily delay the launch of a boat.

(c) *Fishing.*

- (1) *Unlawful acts.* It shall be unlawful for any person to fish in or upon the Reservoir:
 - (i) Unless they have in their possession a valid Colorado fishing license;
 - (ii) Except with a fishing permit issued under the authority of the director;
 - (iii) From the dam, spillway, a marked wildlife area, or any area of the Reservoir cordoned or marked off with buoys;
 - (iv) Except where permitted by sign; or
 - (v) Except in conformance with all Colorado fishing laws, rules, and regulations.
- (2) *Bag limit.* It shall be unlawful for any person to have in their possession more than the number of fish allowed under the daily bag limit established by the State. For purposes of this subsection, daily bag limit means the maximum number of fish a person can take in a day, regardless of what that person does with the fish that day. Fish caught and placed on a stringer, in a container or live well, or not returned to the same water immediately, count toward a person's daily bag or possession limit. Fish released immediately are not part of the limit.
- (d) *Pet or domesticated animals.* It shall be unlawful for any person to have in their custody or allow any pet or domesticated animal in or upon the premises.
- (e) *Exceptions.* Nothing in this section shall be deemed to prohibit a peace officer or other first responder, a recreation official, or an authorized contractor from being in or upon the premises outside of the hours of operation for the Reservoir or in violation of a use limitation, restriction, or prohibition while working within the course and scope of their duties.

Sec. 66-70. Interference with operations.

It shall be unlawful for any person to willfully fail to immediately comply with an order issued by a recreation official or peace officer to leave or otherwise vacate the premises; to willfully fail to immediately comply with any other order issued by the recreational official related to the safe and efficient operation of the premises; or to hinder, obstruct, or otherwise interfere with any recreation official in the discharge of their official duties. For purposes of this section, *recreation official* includes the director, a Reservoir coordinator, and a Reservoir ranger. A violation of this section shall be punished by a fine, imprisonment, or both not to exceed the limits established in sec. 1-5 of this Code, but in

no event shall any such punishment exceed the maximum penalties set forth by state law if such violation corresponds to a state offense prohibiting the same conduct.

Sec. 66-71. Violation and penalty.

- (a) *Penalty.* Except as otherwise noted in this article, a violation of this article shall be punishable by a fine not to exceed the limits established in sec. 1-5 of this Code.
- (b) *Continuing violation.* In accordance with sec. 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.
- (c) *Concurrent remedies.* The initiation of a prosecution for a violation of a provision of this article shall not preclude the director from taking other appropriate actions to stop or reduce the possibility of a violation of a permit term or condition, city or State law, policy, procedure, rule, regulation, or code of conduct on or about the Reservoir, to stop or reduce the possibility of a disturbance occurring on or about the premises, or from taking action that enhances safe and efficient operation of the Reservoir and otherwise protects the health, safety, and welfare of the public.

Sec. 66-72—80. Reserved.

Article IV. City-Operated Golf Courses.

Sec. 66-81—90. Reserved.

Sec. 66-91. Definitions.

In this article, the following definitions apply, unless the context clearly requires otherwise:

Alcohol or *alcohol beverage* means a fermented malt beverage or malt, vinous, or spirituous liquor.

City-operated golf course means a golf course facility operated by the City of Arvada and includes the golf course, driving range, clubhouse, restaurant, bar, pro shop, operations and maintenance buildings, sidewalks, and parking areas, but does not include the roadway along the perimeter of a golf course.

Modification means to alter, adjust, change, damage, or move.

Sec. 66-92. Hours of operation.

The director shall have the authority to establish operating hours for a city-operated golf course. Unless otherwise authorized by the director, it shall be unlawful for any person to be on a city-operated golf course at a time other than the established operating hours.

Sec. 66-93. Alcohol.

An alcohol beverage purchased at a city-operated golf course may only be consumed on the premises of a city-operated golf course. It shall be unlawful to possess or consume alcohol purchased off of the premises of a city-operated golf course while on such premises.

Sec. 66-94. Golf cars.

(a) *Golf cars.*

- (1) A golf car may be operated on a city-operated golf course only if rented from the city-operated golf course. No personal golf cars will be permitted on the premises of a city-operated golf course.
- (2) A golf car may only be rented to and operated by a person 18 years of age or older who presents a valid driver's license.
- (3) No more than two riders are permitted in each golf car. Riders must be seated when the golf car is moving.
- (4) A golf car must be operated responsibly. It shall be unlawful for any person to operate or handle any golf car in such a manner as to unjustifiably or unnecessarily annoy, frighten, or endanger other golfers or other users of golf cars or to operate such golf car in a reckless or careless manner.
- (5) Failure to comply with this subsection (a) of this section may result in termination of the golf car rental and removal from the golf course in accordance with sec. 66-98 of this Code.

(b) *Other vehicles.* Unless explicitly authorized by the director, or designee thereof, it shall be unlawful to operate a human-powered vehicle or motorized vehicle, except a wheelchair or golf car, on a city-operated golf course.

Sec. 66-95. Fishing prohibited.

It shall be unlawful to fish in any waters on a city-operated golf course.

Sec. 66-96. Modifications to grounds.

It shall be unlawful for any person, other than authorized personnel, to intentionally make or cause modifications outside of the normal course of play, temporary or permanent, to a city-operated golf course.

Sec. 66-97. Interference with course operations.

It shall be unlawful for any person to willfully fail or refuse to comply with any directive of a recreational official at a city-operated golf course that is intended to protect the health,

safety, and welfare of the users of the city-operated golf course or to protect or preserve the condition and use of the city-operated golf course, or to hinder, obstruct, or otherwise interfere with any recreational official at a city-operated golf course in the discharge of their official duties. A violation of this section shall be punished by a fine, imprisonment, or both not to exceed the limits established in sec. 1-5 of this Code, but in no event shall any such punishment exceed the maximum penalties set forth by state law if such violation corresponds to a state offense prohibiting the same conduct.

Sec. 66-98. Admittance refused; removal from premises.

- (a) *Admittance refused.* The director or a recreational official is authorized to refuse admission to a city-operated golf course to any person who is clearly intoxicated or under the influence of drugs or alcohol; who fails to comply with any applicable rules, regulations, or codes of conduct; or when deemed to be in the best interest of orderly operation and management of the golf course.
- (b) *Summary removal.* The director, a recreational official, or a peace officer may, for good cause, order any person to leave the premises of a city-operated golf course. A person who is summarily removed from a city-operated golf course for good cause shall not return to the premises that same day.
- (c) *Director's authority to trespass.* The director may, for good cause shown, trespass any person from a city-operated golf course. A trespass notice limiting, restricting, revoking, or prohibiting access to the premises issued under this subsection (c) may remain in effect for no more than six months following the date of the director's notice. A person need not be summarily removed from the premises before the director takes action to trespass that person from the premises.
- (d) *Process to trespass from a city-operated golf course.*
 - (1) *Notice.* The director shall provide notice to the person whose access to the premises is to be limited, restricted, revoked, or prohibited under subsection (c) of this section as set forth in sec. 66-17 of this Code.
 - (2) *Appeal of the director's action.* A person who has been trespassed from the premises may appeal the director's action as set forth in sec. 66-17 of this Code.
 - (3) *Review by hearing officer.* The review of evidence in the record and the hearing officer's actions shall take place as set forth in sec. 66-17 of this Code.
 - (4) *Review by court.* The decision of the hearing officer shall be considered a final agency decision reviewable under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

- (e) *Concurrent remedies.* A person may be summarily removed from a city-operated golf course by order of the director or peace officer, or trespassed from the golf course by the director, or both. Nothing in this section may be deemed to limit the authority of a peace officer to issue a summons and complaint or arrest for a violation of law committed in or upon a city-operated golf course and for which they have probable cause, or to issue a no trespass order under sec. 62-4-504.5 of this Code or as otherwise authorized by law.
- (f) *No refunds issued.* Should a person be denied admittance, summarily removed, or be trespassed from a city-operated golf course, all outstanding golf course use fees, pro shop charges, restaurant, and bar charges incurred by that person or the person's group remain due and owing to the golf course. A person who holds an annual membership or pass to a city-operated golf course but who is denied admittance, summarily removed, or trespassed from the golf course is not eligible for a refund of all or a portion of their membership fee.

Sec. 66-99. Rules, regulations, or codes of conduct.

The city manager may, after public hearing, adopt rules, regulations, or codes of conduct governing the use of a city-operated golf course as may be necessary to ensure the safe and efficient operation of the golf course and otherwise protect the health, safety, and welfare of the public. The adoption and publication of such rules, regulations, or codes of conduct shall be in accordance with Chapter 2 of this Code.

Sec. 66-100. Violation and penalty.

- (a) *Penalty.* Except as otherwise noted in this article, a violation of this article shall be punishable by a fine not to exceed the limits established in sec. 1-5 of this Code.
- (b) *Continuing violation.* In accordance with sec. 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.
- (c) *Concurrent remedies.* The initiation of a prosecution for a violation of a provision of this article shall not preclude the director from taking other appropriate actions to stop or reduce the possibility of a violation of city or State law, policy, procedure, rule, regulation, or code of conduct on or about a city-operated golf course, to stop or reduce the possibility of a disturbance occurring on or about the premises, or from taking action that enhances safe and efficient operation of the golf course and otherwise protects the health, safety, and welfare of the public.

Sec. 66-101—110. Reserved.”

Section 2. *Savings.* The repeal of language from the City Code as noted herein shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the effective date of this ordinance and that is in violation of the sections repealed by this ordinance.

Section 3. Severability. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared unconstitutional or invalid. The City Council declares it would have adopted this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. This ordinance shall be effective five days after publication.

INTRODUCED, READ, AND ORDERED PUBLISHED this 17th day of February, 2026.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 20__.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

By: _____

Publication Dates: February 19, 2026



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.2.**

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

Report in Brief

PRESENTER: Katie Kurtz, Presiding Municipal Judge & Janelle Miller, Assistant City Attorney II

The Colorado Supreme Court recently issued an opinion that has immediate impacts to sentencing in Arvada's municipal court. In a combined opinion concerning cases *In re People v. Camp*, No. 24SA276, and *In re People v. Simons*, No. 24SA309, the Colorado Supreme Court ruled that when a municipal ordinance and state statute prohibit identical conduct, the municipal penalties for such conduct may not exceed the state penalties for that conduct. In light of this ruling, the City Attorney's Office, in consultation with the Municipal Court and Police Department, has prepared an ordinance repealing and reenacting Chapter 62 of the Arvada City Code, which currently houses the majority of the City's criminal offenses, to align the offenses and associated penalties with state law.

The Arvada team recommends that the City Council approve CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code.

Financial Impact

There are no anticipated financial impacts associated with the adoption of this ordinance.

Background

Senate Bill 21-271 (SB 271), enacted in 2021, implemented a comprehensive reform of Title 18 of the Colorado Revised Statutes based on the recommendations of Colorado Criminal and Juvenile Justice Commission, focusing specifically on lower-level offenses, including misdemeanor and petty offenses. SB 271 reclassified a number of lower-level offenses and instituted a four-tier classification system, consisting of class 1 misdemeanors, class 2 misdemeanors, petty offenses, and civil infractions. SB 271 established maximum penalties for each type of offense, capping possibilities for fines and imprisonment.

In the opinion concerning cases *In re People v. Camp*, No. 24SA276, and *In re People v. Simons*, No. 24SA309, the Colorado Supreme Court specifically considered whether home rule municipalities may sentence offenders in excess of the statutory sentencing caps established under SB 271 in sections 18-1.3-501(1)(a.5) and 18-1.3-503(1.5) of the Colorado Revised Statutes when the offender violates a municipal ordinance that corresponds to a state offense prohibiting identical conduct.

Applying a preemption analysis, the Colorado Supreme Court held that when a municipal ordinance and a state statute prohibit identical conduct, the municipal penalties for such conduct may not exceed the corresponding state penalties for that conduct.

SUBJECT: CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

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While an individual may be prosecuted in municipal court for their ordinance violation, they may not be subjected to penalties that exceed the state caps for the corresponding offenses. The ruling was made absolute - meaning it applies immediately.

Chapter 62 of the Arvada City Code does not currently classify offenses as “class 1 misdemeanors” or “petty offenses”, for example. Rather, all ordinance violations are subject to penalties as set forth in Section 1-5 of the Code. In short, Section 1-5 provides that an adult who is convicted of a violation may, for each offense, be fined a sum of not more than \$2,650.00, or be imprisoned for a term not longer than 364 days, or both. For juveniles, a fine of a sum of not more than \$2,650.00 may be imposed, or the juvenile may be detained in in-home detention, not to exceed 10 days in length.

If an offender were to be sentenced by the Arvada Municipal Court to the maximum penalty under Section 1-5 for an offense with a comparable state statute, that would run afoul of the Camp/Simons ruling. For example, the crime of trespassing at the state level is categorized as a “petty offense” for which the maximum penalty is 10 days jail and/or a fine of up to \$300.00. Under the current version of Chapter 62, that crime in Arvada has a potential penalty of up to 364 days jail and/or a fine of \$2,650.00.

Discussion

Section 1 of the ordinance amends the “definitions” section of Sec. 6-3 to broadly refer to “Chapter 62 of this Code” in light of the renumbering being done in Chapter 62. For example, the definition of “assault” in Sec. 6-3(a) currently provides, “Assault is defined as set forth in section 62-32(a).” If this ordinance is approved, Sec. 62-32(a) will no longer exist and therefore needs to be updated.

Section 2 of the ordinance is repealing the rules pertaining to illegal possession or consumption of alcohol by an underage person that are set forth in Chapter 6 of the City Code. These rules will now be found in Section 62-13-122.

Section 3 of the ordinance is repealing the provisions related to jury trials in the municipal court that are set forth in Chapter 58 of the City Code. Those provisions will now be found in Section 62-1-406.

Section 4 of the ordinance is repealing and reenacting Chapter 62 in its entirety. The revisions to this chapter will not only alter the City’s criminal sentencing structure to be in alignment with state sentencing schemes for similar offenses, but also have many other improvements, including:

- Triplicate numbers to match state offenses;

Example – Assault

Current Ordinance: 62-32

State Law: 18-3-204

New Ordinance: 62-3-204

This provides consistency and is beneficial to law enforcement officers who cite offenders into both state and municipal court.

- Clear offense designation;

Section 62-1.3-501(a) contains a table that describes the class of offense alongside the maximum penalty (Ex. Class 1 Misdemeanor -> 364 days imprisonment; not more than a \$1,000.00 fine; or both; Class 2 Misdemeanor -> 120 days imprisonment; not more than a \$750.00 fine; or both; etc.).

SUBJECT: CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

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Each offense will also be clearly designated in the text describing the unlawful act.

Example – Assault.

“62-3-204. Assault.

(a) Unlawful act. It shall be unlawful for any person to commit assault. A person commits assault if the person knowingly or recklessly causes bodily injury to another person. This section shall not apply where serious bodily injury results, a deadly weapon is used, or the assault is otherwise felonious.

(b) Penalty. Assault is a class 1 misdemeanor.”

- Codification of rights of defendants and defenses under common law;

Part 4 of Article I codifies the rights of defendants, including the presumption of innocence, the right to a speedy trial, and outlines when a defendant is entitled to jury trial and how to exercise that right. Parts 5 through 8 of Article I describe principles of culpability and define defenses that are available under common law (for example, what legally constitutes self-defense, duress, entrapment, etc.), which are not currently captured in the City Code.

- Direction on sentencing in criminal cases, including alternatives in sentencing.

Article 1.3 sets forth all of the rules and regulations pertaining to sentencing. Not only does it describe the maximum penalties set forth by state law, but also provides the court with alternative sentencing options, such as pretrial diversion, probation, etc.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This ordinance is in alignment with the Safe Community Work System's strategic result #6: *"Provides an independent, fair, and impartial justice system that efficiently processes the court docket, renders fair and just decisions, and holds all stakeholders accountable while providing access to resources and services to reduce recidivism and improve the well-being of defendants."*

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages;

SUBJECT: CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

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Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

Suggested Motion:

I move that CB26-003, An Ordinance Repealing and Reenacting Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages; Repealing Article II, Trial by Jury, of Chapter 58, Municipal Court; and Repealing and Reenacting Chapter 62, Offenses, of the Arvada City Code be (approved on first reading, ordered published in full, and a public hearing set for March 3, 2026, at 6:15 p.m.) (rejected).

Prepared by:
Gail Walker, Legal Specialist-Contracts

Reviewed by:

Approved by:

Janelle Miller, Assistant City Attorney	01/27/2026
Jessica Morales, Deputy City Attorney	01/29/2026
Rachel Morris, City Attorney	02/04/2026
Kathryn Kurtz, Municipal Judge	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 26-003
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING SECTION 6-3, REPORTING OF DISORDERLY CONDUCT, OF ARTICLE I, GENERAL, OF CHAPTER 6, ALCOHOLIC BEVERAGES; REPEALING SECTION 6-8, ILLEGAL POSSESSION OR CONSUMPTION OF ETHYL ALCOHOL BY AN UNDERAGE PERSON, OF ARTICLE I, GENERAL, OF CHAPTER 6, ALCOHOLIC BEVERAGES; REPEALING ARTICLE II, TRIAL BY JURY, OF CHAPTER 58, MUNICIPAL COURT; AND REPEALING AND REENACTING CHAPTER 62, OFFENSES, OF THE ARVADA CITY CODE

WHEREAS, the City of Arvada has the authority under Colo. Rev. Stat. §31-16-101, and otherwise under its authority as a Home Rule city to establish ordinances, regulations, and procedures that protect life and property; and

WHEREAS, during the 2021 legislative session, the Colorado General Assembly passed Senate Bill (SB) 21-271, concerning the adoption of the 2021 recommendations of the Colorado Criminal Justice Commission Regarding Sentencing for Offenses; and

WHEREAS, SB 21-271 reclassified many State misdemeanors and petty offenses and adjusted the penalties for those offenses; and

WHEREAS, in 2025, the Colorado Supreme Court ruled that the penalties established under SB 21-271 are the maximum penalties that may be imposed for such offenses, whether such offenses are prosecuted in state courts or municipal courts; and

WHEREAS, Arvada City Council, based on the Colorado Supreme Court ruling, finds it necessary to conform offense information set forth in the City Code with that set forth in the Colorado Revised Statutes to the extent practicable.

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

Section 1. Section 6-3, Reporting of Disorderly Conduct, of Article I, General, of Chapter 6, Alcoholic Beverages, of the Arvada City Code is hereby repealed and reenacted to read as follows:

“Sec. 6-3. Reporting of disorderly conduct.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assault has the same meaning as set forth in Chapter 62 of this Code, as may be amended from time to time.

Disorderly conduct has the same meaning as set forth in Chapter 62 of this Code,

as may be amended from time to time.

Harassment has the same meaning as set forth in Chapter 62 of this Code, as may be amended from time to time.

Premises has the same meaning as set forth in Colo. Rev. Stat. § 44-3-103, as may be amended from time to time.

(b) *Reports.* It shall be unlawful for any licensee or permit holder, or any agent, manager, or employee thereof, to fail to immediately report any disorderly conduct, assault, harassment, or any other criminal activity occurring or originating on or within the licensed premises.

(c) *Warning signs to be displayed.* Each licensee and permit holder shall post and keep at all times visible to the public in a conspicuous place on the premises, a sign to be provided by the city clerk's office which shall be in the following form:

"WARNING: The police department must be notified of all disturbances, including assault, disorderly conduct, harassment, and any other criminal activities which occur on or within the premises of this licensed establishment."

(d) *Absence of licensee or permit holder not a defense.* It shall not be a defense to a prosecution of a licensee or permit holder under this section that the licensee was not personally present on the premises at the time such unlawful or disorderly act, conduct, or disturbance was committed; provided, however, that an agent, servant, or employee of the licensee shall not be responsible hereunder when such agent, servant, or employee is absent from the premises.

(e) *Failure to comply.* Failure to comply with the requirements of this section may be considered by the licensing authority in any action relating to the issuance, revocation, suspension, or nonrenewal of a license, or the cancellation, revocation, or suspension of a temporary permit. A violation of this section is also a municipal infraction, punishable by a fine as set forth in section 1-5 of this Code."

Section 2. Section 6-8, Illegal Possession or Consumption of Ethyl Alcohol by an Underage Person, of Article I, General, of Chapter 6, Alcoholic Beverages, of the Arvada City Code is hereby repealed and reserved.

Section 3. Article II, Trial by Jury, of Chapter 58, Municipal Court, of the Arvada City Code is hereby repealed and reserved.

Section 4. Chapter 62, Offenses, of the Arvada City Code is hereby repealed in its entirety, retitled, and reenacted to read as follows:

"CHAPTER 62. CRIMINAL CODE

ARTICLE I. PROVISIONS APPLICABLE TO OFFENSES GENERALLY

Part 1. Purpose and Scope of Code-Classifications of Offenses

Sec. 62-1-101. Citation.

This Chapter shall be known and may be cited as the “Arvada Criminal Code.”

Sec. 62-1-102. Purpose; statutory construction.

- (a) The Arvada Criminal Code shall be construed in such manner as to promote maximum fulfillment of its general purposes, namely:
 - (1) To define offenses, to adequately define the act and mental state which constitute each offense, to place limitations upon the condemnation of conduct as criminal when it is without fault, and to give fair warning to all persons concerning the nature of the conduct prohibited and the penalties authorized upon conviction;
 - (2) To forbid the commission of offenses and to prevent their occurrence through the deterrent influence of the sentences authorized; to provide for the rehabilitation of those convicted and their punishment when required in the interests of public protection;
 - (3) To differentiate on reasonable grounds between serious and minor offenses, and prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities as between individual offenders;
 - (4) To prevent arbitrary or oppressive treatment of persons accused or convicted of offenses and to identify certain minimum standards for criminal justice which, within the concept of due process of law, have the stature of substantive rights of persons accused of crime;
 - (5) To promote acceptance of responsibility and accountability by offenders and to provide restoration and healing for victims and the community while attempting to reduce recidivism and the costs to society by the use of restorative justice practices.
- (b) It is the intent and purpose of this Code to not include or cover any offense which is deemed by the Colorado Revised Statutes to be a felony, and this Code shall be so construed.
- (c) Except as otherwise set forth in this Code, it is the intent and purpose of this Code to criminalize conduct deemed unlawful by this Code.

Sec. 62-1-102.5. Purposes of code with respect to sentencing; penalty.

The purposes of this Code with respect to sentencing are:

- (a) To punish a convicted offender by assuring the imposition of a sentence the offender deserves in relation to the seriousness of the offense committed;
- (b) To assure the fair and consistent treatment of all convicted offenders by eliminating unjustified disparity in sentences, providing fair warning of the nature of the sentence to be imposed, and establishing fair procedures for the imposition of sentences;
- (c) To prevent crime and promote respect for the law by providing an effective deterrent to others likely to commit similar offenses;
- (d) To promote rehabilitation by encouraging programs that elicit the voluntary cooperation and participation of convicted offenders;
- (e) To select a sentence, a sentence length, and a level of supervision that addresses the offender's individual characteristics and reduces the potential that the offender will engage in criminal conduct after completing the imposed sentence; and
- (f) To promote acceptance of responsibility and accountability by offenders and to provide restoration and healing for victims and the community while attempting to reduce recidivism and the costs to society by the use of restorative justice practices.

Sec. 62-1-103. Scope and application of code.

- (a) Except as otherwise expressly provided by this Code, or unless the context otherwise requires, the provisions of this Code govern the construction of and punishment for any offense defined in the Arvada City Code committed on or after the effective date of this Code, as well as the construction and application of any defense to a prosecution for such an offense.
- (b) All pending actions shall proceed to final disposition in the same manner as if this Code had not been enacted.
- (c) The provisions of this Code do not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced in a civil action for any conduct which this Code makes punishable; and the civil injury is not merged in the offense.

Sec. 62-1-103.5. Adoption of the Colorado Municipal Court Rules of Procedure.

The Colorado Municipal Court Rules of Procedure are hereby adopted as the rules governing the procedure in all cases heard before the Arvada Municipal Court. These Rules shall be known and cited as "C.M.C.R."

Sec. 62-1-104. Offense defined; offenses classified; common-law crimes abolished.

- (a) The terms "offense," "violation," and "crime" are synonymous and mean conduct defined

by any ordinance for which a fine or imprisonment may be imposed.

(b) Each offense shall be classified as set forth below:

(1) *Ordinance violations.* Notwithstanding any other provision of this Code, for offenses committed on or after the effective date of this ordinance, ordinance violations are divided into either municipal offenses, misdemeanor offenses, petty offenses, or municipal infractions.

(i) *Municipal offense.* Any ordinance offense for which there is not an equivalent state counterpart violation and that carries the possibility of imprisonment shall be classified as municipal offense.

(ii) *Misdemeanor and petty offenses.*

a) *Class 1 and class 2 misdemeanors.* Any ordinance offense for which the state counterpart violation carries the possibility of imprisonment for up to 364 days shall be classified as class 1 misdemeanor offense. An ordinance offense for which the state counterpart violation carries the possibility of imprisonment for up to 120 days shall be classified as a class 2 misdemeanor offense.

b) *Petty offenses.* An ordinance offense for which the state counterpart violation carries the possibility of imprisonment of up to 10 days shall be classified as a petty offense.

(iii) *Municipal infractions.* An ordinance offense that carries the possibility of a fine only shall be classified a municipal infraction.

(2) *Traffic violations.* Traffic violations are found in the Model Traffic Code for Colorado as adopted and amended by Arvada. All violations of the Model Traffic Code for Colorado as adopted and amended by Arvada shall be classified as noncriminal traffic infractions, except for the following, which shall be classified as a misdemeanor traffic offenses:

(i) Section 1101(1), "Speed Limits," only where the speed alleged is twenty-five or more miles in excess of the reasonable and prudent speed;

(ii) Section 1105, "Speed contests-speed exhibition;"

(iii) Section 1401, "Reckless driving;"

(iv) Section 1402, "Careless driving"

(v) Section 1409, "Compulsory insurance;"

- (vi) Section 1413, "Eluding or attempting to elude a police officer;" and
- (vii) Section 1903, "School buses-stops-signs-passing."

(2.5) Civil parking violations. Any parking violation found in Division 1 of Article IV, Local Parking Regulations, of Chapter 54, Motor Vehicles and Traffic, of the Arvada City Code shall be classified as a civil parking violation.

- (c) Common-law crimes are abolished and no conduct shall constitute an offense unless it is described as an offense in this Code or in another provision of the Arvada City Code, but this provision does not affect the power of the municipal court to punish for contempt, or to employ any sanction authorized by law for the enforcement of an order lawfully entered, nor does it affect the use of case law as an interpretive aid in the construction of the provisions of this Code.

Secs. 62-1-105 -- 200. Reserved.

Part 2. Jurisdiction

Sec. 62-1-201. Jurisdiction.

- (a) A person is subject to prosecution in the municipal court for an offense which the person commits, by the person's own conduct or that of another for which the person is legally accountable, if:
 - (1) The conduct constitutes an offense and is committed either wholly or partly within the city;
 - (2) The conduct outside the city constitutes an attempt, as defined by this Code, to commit an offense within the city;
 - (3) The conduct outside the city constitutes a conspiracy to commit an offense within the city, and an act in furtherance of the conspiracy occurs in the city; or
 - (4) The conduct within the city constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense prohibited under the laws of this city and such other jurisdiction.
- (b) An offense is committed partly within this city if conduct occurs in this city which is an element of an offense or if the result of conduct in this city is such an element.
- (c) Whether an offender is in or outside of the city is immaterial to the commission of an offense based on an omission to perform a duty imposed by the law of this city.

Sec. 62-1-202. Place of trial.

In making a determination about whether a case may be properly tried in the municipal court, the

judge may refer to the provisions of Colo. Rev. Stat. §18-1-202, as may be amended from time to time.

Secs. 62-1-203 -- 300. Reserved.

Part 3. When Prosecution Barred by Former Proceedings

Sec. 62-1-301. Second trial barred.

Prosecution may be barred by former proceedings as set forth in Part 3 of Article I of Title 18 of the Colorado Revised Statutes.

Secs. 62-1-302 -- 400. Reserved.

Part 4. Rights of Defendant

Sec. 62-1-401. Purpose.

It is the intent of this Part 4 to confer upon every person accused of an offense the benefits arising from this Part 4 as a matter of substantive right, in implementation of minimum standards of criminal justice within the concept of due process of law for prosecutions in the municipal court.

Sec. 62-1-402. Presumption of innocence.

Every person is presumed innocent until proven guilty. No person shall be convicted of any offense unless their guilt thereof is proven beyond a reasonable doubt.

Sec. 62-1-403. Legal assistance and support services.

All indigent persons who are charged with or held for the commission of a crime that carries a potential possibility of imprisonment are entitled to legal representation at the expense of the city, to the extent deemed appropriate by the presiding municipal court judge, and in accordance with the C.M.C.R.

Sec. 62-1-404. Reserved.

Sec. 62-1- 405. Speedy trial.

A case shall be tried within the deadline set forth by C.M.C.R.

Sec. 62-1-406. Right to jury trial.

(a) *Right to jury trial.*

(1) Trial shall be to the court, except that a defendant charged with a municipal offense, class 1 misdemeanor, class 2 misdemeanor, petty offense, or traffic misdemeanor

shall have a right to a trial by jury if, within 21 days after the entry of a plea, the defendant files with the court a written jury demand and at the same time tenders to the court a jury fee at a rate set forth in C.M.C.R. The jury fee may be waived by the judge if the judge finds the defendant to be indigent.

- (i) *Exception:* No juvenile shall be entitled to a trial by jury for any municipal offense, class 1 misdemeanor, class 2 misdemeanor, petty offense, municipal infraction, or traffic violation.
 - (2) The jury shall consist of three jurors unless a greater number, not to exceed six, is requested by the defendant in said jury demand. If the charge is dismissed or the defendant is acquitted of the charge in the municipal court, or if the defendant, having paid the jury fee, files with the court, at least ten days prior to the scheduled trial date a written waiver of jury trial, the jury fee shall be refunded.
 - (3) In the event that a defendant is charged with more than one violation arising out of the same incident, and at least one of the charged offenses is a municipal offense, class 1 misdemeanor, class 2 misdemeanor, petty offense, or traffic misdemeanor, the defendant shall have the right to demand a trial by jury as to all violations arising out of that incident. All such violations shall be consolidated for purposes of trial.
- (b) *Payment.* Jurors shall receive for appearing before the municipal court \$6.00 per day, or \$12.00 per day if chosen to sit on a jury, to be paid out of the general funds of the city.
- (c) *Failure to appear.* In all cases where a person is summoned as a juror to appear for jury duty and fails to attend at the time and place appointed in the summons, the court shall have power to issue a show cause order commanding the juror to appear before the municipal court and show cause why the juror should not be punished for contempt. On the appearance of the juror subject to the order the court shall have the power to punish the juror for contempt or wholly discharge them, if a satisfactory excuse is given.
- (d) *Challenging prospective jurors; incomplete juries.*
- (1) *Challenges for cause.* In each jury trial, each party shall be entitled to challenge a juror for cause on grounds set forth in C.M.C.R. 224. If the challenge for cause is successful, the juror shall be excused.
 - (2) *Peremptory challenges.* In each jury trial, each party shall be entitled to three peremptory challenges, all of which must be exercised either orally or by striking names from a list prepared by the court, and to be exercised alternatively by the parties.
 - (3) *Challenge to the array.* A challenge to the array must be made in accordance with C.M.C.R. 224.
 - (4) *Declaration of mistrial.* If a fair and impartial jury cannot be impaneled from the

jury pool summoned to appear for jury trial at the time and date appointed on the summons, the court shall declare a mistrial.

- (e) *Verdict and sentence.* Upon the jury returning its verdict of guilty, the judge of the municipal court shall record the same and shall proceed to fix or determine the punishment or penalty and render judgment upon such verdict for the punishment or penalty so determined by the judge. But if the jury returns a verdict of not guilty, the judge shall record the same and shall discharge the defendant.

Sec. 62-1-407. Affirmative defense.

- (a) “Affirmative defense” means that unless the city’s evidence raises the issue involving the alleged defense, the defendant, to raise the issue, shall present some credible evidence on that issue.
- (b) If the issue involved in an affirmative defense is raised, then the guilt of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the offense.
- (c) The affirmative defenses available in Colo. Rev. Stat. §§18-1-701 to 18-1-709 shall be available as affirmative defenses to prosecution in the municipal court.

Sec. 62-1-408 -- 409. Reserved.

Sec. 62-1-410. Postconviction remedy.

Postconviction remedies available to the defendant are as set forth in C.M.C.R. 235 and Colo. Rev. Stat. §18-1-410.6.

Secs. 62-1-411 -- 416. Reserved.

Sec. 62-1-417. Ineffective assistance of counsel.

- (a) Notwithstanding any other provision of law, whenever a defendant alleges ineffective assistance of counsel, the defendant automatically waives any confidentiality, including attorney-client and work-product privileges, between counsel and defendant, and between the defendant or counsel and any expert witness retained or appointed in connection with the representation, but only with respect to the information that is related to the defendant’s claim of ineffective assistance. After the defendant alleges ineffective assistance of counsel, the allegedly ineffective counsel and an expert witness may discuss with, may disclose any aspect of the representation that is related to the defendant’s claim of ineffective assistance to, and may produce documents related to such representation that are related to the defendant’s claim of ineffective assistance to the prosecution without the need for an order by the court that confidentiality has been waived.
- (b) If the allegedly ineffective counsel or an expert witness has released their file or a portion

thereof to defendant or defendant's current counsel, defendant or current counsel shall permit the prosecution to inspect and copy any or all portions of the file that are related to the defendant's claim of ineffective assistance upon request of the prosecution.

Part 5. Principles of Criminal Culpability

Sec. 62-1-501. Definitions.

The following definitions are applicable to the determination of culpability requirements for offenses defined in this Code:

Act means a bodily movement, and includes words and possession of property.

Conduct means an act or omission and its accompanying state of mind or, where relevant, a series of acts or omissions.

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

Culpable mental state means intentionally, or with intent, or knowingly, or willfully, or recklessly, or with criminal negligence, as these terms are defined in this section.

Intentionally or *with intent.* A person acts "intentionally" or "with intent" when that person's conscious objective is to cause the specific result proscribed by the statute defining the offense. It is immaterial to the issue of specific intent whether or not the result actually occurred.

Knowingly or *willfully.* A person acts "knowingly" or "willfully" with respect to conduct or to a circumstance described by a statute defining an offense, when a person is aware that their conduct is of such nature or that such circumstance exists. A person acts "knowingly" or "willfully," with respect to a result of their conduct, when the person is aware that their conduct is practically certain to cause the result. All offenses defined in this Code in which the mental culpability requirement is expressed as "knowingly" or "willfully" are declared to be general intent crimes.

Omission means a failure to perform an act as to which a duty of performance is imposed by law.

Recklessly. A person acts "recklessly" when a person consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

Voluntary act means an act performed consciously as a result of effort or determination, and includes the possession of property if the actor was aware of their physical possession or control thereof for a sufficient period to have been able to terminate it.

Sec. 62-1-502. Requirements for criminal liability in general and for offenses of strict liability and of mental culpability.

The minimum requirement for criminal liability is the performance by a person of conduct which includes a voluntary act or the omission to perform an act which the person is physically capable of performing. If that conduct is all that is required for commission of a particular offense, or if an offense or some material element thereof does not require a culpable mental state on the part of the actor, the offense is one of "strict liability." If a culpable mental state on the part of the actor is required with respect to any material element of an offense, the offense is one of "mental culpability."

Sec. 62-1-503. Construction of statutes with respect to culpability requirements.

- (a) When the commission of an offense, or some element of an offense, requires a particular culpable mental state, that mental state is ordinarily designated by use of the terms "intentionally," "with intent," "knowingly," "willfully," "recklessly," or "criminal negligence" or by use of the terms "with intent to defraud" and "knowing it to be false" describing a specific kind of intent or knowledge.
- (b) Although no culpable mental state is expressly designated in a statute defining an offense, a culpable mental state may nevertheless be required for the commission of that offense, or with respect to some or all of the material elements thereof, if the proscribed conduct necessarily involves such a culpable mental state.
- (c) If a statute provides that criminal negligence suffices to establish an element of an offense, that element also is established if a person acts recklessly, knowingly, or intentionally. If recklessness suffices to establish an element, that element also is established if a person acts knowingly or intentionally. If acting knowingly suffices to establish an element, that element also is established if a person acts intentionally.
- (d) When a statute defining an offense prescribes as an element thereof a specified culpable mental state, that mental state is deemed to apply to every element of the offense unless an intent to limit its application clearly appears.

Sec. 62-1-503.5. Reserved.

Sec. 62-1-504. Effect of ignorance or mistake upon culpability.

- (a) A person is not relieved of criminal liability for conduct because the person engaged in that conduct under a mistaken belief of fact, unless:
 - (1) It negatives the existence of a particular mental state essential to commission of the offense;
 - (2) The statute defining the offense or a statute relating thereto expressly provides that

a factual mistake or the mental state resulting therefrom constitutes a defense or exemption; or

(3) The factual mistake or the mental state resulting therefrom is of a kind that supports a defense of justification as defined in Colo. Rev. Stat. §§18-1-701 to 18-1-707.

(b) A person is not relieved of criminal liability for conduct because the person engages in that conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless the conduct is permitted by one or more of the following:

(1) A statute or ordinance binding in the city;

(2) An administrative regulation, order, or grant of permission by a body or official authorized and empowered to make such order or grant the permission under the laws of the state of Colorado;

(3) An official written interpretation of the statute or law relating to the offense, made or issued by a public servant, agency, or body legally charged or empowered with the responsibility of administering, enforcing, or interpreting a statute, ordinance, regulation, order, or law. If such interpretation is by judicial decision, it must be binding in the state of Colorado.

(c) A defense authorized by this section is an affirmative defense.

Sec. 62-1-505. Reserved.

Part 6. Parties to Offenses - Accountability

Sec. 62-1-601. Liability based upon behavior.

A person is guilty of an offense if it is committed by the behavior of another person for which they are legally accountable as provided in this Part 6.

Sec. 62-1-602. Behavior of another.

(a) A person is legally accountable for the behavior of another person if:

(1) The person is made accountable for the conduct of another by the ordinance defining the offense or by a specific provision of this chapter;

(2) The person acts with the culpable mental state sufficient for the commission of the offense in question and the person causes an innocent person to engage in such behavior.

(b) As used in subsection (a) of this section, “innocent person” is defined as set forth in Colo. Rev. Stat. §18-1-602.

Sec. 62-1-603. Complicity.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, the person aids, abets, advises, or encourages the other person in planning or committing the offense.

Sec. 62-1-604. Exemptions from liability based upon behavior of another.

Exemptions from liability based on the behavior of another shall be as set forth in Colo. Rev. Stat. §18-1-604.

Sec. 62-1-605. Liability based upon behavior of another - no defenses.

The assertion of a defense to an offense in which criminal liability is based on the behavior of another under this Part 6 shall be governed by the provisions of Colo. Rev. Stat. §18-1-605.

Sec. 62-1-606. Criminal liability of business entities - definitions.

(a) A business entity is guilty of an offense if:

- (1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on the business entity by law; or
- (2) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or knowingly tolerated by the governing body or individual authorized to manage the affairs of the business entity or by a high managerial agent acting within the scope of their employment or on behalf of the business entity.

(b) As used in this section:

- (1) *Agent* means any director, officer, or employee of a business entity, or any other person who is authorized to act in behalf of the business entity, and “high managerial agent” means an officer of a business entity or any other agent in a position of comparable authority with respect to the formulation of the business entity’s policy or the supervision in a managerial capacity of subordinate employees.
- (2) *Business entity* means a corporation or other entity that is subject to the provisions of Title 7 of the Colorado Revised Statutes; foreign corporations qualified to do business in this State pursuant to Article 115 of Title 7 of the Colorado Revised Statutes, specifically including federally chartered or authorized financial institutions; a corporation or other entity that is subject to the provisions of Title 11 of the Colorado Revised Statutes; or a sole proprietorship or other association or group of individuals doing business in the state.

- (c) Every offense committed by a business entity which would be a municipal offense, misdemeanor, petty offense, or municipal infraction if committed by an individual shall subject the business entity to the payment of a fine as authorized by this article.

Sec. 62-1-607. Criminal liability of an individual for corporate conduct.

A person is criminally liable for conduct constituting an offense which that person performs or causes to occur in the name of or on behalf of a corporation to the same extent as if such conduct were performed or caused by that person in their own name or behalf.

Part 7. Justifications and Exemptions From Criminal Responsibility

Sec. 62-1-701. Execution of public duty.

- (a) Unless inconsistent with other provisions of sections 62-1-702 to 62-1-710 of this Code defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by a provision of law or a judicial decree binding in Colorado.
- (b) A “provision of law” and a “judicial decree” in subsection (a) of this section means:
 - (1) Laws defining duties and functions of public servants;
 - (2) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions;
 - (3) Laws governing the execution of legal process;
 - (4) Laws governing the military service and conduct of war; and/or
 - (5) Judgments and orders of court.

Sec. 62-1-702. Choice of evils.

- (a) Unless inconsistent with other provisions of sections 62-1-703 to 62-1-707 of this Code defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of the actor, and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by the statute defining the offense in issue.
- (b) The necessity and justifiability of conduct under subsection (a) of this section shall not rest upon considerations pertaining only to the morality and advisability of the statute, either in

its general application or with respect to its application to a particular class of cases arising thereunder. When evidence relating to the defense of justification under this section is offered by the defendant, before it is submitted for the consideration of the jury, the court shall first rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

Sec. 62-1-703. Use of physical force - special relationships.

- (a) The use of physical force upon another person that would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:
- (1) A parent, guardian, or other person entrusted with the care and supervision of a minor or an incompetent person, and a teacher or other person entrusted with the care and supervision of a minor, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent it is reasonably necessary and appropriate to maintain discipline or promote the welfare of the minor or incompetent person.
 - (2) A superintendent or other authorized official of a jail, prison, or correctional institution may, in order to maintain order and discipline, use objectively reasonable and appropriate physical force when and to the extent the superintendent or other authorized official reasonably believes it necessary to maintain order and discipline.
 - (3) A person responsible for the maintenance of order in a common carrier of passengers, or a person acting under their direction, may use reasonable and appropriate physical force when and to the extent that it is necessary to maintain order and discipline.
 - (4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious bodily injury upon themselves may use reasonable and appropriate physical force upon that person to the extent that it is reasonably necessary to thwart the result.
 - (5) A duly licensed physician, advanced practice nurse, or a person acting under the direction of a duly licensed physician or advanced practice nurse, may use reasonable and appropriate physical force for the purpose of administering a recognized form of treatment that the person reasonably believes to be adapted to promoting the physical or mental health of the patient if:
 - (i) The treatment is administered with the consent of the patient, or if the patient is a minor or an incompetent person, with the consent of the patient's parent, guardian, or other person entrusted with their care and supervision; or
 - (ii) The treatment is administered in an emergency when the physician or advanced practice nurse reasonably believes that no one competent to consent

can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

Sec. 62-1-704. Use of physical force in defense of a person - definitions.

- (a) Except as provided in subsection (b) of this section, a person is justified in using physical force upon another person in order to defend themselves or a third person from what the person reasonably believes to be the use or imminent use of unlawful physical force by that other person, and may use a degree of force which the person reasonably believes to be necessary for that purpose.
- (b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using physical force if:
 - (1) With intent to cause bodily injury or death to another person, the person provokes the use of unlawful physical force by that other person; or
 - (2) The person is the initial aggressor; except that their use of physical force upon another person under the circumstances is justifiable if they withdraw from the encounter and effectively communicates to the other person their intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force;
 - (3) The physical force involved is the product of a combat by agreement not specifically authorized by law; or
 - (4) The use of physical force against another is based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including but not limited to under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant. Nothing in this subsection precludes the admission of evidence, which is otherwise admissible, of a victim's or witness's conduct, behavior, or statements.
- (c) In a case in which the defendant is not entitled to a jury instruction regarding self-defense as an affirmative defense, the court shall allow the defendant to present evidence, when relevant, that the defendant was acting in self-defense. If the defendant presents evidence of self-defense, the court shall instruct the jury with a self-defense law instruction. The court shall instruct the jury that it may consider the evidence of self-defense in determining whether the defendant acted recklessly, with extreme indifference, or in a criminally negligent manner. However, the self-defense law instruction shall not be an affirmative defense instruction and the prosecuting attorney shall not have the burden of disproving self-defense. This section shall not apply to strict liability crimes.

Sec. 62-1-705. Use of physical force in defense of premises.

A person in possession or control of any building, realty, or other premises, or a person who is

licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably necessary to prevent or terminate what the person reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building, realty, or premises.

Sec. 62-1-706. Use of physical force in defense of property.

A person is justified in using reasonable and appropriate physical force upon another person when and to the extent that the person reasonably believes it necessary to prevent what the person reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property.

Sec. 62-1-706.5. Justification and exemption from liability when rendering emergency assistance to an at-risk person or animal in a locked vehicle.

A person is justified and exempt from criminal liability for criminal mischief, criminal trespass, or criminal tampering involving property if such action occurred when the person rendered emergency assistance to an at-risk person or animal in a locked vehicle, provided the person rendering assistance acted in accordance with the provisions of Colo. Rev. Stat. §13-21-108.4.

Sec. 62-1-707. Reserved.

Sec. 62-1-708. Duress.

A person may not be convicted of an offense tried before the municipal court, based upon conduct in which the person engaged at the direction of another person because of the use or threatened use of unlawful force upon them or upon another person, which force or threatened use thereof a reasonable person in their situation would have been unable to resist. This defense is not available when a person intentionally or recklessly places themselves in a situation in which it is foreseeable that they will be subjected to such force or threatened use thereof. The choice of evils defense, provided in section 62-1-702, shall not be available to a defendant in addition to the defense of duress provided under this section unless separate facts exist which warrant its application.

Sec. 62-1-709. Entrapment.

The commission of acts which would otherwise constitute an offense is not criminal if the defendant engaged in the proscribed conduct because the defendant was induced to do so by a law enforcement official or other person acting under the defendant's direction, seeking to obtain evidence for the purpose of prosecution, and the methods used to obtain that evidence were such as to create a substantial risk that the acts would be committed by a person who, but for such inducement, would not have conceived of or engaged in conduct of the sort induced. Merely affording a person an opportunity to commit an offense is not entrapment even though representations or inducements calculated to overcome the offender's fear of detection are used.

Sec. 62-1-710. Affirmative defenses.

The issues of justification or exemption from criminal liability under section 62-1-701 to 62-1-709 are affirmative defenses.

Secs. 62-1-711 -- 714. Reserved.

Part 8. Responsibility

Sec. 62-1-801. Insufficient age.

No child under ten years of age shall be found guilty of an offense.

Secs. 62-1-802 -- 803. Reserved.

Sec. 62-1-804. Intoxication.

- (a) Intoxication of the accused is not a defense to a criminal charge, except as provided in subsection (b) of this section, but in any prosecution for an offense, evidence of intoxication of the defendant may be offered by the defendant when it is relevant to negative the existence of a specific intent if such intent is an element of the crime charged.
- (b) A person is not criminally responsible for their conduct if, by reason of intoxication that is not self-induced at the time the person acts, the person lacks capacity to conform their conduct to the requirements of the law.

Sec. 18-1-805. Responsibility - affirmative defense.

The issue of responsibility under this Part 8 is an affirmative defense.

Part 9. Definitions

Sec. 62-1-901. Definitions.

- (a) Definitions set forth in any section of this chapter apply wherever the same term is used in the same sense in another section of this chapter unless the definition is specifically limited or the context indicates that it is inapplicable.

Accomplice means any person who knowingly and voluntarily unites with the principal offender in the commission of any violation, either as a principal or as an accessory, before, during, or after the fact.

To aid or to assist means to make possible or available or to further the activity, and includes knowingly giving or lending money or extend credit.

Benefit means any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary.

Bodily injury means physical pain, illness, or any impairment of physical or mental

condition.

City means the City of Arvada.

City attorney means the city attorney appointed by city council or designee thereof.

Child or juvenile means a person under eighteen years of age.

Court means the Arvada municipal court, unless the context requires otherwise.

Deadly weapon means a firearm, whether loaded or unloaded, or knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

Dwelling means a building which is used, intended to be used, or usually used by a person for habitation.

Firearm means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

Gender identity and *gender expression* have the same meaning as in Colo. Rev. Stat. §18-1-901.

Government means the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function.

Intoxication means a disturbance of mental or physical capacities resulting from the introduction of any substance into the body.

Motor vehicle means any self-propelled device by which persons or property may be moved, carried, or transported from one place to another by land, water, or air, except devices operated on rails, tracks, or cables fixed to the ground or supported by pylons, towers, or other structures.

Person means a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word “person” is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, it shall include the officers, agents or members thereof who are responsible for any violation of such section.

Public place means a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities.

Public servant means any officer or employee of government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses.

Restorative justice practices means practices that emphasize repairing the harm caused to victims and the community by offenses. Restorative justice practices include victim-offender conferences, family group conferences, circles, community conferences, and other similar victim-centered practices. Restorative justice practices are facilitated meetings attended voluntarily by the victim or victim's representatives, the victim's supporters, the offender, and the offender's supporters and may include community members. By engaging the parties to the offense in voluntary dialogue, restorative justice practices provide an opportunity for the offender to accept responsibility for the harm caused to the victim and community, promote victim healing, and enable the participants to agree on consequences to repair the harm, to the extent possible, including but not limited to apologies, community service, reparation, restoration, and counseling. Restorative justice practices may be used in addition to any other conditions, consequences, or sentence imposed by the court.

Self-induced intoxication means intoxication caused by substances which the defendant knows, or ought to know, have the tendency to cause intoxication and which the defendant knowingly introduced or allowed to be introduced into their body, unless they were introduced pursuant to medical advice or under circumstances that would afford a defense to a charge of crime.

Serious bodily injury means bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death; a substantial risk of serious permanent disfigurement; a substantial risk of protracted loss or impairment of the function of any part or organ of the body; or breaks, fractures, a penetrating knife or penetrating gunshot wound, or burns of the second or third degree.

Sexual orientation has the same meaning as in Colo. Rev. Stat. §18-9-121.

Tamper means to interfere with something improperly, to meddle with it, or to make unwarranted alterations in its condition.

Thing of value means real property, tangible and intangible personal property, contract rights, choses in action, services, confidential information, medical records information, and any rights of use or enjoyment connected therewith.

Transgender identity means identity based on an individual's gender identity or expression being different from that typically associated with their sex at birth.

Utility means an enterprise which provides gas, sewer, electric, steam, water, transportation, or communication services, and includes any carrier, pipeline, transmitter, or source, whether publicly or privately owned or operated.

Victim means any person aggrieved by the conduct of an offender and includes, but is not limited to the following: (1) any person against whom a municipal penal offense has been perpetrated or attempted; (2) any person harmed by an offender's criminal conduct in the course of a scheme, conspiracy, or pattern of criminal activity; or (3) any victim compensation board that has paid a victim compensation claim. If any person described in subsection (1) or (2) of this definition is deceased or incapacitated, the person's spouse, parent, legal guardian, natural or adopted child, child living with the victim, sibling, grandparent, significant other, as defined in Colo. Rev. Stat. §24-4.1-302 or other lawful representative shall be included in this definition. Any "victim" under the age of 18 is considered incapacitated, unless that person is legally emancipated or the court orders otherwise. "Victim" shall not include a person, who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as defined under the City Code, the laws of this state, or of the United States.

Part 10. Orders and Proceedings Against Defendant

Sec. 62-1-1001. Protection order against defendant - definitions - violations.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Protected person means the person identified in the protection order as the person for whose benefit the protection order was issued. "Protected person" does not include the defendant.

Protection order means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person or protected animal, or from entering or remaining on premises, or from coming within a specified distance of a protected person or protected animal or premises, or any other provision to protect the protected person or protected animal from imminent danger to life or health, that is issued by a state court or municipal court, and that is issued pursuant to:

- (1) Article 14 of Title 13 of the Colorado Revised Statutes, Colo. Rev. Stat. §18-1-1001, Colo. Rev. Stat. §19-2.5-607, Colo. Rev. Stat. §19-4-111, or rule 365 of the Colorado rules of county court civil procedure;

(2) Colo. Rev. Stat. §§14-4-101 to 14-4-105, Colo Rev. Stat. §14-10-107, Colo. Rev. Stat. § 14-10-108, or Colo. Rev. Stat. §19-3-316, as those sections existed prior to July 1, 2004;

(3) this section; or

(4) Any other order of a court that prohibits a person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises.

For purposes of this section only, “protection order” includes any order that amends, modifies, supplements, or supersedes the initial protection order. “Protection order” also includes any restraining order entered prior to July 1, 2003, and any foreign protection order as defined in Colo. Rev. Stat. §13-14-110.

Restrained person means the person identified in the order as the person prohibited from doing the specified act or acts.

Until final disposition of the action means until the case is dismissed, until the defendant is acquitted, or until the defendant completes the defendant’s sentence. Any defendant sentenced to probation is deemed to have completed the defendant’s sentence upon discharge from probation. A defendant sentenced to incarceration is deemed to have completed the defendant’s sentence upon release from incarceration.

(b) *Procedure for municipal protection orders.*

(1) *Time for issuance; notice.*

- (i) At the time of arraignment or the defendant’s first appearance before the municipal court, the court shall inform the defendant of the protection order effective pursuant to this section and shall inform the defendant that a violation of such order is punishable by law.
- (ii) Nothing in this section precludes the defendant from applying to the municipal court at any time for modification or dismissal of the protection order issued pursuant to this section or the city attorney from applying to the court at any time for further orders, additional provisions under the protection order, or modification or dismissal of the same. The municipal court retains jurisdiction to enforce, modify, or dismiss a municipal protection order until final disposition of the action.

(2) *Order requirements.*

- (i) An order issued by the municipal court pursuant to this section shall restrain

the defendant from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person or protected animal, or from entering or remaining on premises, or from coming within a specified distance of a protected person or protected animal or premises, or any other provision to protect the protected person or protected animal from imminent danger to life or health.

- (ii) An order issued by the municipal court shall be issued both orally and in writing. The municipal court shall advise the defendant of the order and its requirements on the record at the time of arraignment or the defendant's first appearance before the court. The court shall also provide the defendant a written copy of the order on a standardized form.
- (c) *Unlawful act.* A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified in the protection order, or enters or remains on premises or comes within a specified distance of the protected person, protected property, including an animal, or premises, or violates any other provision of the protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by the protection order.
- (d) *Contempt.* Nothing in this section shall be construed to alter or diminish the inherent authority of the court to enforce its orders through civil or criminal contempt proceedings.
- (e) *Collateral attack.* No person charged with the violation of an order pursuant to this section shall be permitted, in the criminal action resulting from such charges, to collaterally attack the validity of the order which such person is accused of violating.
- (f) *Penalty.*
 - (1) A person who violates this section commits a class 2 misdemeanor; except that, if the restrained person has previously been convicted of violating this section or a former version of this section or an analogous state statute, or if the protection order is issued pursuant to Colo. Rev. Stat. §18-1-1001, the violation is a class 1 misdemeanor.
 - (2) Any sentence imposed for a violation of this section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the protection order.

Sec. 62-1-1002. Reserved.

Part 11. Reserved

ARTICLE 1.3. SENTENCING IN CRIMINAL CASES

Part 1. Alternatives in Sentencing

Sec. 62-1.3-101. Pretrial diversion.

- (a) *Legislative declaration.* The intent of this section is to facilitate and encourage diversion of defendants from the criminal justice system when diversion may prevent defendants from committing additional criminal acts, restore victims of crime, facilitate the defendant's ability to pay restitution to victims of crime, and reduce the number of cases in the criminal justice system. Diversion should ensure defendant accountability while allowing defendants to avoid the collateral consequences associated with criminal charges and convictions.
- (b) *Deferred Prosecution.* In any case, the court may, prior to trial or entry of a plea of guilty or no contest and with the consent of the defendant and the city attorney, order the prosecution of the offense to be deferred for a period not to exceed one year from the date of entry of the order. During that time the court may place the defendant under the supervision of the probation division and conditions may be imposed pursuant to a written stipulation signed by the defendant, the defendant's attorney of record, if applicable, and the city attorney, under which the defendant agrees to act in accordance with the conditions set forth in the stipulation.
- (1) Upon the defendant's satisfactory completion of the deferred prosecution, the charge against the defendant shall be dismissed with prejudice. If conditions of the deferred prosecution are violated, the defendant may be tried for the offense for which the defendant is charged. The violation of conditions of supervision shall be determined by a hearing before the court which granted the deferred prosecution. The burden of proof in such hearing shall be upon the city attorney to show by a preponderance of the evidence that a violation has in fact occurred; except that the commission of a criminal offense must be established beyond a reasonable doubt, unless the defendant has been convicted thereof in a criminal proceeding. The judge at the hearing may temper the rules of evidence at such hearing in the exercise of sound judicial discretion.
- (2) Upon consenting to a deferred prosecution, the defendant shall execute a written waiver of their right to a speedy trial. Consent to a deferred prosecution under this section shall not be construed as an admission of guilt, nor shall such consent be admitted in evidence in a trial for the offense for which the defendant is charged.

Sec. 62-1.3-102. Deferred sentencing of defendant.

- (a) Whenever any person enters a plea of guilty or no contest to the violation of any ordinance of the city, or of any rule or regulation promulgated thereunder, the court accepting the plea has the power, upon the written request of the city attorney, together with the written

consent of the defendant, to continue or defer the case for a period not to exceed one year from the date of entry of such plea for the purpose of entering judgment and sentence upon such plea of guilty or no contest.

- (b) Prior to entry of a plea of guilty or no contest under a deferred judgment, the city attorney is authorized to enter into a written stipulation, to be signed by the defendant and the city attorney, under which the defendant is obligated to act in accordance with the conditions set forth in the stipulation. The conditions may include making restitution to the victim, performing useful community or public service work, attending a counseling program, completing a substance abuse evaluation and treatment as recommended, and adhering to or abiding by any other condition that serves the ends of justice, the best interests of the public, and the defendant.
- (c) Upon full compliance with such conditions by the defendant, the plea of guilty or no contest previously entered shall be withdrawn, and the action against the defendant dismissed with prejudice. Such deferred judgment stipulation shall specifically provide that, upon a breach by the defendant of any such condition regulating the conduct of the defendant, the court shall enter judgment and impose sentence upon such plea of guilty or no contest. Whether a breach of any condition has occurred shall be determined by the court without a jury upon application of the city attorney at any time within the term of the deferred judgment or within 35 days thereafter. Reasonable notice of hearing shall be given to the defendant or the defendant's attorney of record. Such a hearing may be held after the last day of the deferred judgment if application for the hearing is made by the city attorney within the term of the deferred judgment or within 35 days thereafter. The burden of proof in such hearing shall be upon the city attorney to show by a preponderance of the evidence that breach of a condition has in fact occurred; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the defendant has been convicted thereof in a criminal proceeding. The procedural safeguards required in a probation revocation hearing shall apply.
- (d) When a defendant signs a stipulation by which it is provided that judgment and sentence shall be deferred for a time certain, the defendant thereby waives all rights to a speedy trial or sentencing as provided by ordinance or rule.

Secs. 62-1.3-103 -- 107. Reserved.

Part 2. Probation

Sec. 62-1.3-201. Eligibility for probation.

A person convicted of an ordinance violation as described in section 62-1-104 is eligible for probation. A defendant granted probation may be placed under the supervision of the probation division.

Sec. 62-1.3-202. Probationary power of court.

When it appears to the satisfaction of the court that the ends of justice and best interests of the public, as well as the defendant, will be served thereby, the court may grant the defendant probation for such period and upon such terms and conditions as it deems best. The length of probation shall not exceed one year from the date of sentencing. The court may, as a condition of probation, order the defendant to attend a counseling program, a substance abuse evaluation and treatment as recommended, make restitution to the victim of the defendant, or adhere to or act in accordance with any other condition that serves the ends of justice, the best interests of the public, and the defendant.

Sec. 62-1.3-203. Probation revocation.

- (a) If facts are presented to the court upon application of the city attorney or the probation division from which it reasonably appears that the conditions of probation have been violated by any person on probation, the court may issue a warrant for the arrest of the person and require that person to be brought before the court to show cause why the probation should not be revoked.
- (b) At or prior to the commencement of the probation revocation hearing, the court shall advise the probationer of the probationer rights pursuant to C.M.C.R. as applicable to the probationer allegations contained in the petition for revocation, the possible penalties therefore, and shall require the probationer to admit or deny the allegations. There shall be no right to a trial by jury in proceedings for revocation of probation. If the probationer is in custody, the court may admit such probationer to bail conditioned upon his appearance before the court on a day certain. Such bail may be continued from time to time until the final order of the court. If the probationer remains in custody and unable to post bond, the hearing shall be held within 15 days after the filing of the complaint, unless a continuance is granted by the court at the instance or request of the probationer, or for other good cause found by the court justifying the continuance.
- (c) At the probation revocation hearing, the prosecution has the burden of establishing by a preponderance of the evidence the violation of a condition of probation; except that the commission of a criminal offense must be established beyond a reasonable doubt unless the probationer has been convicted thereof in a criminal proceeding. The court may, when it appears that the alleged violation of conditions of probation consists of an offense with which the probationer is charged in a criminal proceeding then pending, continue the probation revocation hearing until the termination of the criminal proceeding. Any evidence having probative value shall be received regardless of its admissibility under the exclusionary rules of evidence if the defendant is accorded a fair opportunity to rebut hearsay evidence.
- (d) If, at the probation revocation hearing, the presiding judge determines that such probationer is in violation of the conditions of probation, the presiding judge shall enter an order in accordance therewith and forthwith order the probationer's release, if in custody. If the presiding judge determines that the violation of the conditions of such probation has been committed, the presiding judge shall either revoke or continue the probation within five days after the hearing. If probation is revoked and no sentence has been previously

imposed, the court may impose any sentence which might originally have been imposed. If probation is revoked and sentence has been previously imposed, the court may vacate the suspension of sentence and reinstate the sentence originally imposed. Any person who has been admitted to probation and against whom proceedings for the revocation of probation have not been commenced within the term of probation shall be conclusively presumed to have satisfied the sentence or fine imposed. Upon a specific court finding that a defendant has not fully complied with a court order or that the defendant has failed to appear during the period of probation or the period of a suspended or stayed sentence, the court may extend such period not to exceed one year.

Secs. 62-1.3-204 -- 213. Reserved.

Parts 3 through Part 4. Reserved.

Part 5. Ordinance Violation Sentencing

Sec. 62-1.3-501. Ordinance violations classified - penalties.

- (a) Ordinance violations shall be divided into the following classes that are distinguished by the following penalties that are authorized upon conviction:

Class	Maximum Penalty
Municipal Offense	364 days imprisonment; not more than a \$2,650.00 fine; or both
Class 1 Misdemeanor	364 days imprisonment; not more than a \$1,000.00 fine; or both
Class 2 Misdemeanor	120 days imprisonment; not more than a \$750.00 fine; or both
Petty Offense	10 days imprisonment; not more than a \$300.00 fine; or both
Municipal Infraction	Not more than a \$100.00 fine

- (b) Notwithstanding the above, the maximum penalty for a municipal offense may be adjusted for inflation pursuant to section 1-5 of this Code.

Secs. 62-1.3-502 -- 510. Reserved.

Part 6. Restitution

Sec. 62-1.3-601. Restitution - legislative declaration.

(a) City council hereby finds and declares that:

- (1) Crime victims endure undue suffering and hardship resulting from physical injury, emotional and psychological injury, or loss of property;
- (2) Persons found guilty of causing such suffering and hardship should be under a moral and legal obligation to make full restitution to those harmed by their misconduct;
- (3) The payment of restitution by criminal offenders to their victims is a mechanism for the rehabilitation of offenders;
- (4) Restitution is recognized as a deterrent to future criminality; and
- (5) An effective criminal justice system requires timely restitution to victims of crime and to members of the immediate families of such victims in order to lessen the financial burdens inflicted upon them, to compensate them for their suffering and hardship, and to preserve the individual dignity of victims.

(b) Restitution shall be ordered, collected, and disbursed to victims of crime in accordance with procedures set forth in Sec. 58-1 of this Code.

Secs. 62-1.3-602 -- 603. Reserved.

Parts 7 through Part 14. Reserved.

ARTICLE II. INCHOATE OFFENSES

Part 1. Attempts

Sec. 62-2-101. Criminal attempt.

(a) *Unlawful act.*

- (1) It shall be unlawful for a person to attempt to commit an offense. A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, such person engages in conduct constituting a substantial step toward the commission of the offense. A substantial step is any conduct, whether act, omission, or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the

actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

- (2) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish complicity under section 62-2-201 of this Code were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.
- (b) *Defenses.* It is an affirmative defense to a charge under this section that the defendant abandoned their effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of their criminal intent.
- (c) *Penalty.*
- (1) Criminal attempt to commit a class 1 or class 2 misdemeanor is a class 2 misdemeanor.
 - (2) Criminal attempt to commit a municipal offense is a petty offense.
 - (3) Criminal attempt to commit a petty offense is a petty offense.
 - (4) Criminal attempt to commit a municipal infraction is a municipal infraction.

Part 2. Criminal Conspiracy

Sec. 62-2-201. Criminal conspiracy.

- (a) It shall be unlawful for a person to conspire to commit an offense. A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, that person agrees with another person or persons that they, or one or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or that person agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.
- (b) No person may be convicted of conspiracy to commit a crime unless an overt act in pursuance of that conspiracy is proved to have been done by that person or by a person with whom that person conspired.
- (c) If a person knows that one with whom such person conspires to commit a crime has conspired with another person to commit the same crime, that person is guilty of conspiring to commit a crime with the other person or persons, whether or not such person knows their identity.
- (d) If a person conspires to commit a number of crimes, that person is guilty of only one conspiracy so long as such multiple crimes are part of a single criminal episode.

- (e) Joinder and venue in conspiracy prosecutions shall proceed as set forth herein. Subject to the provisions of subsection (f) of this section, two or more persons charged with criminal conspiracy may be prosecuted jointly if:
- (1) They are charged with conspiring with one another; or
 - (2) They are charged with being involved in conspiracies that are so related as to constitute different aspects of a scheme of organized criminal conduct. In such case it is immaterial that the persons charged are not parties to the same conspiracy.
- (f) In any joint prosecution under subsection (e) of this section:
- (1) No defendant shall be charged with a conspiracy in this jurisdiction unless the defendant entered into the conspiracy in this jurisdiction, or unless the defendant or a person with whom the defendant conspired did an overt act pursuant to such conspiracy in this jurisdiction; and
 - (2) Neither the liability of any defendant nor the admissibility against the defendant of evidence of acts or declarations of another shall be enlarged by this joinder; and
 - (3) The court shall order a severance or take a special verdict as to any defendant who so requests, if it deems it necessary or appropriate to promote the fair determination of the defendant's guilt or innocence.
- (g) It is an affirmative defense to a charge of conspiracy that the offender, after conspiring to commit a crime, thwarted the success of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of the offender's criminal intent.
- (h) It is immaterial to the liability of a person who conspires with another to commit a crime that:
- (1) They or the person with whom they conspire does not occupy a particular position or have a particular characteristic which is an element of the crime, if they believe that one of them does; or
 - (2) The person with whom they conspire is irresponsible or has immunity to prosecution or conviction for the commission of the crime.
- (i)
- (1) Criminal conspiracy to commit a class 1 or class 2 misdemeanor is a class 2 misdemeanor.
 - (2) Criminal conspiracy to commit a municipal offense is a petty offense.

(3) Criminal conspiracy to commit a petty offense is a petty offense.

(4) Criminal conspiracy to commit a municipal infraction is a municipal infraction.

Secs. 62-2-202 -- 206. Reserved.

Part 3. Criminal Solicitation

Sec. 62-2-301. Criminal solicitation.

(a) *Unlawful act.* It shall be unlawful for a person to commit criminal solicitation. Except as to bona fide acts of persons authorized by law to investigate and detect the commission of offenses by others, a person is guilty of criminal solicitation if that person commands, induces, entreats, or otherwise attempts to persuade another person, or offers their services or another's services to a third person, to commit an offense, whether as principal or accomplice, with intent to promote or facilitate the commission of that crime, and under circumstances strongly corroborative of that intent.

(b) *Defense.*

(1) It is a defense to a prosecution under this section that, if the criminal object were achieved, the defendant would be the sole victim of the offense or the offense is so defined that the defendant's conduct would be inevitably incident to its commission or the defendant otherwise would not be guilty under the statute defining the offense or under section 62-2-201 of this Code.

(2) It is no defense to a prosecution under this section that the person solicited could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity.

(3) It is an affirmative defense to a prosecution under this section that the defendant, after soliciting another person to commit an offense, persuaded that person not to do so or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent.

(c) *Penalty.*

(1) Criminal solicitation to commit a class 1 or class 2 misdemeanor is a class 2 misdemeanor.

(2) Criminal solicitation to commit a municipal offense is a petty offense.

(3) Criminal solicitation to commit a petty offense is a petty offense.

(4) Criminal solicitation to commit a municipal infraction is a municipal infraction.

Part 4. Renunciation and Abandonment

Sec. 62-2-401. Nonavailability of defenses.

Renunciation and abandonment are not voluntary and complete so as to be a defense to prosecution under sections 62-2-101, 62-2-201, or 62-2-301, if they are motivated in whole or in part by:

- (a) A belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another or which makes more difficult the consummation of the crime; or
- (b) A decision to postpone the crime until another time or to substitute another victim or another but similar objective.

ARTICLE III. OFFENSES AGAINST THE PERSON

Part 1. Reserved.

Part 2. Assaults

Secs. 62-3-201 -- 203. Reserved.

Sec. 62-3-204. Assault.

- (a) *Unlawful act.* It shall be unlawful for any person to commit assault. A person commits assault if the person knowingly or recklessly causes bodily injury to another person. This section shall not apply where serious bodily injury results, a deadly weapon is used, or the assault is otherwise felonious.
- (b) *Penalty.* Assault is a class 1 misdemeanor.

Sec. 62-3-205. Reserved.

Sec. 62-3-206. Menacing.

- (a) *Unlawful act.* A person commits the crime of menacing if, by any threat or physical action, such person knowingly places or attempts to place another person in fear of imminent serious bodily injury. This section shall not apply if committed by the use of a firearm, knife, or bludgeon or a simulated firearm, knife, or bludgeon.
- (b) *Penalty.* Menacing is a class 1 misdemeanor.

Secs. 62-3-207 -- 210. Reserved.

Parts 3 through Part 6. Reserved.

ARTICLE IV. OFFENSES AGAINST PROPERTY

Part 1. Reserved.

Part 2. Burglary and Related Offenses

Secs. 62-4-201 -- 203. Reserved.

Sec. 62-4-204. Third degree burglary.

- (a) *Unlawful act.* A person commits third degree burglary if with intent to commit a crime the person enters or breaks into any vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment whether or not coin operated.
- (b) *Penalty.* Third degree burglary is a class 2 misdemeanor, but it is a class 1 misdemeanor if it is a burglary, the objective of which is the theft of a controlled substance, as defined in section Colo. Rev. Stat. §18-18-102, lawfully kept in or upon the property burglarized.

Sec. 62-4-205. Reserved.

Part 3. Reserved.

Part 4. Theft

Sec. 62-4-401. Theft.

- (a) *Unlawful act.* A person commits theft when they knowingly obtain, retain, or exercise control over any thing of value of another without authorization or by threat or deception; receives, loans money by pawn or pledge on, or disposes of anything of value or belonging to another that they know or believe to have been stolen; and:
 - (1) Intends to deprive the other person permanently of the use or benefit of the thing of value;
 - (2) Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;
 - (3) Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use or benefit;
 - (4) Demands any consideration to which they are not legally entitled as a condition of restoring the thing of value to the other person; or
 - (5) Knowingly retains the thing of value more than seventy-two hours after the agreed-

upon time of return in any lease or hire agreement.

(b) *Defined.* For the purposes of this section, a thing of value is that of “another” if anyone other than the defendant has a possessory or proprietary interest therein.

(c) *Penalty.*

(1) Theft is a petty offense if the thing of value is valued at or less than \$300.00.

(2) Theft is a class 2 misdemeanor if the thing of value is valued between \$300.01–\$999.99.

(d) *Restitution.* Upon a conviction for theft as described in subsection (a)(5) of this section, the court shall consider as part of any restitution ordered the loss of revenue proximately resulting from the failure of the defendant to timely return the property involved.

Secs. 62-4-402 -- 405. Reserved.

Sec. 62-4-406. Concealment of goods.

If any person shall willfully conceal unpurchased goods, wares, or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether such concealment is on their own person or otherwise, and whether on or off the premises of said store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the crime of theft within the meaning of section 62-4-401.

Secs. 62-4-407 -- 420. Reserved.

Part 5. Trespass, Tampering, and Criminal Mischief

Sec. 62-4-501. Criminal mischief.

(a) *Unlawful act.* It shall be unlawful for any person to knowingly damage real or personal property belonging to another, including property owned jointly by the person with another or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode.

(b) *Penalty.*

(1) Criminal mischief is a petty offense when the aggregate damage to the real or personal property is less than \$300.00.

(2) Criminal mischief is a class 2 misdemeanor when the aggregate damage to the real or personal property is between \$300.01–\$999.99.

(3) Criminal mischief is a class 1 misdemeanor when the aggregate damage to the real

or personal property is between \$1,000.00–1,999.99.

Sec. 62-4-502 -- 503. Reserved.

Sec. 62-4-504. Criminal trespass on private or public property.

(a) *Legislative declaration; purpose.* The city council recognizes that owners of both private and public property have the right to limit, restrict, or prohibit access to that property. The city council has determined that property owners are best situated to determine whether the property is suitable for access, use, or occupation by members of the public or by those who do not own the property. The purpose of this section is to place on notice those who enter or remain upon the premises of another, including premises owned by private entities, public entities, or individuals, that doing so without the proper license or authority, or after that license or authority has been revoked, may result in criminal liability.

(b) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Premises means real property, buildings, and other improvements thereon, and the stream banks and beds of any non-navigable freshwater stream flowing through such property.

Sign or signage means any announcement or communication that is produced in whole or in part by the construction, erection, affixing, or placing of a placard or structure or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface.

(c) *Unlawful act.*

(1) *Unlawful entry.*

(i) *Enclosed or fenced premises.* It shall be unlawful for any person to enter or remain upon the premises of another if the premises are enclosed in a manner designed to exclude intruders or are fenced.

(ii) *Common areas.* It shall be unlawful for any person, having previously been advised not to enter, to knowingly and unlawfully enter upon the common areas of a hotel, motel, condominium, or apartment building.

(2) *Unlawful remaining.* It shall be unlawful for any person to remain in or upon the premises of another after permission, license, or authority has been terminated or revoked and the person has been notified of the termination or revocation verbally, through signage, or otherwise in writing.

(3) *Failure to obey no trespassing sign—posted premises.* It shall be unlawful for any

person to enter or remain in or upon the premises of another contrary to, or in violation of, any sign limiting, restricting, or prohibiting access to, use of, or occupation of the premises.

- (i) *Posting of a no trespassing sign.* A sign that is posted or placed at the entry to or upon a premises that gives notice of a limitation, restriction, or prohibition on the access to, use of, or occupation of the premises shall be deemed a no trespassing sign. Examples of no trespassing signs that give notice of a limitation, restriction, or prohibition on the access to, use of, or occupation of a premises include, but are not limited to, signs that read "parking lot open only to customers," "area closed," "area closed to the public between 2:00 a.m. and 6:00 a.m.," "area closed except to residents and authorized guests," "keep out," "no overnight occupancy," "no trespassing," "private property—keep out," or that contain similar language.
- (ii) *No trespassing sign constitutes prima facie evidence of notice.* The posting or placement of a no trespassing sign that is reasonably calculated to provide notice to an ordinarily observant person entering in or upon the premises shall be prima facie evidence that notice was sufficient. The prosecution is not required to prove that a no trespassing sign was visible from every location in, upon, or about the premises at the time of the alleged violation.

(d) *Penalty.* Criminal trespass is a petty offense.

Sec. 62-4-504.5. No trespass orders on city-owned property.

- (a) *Legislative declaration.* The city council hereby finds and declares that it is necessary to restrict, limit, or revoke access to city-owned property of those persons who have been charged with committing an offense on that property. The issuance and enforcement of no trespass orders are important in reducing crime in public places and are key to promoting the public health, safety, and welfare. The city council also finds and declares that any person to whom a no trespass order has been issued must be accorded the opportunity to be heard as soon as is practicable.

- (b) *Definitions.* As used in this section:

Defendant means the person charged with committing an offense on city-owned property and to whom a no trespass order has been issued.

No trespass order means any order that prohibits a person from entering or remaining on city-owned premises or from coming within a specified distance of those premises and that is issued to the person charged with an offense that occurred on the premises, or any order that amends, modifies, supplements, extends, or supersedes the initial no trespass order.

Offense means any crime or violation punishable by law by either fine or

imprisonment or both, and that occurs on city-owned property. For purposes of enforcement of this section, it does not include a traffic violation or offense committed on a public highway, street, or roadway.

Premises or property means any real property, building, or other improvement or improvements thereon that is owned or leased for use by the city, including the banks and beds of any non-navigable freshwater streams or creeks flowing through such real property. For purposes of enforcement of this section, it does not mean or include any property owned by the city but leased to another person or entity pursuant to a valid lease document.

- (c) *Authority.* The court is authorized to hear matters related to the issuance of no trespass orders pursuant to this section because venue is proper in the city where the acts necessitating the no trespass order are alleged to have occurred. Any Arvada police officer is authorized by the city to serve upon a person who has been charged with any offense alleged to have been committed in or upon city-owned property a no trespass order.
- (d) *Initiation of process.* Any person who has been charged with any offense alleged to have been committed in or upon city-owned property may be served with a no trespass order at any time after the initiation of prosecution and before the case has been closed by the court in which it was charged. The no trespass order shall take effect and become enforceable upon service.
- (e) *Contents of order.* The no trespass order shall contain:
 - (1) The defendant's name;
 - (2) A physical description of the defendant;
 - (3) The street address of the city-owned property on which the offense is alleged to have been committed, as well as the name by which the property is commonly known, if available. If no street address is known, or if the common name of the property is unavailable, the location shall be designated by reference to a numbered block or by the two nearest cross streets;
 - (4) The nature of the restriction, limitation, or revocation;
 - (5) Notice that the defendant must appear at the court for a status hearing at a time and date set not more than 14 days following service of the no trespass order for the purpose of allowing the defendant to request a contested hearing that will provide the defendant an opportunity to be heard or to otherwise contest the order;
 - (6) Notice that if the defendant does not appear at the court at the time and date fixed by the order for a status hearing, that a contested hearing will not be held; that the no trespass order shall become an order of the court; and that the order shall remain in effect for one year from the date of service;

- (7) Notice that a violation of the no trespass order shall constitute a criminal offense pursuant to section 62-4-504.5 of the Arvada City Code, and may subject the defendant to such punishment as may be provided by law; and
- (8) Notice that a third party may not give the defendant permission to violate the no trespass order.
- (f) *Documentation to court.* The police department shall make available to the court at the earliest practicable time following service of the no trespass order documentation relevant to the issuance of the order, including a copy of the no trespass order served upon the defendant.
- (g) *Status hearing.* The court shall, at the time and date set forth in the no trespass order, convene a status hearing during which the defendant may request a contested hearing to determine whether the no trespass order should be lifted, be modified in any aspect or manner, or remain in effect. If the defendant fails to appear for the status hearing or for a status hearing that has been continued for any reason, a contested hearing will not be held. The no trespass order shall become an order of the court, and shall remain in effect for one year from the date of service of the order.
- (h) *Contested hearing.* If, at the status hearing, the defendant requests a contested hearing, the court shall convene, at a reasonable time thereafter, a contested hearing to allow the defendant an opportunity to be heard and respond to whether the no trespass order should be lifted, be modified in any aspect or manner, or remain in effect. At the contested hearing, the judge shall examine the record and the evidence to determine whether the no trespass order should be lifted, be modified in any aspect or manner, or remain in effect. If the defendant fails to appear for the contested hearing, or for a contesting hearing that has been continued for any reason, a contested hearing will not be held. The no trespass order shall become an order of the court, and shall remain in effect for one year from the date of service of the order.
- (1) *Order to become order of the court.* Upon a finding that:
 - (i) The defendant has engaged in an activity on city-owned property which activity serves to impair or diminish the right or ability of the public to use and enjoy the property;
 - (ii) Restricting, limiting, or revoking the defendant's access to the property will serve to restrain, prevent, or reduce the defendant's ability to engage in the activity on the property; and
 - (iii) Issuing the no trespass order will promote the public's health, safety, and welfare

The court shall order that the no trespass order, including any modifications,

become an order of the court and that it shall remain in effect for one year from the date of service.

- (2) *Standard for issuance and burden of proof.* A conviction of the offense or offenses which triggered the no trespass order is not required for such a finding or findings to be made. The burden of proof is by a preponderance of the evidence.
- (3) *Advisement.* Upon issuance of an order at a hearing, the judge shall inform the defendant that a violation of the no trespass order shall constitute a criminal offense pursuant to section 62-4-504.5 of the Arvada City Code. Failure of the judge to so advise the defendant shall not affect the validity of the order.
- (i) *Continuance.* If a hearing held under this section is continued for any reason, the court shall immediately and in writing notify both the defendant and the city attorney's office of the continuance, and notify the defendant that if the defendant does not appear on the date and time to which the hearing has been continued, the no trespass order shall become an order of the court which shall remain in effect for one year from the date of service. The order shall remain in effect for the period of any continuance.
- (j) *Length of order.* A no trespass order shall remain in effect for one (1) year from the date of service of the order.

Exception: In a municipal court case which triggered the service of the no trespass order, the court, on its own motion or that of the city attorney, may extend the order until the case is closed by the court.
- (k) *Entry of order.* The original no trespass order shall be kept in the court's file. The court shall deliver a copy of the no trespass order to the defendant if the defendant is present at the contested no trespass order hearing, and a copy to the records bureau of the police department. The court shall notify the records bureau of the police department any time a no trespass order is modified, extended, or dismissed.
- (l) *Motion to dismiss or modify the order.* No motion to modify or dismiss a no trespass order may be filed by the defendant within six months of service of any no trespass order. In a case where the defendant is found not guilty of the offense, or all offenses, that triggered the service of the no trespass order, the order shall be automatically dismissed.
- (m) *Not to affect the rights of other property owners.* Nothing in the section shall prevent any other property owner, public or private, from issuing or requesting enforcement of any no trespass notice or order to any person, or from posting no trespassing signs upon property, or from posting signs prohibiting trespassing by any person on certain days or during certain times, nor shall anything in this section otherwise affect the rights of other property owners.
- (n) *Court authority.* Nothing in this section shall be construed to alter or diminish the inherent authority of the court to issue or enforce no trespass or other orders through contempt

proceedings or as otherwise authorized by law.

- (o) *Collateral attack.* No person charged with violation of an order pursuant to this section shall be permitted, in the criminal action resulting from such charges, to collaterally attack the validity of the order which such person is accused of violating.
- (p) *Violation and penalty.* It shall be unlawful for any person, having been served with or issued a no trespass order pursuant to this section that prohibits the person from entering or remaining on, or coming within a specified distance of a city-owned property, to enter or remain upon, or come within a specified distance of those premises. A person failing to comply with a no trespass order served or issued pursuant to this section may be prosecuted for a violation of this section. Violation of a no trespass order served or issued pursuant to this section is a municipal offense.
- (q) *Civil in nature.* A no trespass order served or issued pursuant to this section shall be civil in nature. If issued pursuant to any municipal court case, a no trespass order may be issued in lieu of or in addition to any penalty specified in subsection (p).

Sec. 62-4-505. Criminal tampering - service.

- (a) *Unlawful act.* A person commits the crime of criminal tampering with a service if, with intent to cause interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, the person tampers with property of a utility or institution.
- (b) *Penalty.* Criminal tampering under this section is a class 2 misdemeanor.

Sec. 62-4-506. Criminal tampering - property.

- (a) *Unlawful act.* A person commits criminal tampering with property if:
 - (i) the person tampers with the property of another with intent to cause injury, inconvenience, or annoyance to that person or to another; or
 - (ii) the person knowingly makes an unauthorized connection with property of a utility; or
 - (iii) with intent to cause interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, the person tampers with property of a utility or institution
- (b) *Penalty.* Criminal tampering under this section is a class 2 misdemeanor.

Sec. 62-4-506.5. Criminal tampering - utility meter.

- (a) *Unlawful act.* A person commits criminal tampering if:

- (1) the person connects any pipe, tube, stopcock, wire, cord, socket, motor, or other instrument or contrivance with any main, service pipe, or other medium conducting or supplying gas, water, or electricity to any building without the knowledge and consent of the person supplying such gas, water, or electricity; or
 - (2) the person, in any manner, alters, obstructs, or interferes with the action of any meter provided for measuring or registering the quantity of gas, water, or electricity passing through said meter without the knowledge and consent of the person owning said meter.
- (b) *Exception.* Nothing in this section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.
- (c) *Penalty.* Criminal tampering under this section is a class 2 misdemeanor.

Secs. 62-4-507 -- 509. Reserved.

Sec. 62-4-510. Unlawful to remove notice.

- (a) *Legislative declaration.* The city council finds that the city has a compelling interest in ensuring that members of the public receive proper notice of city actions or activities on or related to property within its jurisdiction. The city council also finds that in order to ensure members of the public are properly notified of these actions or activities, the city or an authorized third party must sometimes post a notice or notices relating to the impending action or activity on or upon a particular property. In order to balance the rights of all citizens, and especially to protect the rights of individuals who may be affected by the impending action or activity, it is essential that these notices be legible and they remain in place.
- (b) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Notice means a sign or placard conveying information that is placed or posted on or upon property within the jurisdiction of the city by a city employee while carrying out duties associated with or relating to a city ordinance or policy, or a rule, procedure, or order of a city board, commission, or council. It also means a sign or placard placed or posted on or upon private property by another person as required by a city ordinance or by a rule, procedure, or order of a city board, commission, or council. It does not include a notice placed or posted under Chapter 18, Buildings and Building Regulations, of this Code.

- (c) *Unlawful act.* It shall be unlawful for any person to remove or tamper with a notice.

(d) *Exceptions.*

- (1) A city employee carrying out duties associated with or relating to a city ordinance or policy, or a rule, procedure, or order of a city board, commission, or council may move, remove, or destroy a notice.
- (2) In the case of a notice placed or posted on or upon private property by another person as required by a city ordinance, or by a rule, procedure, or order of a city board, commission, or council, the person may move, remove, or destroy the notice in accordance with the applicable ordinance, rule, procedure, or order.

(e) *Strict liability.* A violation of this section is strict liability in nature. No culpable mental state or mens rea of any type or degree shall be required to prove a violation of this section.

(f) *Penalty.* Any violation of this section is a municipal offense.

Sec. 62-4-511. Littering.

(a) *Unlawful act.* It shall be unlawful for any persons to dump, deposit, or dispose of any glass, paper, can, bottle, box, garbage, or any other trash whatsoever anywhere on any street, alley, road, highway, parking lot, public or community building, or any private property open to the general public except in a trash or recycle receptacle provided for such purpose.

(b) *Penalty.* Littering is a municipal infraction.

Sec. 62-4-512. Abandonment of a motor vehicle.

(a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to leave a thing with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving.

Inoperable vehicle means a vehicle which cannot be driven upon the public streets for reasons including, but not limited to, not having a current license plate or tag, being wrecked, in a state of major disassembly, in a state of disrepair, or incapable of being moved under its own power.

(b) *Presumptions.*

(1) It is prima facie evidence of the necessary intent to abandon that:

- (i) The motor vehicle has been left for more than seven days unattended and unmoved other than in a public parking garage; or

- (ii) License plates or other identifying marks have been removed from the motor vehicle; or
 - (iii) The motor vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or
 - (iv) The owner has been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three days after notification; or
 - (v) The motor vehicle has been parked in a public parking garage in excess of thirty days.
- (2) For purposes of enforcement and prosecution of this section, the owner of the motor vehicle shall be presumed to be the person who abandoned the motor vehicle, or who parked or left the inoperable vehicle, unless the owner can furnish sufficient evidence that the vehicle was, at the time the vehicle was abandoned, parked, or left, in the care, custody, or control of another person. In the event that the owner of such vehicle or the person in possession cannot be found, then a summons and complaint alleging the violation of this section may be issued against the vehicle, describing the same by year, make and model. The chief of police or designee thereof is authorized to investigate any vehicle left at any place within the city which reasonably appears to be in violation of this section.

(c) *Unlawful act.*

- (1) It shall be unlawful for any person to leave or park an inoperable motor vehicle upon a street, highway, right-of-way, or any other public property.
- (2) It shall be unlawful to abandon any motor vehicle upon a street, highway, right-of-way, or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property.

(d) *Penalty.* A violation of this section is a petty offense.

Secs. 62-4-513 -- 516. Reserved.

Sec. 62-4-517. Motor vehicle trespass.

- (a) *Legislative declaration.* The city council hereby finds and declares as a matter of legislative determination that the unauthorized use of motor vehicles in Arvada has risen substantially and that such unauthorized use often contributes to or makes possible other criminal activity. In addition, city council finds and declares that many crimes involving the unauthorized use of a motor vehicle begin with a vehicle that is taken in Arvada and later located in Arvada. It is the intent of city council, and council finds it necessary, to exercise to the fullest extent possible its authority to provide for the regulation and control of the

unauthorized use of motor vehicles.

- (b) *Jurisdiction.* A person is subject to prosecution in Arvada for a violation of this article if the conduct constitutes an offense and is committed either wholly or partly within Arvada.
- (c) *Unlawful act.* It shall be unlawful to enter, ride, or remain in a motor vehicle of another without authorization from, or by threat to or deception of the registered owner or any authorized driver.
- (d) *Penalty.* Motor vehicle trespass is a class 2 misdemeanor.

Parts 6 through Part 8. Reserved

ARTICLE V. OFFENSES INVOLVING FRAUD

Part 1. Forgery, Simulation, Impersonation, and Related Offenses

Sec. 62-5-101. False identification.

- (a) *Unlawful act.* It shall be unlawful for any person to offer, use or attempt to offer or use any means, manner, type or kind of paper, document, card, license or any other evidence of the identification of such person for the purpose of making sales or purchases of commodities, cashing checks, making other monetary transactions, to gain admission to any place or for any other purpose whatsoever where such means, manner, type or kind of identification offered or used, or which is attempted to be offered or used, is false, fraudulent or incorrect in any manner or way, or which misrepresents such person so offering or using the same, or who attempts to offer or use the same, or which does not belong to such person, or which is altered, forged or changed in any respect; except such changes as are required or authorized by law.
- (b) *Penalty.* A violation of this section is a municipal offense.

Secs. 62-5-102 -- 120. Reserved.

Parts 2 through Part 9. Reserved.

ARTICLE VI. RESERVED.

ARTICLE VII. OFFENSES RELATED TO MORALS

Parts 1 through Part 2. Reserved.

Part 3. Public Indecency

Secs. 62-7-301 -- 302. Reserved.

Sec. 62-7-303. Urination or defecation in public.

- (a) *Unlawful act.* It shall be unlawful for any person to urinate or defecate in the public view, whether in or on public or private property, except in a room or area designated and equipped for such purposes.
- (b) *Penalty.* Urination or defecation in public is a municipal infraction.

Parts 4 through Part 9. Reserved.

ARTICLE VIII. OFFENSES - GOVERNMENTAL OPERATIONS

Part 1. Obstruction of Public Justice

Sec. 62-8-101. Disobey lawful order.

- (a) *Unlawful act.* It shall be unlawful for any person to willfully disobey a lawful order of a police officer.
- (b) *Penalty.* Disobeying a lawful order is a municipal offense.

Sec. 62-8-102. Interference with city official.

- (a) *Unlawful act.* It shall be unlawful for a person to knowingly hinder, obstruct, or otherwise interfere with any city official or employee of the city in the discharge of the employee's official duties.
- (b) *Penalty.* A violation of this section is a class 2 misdemeanor.

Sec. 62-8-103. Resisting arrest.

- (a) *Unlawful act.* It shall be unlawful for any person to knowingly prevent or attempt to prevent a peace officer, acting under color of their official authority, from effecting an arrest of the actor or another, by:
 - (1) Using or threatening to use physical force or violence against the peace officer or another; or
 - (2) Using any other means which creates a substantial risk of causing bodily injury to the peace officer or another.
- (b) *Defenses.* It is no defense to a prosecution under this section that a police officer was attempting to make an arrest which in fact was unlawful, if the police officer was acting under color of their official authority, and in attempting to make the arrest the police officer was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts "under color of their official authority" when, in the regular course of

assigned duties, the police officer is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by the police officer.

(c) *Penalty.* Resisting arrest is a class 2 misdemeanor.

Sec. 62-8-104. Interference with police.

(a) *Unlawful act.* It shall be unlawful for any person to knowingly hinder, obstruct, or otherwise interfere with any police officer acting under color of their official authority in the discharge or apparent discharge of their official duties.

(b) *Penalty.* A violation of this section is a class 2 misdemeanor.

Sec. 62-8-105. Reserved.

Sec. 62-8-106. Refusal to permit inspections.

(a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Legally authorized inspection means any lawful search, sampling, testing, or other examination of property, in connection with the regulation of a business or occupation, that is authorized by statute or lawful regulatory provision.

Property means any real or personal property, including books, records, and documents which are owned, possessed, or otherwise subject to the control of the defendant.

(b) *Unlawful act.* It shall be unlawful for any person, knowing that a public servant is legally authorized to inspect property to:

- (1) Refuse to produce or make available the property for inspection at a reasonable hour; or
- (2) If the property is available for inspection, the person refuses to permit the inspection at a reasonable hour.

(c) *Penalty.* A violation of this section is a municipal infraction.

Secs. 62-8-107 -- 110. Reserved.

Sec. 62-8-111. False reporting of an emergency.

(a) *Unlawful act.* A person commits false reporting to authorities if:

- (1) The person knowingly:
 - (i) Causes by any means, including but not limited to activation, a false alarm of fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency which deals with emergencies involving danger to life or property; or
 - (ii) Prevents by any means, including but not limited to deactivation, a legitimate fire alarm, emergency exit alarm, or other emergency alarm from sounding or from being transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency that deals with emergencies involving danger to life or property; or
 - (2) The person makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when the person knows that it did not occur; or
 - (3) The person makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when the person knows that they have no such information or knows that the information is false.
- (b) *Penalty.* False reporting of an emergency is a class 2 misdemeanor except that it is a class 1 misdemeanor if the report causes the occupants of a building, place of assembly, or facility of public transportation to be evacuated or to be issued a shelter-in-place order; the report causes any disruptions or impacts to regular activities; or the report results in the initiation of a standard response protocol in response to the false report.

Sec. 62-1-111.5. False reporting to authorities.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Identifying information* means a person's name, address, birth date, social security number, or driver's license or Colorado identification number.
- (b) *Unlawful act.* It shall be unlawful for any person intentionally, knowingly, or recklessly to give false or misleading information, or make any false statement, or display false identification to any peace officer or other employee of the city who is acting in their official capacity and within the scope of their employment.
- (c) *Penalty.* False reporting to authorities is a class 2 misdemeanor.

Sec. 62-8-112. Reserved.

Sec. 62-8-113. Impersonating a public servant.

- (a) *Unlawful act.* A person commits impersonating a public servant if such person falsely pretends to be a public servant, other than a peace officer, and performs any act in that pretend capacity.
- (b) *Defenses.* It is no defense to a prosecution under this section that the office the person pretended to hold in fact did not exist.
- (c) *Penalty.* Impersonating a public servant is a class 2 misdemeanor.

Secs. 62-8-114 -- 118. Reserved.

Parts 2 through Part 4. Reserved.

Part 5. Perjury and Related Offenses.

Secs. 62-8-501 -- 503. Reserved.

Sec. 62-8-504. False swearing.

- (a) *Unlawful act.* It shall be unlawful for any person to knowingly make a false statement, other than those prohibited Colo. Rev. Stat. §§18-8-502 and 18-8-503, which they do not believe to be true before the city council or municipal court or before any board, commission, committee, or hearing officer of the city when an oath or affirmation has been duly administered and taken by such person.
- (b) *Penalty.* False swearing or affirming is a petty offense.

Secs. 62-8-504 -- 509. Reserved.

Part 6. Offenses Relating to Judicial and Other Proceedings

Secs. 62-8-601 -- 611. Reserved.

Sec. 62-8-612. Failure to obey a juror summons.

- (a) *Unlawful act.* It shall be unlawful for any person who receives a summons to serve as a trial juror issued by the Arvada Municipal Court to knowingly fail to obey the summons without a justifiable excuse.
- (b) *Penalty.* A violation of this section is a petty offense.

Secs. 62-8-613 -- 616. Reserved.

Parts 7 through Part 8. Reserved.

ARTICLE IX. OFFENSES AGAINST PUBLIC PEACE, ORDER, AND DECENCY

Part 1. Public Peace and Order

Secs. 62-9-101 -- 105. Reserved.

Sec. 62-9-106. Disorderly conduct.

(a) *Unlawful act.* It shall be unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if they intentionally, knowingly, or recklessly:

- (1) 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
- (2) Makes unreasonable noise in a public place or near a private residence that they have no right to occupy; or
- (3) Fights with another in a public place, except in an amateur or professional contest of athletic skill; or
- (4) Reserved;
- (5) Not being a peace officer, displays a real or simulated firearm, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a firearm, or represents verbally or otherwise that such person is armed with a firearm in a public place in a manner calculated to alarm and does alarm another person.

(b) *Penalty.*

- (1) A violation of subsection (a)(1) or (a)(2) of this section is a petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor.
- (2) A violation of subsection (a)(3) of this section is a petty offense.
- (3) A violation of subsection (a)(5) of this section is a class 2 misdemeanor.

Sec. 62-9-106.5. Discharging firearms.

- (a) *Unlawful act.* It shall be unlawful for any person, other than a peace officer or a member of the armed forces of the United States or the Colorado National Guard acting in lawful discharge of their duties, to discharge or cause to be discharged any firearm within or into the limits of the city; provided, however, that this section shall not apply to persons discharging firearms in shooting galleries or shooting ranges, where such firearms may be discharged so as not to endanger persons or property and the projectile from such firearms are prevented from traversing any grounds or space outside the limits of such galleries or range or to the discharge of a firearm in lawful defense of person or property.
- (b) *Penalty.* Discharging a firearm is a municipal offense.

Sec. 62-9-107 -- 108. Reserved.

Sec. 62-9-109. Interference with staff, faculty, or students of educational institutions.

- (a) *Short title.* This section is known and may be cited as the “School Interference Ordinance.”
- (b) *Legislative declaration; purpose.* The city council recognizes that education is crucial to developing the intellectual capacity of citizens and preparing them to become independent and productive members of society. It has also determined that disruptive or criminal behaviors at educational institutions interfere with proper learning environments and negatively impact educational progress. The city council further finds that measures that protect students, staff, and others in educational institutions are necessary to protect the health, safety, and welfare of the public. The purpose of this section is to place on notice those who are on or upon the premises or facilities of any educational institution that they may not impede the lawful performance of the duties by school staff or faculty, and that they may not disrupt, impair, interfere with, or obstruct the processes, procedures, or function of the educational institution.
- (c) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief administrative officer means a person designated as the principal, vice-principal, or dean of an educational institution, or a person occupying a position similar to that of a principal, vice-principal, or a dean, and includes any designee of the principal, vice-principal, or dean charged with maintaining order on the school premises and in its facilities.

Credible threat means a threat or physical action that would cause a reasonable person to be in fear of bodily injury.

Fight means to engage in or take part in any type of loud or disruptive verbal disagreement or argument, or to engage in or take part in any physical scuffle or struggle, including but not limited to biting, boxing, elbowing, grabbing, hitting, kicking, pinching, pulling, punching, pushing, scratching, shoving, slapping,

spitting, or throwing an object at another person, except as part of a previously scheduled and school-sanctioned amateur contest of athletic skill.

Impede means to delay, hamper, hinder, obstruct, or otherwise interfere with the discharge of any school official's duties, or the ability of any student to pursue his or her educational activities, even momentarily.

Order means a command, direction, or instruction by a school official to do, to discontinue, or to refrain from doing something. This includes, but is not limited to verbal direction to "get back," "let go," "stop," "stop fighting," "step away," or "step back," or other language or action by a school official that a reasonable person would view as direction to do, to discontinue, or to refrain from doing something.

School official means any person employed by any educational institution, or any person duly authorized by the chief administrative officer of an educational institution to act as a volunteer in or in a volunteer capacity for that educational institution.

(d) *Unlawful act.*

(1) *Deny use or movement.* It shall be unlawful for any person located on or near the premises or facilities of any educational institution, to willfully or recklessly deny to students, school officials, or invitees:

- (i) Lawful freedom of movement on the premises;
- (ii) Lawful use of the property or facilities of the institution; or
- (iii) The right of lawful ingress and egress to the institution's physical facilities.

(2) *Impede performance.*

- (i) *By use of restraint or intimidation.* It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of their duties, or to willfully or recklessly impede a student of the institution in the lawful pursuit of their educational activities through the use of restraint, abduction, coercion, or intimidation or when force and violence are present or threatened.
- (ii) *By engaging in a fight.* It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of their duties, or to willfully or recklessly impede a student of the institution in the lawful

pursuit of their educational activities by engaging in a fight or by engaging in activities that reasonably appear to the school official to be a fight requiring the intervention of the school official.

(iii) *By refusing to discontinue a fight.* It shall be unlawful for any person located on the premises of any educational institution or at or in any building or other facility being used by any educational institution, to willfully or recklessly impede a school official of that institution in the lawful performance of his duties by refusing to obey an order of the school official to discontinue or stop fighting.

(3) *Refusal to leave premises.* It shall be unlawful for any person to willfully or recklessly 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 administrative officer, if such person has committed, is committing, threatens to commit, or has incited or is inciting others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

(4) *Threat.* It shall be unlawful for any person to knowingly make or convey to another person either in person, in writing, or by electronic means a credible threat to cause bodily injury against a person the actor knows or believes to be a student or school official of an educational institution, or against a person the actor knows or believes to be an invitee who is on the premises of an educational institution.

(e) *Affirmative defense.* It shall be an affirmative defense to subsections (d)(1), (d)(2)(i), or (d)(3) that the defendant was exercising their right to lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof.

(f) *Penalty.*

(1) A person who violates any provision in subsection (d)(1) commits a petty offense.

(2) A person who violates subsections (d)(2)(i), (d)(3), or (d)(4) commits a class 2 misdemeanor.

(3) A person who violates subsections (d)(2)(ii) or (d)(2)(iii) commits a municipal offense.

Sec. 62-9-110. Reserved.

Sec. 62-9-111. Harassment.

(a) *Definitions.* The following words or phrases, when used in this section, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Obscene means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

(b) *Unlawful act.* It shall be unlawful for any person to commit harassment. A person commits harassment if, with intent to harass, annoy, or alarm another person, such person:

- (1) Strikes, shoves, kicks, or otherwise touches a person or subjects that person to physical contact; or
- (2) In a public place directs obscene language or makes an obscene gesture to or at another person; or
- (3) Follows a person in or about a public place; or
- (4) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner that threatens bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene; or
- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
- (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
- (7) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response; or
- (8) Wrongfully interferes with a transit worker performing a lawful duty.

(c) *Penalty.*

- (1) A person who violates subsection (b)(1), (b)(3), or (b)(8) of this section, or violates any provision of subsection (b) of this section with the intent to intimidate or harass another person, in whole or in part, because of that person's actual or perceived race; color; religion; ancestry; national origin; physical or mental disability, as

defined in Colo. Rev. Stat. §18-9-121; sexual orientation, as defined in Colo. Rev. Stat. §18-9-121; or transgender identity, commits a class 1 misdemeanor.

(2) A person who violates subsection (b)(4), (b)(5), (b)(6), or (b)(7) of this section commits a class 2 misdemeanor.

(3) A person who violates subsection (b)(2) of this section commits a petty offense.

Secs. 62-9-112 -- 13. Reserved.

Sec. 62-9-114. Hindering transportation.

(a) *Definitions.* The following words, when used in this section, shall have the meaning ascribed to it in this section, except where the context clearly indicates otherwise:

Obstruct means to render impassable or to render passage unreasonably inconvenient or hazardous, and includes but is not limited to, conduct such as extending objects into the traveled portion of a roadway.

(b) *Unlawful act.* It shall be unlawful for any person to:

(1) Willfully and unnecessarily hinder, obstruct, or delay traffic, or to willfully and unnecessarily attempt to hinder, obstruct, or delay any other person who is lawfully driving or traveling along or upon any roadway so as to interfere with the effective movement of traffic; or

(2) Knowingly and without lawful authority forcibly stop and hinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association, or corporation.

(c) *Exception.* This section shall not apply to any person within a crosswalk who lawfully entered the crosswalk and is crossing from one side of the traveled portion of the roadway for that period of time reasonably necessary to cross over the roadway.

(d) *Penalty.* A violation of this section is a petty offense.

Sec. 62-9-115. Reserved.

Sec. 62-9-116. Throwing missiles.

(a) *Unlawful act.* No person shall throw or shoot any stone, snowball, substance, or other missile at or upon any person, animal, building, structure or vehicle in such a manner as may cause injury or damage.

(b) *Penalty.* A violation of this section is a municipal infraction.

Secs. 62-9-117 -- 125. Reserved.

Parts 2 through Part 3. Reserved.

ARTICLE X through ARTICLE XI. RESERVED.

ARTICLE XII. OFFENSES RELATED TO FIREARMS AND WEAPONS

Part 1. Firearms and Weapons - General

Sec. 62-12-101. Open carry of firearms prohibited.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public building means any structure, facility, site, or area that is owned, operated, or leased by the city.

Specific area means:

- (1) All recreational facilities and sports complexes located within the city and owned, operated, or leased by either the city or the APEX Park and Recreation District including, but not limited to, swimming pools, tennis courts, pickleball courts, ice rinks, skate parks, basketball courts, pedestrian and bicycle paths, green belts, golf courses, picnic facilities, lawns, gardens, parks, trails, or open space; or
 - (2) Arvada/Blunn Reservoir, including the lake, dam, spillways, appurtenances, and city-owned lands surrounding the reservoir.
- (b) *Carrying firearms.* All firearms must be carried in such a manner so as to be completely concealed from the view of another. Any firearm carried in such a manner as to be visible in whole or in part and for any length of time to another shall be deemed to be open or openly carried.
- (c) *Unlawful act.* It shall be unlawful for any person to open or openly carry any firearm in or upon any public building or specific area within the city.
- (d) *Exception.* Nothing in this section shall be construed to allow the carrying of any firearm except in accordance with state and federal law.
- (e) *Authorized persons.* Nothing in this section shall be construed to forbid any peace officer or other city employee duly authorized to carry a firearm from carrying or wearing such firearms as may be necessary in the proper discharge of his duties. Nothing in this section shall be construed to forbid the employee of any armored car service agency providing

money transport services pursuant to a contractual arrangement with the city or APEX Park and Recreation District from carrying or wearing such firearms as may be necessary in the proper discharge of their duties, so long as the employee has been duly authorized by their employer to carry a firearm and they are acting within the course of their employment at the time the firearm is being carried or worn.

(f) *Concealed permit.* Possession of a valid concealed carry permit shall not constitute a defense to a charge of openly carrying a firearm where prohibited.

(g) *Penalty.* Violating subsection (c) of this section is a class 1 misdemeanor.

Secs. 62-12-102 -- 115. Reserved.

Parts 2 through Part 5. Reserved.

ARTICLE XIII. MISCELLANEOUS OFFENSES

Secs. 62-13-101 -- 105. Reserved.

Sec. 62-13-106. Abandoned Refrigerators.

(a) *Unlawful act.* It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under their control or in any other place accessible to children, any abandoned, unattended or discarded refrigerator or other container which has an airtight door or lid, snaplock or other locking device, which may not be released from the inside, without first removing such door or lid, snaplock or other locking device from the refrigerator or container.

(b) *Penalty.* A violation of this section is a petty offense.

Secs. 62-13-107 -- 121. Reserved.

Sec. 62-13-122. Illegal possession or consumption of alcohol or marijuana by an underage person.

(a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol or alcoholic beverage has the same meaning as set forth in Colo. Rev. Stat. §44-3-103, as may be amended from time to time.

Establishment means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group, or residence; any real property, including buildings and improvements, connected therewith; and any members, employees, and

occupants associated therewith.

Marijuana has the same meaning as in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

Marijuana paraphernalia has the same meaning as marijuana accessories in Section 16(2)(g) of Article XVIII of the Colorado Constitution.

Possession of alcohol means that a person has or holds any amount of alcohol anywhere on their person, or that a person owns or has custody of alcohol, or has alcohol within their immediate presence and control.

Possession of marijuana means that a person has or holds any amount of marijuana anywhere on their person, or that a person owns or has custody of marijuana, or has marijuana within their immediate presence and control.

Private property means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. “Private property” shall not include:

- (i) Any establishment that has or is required to have a license pursuant to Articles 3, 4, or 5 of Title 44 of the Colorado Revised Statutes;
- (ii) Any establishment which sells alcohol or upon which alcohol is sold; or
- (iii) Any establishment which leases, rents, or provides accommodations to members of the public generally.

(b) *Unlawful act.*

- (1) A person under 21 years of age who possesses or consumes alcohol anywhere in the City of Arvada commits illegal possession or consumption of alcohol by an underage person. Illegal possession or consumption of alcohol by an underage person is a strict liability offense.
- (2) A person under 21 years of age who possesses two ounces or less of marijuana or consumes marijuana anywhere in the City of Arvada commits illegal possession or consumption of marijuana by an underage person. Illegal possession or consumption of marijuana by an underage person is a strict liability offense.
- (3) A person under 21 years of age who possesses marijuana paraphernalia anywhere in the City of Arvada and knows or reasonably should know that the paraphernalia could be used in circumstances in violation of the laws of this state commits illegal possession of marijuana paraphernalia by an underage person. Illegal possession of marijuana paraphernalia by an underage person is a strict liability offense.

(c) *Immunity and exceptions.*

- (1) An underage person is immune from arrest and prosecution under this section if the underage person establishes the following:
 - (i) The underage person called 911 and reported in good faith that another underage person was in need of medical assistance due to alcohol or marijuana consumption;
 - (ii) The underage person who called 911 provided their legal name to the 911 operator;
 - (iii) The underage person was the first person to make the 911 report; and
 - (iv) The underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance or law enforcement personnel on the scene.
 - a. The immunity described in paragraph (c) of this section also extends to the underage person who was in need of medical assistance due to alcohol or marijuana consumption if the conditions of said paragraph (c) are satisfied.
- (2) The possession or consumption of alcohol or marijuana shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.

(d) *Presumptions.*

- (1) Prima facie evidence of a violation of subsection (b) of this section shall consist of:
 - (i) Evidence that the defendant was under 21 years of age and possessed or consumed alcohol or marijuana or possessed marijuana paraphernalia anywhere in the City of Arvada; or
 - (ii) Evidence that the defendant was under 21 years of age and manifested any of the characteristics commonly associated with alcohol intoxication or impairment or marijuana impairment while present anywhere in the City of Arvada.
- (2) During any trial for a violation of subsection (b) of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any label on such bottle, can, or other container shall be admissible into evidence and

shall not constitute hearsay. A judge may consider the information upon such label in determining whether the contents of the bottle, can, or other container were composed in whole or in part of alcohol or marijuana. A label which identifies the contents of any bottle, can, or other container as “beer”, “ale”, “malt beverage”, “fermented malt beverage”, “malt liquor”, “wine”, “champagne”, “whiskey” or “whisky”, “gin”, “vodka”, “tequila”, “schnapps”, “brandy”, “cognac”, “liqueur”, “cordial”, “alcohol”, or “liquor” shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of alcohol.

(e) *Penalty.* A violation of this section is a petty offense.

Secs. 62-13-123 -- 133. Reserved.

Sec. 62-13-134. Pedestrian use of roadway center medians.

(a) *Legislative declaration; purpose.* The city council hereby finds that collisions between pedestrians and vehicles in Arvada have increased and declares it necessary to clearly delineate the responsibilities of pedestrians to allow for safer pedestrian and vehicle interactions throughout the city. Certain higher speed roadways in Arvada have center medians that are designed to separate traffic and channel the flow of traffic through turns and intersections. Except for crosswalk refuge areas, such center medians were not designed and are not suitable for access, occupation, or use by pedestrians. Pedestrians who use center medians not designed for pedestrian use may distract or even startle drivers, especially along higher speed roadways. This endangers the pedestrian as well as drivers and their passengers. The purpose of this ordinance is to reduce the number of situations during which pedestrians are in close proximity to the traveled portion of a higher speed roadway. The city council finds this ordinance will promote pedestrian and traffic safety and is necessary to protect the health, safety, and welfare of the public.

(b) *Definitions.* The following words or phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates otherwise:

Center median means the raised area that divides a roadway carrying traffic in opposite directions, and which is defined by curbing, landscaping, or other obstacles.

Center median not designed or suitable for pedestrian use means a center median that is located on any higher speed roadway within the city.

Higher speed roadway means a roadway within the city with a posted speed limit greater than 30 miles per hour.

Temporary pedestrian refuge area means that part of a crosswalk that is located within or at the end of a center median that is designed to allow a pedestrian to

safely pause before continuing to cross from one side of a roadway to the other.

- (c) *Unlawful act.* It shall be unlawful for any person to access, occupy, use, assemble or congregate on or about any center median not designed or suitable for pedestrian use that has been posted, either on such center median not designed or suitable for pedestrian use or at the crosswalk access points to such center median, with a sign pursuant to this section prohibiting such access, occupancy, use, assembly, or congregation.

(1) *Exceptions.* This section shall not apply to:

- (i) A person utilizing that portion of a center median designed as a temporary pedestrian refuge along a crosswalk if the person was not able to safely cross the entire roadway during the traffic signal pedestrian phase or green light signal phase. This exception allows a person to occupy the pedestrian refuge area for the duration of one traffic signal cycle before crossing the entire roadway;
- (ii) A local, state, or federal law enforcement officer or authorized first responder engaged in the performance of their official duties;
- (iii) A city or state employee or contractor authorized by the city manager or designee thereof, or by the state, to access the center median to perform construction, landscaping, maintenance, repair, or similar duties thereon; or
- (iv) An employee or contractor of a utility company authorized by the city or the state to access the center median to perform construction, landscaping, maintenance, repair, or similar duties thereon.

- (d) *Determination.* The city engineer, or designee thereof, may prohibit pedestrian access, occupancy, use, assembly, or congregation on or about any center median not designed or suitable for pedestrian use by having posted or placed upon, or at the crosswalk access points to, such center median not designed or suitable for pedestrian use a sign that reads "unlawful to occupy center median," or that contains similar language. Only a raised center median that lies along a higher speed roadway may be posted under this section. A sign posted or placed under this section must be posted or placed in a way that is reasonably calculated to provide effective notice to an ordinarily observant person entering upon the center median. However, there is no requirement that the sign be visible from every position on or about the center median or from every position at or about the crosswalk access points to such center median.

- (e) *Sign constitutes prima facie evidence of notice.* The posting or placement of a sign reading "unlawful to occupy center median" or similar language upon a center median or at the crosswalk access points to such center median shall be prima facie evidence that the notice was sufficient. The prosecution is not required to prove that the sign was visible from every position on or about the center median or at the crosswalk access points to such center median.

(f) *Strict liability.* A violation of any provision of this section is strict liability in nature. No culpable mental state or mens rea of any type or degree shall be required to prove a violation of this section.

(g) *Penalty.* A violation of this section is a municipal offense.

Sec. 62-13-135. Solicitation.

(a) *Legislative declaration; purpose.* Under certain circumstances, pedestrian solicitation directed at vehicles operating on a roadway creates safety hazards to the public. In addition, the presence of pedestrians on Interstates 70 and 76, on other controlled access or beltway highways, and on entrance and exit ramps thereto causes safety concerns as a result of the high rates of speed permitted and the lack of pull-off locations or vehicle parking areas that would otherwise facilitate transactions in these areas. The purpose of this ordinance is to provide for the safety of the public related to solicitation activity as described below. The city council finds this ordinance will promote pedestrian and traffic safety and is necessary to protect the health, safety, and welfare of the public.

(b) *Definitions.* The following words or phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates otherwise:

Interstate highway means any portion of a roadway within the city that has been designated by the federal government as part of the interstate highway system, or that is a controlled access highway or beltway, and includes any entrance to or exit from that roadway.

Traveled portion of the street or highway means that portion of the road normally used by moving motor vehicle traffic.

(c) *Unlawful act.* It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or to collect monies for the same, from an occupant of any vehicle traveling upon any street, highway, or interstate highway within the city when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway; or

(2) Is performed at a location in which vehicles cannot move into a legal parking area to safely conduct the transaction.

(d) *Penalty.* A violation of this section is a municipal offense.

Sec. 62-13-136. Fireworks.

(a) *Legislative declaration.* The city council hereby finds that the city, due to its geographical location, terrain, and average environmental conditions, is at an increased risk for wildfires. The possession, manufacture, storage, sale, handling, and use of fireworks within the city limits may, even unintentionally, result in the ignition and spread of a fire, putting the health and safety of the public at risk. Therefore, city council, as a matter of local concern, deems it appropriate to strictly regulate fireworks and provide for mandatory minimum penalties for violating city firework regulations.

(b) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth in the International Fire Code as adopted by the city and as may be from time to time amended.

Social host means an owner of any private residential or non-residential real property in the city; or any person who has the right to use, possess, or occupy public or private property under a lease, permit, license, rental agreement, or contract; or any person who hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering on public or private property.

Strictly liable means that no culpable mental state or mens rea of any type or degree shall be required to prove a violation.

(c) *Unlawful act.*

(1) *Prohibition.* The possession, manufacture, storage, sale, handling, and use of fireworks is prohibited, except as may be permitted by the International Fire Code as adopted by the city and as may be from time to time amended.

(2) *Social host permitting use of property for possession or use of fireworks prohibited.* No social host shall permit any person to possess or use fireworks anywhere on property owned or otherwise subject to the control of the social host, as defined herein.

(i) Any social host shall be strictly liable for any use or possession of any fireworks in violation of this section.

(d) *Exceptions.* No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for a violation of this section occurring in the common area of the property unless the person hosts, organizes, supervises, officiates, conducts, or is otherwise responsible for a gathering at which the violation occurs. No person who is employed, contracted, or otherwise

permitted or authorized to provide a City-sponsored fireworks display shall be liable for a violation of this section.

(e) *Penalty.* A violation of this section is a municipal offense but any sentence imposed for such violation shall include the following mandatory, minimum penalties:

(1) *First offense.* A sentence imposed for a first-time violation of this section shall include, at a minimum, a fine of \$500.00.

(2) *Second or subsequent offense.* A sentence imposed for a second or subsequent violation of this section by the same offender shall include, at a minimum, a fine of \$1,000.00.

Sec. 62-13-137. Obstruction of public passageways.

(a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Obstruct means to render a passageway impassable or make passage thereupon unreasonably inconvenient or hazardous; to place furniture or other personal property upon a passageway unless incidental to the lawful use of the passageway; to stop or stand within or occupy a crosswalk for a period of time longer than that reasonably necessary to cross over the roadway, except when necessary to avoid conflict with vehicular traffic, or in compliance with the direction of a police officer or an official traffic control device; or to cause a violation of other applicable law, such as the Americans with Disabilities Act, to occur or exist in or upon the passageway.

Passageway means an alley, building entrance, public elevator or entrance to a public elevator, sidewalk, stairway, stairwell or stairwell landing, railway, creek, creek bank or other waterway, or any other public place used for the passage of persons, vehicles, or conveyances.

Person with authority to control the use of the premises means a uniformed peace officer, emergency medical technician, paramedic, firefighter, or city employee acting within the course and scope of their duties.

Public place means property owned by the city or other political subdivision of the State.

(b) *Unlawful act.* No person shall intentionally, knowingly, or recklessly:

(1) Obstruct a passageway, whether the obstruction was created by the person acting alone or with others; or

- (2) Disobey a reasonable request or order to end or discontinue an obstruction of a passageway that is issued by a person with authority to control the use of the premises to maintain public safety.
- (c) *Exception.* Subsection (b)(1) shall not apply to an obstruction caused by a medical emergency, or by attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted in the public right-of-way pursuant to any permit or license issued by the city, or as otherwise authorized by law.
- (d) *Penalty.* A violation of this section is a petty offense.

Sec. 62-13-138. Prohibited use of skateboards, in-line skates, and similar devices.

- (a) *Unlawful act.* It shall be unlawful for any person to use skateboards, in-line skates, or similar devices on public or private property which is posted to prohibit any person from entering or remaining upon that property while utilizing skateboards, in-line skates, or similar devices.
- (b) *Posting.* The owner of private property is authorized to post or cause to be posted signs which give notice of the prohibition of the use of skateboards, in-line skates, or similar devices referenced in subsection (a). Such posting shall be deemed to authorize, without further action of the owner, enforcement of this section.
- (c) *Penalty.* A violation of this section is a municipal infraction.

Sec. 62-13-139. Curfew.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult means a person 21 years of age or older.

Loiter means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain idle in or about a public place, whether in or out of a vehicle.

Permit or *allow* means to consent, to tolerate, to give permission, to authorize, or to give opportunity through ineffective or insufficient control.

Public place means in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public buildings, private property open to the public, places of amusement, eating places, parking lots, vacant lots, private or public school parking lots and grounds, or any similar place.

- (b) *Unlawful act.*

- (1) *Minors age 17 or younger.* Except as set forth in subsection (c), it shall be unlawful for any minor 17 years of age or younger to be or to loiter in a public place, unsupervised by an adult having the lawful authority to be in such public place where the minor is or is loitering, between the hours of 10:00 p.m. on any day and 6:00 a.m. of the following day; except that on Saturday and Sunday the effective hours of this prohibition are between midnight and 6:00 a.m.
- (2) *Parental failure to supervise.* It shall be unlawful for the parent, guardian, or other adult having the care, control, or custody of the minor to knowingly permit or allow such minor to be or to loiter in violation of subsection (b)(1). The term "knowingly" includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of the minor in that adult's custody or indifference to activities of the minor.

(c) *Exceptions.*

- (1) It shall not be a violation of subsection (b)(1) when the minor who is 17 years of age or younger is:
 - (i) Accompanied by their parent, guardian, or other adult who has the lawful care and custody of the minor; or
 - (ii) Upon an emergency errand directed by their parent, guardian, or other adult who has the lawful care and custody of the minor; or
 - (iii) Going to or returning directly home from a school activity, entertainment, recreational activity, or dance; or
 - (iv) Returning directly home from lawful employment that makes it necessary to be in the above referenced public places during the proscribed period of time; or
 - (v) Attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly, or the free exercise of religion; or
 - (vi) Traveling interstate through the city.
- (2) It shall not be a violation of subsection (b)(2) if the responsible adult has made a missing person notification to the appropriate police department prior to the minor's violation of subsection (b)(1).

(d) *Penalty.* A violation of this section is a municipal infraction.

Sec. 62-13-140. Graffiti.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Felt tip marker means any broad-tipped marker pen with a tip exceeding three-eighths of one inch in width, or any similar implement containing an ink that is not water soluble.

Graffiti, tag, or tagging means the defacing of public or private property by means of painting, drawing, writing, etching, carving with knives, carving with scribes, or any similar method without the written permission of the property owner.

Marking substance means any substance or implement, other than aerosol paint containers and felt tip markers, that could be used to draw, spray, paint, etch, or mark.

- (b) *Unlawful act.*

(1) *Tagging.*

- (i) It shall be a violation of this section for any person to tag or place graffiti upon any public or private property.
- (ii) It shall be a violation of this section for any person to aid, abet, or advise another in the commission of tagging or placing graffiti upon any public or private property.

(2) *Purchase and possession of graffiti materials prohibited.*

- (i) It shall be unlawful for any person under the age of 18 years to purchase an aerosol container of paint that is capable of defacing property.
- (ii) It shall be unlawful for any person to possess a masonry or glass drill bit, a carbide drill bit, a glass cutter, a grinding stone, an awl, a chisel, a carbide scribe, an aerosol paint container, a felt tip marker, or any other tool, instrument, or marking substance adapted, designed, or commonly used to deface property with the intent to commit graffiti vandalism or knowing that some person intends to use the thing possessed in the commission of graffiti vandalism.
- (iii) It shall be unlawful for any person to carry on their person and in plain view to the public an aerosol container of paint while in any public facility, park, playground, swimming pool, beach, or recreational area, other than a highway, street, alley, or way, unless the person has first received valid authorization from the governmental entity which has jurisdiction over the public area.

- (iv) It shall be unlawful for any person to possess an aerosol container of paint for the purpose of defacing property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is or is not in an automobile, vehicle, or other conveyance.

(c) *Exceptions.*

- (1) It shall not be a violation of subsection (b)(2) if a minor is in possession of an aerosol container of paint for the minor's use under the supervision of the minor's parent, legal guardian, instructor, or employer.
- (2) Aerosol containers of paint or related substances may be furnished for use in school-related activities that are part of the instructional program when used under controlled and supervised situations within the classroom or on the site of a supervised project.

(d) *Penalty.* A violation of this section is a municipal infraction.

ARTICLE XIV through ARTICLE XVII. RESERVED.

ARTICLE XVIII. CONTROLLED SUBSTANCES

Parts 1 through Part 3. Reserved.

Part 4. Offenses and Penalties

Secs. 62-18-401 -- 405. Reserved.

Sec. 62-18-406. Offenses relating to marijuana.

(a) *Purpose and intent, findings of facts, applicability, and authority.*

- (1) *Purpose and intent.* The purpose of this section is to protect the public health, safety, and welfare by reasonably regulating and in some instances prohibiting the possession, use, display, purchase, or transportation of marijuana, marijuana accessories, and marijuana products. The intent of this section is to provide for such regulations or prohibitions consistent with and conforming to the regulatory framework set forth in Section 14 of Article XVIII of the Colorado Constitution regulating medical marijuana, in Section 16 of Article XVIII of the Colorado Constitution regulating recreational or retail marijuana, and the Colorado Marijuana Code.
- (2) *Findings of fact.* In furtherance of the purpose and intent of this ordinance, the city council makes the following findings:

- (i) Section 14 of Article XVIII of the Colorado Constitution establishes an affirmative defense to or exception from state criminal laws for patients or primary caregivers acting in conformance with the provisions thereof, and further contemplates cultivation activities associated with patients as being on a small scale (e.g., six plants per patient);
 - (ii) Colo. Rev. Stat. §25-1.5-103 clarifies Colorado law regarding the scope and extent of Section 14 of Article XVIII of the Constitution, as it relates to patients and primary caregivers, and further contemplates primary caregiver operations as generally being on a small scale (e.g., five patients per primary caregiver);
 - (iii) Section 16 of Article XVIII of the Colorado Constitution creates an exception from state and local criminal laws relating to aspects of the possession, consumption, and use of recreational, or retail, marijuana for persons 21 years of age or older acting in conformance with the provisions thereof, and further contemplates cultivation activities associated with such persons as being on that same small scale (e.g., no more than six plants per authorized person);
 - (iv) Marijuana is currently categorized as a controlled substance in the Controlled Substances Act, 21 U.S.C. § 812(c). Activities associated with the possession, cultivation, and use of even relatively small amounts of marijuana have the potential to produce residual and secondary effects and impacts detrimental to the health, safety and welfare not only of primary users of marijuana, but also of those in the community as a whole;
 - (v) The above-referenced constitutional and statutory provisions do not purport to comprehensively regulate the possession, consumption, and use of marijuana from a criminal perspective, nor do they purport to completely preempt or restrict a Colorado home-rule municipality from regulating the possession, consumption or use of marijuana through the exercise of its police powers;
 - (vi) The City of Arvada is a home-rule municipality and the city council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety, and welfare of the city and its inhabitants; and
 - (vii) The provisions of this section are necessary to protect and are enacted in furtherance of the public health, safety, and welfare of the city and its inhabitants.
- (3) *Applicability.* This section shall apply to all patients, primary caregivers, and other persons within the municipal boundaries of the city, as such boundaries are now or in the future defined. If Section 14 or 16, or any provision thereof, of Article XVIII of the Colorado Constitution is declared to be unconstitutional by a court of competent jurisdiction, nothing in this Code shall be deemed to permit the

possession, consumption, or use of marijuana, marijuana accessories, or marijuana products for medical or any other purpose in light of the decision declaring part or all of said sections to be unconstitutional. Nothing in this section shall be deemed to prevent the prosecution of offenses under the state or federal controlled substances acts or other related offenses occurring in the City of Arvada. Any section headings shall not be deemed to govern, limit, modify, or in any manner limit the scope, meaning, or extent of the provisions of this section or any subsections thereof.

- (4) *Authority.* The city has the power and authority to adopt this section pursuant to the Home Rule Charter of the City of Arvada and the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the Colorado Marijuana Code as cited above.
- (b) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized person means a person 21 years of age or older lawfully permitted to engage in the personal use of marijuana, including growing and processing marijuana plants, pursuant to Article XVIII, § 16 of the Colorado Constitution.

Colorado Marijuana Code means Colo. Rev. Stat. §44-10-101 et seq. as may be from time to time amended and related provisions throughout the Colorado Revised Statutes that regulate the possession and use of medical marijuana.

Display means to carry or possess an item in such a manner that it is visible or becomes visible to another in whole or in part and for any length of time.

Drug paraphernalia shall have the same meaning set forth in Colo. Rev. Stat. §18-18-426, as may be from time to time amended.

Non-medical marijuana means marijuana that is grown, processed, or otherwise utilized pursuant to and for a purpose authorized by Article XVIII, § 16 of the Colorado Constitution.

Marijuana shall have the same meaning set forth in Article XVIII, § 16 of the Colorado Constitution, and for purposes of this section, it includes marijuana products.

Marijuana accessories shall have the same meaning set forth in Article XVIII, § 16 of the Colorado Constitution.

Marijuana products shall have the same meaning set forth in Article XVIII, § 16 of the Colorado Constitution.

Medical marijuana means marijuana that is grown pursuant to the provisions of the Colorado Medical Marijuana Code and for a purpose authorized by Article XVIII, § 14 of the Colorado Constitution.

Motor vehicle shall have the same meaning set forth in Colo. Rev. Stat. §42-4-1305.5(1)(b) as may be from time to time amended.

Open and public, or openly and publicly, means a place that is commonly or usually open or accessible by the general public including but not limited to parks, open space areas, trails, paths, sidewalks, streets, highways, and public rights-of-way, mercantile establishments, shopping centers, places of business open to the general public, the common areas of any multi-family dwelling units, parking lots, and vehicles in or upon such places. Open and public does not include the yard, deck, or patio of a single family dwelling unit, condominium, duplex, or town home that is completely enclosed by a solid privacy fence or otherwise screened from ordinary view such that the activity within is not readily apparent to neighbors or passersby. For purposes of enforcement of section 62-18-406(c)(3), the fact that the display, use, or consumption of marijuana may be viewed incidentally from an adjoining private property does not render the activity open and public.

Open marijuana container shall have the same meaning set forth in Colo. Rev. Stat. §42-4-1305.5(1)(c) as may be from time to time amended, and includes all medical or non-medical marijuana or all marijuana products that are grown or produced by an individual for personal use.

Passenger area shall have the same meaning set forth in Colo. Rev. Stat. §42-4-1305.5(1)(d) as may be from time to time amended.

Patient shall have the same meaning set forth in Article XVIII, § 14 of the Colorado Constitution.

Primary caregiver shall have the same meaning set forth in Article XVIII, § 14 of the Colorado Constitution, and such person shall be registered as a primary caregiver with the State of Colorado under Colo. Rev. Stat. §25-1.5-106.

Sale or sell shall have the same meaning set forth in Colo. Rev. Stat. §44-10-103 as may be from time to time amended.

(c) *Unlawful act.*

(1) *Possession—Under 21.* It shall be unlawful for any person under 21 years of age to knowingly possess, use, display, transfer, transport, grow, or purchase marijuana subject to the provisions of Section 14 of Article XVIII of the Colorado Constitution.

(2) *Possession—21 or older.* It shall be unlawful for any person 21 years of age or older

to knowingly possess more than one ounce of marijuana subject to the provisions of either Section 14 or Section 16 of Article XVIII of the Colorado Constitution.

(3) *Open and public consumption.* It shall be unlawful for any person to openly and publicly display, consume, or use marijuana.

(4) *Open marijuana container.* Except as otherwise permitted, a person while in the passenger area of a motor vehicle that is on a public highway of this state or the right-of-way of a public highway of this state or on a street, alley, or roadway of this city or the right-of-way of a street, alley, or road of this city shall not knowingly:

(i) Use or consume marijuana; or

(ii) Have in their possession an open marijuana container.

a) *Exceptions.* The provisions of this subsection (c)(4) shall not apply to:

1) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

2) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a house coach, house trailer, motor home, as defined in Colo. Rev. Stat. §42-1-102(57), or trailer coach, as defined in Colo. Rev. Stat. §42-1-102(106)(a); or

3) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or

4) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

(5) *Marijuana—Transportation.* It shall be unlawful for any person to transport more than six plants at any time, with no more than three of those plants being mature, flowering plants.

(6) *Prohibitions on city-owned property.* It shall be unlawful for any person to possess, use, display, transfer, transport, grow, or purchase marijuana, marijuana products, or marijuana accessories in or upon any city owned property, except that these

products or items may be transported along public streets and highways in this city so long as the products or items are being transported in compliance with all other applicable state and local laws.

- (7) *Possession of drug paraphernalia.* It shall be unlawful for any person to possess drug paraphernalia if that 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.
 - (i) *Exception.* It shall not be a violation of this subsection if the person is 21 years of age or older and all drug paraphernalia involved are solely marijuana accessories.
- (8) *Possession of marijuana accessories—Under 21.* It shall be unlawful for any person under the age of 21 years of age to possess marijuana accessories.
- (9) *Manufacture, sale, or delivery.* It shall be unlawful for any person to sell or deliver, possess with intent to sell or deliver, or manufacture with intent to sell or deliver equipment, products, or materials knowing or under circumstances where one should reasonably know that such equipment, products, or materials could be used as drug paraphernalia.
 - (i) *Exception.* It shall not be a violation of this subsection if the person is 21 years of age or older and all drug paraphernalia involved are solely marijuana accessories.
- (10) *Sale of marijuana accessories—Under 21.* It shall be unlawful for any person to sell marijuana accessories to any person under the age of 21 years of age.
- (11) *Advertisement.* It shall be unlawful for any person to place an advertisement in any newspaper, magazine, handbill, or other publication who intends thereby to promote the sale of equipment, products, or materials designed and intended for use as drug paraphernalia.
 - (i) *Exception.* It shall not be a violation of this subsection if the person is 21 years of age or older and all drug paraphernalia involved are solely marijuana accessories.
- (d) *Paraphernalia and accessories determination.* In determining whether an object is drug paraphernalia or a marijuana accessory, a court, in its discretion, may consider, in addition to all other relevant factors, the following:
 - (1) Statements by an owner or by anyone in control of the object concerning its use;
 - (2) The proximity of the object to controlled substances;

- (3) The existence of any residue or controlled substances on the object;
- (4) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person reasonably should know that it will be delivered to persons who such person knows or reasonably should know could use the object to facilitate a violation of this section;
- (5) Instructions, oral or written, provided with the object concerning its use;
- (6) Descriptive materials accompanying the object which explain or depict its use;
- (7) National or local advertising concerning its use;
- (8) The manner in which the object is displayed for sale;
- (9) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- (10) The existence and scope of legal uses for the object in the community; and
- (11) Expert testimony concerning its use.

(e) *Exemptions.*

- (1) A person may be exempt from prosecution if, at the time of the alleged offense, the person is in possession of drug paraphernalia received from an approved syringe exchange program created pursuant to Colo. Rev. Stat. §25-1-520 or a program carried out by a harm reduction organization, as defined in section Colo. Rev. Stat. §12-30-110(7), while participating in the program.
- (2) A person may be exempt from prosecution under certain sections of this section if, at the time of the alleged offense, the person is in possession of a valid medical or retail marijuana transport manifest approved by the state marijuana enforcement division at the time of the offense and is transporting the marijuana in accordance with the rules allowing transport that are promulgated by the Colorado Department of Revenue.
- (3) A person may be exempt from prosecution under certain section of this section if, at the time of the alleged offense, the person holds a valid retail marijuana establishment license issued by the state marijuana enforcement division, or is an owner, employee, or agent of such establishment and who is at the time of the alleged offense actually engaged in regular authorized work activities.
- (4) Documentation demonstrating any such exemption may be presented at an arraignment or a pre-trial conference on the offense and may result in dismissal of

the charge as appropriate.

(f) *Affirmative defenses.*

- (1) Nothing in this article shall be construed to prohibit the assertion of an affirmative defense to any charge under this section to the extent provided in Section 14 of Article XVIII of the Colorado Constitution. Any person seeking to assert an affirmative defense to a charge under this article may present a medical marijuana registry identification card that is issued by the Colorado Department of Public Health and Environment and that is valid at the time of the alleged offense, or may present a primary caregiver license or other verification that is issued by the Colorado Department of Public Health and Environment and is valid at the time of the alleged offense, as may be appropriate. Such documentation may be presented at an arraignment or at a pre-trial conference on the offense and shall result in the dismissal of the charge as appropriate.
- (2) The affirmative defenses contained in Section 14 of Article XVIII of the Colorado Constitution shall not apply to any charge involving a sale, open and public consumption, an open marijuana container, or to any case involving prohibitions on city-owned property.

(g) *Penalty.* A violation of this section is a petty offense.

Secs. 62-18-407 -- 411. Reserved.

Sec. 62-18-412. Substances releasing toxic vapors - definitions - sales - unlawful acts.

- (a) *Definitions.* The following words or phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Substance releasing toxic vapors means plastic (styrene) cements containing toluene, acetone, benzene, aliphatic acetates (such as, but not limited to, ethyl acetate and methylcellosolve acetate), hexacane or cyclo hexane; model cements containing acetone, toluene or naphtha of petroleum origin; cements containing toluene, acetone, isopropanol, methyl ethyl ketone or methyl isobutyl ketone; cosmetics containing acetone aliphatic acetates, benzene or alcohol; paint, lacquer or similar substance thinners containing toluene, aliphatic acetates or methyl, ethyl or propyl alcohol; lighter and cleaning fluids containing naphtha of petroleum origin, perchlorethylene, trechlorethane or carbon tetrachloride; or any other liquid or substance of any nature whatsoever containing any of the above mentioned toxic materials.

(b) *Unlawful act.*

- (1) *Offer, sale, or other transfer to minors.* It shall be unlawful for any person to sell,

give, furnish, deliver or otherwise transfer, or offer to sell, give, furnish, deliver or otherwise transfer, any substance releasing toxic vapors to any person under the age of 18 years, without the oral or written consent of a parent or guardian of such person, except for the sale or offer of sale to such person of one ounce or less of any substance releasing toxic vapors.

- (2) *Record.* With reference to any sale in excess of the quantity provided in the preceding section of this section to any person under the age of 18 years, such seller shall, simultaneously with such sale, enter into a permanent record the date of said sale, the name, address, age and sex of each such purchaser, including the name and address of the consenting parent or guardian, intentional failure of which shall result in a violation of this section.
 - (3) *By other than commercial establishment or employee.* It shall be unlawful for any person, except a person who is at the time of sale or offer of sale lawfully employed by or engaged in a bona fide commercial establishment, to sell or offer to sell to any person any substance releasing toxic vapors.
 - (4) *Unlawful purposes.* It shall be unlawful for any person to sell, give, furnish, deliver or otherwise transfer, or offer to sell, give, furnish, deliver or otherwise transfer to any person, any substance releasing toxic vapors, when such seller, giver, furnisher, deliverer, transferrer or offerer knows or has reason to believe that such substance will be used for purposes unlawful under subsections (b)(1)-(b)(4).
 - (5) *Intentional inhalation of fumes.* It shall be unlawful for any person intentionally to smell or inhale the fumes of any substance releasing toxic vapors for the purpose of causing a condition or state of excitement, exhilaration, euphoria, stupefaction or dulled senses or nervous system in such person, commonly known as "glue sniffing"; or to buy, receive, possess or use any such substance for any of the aforementioned purposes; or to aid, abet or assist any other person in the purchase, receipt, possession or use of any such substance for any of the aforementioned purposes.
- (c) *Exceptions.* This section shall not apply to the inhalation of any substance releasing toxic vapors for medical or dental purposes when prescribed by duly licensed and qualified physicians or dentists.
 - (d) *Separate offenses.* Each violation under this section shall be considered a separate offense.
 - (e) *Penalty.* A violation of this section is a class 2 misdemeanor.

Secs. 62-18-413 -- 434. Reserved.

Part 5 through Part 6. Reserved.

ARTICLE XIV through ARTICLE XXVI. RESERVED

ARTICLE XXVII. ABANDONED, LOST, OR UNCLAIMED PROPERTY AND EVIDENCE

62-27-101. Legislative declaration; definitions; and applicability.

- (a) *Legislative declaration.* The city council declares that it is necessary to standardize the management of property and evidence coming into possession of the city, to provide for the efficient processing of such property, and to promote the efficient return of property to its owner.
- (b) *Definitions.* The following words or phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Abandoned, lost, or unclaimed property means any item or items that come into the possession of the police department or the city and for which the custodian is unable to determine an owner, or which is otherwise deemed forfeited.

Custodian means the chief of police or designee thereof who is assigned to act as the holder of all property coming into the possession of the police department or the city, whether it is lost, abandoned, forfeited, seized, confiscated, or recovered stolen property. Nothing in this article shall be held to require the chief to take possession of or make a disposition of any property the possession or disposition of which is otherwise provided for in this Code.

Days means calendar days.

Director means the director of finance for the city or designee thereof.

Evidence means an item or material that has probative value in either tending to prove or disprove a material fact in a criminal or civil matter.

Owner means a person or entity, including a corporation, partnership, association, governmental entity other than the city, or a duly authorized legal representative of the same, which has a legal or equitable interest in property subject to this article.

Police department means the Arvada Police Department.

Policy means a city policy or procedure, or a police department rule, procedure, or guideline.

Property or *item* means tangible personal property and, for purposes of the administration of this article, includes cash, checks, securities, and gift cards or certificates.

- (c) *Applicability.* This article shall apply to every item of property in the custody of the custodian on the effective date of this ordinance and to all items of property coming into the custody of the custodian thereafter.

62-27-102. Property held as evidence.

- (a) The custodian shall keep in custody all items of property seized or held as evidence, which property has been delivered to the custodian for care, custody, and control and for use in any pending trial or other court proceeding, unless otherwise ordered by the court having jurisdiction or upon proper authorization of the prosecuting attorney following the final disposition of any pending charges, including any appeals or the lapse of time for filing any appeal. Thereafter, the custodian shall make disposition of such property in accordance with the provisions of this article, and any applicable police department policy.
- (b) Notwithstanding the above, any evidence that is required to be maintained pursuant to Colo. Rev. Stat. §18-1-1101 et seq., as may be from time to time amended, shall be destroyed only upon receipt of signed notice from the district attorney or designee thereof, or a court order allowing such destruction.
- (c) Photographs, video tapes, or films of property over which a person is alleged to have exerted unauthorized control or otherwise to have obtained unlawfully are competent evidence if the photographs, video tapes, or films are admissible into evidence under the rules of law governing the admissibility of photographs, video tapes, or films into evidence pursuant to Colo. Rev. Stat. §13-25-130, as may be from time to time amended.
- (d) During any trial for a violation of any section of Chapter 6, Alcoholic Beverages, of the Arvada City Code, any bottle, can, or any other container that has affixed to it or contains a label indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any label on such bottle, can, or container shall be admissible into evidence and shall not constitute hearsay. In the event that multiple bottles, cans, or other containers of liquid are recovered, an officer may log into evidence one empty bottle, can, or other container as being representative of the whole. A judge or jury, as appropriate, may consider the information upon such label in determining whether the contents of the bottle, can, or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "bourbon," "rum," "scotch," "whiskey," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol," "liquor," or other similar term shall constitute prima facie evidence that the contents of the bottle, can, or other container was composed in whole or in part of ethyl alcohol.
- (e) An officer who seizes or otherwise takes control of a cigarette or any other type of tobacco product from a minor pursuant to Colo. Rev. Stat. §18-13-121 or Colo. Rev. Stat. §25-14-301 may deliver such item or items to the custodian for destruction, or may immediately destroy the item or items.

62-27-103. Disposition of property.

All abandoned, lost, or unclaimed property, and all property that is no longer being held as evidence pursuant to section 62-27-102 shall be disposed of as follows:

- (a) *Last known owner determined by custodian.* If, following examination of the property and those public records readily available to the custodian, the custodian is able to identify the owner of the property, the custodian shall notify the owner. Such notice shall contain a description of the property, a statement that the custodian is holding the property, and that, if the owner does not make claim to the property within 30 days of the date of the notice, any claim of ownership shall be waived, and the property shall be deemed forfeited and it shall become the sole property of the city. In addition, the notice shall state the place at which the property may be claimed. The notice shall state that the owner, in claiming the property, must provide photo identification to the custodian prior to release of any property to the owner. Notwithstanding the above, the last known owner may file a claim for property after it has been posted on the police department website and within the time given for filing of claims after such posting.
- (b) *No last known owner determined.* If, following examination of the property and those public records readily available to the custodian, the custodian is unable to determine the identity of the owner, the property shall be deemed abandoned, lost, or unclaimed.
- (c) *Abandoned, lost, or unclaimed property.* For any property not claimed by the last known owner within 30 days of notice, and for all other property deemed abandoned, lost, or unclaimed, the custodian may cause a notice to be published on the police department's website. The notice shall include a description of the property and last known owner of the property, if applicable. The notice shall contain a statement that the custodian is holding the property and the place at which the property may be claimed. The notice shall state that the owner, in claiming the property, must provide proof of ownership acceptable to the custodian based on any applicable police department policy, and provide photo identification to the custodian prior to release of any property to the owner. Finally, the notice shall state that if no one comes forward within 30 days of the posting of the notice, any claim of ownership shall be deemed to be waived, the property shall be deemed forfeited, and it shall become the sole property of the city.
 - (1) The custodian shall determine which, if any, items of property shall be posted on the website. This determination shall be made in accordance with any applicable police department policy.
- (d) *Form of claim.* Any claim for property shall be on such form or forms as shall be provided by the custodian, shall be in writing, and shall be signed by the claimant. The custodian may make any claim form available on the police department's website.
- (e) *Evaluation of claim.* Each claim received by the custodian within the claim period as set forth herein shall be evaluated by the custodian, who shall review the claim document(s) submitted, and may consult city records, other readily available public records or other

documentation, and may consult with other persons who may have knowledge of the situation as may be required in investigating the validity of such claim. The custodian may at any time during the evaluation period request additional supporting documentation from the claimant.

- (1) The custodian shall, within 30 days of receiving a claim, notify the claimant that the claim has been accepted, denied, or accepted in part and denied in part, except that if the nature of the claim is such that more than 30 days are required to investigate the claim or otherwise make a determination, the custodian shall notify the claimant of this fact, and shall give the claimant the expected date the claim will be resolved. Any denial notice shall state that the item or property will be held for 30 days from the date of the notice to allow for appeal of the custodian's decision in accordance with section 62-27-103(i), and then distributed or otherwise disposed of in accordance with the custodian's decision.
- (f) *Competing claims.* In the event that more than one person files a claim for the same property, the custodian shall resolve any competing claims. The custodian may, in the course of resolving the competing claims, request additional supporting documentation, or consult with any knowledgeable person(s) for assistance. The custodian shall notify each claimant of the resolution of the claim. The notice shall state that the disputed property will be held for 30 days from the date of the notice to allow for appeal of the custodian's decision in accordance with section 62-27-103(i), and then distributed or otherwise disposed of in accordance with the custodian's decision. In the alternative, the custodian may resolve competing claims by depositing any or all of the disputed property with the registry of the district court in an interpleader or other action. Should the custodian petition any court to resolve any disputed claims, the custodian shall notify each claimant of this action.
- (g) *Distribution.* In all cases, once the custodian has resolved a claim and there are no statutory or other prohibitions on release of the property, the property shall be distributed as soon as is practicable.
- (h) *Procedure when claims are denied.* In the event that any claim or all claims filed are denied in whole or in part the remaining property shall become the sole property of the city and any claim to such property shall be deemed forfeited.
- (i) *Appeal of denial of claim.* Any legal action challenging the denial by the custodian of a claim in whole or in part, or any legal action challenging a forfeiture, shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within 30 days after the date of the custodian's notice, or after the date of the custodian's notification of the impending forfeiture, or shall be forever barred. If any legal action is timely filed, the property shall be disbursed or distributed by the custodian pursuant to the order of the court having jurisdiction over such claim.
- (j) *Bond forfeited.* The forfeiture of any bond that is posted with the municipal court shall be done in compliance with municipal court standards.

- (k) *Disposition.* If property held in custody remains unclaimed 30 days after such property is no longer required to be held in evidence pursuant to section 62-27-102, or 30 days after such property has come into the possession of the custodian, or 30 days after the mailing of any notice provided for in this section, whichever is the longest time, such property may be retained by the police department for use in training or for other official purposes, or disposed of from time-to-time by the custodian as follows:
- (1) Any such unclaimed property may be transferred to the custody of the director who is authorized to retain and use or dispose of any property that becomes the property of the city under the provisions of this article. In the alternative, the custodian may deliver to the director an itemized inventory of property, after which the custodian may facilitate pickup or delivery of the items to the contractor responsible for auctioning surplus city property, or to another authorized party. Any such sale or other disposition of unclaimed property shall occur in accordance with the provisions of the purchasing and contracts ordinance.
- (l) *Status of purchaser.* The purchaser of any unclaimed property that is sold by the city pursuant to the provisions of this article takes the property free of any and all claims of the owner or previous holder thereof and of all persons claiming through or under them.
- (m) *Items of minimal value.* Notwithstanding any other provision of this article to the contrary, certain items of property having a minimal value which are not suitable for sale, and which can be used for the public's benefit, may be donated to a recognized charitable institution or nonprofit organization, if approved by the city manager, without having to comply with the provisions of this article. Such items may include, but are not necessarily limited to: toys, bicycles, clothing, bedding, and personal care items.
- (n) *Appraisal of property.* The custodian may seek information about any item's value, or have any item appraised.
- (o) *Cash.* Notwithstanding any other provision of this article, any cash that comes into the possession of the custodian may be placed into an interest bearing account, which interest shall accrue to the benefit of the city. The custodian shall work to determine the last known owner or otherwise evaluate any claims to the cash. If a determination of ownership is made, the custodian shall pay to the owner by check in U.S. funds, the amount originally deposited in the matter. If no rightful owner is determined, the city may retain the cash for use by the city, unless ordered to the contrary by a court of competent jurisdiction, or if such cash is subject to forfeiture under state or federal law, then the city shall disburse the cash in accordance with such court order or forfeiture law.
- (p) *Notice.* All notices referred to in this article shall be in writing, be done by United States first class mail, postage prepaid, and sent to the last known address of the owner of the property as shown on readily available public records, or in the case of a claimant, to the address provided by the claimant.

- (1) Notices placed on the police department's website shall be made in accordance with

any applicable city or police department policy.

62-27-104. Rights of finder.

- (a) Notwithstanding any other provision of this article to the contrary, whenever any property is lost or abandoned and has been found and delivered to the custodian for care, custody, and control, such property shall be returned to the original finder whenever a claim has been made by the finder and the following conditions have been met:
 - (1) The claimant is the person who originally found the lost or abandoned property;
 - (2) The claimant, after surrendering the property to the custodian, has filed a written claim on that item within 30 days of the surrender of the property;
 - (3) The lost or abandoned property has remained unclaimed by the owner or person having a right to such property for 30 days after the surrender of the property to the custodian; and
 - (4) The lost or abandoned property is not known by the custodian to be stolen, is not being held as evidence, and is not subject to the exceptions set forth below.

62-27-105. Exceptions.

- (a) *Disposition of dangerous or worthless property.* The provisions of section 62-27-103 do not apply to the disposition of dangerous or worthless property. The custodian may destroy, or order destroyed, each and every article of the following described property which is not subject to the jurisdiction of any court or quasi-judicial authority: burglary tools; explosives; armor or bulletproof clothing; gambling apparatus; beer, wine, spirituous liquors or fermented malt beverages; cigarettes or tobacco products; soiled, bloody, or unsanitary clothing; solids or liquids of unknown or uncertain composition; drugs, medicines, pharmaceutical products, hallucinogenic substances, or hypodermic syringes or needles; obscene pictures, images, or objects contained in or on any media or format; any poisonous or noxious solids or liquids; or any other property which reasonably might result in injury to the health or safety of the public or be the subject of unlawful use.
 - (1) Notwithstanding the above, the custodian may, at their sole discretion, deliver to the director for auction in accordance with the purchasing and contracts ordinance any unopened fine wine, spirituous liquor, fermented malt beverage, or other alcoholic beverage which, in the opinion of the custodian, may be of value to connoisseurs.
- (b) *Disposition of automobiles, stray animals, or certain other property.* The provisions of this article shall not apply to the sale of abandoned automobiles as addressed in the state statutes regarding the removal and disposal of abandoned vehicles; the disposition of lost or stray animals; or to the disposition of any property which is governed by the terms of any specific ordinance or applicable statute.

(c) *Disposition of firearms, cartridges, ammunition, or other weapons except explosives.* The provisions of section 62-27-103 do not apply to the disposition of firearms, cartridges, ammunition, or other weapons. These items shall be disposed of as follows:

(1) *Dangerous, illegal, or contraband weapon.* Any weapon that is dangerous, illegal, or deemed to be contraband pursuant to state or federal law shall also be deemed forfeited and shall become the sole property of the city.

(2) *Lawful possession apparent.* If the custodian has determined that the item may be lawfully possessed by the owner or other person entitled to possession of the item, or if there exists a valid court order directing that the item be released to such person, the custodian shall release the item in accordance with the custodian's determination or the court order.

(3) *Lawful possession not apparent.* If the custodian has determined that the owner or other person thought to be entitled to possession of the item is no longer legally entitled to possession of the item pursuant to federal, state, or local law, and if there exists no valid court order directing that the item be released to any person, the item shall be disposed of as follows:

(i) The custodian shall notify the owner or other person thought to be legally entitled to possession of the item that the owner is no longer legally entitled to possess the item because of a legal disqualification. The notice shall contain a description of the item or items, along with a forfeiture notice as set forth in subsection 62-27-105(c)(5).

a) The owner or other person may, within 30 days of the date of the notification, appeal the disqualification decision as set forth in subsection 62-27-103(i), or file with the custodian a written designation of another person who does not reside with the owner or other person, as the third-party recipient of the item. If the written designation is not timely filed, any claim of ownership to such item shall be deemed to be waived, the item shall be deemed forfeited, and it shall become the sole property of the city.

i) The owner, other person, or third-party recipient shall, within 14 days of the designation, provide to the custodian all information necessary to determine if the recipient is qualified to possess the item. Should the necessary information not be provided, the claim to ownership of the item shall be deemed waived, the item shall be deemed forfeited, and it shall become the sole property of the city.

ii) Should the custodian determine the recipient is not legally entitled to possession of the item the custodian shall notify

the owner, other person and the third-party recipient of such fact. The owner or other person may, within 30 days of the date of the notification, file with the custodian a written designation of an alternate third-party recipient, which shall be processed as set forth in this subsection. If the written designation is not timely filed, any claim of ownership shall be deemed to be waived, the item shall be deemed forfeited, and it shall become the sole property of the city. Should the alternate recipient be deemed by the custodian as not legally entitled to the item, the item shall be deemed forfeited, and it shall become the sole property of the city.

- iii) In the event any third-party recipient is deemed qualified to possess the item, the custodian shall release the item upon payment of all fees and costs incurred by the custodian in processing and investigating the release to the recipient.
- (4) *Municipal court case.* In any matter where a firearm, cartridge, ammunition, or other weapon is seized during the investigation of a municipal ordinance violation, or seized in a situation where no charges are filed, the custodian may release the item in accordance with the law, except that if for any reason, the custodian is unable to determine whether the item may be lawfully released, or is otherwise unable to release the item for any reason, the municipal court shall, upon motion of the owner or the city attorney for disposition of said item, convene a hearing on the disposition of the item. After taking evidence on the disposition of the property, the court shall order the return or other disposition of each and every item in the custody of the custodian. The court may hold such an order in abeyance until after any relevant case in the court has been closed.
- (5) *Notice and appeal.* In any case where a firearm, cartridge, ammunition, or other weapon is subject to impending forfeiture pursuant to subsections 62-27-105(c)(1) or (3), the custodian shall in any notification to an owner, other person, or third-party recipient, state that the item may be forfeited. The custodian may include a copy of section 62-27-105(c) in any written notice concerning a firearm, cartridge, ammunition, or other weapon to satisfy this requirement. In any case where a firearm, cartridge, ammunition, or other weapon is deemed forfeited, the custodian shall retain the forfeited item for 30 days after the date of the notification to allow for an appeal in accordance with subsection 62-27-103(i).
- (6) *Competing claims.* In any case where there is a competing claim for a firearm, cartridge, ammunition, or other weapon, the claims shall be resolved in accordance with subsection 62-27-103(f).
- (7) *Record to be kept.* In any case where a firearm, cartridge, ammunition, or other weapon is deemed forfeited, the custodian may:

- (i) Order the item destroyed;
- (ii) Order that the item be retained by the police department for use in training or for other official purposes; or
- (iii) Following consultation with the director, order that the item be otherwise disposed of.

Whenever an item is retained by the police department for use in training or for other official purposes, the item shall be accounted for on the property records of the police department until such item is depleted or otherwise disposed of.

- (8) Any release of a firearm, cartridge, ammunition, or other weapon must be done in accordance with applicable police department policy.”

Section 5. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of constitutionality of the remaining portions of this ordinance. The City Council declares it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. This ordinance shall be effective five days following publication.

INTRODUCED, READ, AND ORDERED PUBLISHED this 17th day of February, 2026.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 20__.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

BY: _____

Publication Dates: February 19, 2026



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.3.**

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: CB26-004, An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

Report in Brief

PRESENTER: Bryan Archer CFO

The current language of Section 59-3 codifies a \$50.00 administrative processing fee associated with the filing of certifications of debt or liens with the county treasurer. Recently, Jefferson County, Colorado increased its filing fees for those wishing to file a certification of debt or a lien. Due to this recent filing fee increase, the \$50.00 administrative processing fee that the City charges to file liens will not be enough to cover the City's costs. If approved, the new section 59-3 will serve to increase the administrative processing fee and will also establish the fee in a fee schedule. The administrative processing fee's inclusion in a fee schedule will also allow the city to be more agile in responding to future fee increases at the county level.

The Arvada team recommends that the City Council approve An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens.

Financial Impact

The estimated cost incurred by the City in 2024 was approximately \$8,000.00 in lien processing costs. Based on projected volume and increased recording fees, the estimated cost in 2026 could reach over \$20,000.00. Therefore, the City does not recommend rejecting this ordinance, as it would present a loss of City resources.

Background

The proposed ordinance reflects a Notice of Recording Fee Change – Effective July 1, 2025, and in compliance with Colorado Revised Statutes § 30-1-103, the recording fee structure for liens will be updated as follows: the current fee schedule of \$13.00 for the first page and \$5.00 for each additional page will be replaced with a flat fee of \$43.00 per document. This change simplifies the recording fee process and applies to most recorded documents.

Currently, the City charges a \$50.00 fee to process lien documents. This amount does not cover the City's internal staffing costs associated with processing these liens, nor does it fully account for the \$43.00 pass-through recording fee. As a result, a revised fee is being recommended to more accurately reflect the true cost of service and will be updated on the City's fee schedule accordingly. There are several departments in the City that utilize filing a lien for collection of past due balances.

Discussion

Approving the ordinance will not only prevent the City from experiencing further losses from an inadequate administrative processing fee, but will also provide the City flexibility in responding to future fee increases at the county level. This fee increase is not intended to create a profit to the city, but is only to cover administrative costs associated with the filing of debt interests or liens with the county.

SUBJECT: CB26-004, An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

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The administrative processing fee is intended to cover the original filing fee, as well as the subsequent filing fee associated with releasing the lien, as well as the costs the City incurs to prepare those documents. Prior to Jefferson County increasing the fee, there was a \$13.00 filing fee with each of these documents. Beginning on July 1, 2025, the Jefferson County filing fee is now \$43.00. If City Council does not pass this ordinance, there will be a loss of \$36.00 per lien filed by the City under the current county fee structure, to say nothing of the administrative costs of preparing the filings.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

This action aligns with the Infrastructure Principle and the Vibrant Community and Neighborhoods in the City Council Strategic Plan:

Provides the community with a safe, resilient, high-quality water supply, drainage system, wastewater disposal and solid waste management services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at lowest practical levels with accurate billing that supports robust and reliable infrastructure.

Supports equitable City policies, programs, and efforts to secure an economically, socially, and environmentally sustainable city.

Alternative Courses of Action

1. Approve the Ordinance, adopting the updated lien fee, which incorporates both the \$43.00 pass-through recording fee mandated by CRS § 30-1-103 (effective July 1, 2025) and the City's internal staffing costs associated with processing liens. This updated fee will apply to those subject to an annual lien fee and will more accurately reflect the actual costs incurred by the City.
2. Do not approve the Ordinance. The city team does not recommend this alternative, the City would be required to continue absorbing both the state-mandated recording fee and the administrative burden, which is not sustainable.

Recommendation for Action

The Arvada team recommends that the City Council approve CB26-004, An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens

Suggested Motion:

I move that CB26-004, An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens, be (approved on first reading, ordered published in full, and a public hearing set for March 3, 2026, at 6:15 p.m.) (rejected).

Prepared by:
Tammy Hedlund, Legal Specialist

Reviewed by:

SUBJECT: CB26-004, An Ordinance Repealing and Reenacting Section 59-3, Statement of Costs or Assessments, of Chapter 59, Municipal Liens, of the Arvada City Code to Account for Increased Administrative Costs in Processing Municipal Liens (Public Hearing to be set for March 3, 2026 at 6:15 p.m.)

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Approved by:

Deborah Baumgartner, Utility Services Manager	07/10/2025
Christine Gray, Utilities Business Manager	07/11/2025
Jacqueline Rhoades, Director of Infrastructure	01/27/2026
Debra Nielson, Deputy Director of Finance	01/28/2026
Bryan Archer, Chief Financial Officer	01/28/2026
Tammy Hedlund, Legal Specialist	01/28/2026
Zachary Woolweaver, Assistant City Attorney I	01/29/2026
Rachel Morris, City Attorney	02/04/2026
Allison Scheck, Deputy City Manager	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 26-004
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING SECTION 59-3, STATEMENT OF COSTS OR ASSESSMENTS, OF CHAPTER 59, MUNICIPAL LIENS, OF THE ARVADA CITY CODE TO ACCOUNT FOR INCREASED ADMINISTRATIVE COSTS IN PROCESSING MUNICIPAL LIENS

WHEREAS, the city of Arvada has the authority under C.R.S. §31-15-103, and otherwise under its authority as a Home Rule city to establish ordinances, regulations, and procedures that protect life and property; and

WHEREAS, the City Council finds it is important for the City to frequently review, update, and correct language in its code of ordinances; and

WHEREAS, the following section is being amended to account for increased administrative costs associated with the processing of municipal liens.

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

Section 1. Section 59-3, Statement Of Costs Or Assessment, of Chapter 59, Municipal Liens, of the Arvada City Code is hereby repealed and reenacted in its entirety to read as follows:

“Sec. 59-3. Statement of costs or assessment.

The finance director or designee shall send to the owner of record or business owner by first class mail a statement of costs or assessment which reflects the monetary value of the municipal services performed or the amount of money due and owing to the city. The statement of costs or assessment is due and payable to the city within 30 days from the date of the statement. A failure by the owner of record or business owner to pay the statement of costs or assessment constitutes a debt due and owing to the city. Interest on any unpaid balance due to the city shall accrue at the legal rate specified in C.R.S. §5-12-101, as amended. The city reserves the right to recover the monetary amount in the statement of costs or assessment in the manner provided by law including this chapter or in any court of competent jurisdiction.

- (a) If the owner of record or business owner fails to pay the entire amount according to the statement of costs, including applicable interest, the city may file a lien or certification of debt to the county treasurer pursuant to section 59-4. The owner of record or business owner shall also be assessed an administrative processing fee in accordance with the administrative fee schedule established by the city. This fee shall cover the costs of the notice and filing the lien or certification to the county treasurer.”

Section 2. Severability. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared unconstitutional or invalid. The City Council declares it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. This Ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 17th day of February, 2026.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2026.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

BY: _____

Publication Dates: February 19, 2026

~~REDLINE/STRIKETHROUGH VERSION~~

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material

~~Strikethrough~~ indicates deleted material

Sec. 59-3. --Statement of costs or assessment.

The finance director or designee shall send a statement of costs or assessment which reflects the monetary value of the municipal services performed or the amount of money due and owing to the city to the owner of record or business owner by first class mail. The statement of costs or assessment is due and payable to the city within 30 days from the date of the statement. A failure by the owner of record or business owner to pay the statement of costs or assessment constitutes a debt due and owing to the city. Interest on any unpaid balance due to the city shall accrue at the legal rate specified in C.R.S. § 5-12-101, as amended. ~~An administrative processing fee shall be charged in the amount of \$50.00 or five percent of the unpaid amount, including interest, whichever is greater, which shall cover the costs of the notice and filing the lien or certification to the county treasurer.~~ The city reserves the right to recover the monetary amount in the statement of costs or assessment in the manner provided by law including this chapter or in any court of competent jurisdiction.

- (a) If the owner of record or business owner fails to pay the entire amount according to the statement of costs, including applicable interest, the city may file a lien or certification of debt to the county treasurer pursuant to section 59-4. The owner of record or business owner shall also be assessed an administrative processing fee in accordance with the administrative fee schedule established by the city. This fee shall cover the costs of the notice and filing the lien or certification to the county treasurer.



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.A.

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: CB26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals (Ordinance No. 4917) (Presenter: Nora Steenson, Deputy City Attorney)

Report in Brief

Arvada first adopted short-term rental (STR) laws in 2020. The City Council asked City team members to review the ordinance to ensure it was less burdensome to implement and administer, and that enforcement provisions were more transparent. As a result, team members are proposing changes to the existing STR ordinance. The proposed changes include:

- Requiring that an STR permit be held by a real person. Legal entities, such as corporations, LLCs, or partnerships, etc., may still own an STR property -- as is the case now. The ordinance simply ensures that the actual permittee is a real person.
- Requiring that a person hold only one STR license.
- Creating more transparency around administrative and enforcement provisions and processes.

Note: Because the City previously issued STR permits (licenses) to legal entities and previously allowed permittees to hold more than one STR permit, the proposed ordinance “grandfathers” in STR permits issued to a legal entity on or before December 1, 2025, and to those individuals and entities that held more than one STR permit on or before December 1, 2025. These “legacy” permit holders and permits will be allowed in accordance with the remaining provisions of the proposed ordinance. These provisions are intended to prevent disruptions to the STR marketplace in Arvada.

A draft of the proposed STR “Program Rules” is attached to this agenda packet. The Rules are intended to provide more transparency about STR application processes, about STR permittee responsibilities, and about how administrative enforcement actions are handled. In accordance with the City Code, the Rules will be the subject of an upcoming public hearing before the city manager or his designee. After that, the proposed Program Rules will be forwarded to the City Council via a resolution to be considered by the City Council on February 17, the same evening as the second reading and public hearing on the STR ordinance.

The Arvada team recommends that the City Council approve CB26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals.

Financial Impact

This ordinance has no financial impact.

Background

The proposed ordinance is being brought forward to address the City Council’s concerns about the efficacy of the existing STR ordinance, and specifically whether the City has the appropriate tools to properly implement, administer, and enforce the existing ordinance.

Discussion

The proposed ordinance impacts only three sections of the Land Development Code:

- Section 3-1-5-3, Short-Term Rentals, which is the specific set of laws governing STRs. The proposed changes to this section are noted in the Report in Brief, above.
- Subsection 8-1-1-B1, Duties and Responsibilities of the Director, which outlines the authority of the CED in relation to STRs. The proposed changes more specifically outline the authority of the CED to implement, administer, and enforce the STR ordinance and related STR Program Rules.
- Section 11-3-3-1, Definitions, which contain LDC definitions. The proposed ordinance revises some existing definitions to account for the STR ordinance and creates some new definitions to clarify it.

Public Contact

Two City Council study sessions about the STR ordinance have been held in the past year; the most recent one occurred on January 13, 2026. The proposed ordinance has been posted to the City Council agenda. It has also been posted to the Planning Commission agenda. A separate public hearing will be scheduled on the STR Program Rules.

Commission Recommendation

The Planning Commission is scheduled to review the proposed ordinance at its February 4, 2026, meeting.

Strategic Alignment

Arvada depends on a well-managed, fiscally responsible, and transparent City government. This item aligns with SC 4: Applies inspection, enforcement, community support, and neighborhood engagement services to residents, businesses, and neighborhood partners to preserve a safe community, with CED 4: Maintains and protects the health, safety, and welfare of the public by ensuring safe buildings in the community while providing excellent customer service, and with OSE 7: Provides information and data to the community to support engagement in community governance, civic responsibility, and easy access to public information.

Alternative Courses of Action

1. Approve the ordinance.
2. Leave the existing STR ordinance in place.

Recommendation for Action

The Arvada team recommends that the City Council approve Alternative No. 1 by approving the ordinance.

Suggested Motion:

I move that CB26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals, be (approved on final reading, numbered 4917 and ordered published by title only (rejected)).

Prepared by:
Kevin Luy, Records Management Coordinator

Reviewed by:

SUBJECT: CB26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals (Ordinance No. 4917) (Presenter: Nora Steenson, Deputy City Attorney)

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ITEM: 10.A.

Approved by:

Nora Steenson, Deputy City Attorney	01/27/2026
Jessica Garner, Director of Community and Economic Development	01/28/2026
Rachel Morris, City Attorney	02/04/2026
Allison Scheck, Deputy City Manager	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 26-001
ORDINANCE NO. 4917

AN ORDINANCE REPEALING AND REENACTING OR AMENDING VARIOUS
SECTIONS OF THE LAND DEVELOPMENT CODE OF THE ARVADA CITY CODE
RELATING TO SHORT-TERM RENTALS

WHEREAS, the City has the power and authority as a home rule city under Article XX of the Colorado Constitution, and under article 20 of Title 29 and article 23 of Title 31 of the Colorado Revised Statutes to zone and otherwise regulate land within its boundaries; and

WHEREAS, the City has for many years regulated the business use of residential properties and currently regulates short-term rental (STR) properties; and

WHEREAS, the City Council wishes to take reasonable steps to prevent the loss of rental housing stock and otherwise support affordable housing efforts in Arvada; and

WHEREAS, Arvada wishes to more fully integrate STR units into existing neighborhoods while preserving the residential character of these neighborhoods by addressing the potential adverse impacts of STRs including increased noise and traffic; and

WHEREAS, the City Council finds it necessary to put into place minimum health and safety requirements to protect STR occupants who may not be familiar with Arvada's laws as well as to protect the health, safety, and welfare of residents; and

WHEREAS, the City wishes to provide prospective and current STR permittees with clear guidance about permitting requirements and how to lawfully operate an STR in Arvada to support their desire for economic gain; and

WHEREAS, understanding that STRs are a business use of residential properties, the City wishes to ensure that STR owners pay taxes like other transient lodging facilities including hotels, motels, inns, and bed and breakfast facilities; and

WHEREAS, the City Council wishes to balance the needs and rights of neighbors and property owners and otherwise create a more sustainable STR Program; and

WHEREAS, by repealing and reenacting a more robust STR ordinance and creating an STR Program, the City's practices will be more closely aligned with these findings and goals.

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

Section 1. Section 3-1-5-3, Short Term Rentals, of Division 3-1-5, Business Use of the Home, of Article 3-1, Primary Land Use Regulations, of Chapter 3, Use Regulations, of Part III, Land Development Code, of the Arvada City Code is hereby retitled, repealed, and reenacted to read as follows:

“3-1-5-3. Short-term rentals.

A. *Short title.* This section of the Land Development Code (LDC) may be known as the Short-term Rental or STR ordinance.

B. *Legislative declaration and purpose.* The purpose of this section is to authorize the operation and regulation of Short-term Rentals (STRs) as a land use within Arvada. The City Council finds that STRs support a vibrant economy and provide real property owners with significant financial benefits. They influence property values and impact neighborhood character by allowing the business use of dwellings in residential neighborhoods. They also reduce the potential availability of long-term rental housing to support the local economy and community.

The City Council also finds that STRs require services and infrastructure to operate. They require regulation as a distinct land use to ensure the health, safety, and welfare of the community through the application of zoning police powers. This section supports the operation of STRs by balancing the need to preserve neighborhood quality of life with the protection of private property rights. The City Council finds that this ordinance and the establishment of STR Program Rules are necessary to protect the health, safety, and welfare of the public.

This section is intended to ensure the health and safety of STR Occupants while preserving neighborhood character by mitigating the negative impacts of STRs on the neighborhoods where they are located. This section is also intended to ensure that STR operations are conducted lawfully, and that the activities of Marketplace Facilitators are appropriately regulated. Finally, this section is intended to ensure that the City utilizes this and other applicable provisions in the City Code including the LDC to enforce the provisions of this section as appropriate through the exercise of civil and criminal remedies.

C. *Authority.* The authority to establish and implement an STR Program is set forth in section 1-1-1-3 of this LDC.

D. *Applicability.* This section applies to any Property located in Arvada that is being offered for Rent as or being used as an STR whether or not it is permitted. STR licenses that are valid at the time this ordinance goes into effect will remain in effect until the date they expire, or are suspended, revoked, or abandoned, whichever occurs first. Nothing in this section precludes the rental of a Dwelling for 30 or more consecutive days.

E. *Definitions.* Certain terms used in this STR ordinance are defined in section 11-3-3-1 of the Land Development Code.

F. *Duties and responsibilities of the Director.* The Director shall implement, administer, and enforce this section of the LDC and the STR Program Rules (Rules) as set forth in section 8-1-1-1 of this LDC.

G. *Permit and business license required.*

1. *STR permit.* Each Property being offered for Rent, rented, or being used as an STR must have an STR Permit as required under this section 3-1-5-3. A Permit may be for either a primary or a non-primary residence.
2. *Business license.* A Permittee holding an STR Permit must also hold a valid city-issued business license while the STR Permit is in effect. A business license application will be processed and a business license may be issued by the director of finance as set forth in the City Code.

H. *Permit requirements – generally.* An STR Permittee must comply with all the requirements of this section 3-1-5-3. In addition, the following requirements must be met to hold and maintain an STR Permit:

1. *Natural person.* Except as otherwise noted in this section 3-1-5-3 or in the Rules, a Permit may only be issued in the name of one natural person 18 years of age or older who has an Ownership Interest of 20 percent or more in the Property for which the Permit is issued or who is the named beneficiary of a trust holding the Property to be permitted.
 - 1.1 Legacy Permits: An entity that holds a Permit or license issued on or before December 1, 2025 (a “legacy” Permit) may continue to hold that Permit for the duration of its term. Should an entity apply to renew a Permit, the entity must designate a natural person to be its Permittee. Should a Permit held by an entity lapse, expire, be abandoned, or be revoked, or should the Property be sold or otherwise transferred, a new Permit issued for that Property must be issued in the name of a natural person. Except as noted in subsections H.1 and H.2, a legacy Permittee is subject to all other provisions of this section 3-1-5-3.
2. *Limit.* Except as noted below, no person may hold more than one STR Permit at a time.
 - 2.1 Exemption for legacy Permits: An individual or entity that holds more than one STR Permit or license issued on or before December 1, 2025 (a “legacy” Permit), is exempt from the one-Permit-per-person limit stated in this subsection H.2. The individual or entity is eligible to apply to renew those Permits as noted herein. If a legacy Permit holder held Permits or licenses to operate three STRs as of December 1, 2025, and if one of the Permits is abandoned, lapses, expires, terminated, or is revoked, or if any interest in any of the STR units is sold or otherwise transferred, the exemption will be lost as to that Permit. The Permittee will then be eligible to apply to renew only the two remaining Permits if the Permittee meets all other eligibility requirements. If a legacy Permit holder held Permits or licenses to operate two STRs as of December 1, 2025, or only holds Permits two STR licenses as a result of the loss of their third Permit, then, if one of the two remaining Permits is abandoned, lapses, expires, terminated, or is revoked, or if any interest in either of the STR units or properties is sold or otherwise transferred, the exemption will be lost as to that Permit. The Permittee will then be eligible to apply to renew only the remaining Permit if the Permittee meets all other eligibility requirements. Except as noted in subsections H.1 and H.2, a legacy Permit holder is subject to all other provisions of this section 3-1-5-3.
3. *Number.* Each Permit will be assigned a unique number. The Permit number must be clearly displayed in all advertising and listings of the STR, including but not limited to all digital and print advertising.

4. *Term.* Each Permit is valid for one year from the date of issuance. As an example, a Permit issued on March 20 of a year will be valid through March 19 of the following year unless it is suspended, revoked, or abandoned. Each Permit may be renewed annually according to the provisions set forth in this section 3-1-5-3 and in the Rules.

5. *Non-transferable.* A Permit will be issued solely to the Permittee to whom it is issued and only for the Property for which it is issued. A Permit does not run with the Property but is issued to a specific person. A Permit is not transferable or assignable to any other person, entity, address, or location.

a. *Effect of sale or transfer of property rights.* If at any time during the term of a Permit, the Permittee sells or otherwise transfers their Ownership Interest in the Property, or if the Permittee's Ownership Interest in the Property falls below 20 percent, the Permit will be deemed terminated and revoked as of the date of the sale or transfer.

6. *Contingent upon compliance.* Each Permit is contingent on compliance with this section 3-1-5-3, with any conditions placed on the Permit by the Director, with the provisions of the Rules, with the city's property maintenance, fire, and other building codes, with the provisions of this LDC, and all other applicable municipal and State laws.

7. *Taxes paid.* The Permittee must ensure that all Lodging, sales, and other taxes due as a result of the use of the Property as STR are submitted to the city in a timely manner.

I. *Permit applications – generally; actions by the Director.* STR Permit Applications must be submitted in accordance with this section 3-1-5-3 and the Rules.

1. *Application not accepted.* The Director may not accept an incomplete Application. The Director may not accept an Application for a Permit from a person or entity that has, within one year prior to the date of the Application, had any Arvada STR Permit revoked, or who has been found guilty in the municipal court of operating an STR without a Permit, of not posting an STR Permit inside a Property being offered for Rent, rented, or used as an STR, of falsifying, defacing, or altering an STR Permit, of not having a business license while offering an STR for Rent, Renting, or using a Property as an STR, or of non-payment of Lodging, sales, and other taxes as required under this section 3-1-5-3 and Chapter 98 of the City Code.

2. *Actions by the Director.* The Director may issue a Permit, issue it with conditions, or deny it. The Director may issue a permit electronically or may require that a Permit or renewal Permit be issued to the Permittee in person.

J. *Emergency contact.* A Permittee must designate an emergency contact (EC) whose responsibilities are set forth in the Rules.

K. *Inspections.* By filing an Application, the Applicant is deemed to have consented to inspections of the Property to determine eligibility for a Permit, or for the purpose of determining compliance with all other applicable laws. Inspections may be made as a part of the initial or renewal permitting process and will be made upon reasonable notice. The Director may, at their sole discretion, allow any inspection required or necessitated under this section 3-1-5-3 to be conducted by a city inspector or by a third party licensed or certified inspector. Nothing in this

section may be deemed to affect the ability of a Peace Officer or other first responder to respond to a call for service or other incident at a Property being offered for Rent, rented, or being used as an STR.

L. *Operating requirements.* A Permittee must comply with the following operating requirements:

1. *Parking requirement.* Any property being offered for Rent, rented, or used as an STR must have one additional on-site parking space.

Exception. If the entire premises are being used or rented as an STR, no additional on-site parking space is required.

2. *Property maintenance requirements.* The Permittee must maintain weekly rubbish and garbage removal services for the STR and otherwise comply with all provisions of the International Property Maintenance Code (IPMC) as adopted by Arvada. This includes but is not limited to complying with lawn mowing, weed removal, and snow and ice removal requirements.

3. *Nuisances not allowed.* A Permittee may not allow or permit the STR to create a nuisance as that term is defined in Chapter 38 of the City Code.

4. *Limits on overnight occupancy.* STRs are limited to a total overnight Occupancy of two Occupants per bedroom plus two additional Occupants; studios are limited to a total overnight Occupancy of three Occupants. Each Permit Application must list the number of bedrooms in the STR unit at its largest configuration. The maximum number of overnight Occupants for an STR must be included in all advertising for that STR.

5. *Property to be rented.* A Permittee may rent the entire permitted Property or a bedroom, lock-off, or other portion of the permitted Property.

6. *Maximum nights in operation.* No STR may be occupied by Guests or Occupants for more than any 240 days in any 365-day period.

M. *Building and zoning restrictions generally.*

1. *Permitted buildings.* An STR may be allowed in a primary Dwelling. A Dwelling designated as affordable housing or that is otherwise deed-restricted may not be used as an STR.

2. *Number of STRs per lot.* Only one STR Permit may be issued per Lot.

N. *Records.*

1. *Permittee.* Each Permittee must maintain the following records from the date their Permit was issued. If the Permit is a renewal permit, the Permittee must also maintain these records for one year before the current permit was issued:

- a. Total number of nights the STR was rented to a Guest;
- b. The dates on which the STR was rented to a Guest; and
- c. Other records necessary to comply with the provisions of this section 3-1-5-3.

2. *Marketplace facilitator.* Each Marketplace Facilitator must maintain the following information for STR transactions for each Property being offered for Rent on or through their platform in Arvada for five years from the date of the transaction:

- a. The name of the Permittee who offered the STR for Rent;
- b. The address of the STR;

- c. The dates on which the STR was booked by a Guest;
- d. The price paid by the Guest for each STR transaction; and
- e. The STR Permit number.

O. *Fees.* Each Applicant may be charged an Application fee, an annual Permit or renewal Permit fee, and other fees as noted in the applicable fees schedule.

P. *Lodging, sales, and other tax payments required.* A Permittee must obtain and maintain a City of Arvada business license in addition to an STR Permit and must remit Lodging, sales, and other taxes in accordance with article V of Chapter 98 of the Arvada City Code.

1. *Financial audits.* To ensure ongoing eligibility for an STR Permit, Permittees are subject to audits by the City's finance department as set forth in article V of Chapter 98 of the Arvada City Code.

Q. *Enforcement.* Arvada actively enforces this section and STR Program Rules through inspections, responding to complaints, audits, and permitting activities. Enforcement activities play a vital role in assisting Occupants in supporting neighborhood values and Permittees in complying with applicable laws and the Rules. This section 3-1-5-3 may be enforced by the Director and by those employees designated as Peace Officers under section 58-2 of the Arvada City Code. By applying for an STR Permit, the Applicant is deemed to have acknowledged and to understand that both criminal penalties and administrative consequences may flow from the same act or failure to act. Enforcement mechanisms and appeal rights are as set forth in this section and in the Rules.

1. *No warning required.* Notwithstanding any other provision of the LDC, and understanding the crucial role enforcement plays in public safety and in maintaining the peaceful enjoyment of the city's neighborhoods, a Peace Officer is not required to issue a warning or similar notice of violation, or a stop work order before issuing a summons and complaint for any of the following violations:

- a. Not having an STR Permit;
- b. Not posting the STR Permit inside the Property;
- c. Falsifying, defacing, or altering an STR Permit;
- d. Not having a business license when offering an STR for Rent, renting, or while using a Property as an STR;
- e. Exceeding overnight Occupancy limits under the STR's Permit;
- f. Allowing or permitting a Large Social Gathering at a Property while it is being rented or used as an STR;
- g. Not having a functioning smoke detector, carbon monoxide detector, or fire extinguisher in or upon the permitted premises;
- h. Not obtaining a building or other permit required under Chapter 18 of the Arvada City Code before beginning the work for which the building permit is required;
- i. Unlawfully removing a Red Tag placard;
- j. Unlawfully entering or occupying a property that has been posted with a Red Tag placard; or
- k. Non-payment of Lodging, sales, and other taxes as required under this section 3-1-5-3 and Chapter 98 of the City Code.

R. *Unlawful acts – generally.* It shall be unlawful for a Permittee to fail to comply with any requirement or provision of or to engage in any act that is declared to be unlawful under this section 3-1-5-3.

1. *Advertising.* It shall be unlawful for any person or Marketplace Facilitator to knowingly advertise or list an STR without the STR Permit number clearly displayed on the face of the advertisement or listing. In this subsection, the term “advertise” means the act of drawing the public’s attention to a Property for the purpose of offering the Property for Rent as or for using it as an STR. The advertisement may be made by or through any platform or medium.

2. *Unlawful to rent or use unpermitted property as an STR.* It shall be unlawful for any person, whether a principal or agent, clerk, or employee, either for themselves, or for any other person to knowingly Rent, offer for Rent, or use Property as an STR without first obtaining an STR Permit.

3. *Unlawful transactions.* It shall be unlawful for any person or Marketplace Facilitator to knowingly advertise or facilitate the rental or use of an unpermitted STR, or to receive payment, directly or indirectly, for renting or allowing the use of an unpermitted STR located in the city.

4. *Minimum rental period.* It shall be unlawful for any person or Marketplace Facilitator to knowingly offer a Property for Rent, Rent, or use a Property as an STR for fewer than two consecutive days.

5. *Permit displayed.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use a Property as an STR without affixing a valid STR Permit near the primary entrance to the STR in such a way as to be clearly visible to an ordinarily observant person entering the STR.

6. *Unlawful to alter permit.* It shall be unlawful for any person to knowingly falsify, deface, or alter an STR Permit.

7. *Video recording devices prohibited.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use as an STR Property that contains or is equipped with a device that records moving or still images of the inside of the Property. A video recording device that captures only images of outdoor locations upon Property used as an STR, such as a porch, driveway, lawn, garden, patio, or deck is allowed.

a. This subsection does not prohibit a Guest or Occupant from using a video recording device to record images of the inside of the Property if the recording is made in or from an area they are otherwise allowed to be in, and if the recording is otherwise legal.

b. This subsection does not prohibit a Peace Officer, fire official, emergency medical responder, city inspector, or other city official from using a video recording device to record images of the inside of the Property while acting within the course and scope of their employment.

c. This subsection does not prohibit a Permittee or Permittee’s agent from using a video recording device to record images of the inside of the Permitted Property if each Guest or Occupant on or within the Property at the time of the recording has been notified of and has consented to the recording before it occurs, or prohibit a Permittee or Permittee’s agent from using a video recording device to record images of the inside of the Property when no one is renting it.

8. *Marketplace facilitator – business license.* It shall be unlawful for any person to knowingly broker or facilitate an STR reservation online and receive payment for this service without first obtaining a business license from the city.

9. *Marketplace facilitator – removal of listing.* It shall be unlawful for any person or Marketplace Facilitator to knowingly fail to remove an unpermitted STR from the person's or Marketplace Facilitator's website or other digital platform within 7 calendar days of receiving notification from the Director that the STR is not permitted or that the Permit has been suspended or revoked.

10. *Records.* It shall be unlawful for any person offering a Property for Rent, renting, or using a Property as an STR to knowingly fail to keep or maintain STR records as required under this section 3-1-5-3.

S. *Unlawful acts – business operations.*

1. *False statement of fact.* It shall be unlawful for any person to knowingly make a false statement of a material fact on an STR Permit Application or renewal Permit Application or in any document accompanying an Application.

2. *Safety requirements.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use Property as an STR if the Property is not equipped with a functioning smoke detector, carbon monoxide detector, and fire extinguisher.

3. *Unlawful to remove red tag placard.* It shall be unlawful for any person to knowingly deface or alter a Red Tag placard, or for any person to knowingly remove a Red Tag placard except at the direction of the Director or the chief building official or designee thereof.

4. *Unlawful to enter red tagged property.* It shall be unlawful for any person to knowingly enter or occupy any Property, structure, or portion of any Property or structure upon which a Red Tag placard has been posted except for the purpose of repairing or otherwise bringing the Property into compliance with this section 3-1-5-3 or into compliance with any other provision of the City Code, including but not limited to the city's property maintenance, fire, and other building codes.

5. *Compliance with city and state laws.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use a Property that does not comply with all applicable city and state laws as an STR.

6. *Insurance.* It shall be unlawful to knowingly Rent, offer for Rent, or use Property as an STR without fire, hazard, and liability insurance within the coverage limits set by the Director.

7. *Business license required.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use Property as an STR without first having obtained a city-issued business license.

8. *Taxation.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use Property as an STR to fail to pay Lodging, sales, and other taxes owed to the City as required under Chapter 98 of this Code.

T. *Unlawful acts – good neighbor provisions.*

1. *Exceeding overnight occupancy.* It shall be unlawful for any person including but not limited to a Guest or Occupant to knowingly allow or permit more people to occupy an STR than are allowed as set forth on the STR's Permit.

2. *Unreasonable noise prohibited.* It shall be unlawful for any person including a Guest of or Occupant at or upon a Property being rented or used as an STR to knowingly make, allow, or permit unreasonable Noise from or upon the Property or Noise that is otherwise in violation of any provision of Chapter 38 of this Code.

3. *Rubbish and garbage.* It shall be unlawful for any person, including but not limited to the Permittee, Guest of, or Occupant at or upon a Property being rented or used as an STR to knowingly fail to dispose of rubbish and garbage at the STR no less often than once per week.

4. *Snow and ice removal.* It shall be unlawful for any person, including but not limited to the Permittee, Guest of, or Occupant at or upon a Property being rented or used as an STR to knowingly fail to remove snow and ice from the Property within 24 hours of the end of any snow fall or ice storm as set forth in the International Property Maintenance Code as adopted by the City.

5. *Large social gatherings prohibited.* It shall be unlawful for any person, including but not limited to the Permittee, Guest of, or Occupant at or upon a Property being rented or used as an STR to knowingly allow or permit a Large Social Gathering on the Property while the Property is being rented as or used as an STR.

6. *Failure to physically report upon request.* It shall be unlawful for the Permittee to knowingly fail to physically report to the STR for which they hold a Permit within one hour of being asked to do so by a Peace Officer, or, if the Permittee is unavailable, for the designated EC to fail to physically report to the STR within one hour of being asked to do so by a Peace Officer.

U. *Criminal penalties; other remedies; concurrent remedies.*

1. *Criminal penalty.* Except as otherwise noted herein, a violation of this section shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of the City Code, except that the penalty for any violation under this section for which there is a counterpart in Chapter 62 or elsewhere in the City Code will be the same as the penalty for the counterpart violation.

2. *Determination of guilt.* Guilt may be found as a result of a no contest plea, a plea of guilty, or by conviction in the municipal court.

3. *Minimum fines.* A person who is found guilty in the municipal court of offering an unpermitted Property for Rent as an STR, of renting, or of using an unpermitted Property as an STR, of not posting the STR Permit inside the Property, or of falsifying, defacing, or altering an STR Permit shall be fined a minimum of \$2000.00 per violation. A person guilty of a violation of any other provision of this section 3-1-5-3 shall be fined according to the following minimum fine schedule:

- a. First conviction. Minimum fine of \$500.00 per violation.
- b. Second conviction within any 365-day period. Minimum fine of \$1000.00 per violation.
- c. Third or subsequent conviction within any 365-day period. Minimum fine of \$2000.00 per violation.

The operative date for calculating the date of the second or third conviction is the date of the violation for which the person is convicted or pleads guilty or no contest, not the date of the conviction or plea. No portion of these minimum fines may be suspended. A

municipal court judge may impose conditions in connection with the minimum penalties set forth herein and may impose a greater sentence including imprisonment based on the facts and circumstances of the case and in accordance with section 1-5 of the City Code.

4. *Continuing violation.* In accordance with section 1-5 of the City Code, every day any violation of this section continues or is permitted or allowed to continue shall constitute a separate violation.

- V. *Other administrative and civil remedies.* The Director may institute administrative proceedings against a Permittee, including but not limited to a Permittee who has been found guilty of a violation of this section 3-1-5-3, as set forth in the Rules. In addition, the city attorney may institute injunctive, abatement, or other appropriate action to prevent, restrain, enjoin, correct, abate, or remove a violation of this section 3-1-5-3 or any other section of the Code when it occurs.
- W. *Concurrent remedies.* The initiation of a prosecution in the municipal court for a violation of this section shall not preclude the city from instituting administrative proceedings against a Permittee or from taking other appropriate action to restrain, enjoin, correct, or abate, or remove a violation, or to stop an illegal act or conduct. Enforcement of the provisions of this ordinance may be conducted by a Peace Officer as a criminal matter, by the Director as an administrative matter, and by other city officials as appropriate.
- X. *Liens.* Until paid, any delinquent charges, assessments, or taxes made or levied by the City pursuant to this section against a Property being offered for Rent as or used as an STR shall, as of recording, be a lien against the property on which the violation has been found to exist. If not paid within 30 calendar days from the date of the statement, the city clerk may certify any unpaid charges, assessments, or taxes to the county treasurer to be collected and paid over by the county treasurer in the same manner as taxes are authorized to be by statute together with a ten percent penalty for costs of collection. Any lien placed against the property pursuant to this section will be recorded with the county clerk and recorder.”

Section 2. Subsection 8-1-1-1B.1, Duties and Responsibilities, of section 8-1-1-1, Director of community and economic development, of Division 8-1-1, City Staff and Referral Agencies, of Article 8-1, Development Review Bodies, of Chapter 8, Development Review Process, of Part III, Land Development Code, of the Arvada City Code is hereby amended by adding a new subsection g to subsection B.1 to read as follows:

“B. *Duties and Responsibilities.* The Director shall be responsible for the administration of this LDC and the regulations contained therein.

- 1. The Director shall have the authority to:

....

- g. Implement, administer, and enforce the STR ordinance and Program Rules and in relation thereto, may:

- i. Require access to each Property being used or operated as an STR or for which an STR Permit is sought to conduct a pre-permitting, renewal or compliance inspection, and to implement, administer, and enforce section 3-1-5-3 of this LDC and STR Program Rules. The Director may require minimum insurance coverage for STRs in types and amounts to be determined in consultation with the city's insurance and risk program director;
- ii. Cause a Red Tag placard to be posted on an unpermitted Property or structure when the Director has good cause to believe it is being offered for Rent, rented, or being used as an STR, or on any permitted STR that has been or is being operated in a manner that adversely affects the health, safety, or welfare of any occupant or the neighborhood in which it is located or that has been or is being operated in violation of any provision set forth in this section 3-1-5-3;
- iii. Issue orders to show cause and notices to appear, make compliance determinations, and impose administrative consequences on Permittees including but not limited to suspending or revoking a permit;
- iv. Ensure that Marketplace Facilitators offer only permitted properties for Rent as STRs by requiring a Marketplace Facilitator to remove an advertisement or listing for an STR from the Marketplace Facilitator's website or other digital platform if the STR Permit for the Property has been suspended or revoked or otherwise as appropriate;
- v. Maintain and make publicly available a registry of all permitted STRs within the city; and
- vi. Take or delegate any other action reasonably necessary to implement, administer, and enforce the STR ordinance. Nothing in this section affects the ability of a Peace Officer to investigate suspected offenses involving STRs and initiate prosecutions of cases involving STRs."

The remaining portions of subsection 8-1-1-1B.1 shall remain unchanged.

Section 3. Section 11-3-3-1, Definitions, of Division 11-3-3, Definitions, of Article 11-3 Definitions, of Chapter 11, Measurements, Rules of Construction, and Definitions, of Part III, Land Development Code, of the Arvada City Code is hereby amended by repealing and reenacting or adding certain definitions to read as follows:

"Applicant. Unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors, and assigns, or an owner's authorized agent, who has filed an application for subdivision or development. Applicant also includes a natural person with an ownership interest in a property that has filed an application for an STR permit for that property, and a wireless provider, infrastructure owner or any other entity, agent, employee, and contractor thereof that applies for permission to site, install, construct, collocate, modify or operate a WCF.

Application, Complete. A complete application means a form, either electronic or paper, and all accompanying fees, submittal documents, and exhibits required of an applicant by an approving authority for review of proposed site plans, conditional uses, subdivisions, planned unit developments, STR permits or renewal permits, and other similar development or land use purposes.

City Code. City Code means the Code of Ordinances adopted by the City of Arvada and includes this LDC.

Emergency Contact or EC. Emergency contact or EC means a natural person aged 18 years of age or older who is capable of physically responding to the STR within one hour of being asked to do so by a peace officer, who has access to the STR, and who is authorized by the permittee to make decisions about it.

Guest. Guest means a person who is occupying or may occupy an STR or a property being used as an STR by reason of license, right of access, or by executing a rental agreement for a period of less than 30 consecutive calendar days.

Large Social Gathering. Large social gathering means a wedding, any gathering consisting of more than the total number of overnight occupants allowed on or within the property under the STR permit plus no more than six additional people, any gathering for which an admission, entry, door, cover, or similar fee is assessed, or any gathering that a reasonable person would believe would disrupt the quiet and peaceful enjoyment of a neighbor or neighbors.

Lodging. Lodging has the same meaning as that set forth in section 98-243 of the City Code.

Marketplace Facilitator. Marketplace facilitator has the same meaning as that set forth in section 98-243 of the City Code, and, as used in section 3-1-5-3 of this LDC, it includes any person, entity, or platform that facilitates an STR reservation or similar Lodging services between a prospective guest and a person or entity offering an STR. It does not include a property management or other company that collects cleaning or other fees on behalf of STR permittees but that does not facilitate STR reservations.

Noise or Unreasonable Noise. Noise or unreasonable noise means any sound that is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings, and includes any sound that a reasonable person would believe would disturb those on an adjoining residential property considering the nature of the sound, the volume of the sound, the length of time the sound continued, the time of day at which the sound occurs, and any other factor a reasonable person would deem relevant to whether the sound was unreasonable. It also includes any sound that is in violation of any provision of Chapter 38 of the City Code.

Occupancy. Occupancy means the use or possession, or the right to use or possession of a dwelling for dwelling, lodging, or sleeping purposes.

Occupant. Occupant means a person of any age who is present upon an STR permitted property.

Ownership Interest. Ownership interest means a legally recognized stake in a property including sole ownership, or at least 20 percent of a legal interest in the property through shared ownership with other individuals, or at least a 20 percent shared legal interest in the property through ownership of an LLC or other corporate entity that owns the property. It includes a named beneficiary of a trust that holds the property.

Peace Officer. Peace officer has the same meaning as that set forth in section 58-2 of the City Code.

Permit. Permit means a document issued by the Director authorizing an applicant to use property for a specific type of use identified in this LDC. As used in section 3-1-5-3 of this LDC, it includes an STR renewal permit.

Permitted Property. As used in section 3-1-5-3 of this LDC, permitted property means the property specified in an STR permit that is owned by or in possession of the permittee and within which the permittee is allowed to provide STR accommodations. The permitted property may consist of the entire property or lot upon which the STR is located as in the case of a dwelling rented out along with driveways, lawns, and other areas appurtenant to the dwelling, or may consist of the area upon or within a property that is being held out for rent, as in the case of a townhome or condominium, or a bedroom and bathroom, or other similar area.

Permittee. Permittee means a person or entity to whom the City has issued a permit authorizing a property for a specific type of use.

Property. Property may be a single lot, parcel, tract, a condominium, or plot of land or may be a combination of abutting lots or parcels that will be bound by the approval.

Red tag. Red tag means a placard issued by the Director or the city's chief building official or designee thereof that is affixed upon or within the property to notify occupants or potential occupants that the building is not safe for occupancy or that the property is not available to be rented or used as an STR.

Rent. Rent means consideration of any type provided in exchange for the use of a structure or property or portion thereof. As used in section 3-1-5-3 of this LDC, it includes the total consideration charged for short-term residential occupancy as shown on the guest's receipt.

Short-term Rental, Short-term Rental Unit, or STR. Short-term rental, short-term rental unit, or STR means a furnished dwelling or portion thereof in a single-unit, duplex, multiplex, or multifamily dwelling that is offered, provided, operated, or rented for occupancy for dwelling, lodging, or sleeping purposes for guests in exchange for remuneration for a period of less than 30 consecutive calendar days, counting portions of days as full calendar days. STR does not include a hotel, motel, tent, recreational vehicle, commercial office area, retail space, warehouse, industrial space or area, or other structure designed or used primarily for temporary or transient occupancy, including but not limited to a sleeping space in an outdoor area, a garage, a shed, or a tree house.

STR Program. STR program means and includes provisions of this LDC that relate to STRs and the STR Rules. The program includes any additions, revisions, and amendments to the city's STR laws and STR Rules as these documents may be from time to time amended.

STR Program Rules or Rules. STR Program Rules or Rules means those rules adopted under the City Code to provide clarity and context about the city's STR laws and how they operate."

All other definitions set forth in section 11-3-3-1 of this LDC will remain unchanged.

Section 4. Savings clause. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the effective date of this ordinance and that is in violation of the section repealed by this ordinance.

Section 5. Severability. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared unconstitutional or invalid. The City Council declares it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. This ordinance shall be effective on May 1, 2026.

INTRODUCED, READ, AND ORDERED PUBLISHED this 3rd day of February 2026.

PASSED, ADOPTED AND APPROVED this 17th day of February 2026.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

BY: _____

Publication Dates: February 5, 2026
 February 19, 2026

~~REDLINE/STRIKETHROUGH VERSION~~

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

3-1-5-3. ~~Short-term~~ rentals.

A. Short title. This section of the Land Development Code (LDC) may be known as the Short-term Rental or STR ordinance.

B. Legislative declaration and purpose. The purpose of this section is to authorize the operation and regulation of Short-term Rentals (STRs) as a land use within Arvada. The City Council finds that STRs support a vibrant economy and provide real property owners with significant financial benefits. They influence property values and impact neighborhood character by allowing the business use of dwellings in residential neighborhoods. They also reduce the potential availability of long-term rental housing to support the local economy and community.

The City Council also finds that STRs require services and infrastructure to operate. They require regulation as a distinct land use to ensure the health, safety, and welfare of the community through the application of zoning police powers. This section supports the operation of STRs by balancing the need to preserve neighborhood quality of life with the protection of private property rights. The City Council finds that this ordinance and the establishment of STR Program Rules are necessary to protect the health, safety, and welfare of the public.

This section is intended to ensure the health and safety of STR Occupants while preserving neighborhood character by mitigating the negative impacts of STRs on the neighborhoods where they are located. This section is also intended to ensure that STR operations are conducted lawfully, and that the activities of Marketplace Facilitators are appropriately regulated. Finally, this section is intended to ensure that the City utilizes this and other applicable provisions in the City Code including the LDC to enforce the provisions of this section as appropriate through the exercise of civil and criminal remedies.

Authority. ~~modified~~

A.

~~License Required.~~ Short Term Rentals are prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.

B.

~~Application.~~

~~1.~~

~~*Requirements.* An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.~~

~~2.~~

~~*Certification.* The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.~~

~~C.~~

~~*Term of License and Renewal.* Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing, and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.~~

~~D.~~

~~License Regulations.~~

~~1.~~

~~C. *Compliance.* The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, Chapter 38, Article III, Nuisances, and Chapter 98. The authority to establish and implement an STR Program is set forth in section 1-1-1-3 of this LDC.~~

~~D. *Applicability.* This section applies to any Property located in Arvada that is being offered for Rent as or being used as an STR whether or not it is permitted. STR licenses that are valid at the time this ordinance goes into effect will remain in effect until the date they expire, or are suspended, revoked, or abandoned, whichever occurs first. Nothing in this section precludes the rental of a Dwelling for 30 or more consecutive days.~~

~~E. *Definitions.* Certain terms used in this STR ordinance are defined in section 11-3-3-1 of~~

the Land Development Code.

F. *Duties and responsibilities of the Director.* The Director shall implement, administer, and enforce this section of the LDC and the STR Program Rules (Rules) as set forth in section 8-1-1-1 of this LDC.

G. *Permit and business license required.*

1. *STR permit.* Each Property being offered for Rent, rented, or being used as an STR must have an STR Permit as required under this section 3-1-5-3. A Permit may be for either a primary or a non-primary residence.

2. *Business license.* A Permittee holding an STR Permit must also hold a valid city-issued business license while the STR Permit is in effect. A business license application will be processed and a business license may be issued by the director of finance as set forth in the City Code.

H. *Permit requirements – generally.* An STR Permittee must comply with all the requirements of this section 3-1-5-3. In addition, the following requirements must be met to hold and maintain an STR Permit:

1. *Natural person.* Except as otherwise noted in this section 3-1-5-3 or in the Rules, a Permit may only be issued in the name of one natural person 18 years of age or older who has an Ownership Interest of 20 percent or more in the Property for which the Permit is issued or who is the named beneficiary of a trust holding the Property to be permitted.

1.1 Legacy Permits: An entity that holds a Permit or license issued on or before December 1, 2025 (a “legacy” Permit) may continue to hold that Permit for the duration of its term. Should an entity apply to renew a Permit, the entity must designate a natural person to be its Permittee. Should a Permit held by an entity lapse, expire, be abandoned, or be revoked, or should the Property be sold or otherwise transferred, a new Permit issued for that Property must be issued in the name of a natural person. Except as noted in subsections H.1 and H.2, a legacy Permittee is subject to all other provisions of this section 3-1-5-3.

2. *Limit.* Except as noted below, no person may hold more than one STR Permit at a time.

2.1 Exemption for legacy Permits: An individual or entity that holds more than one STR Permit or license issued on or before December 1, 2025 (a “legacy” Permit), is exempt from the one-Permit-per-person limit stated in this subsection H.2. The individual or entity is eligible to apply to renew those Permits as noted herein. If a legacy Permit holder held Permits or licenses to operate three STRs as of December 1, 2025, and if one of the Permits is abandoned, lapses, expires, terminated, or is revoked, or if any interest in any of the STR units is sold or otherwise transferred, the exemption will be lost as to that Permit. The Permittee will then be eligible to apply to renew only the two remaining Permits if the Permittee meets all other eligibility requirements. If a legacy Permit holder held Permits or licenses to operate two STRs as of December 1, 2025, or only holds Permits two STR licenses as a result of the loss of their third Permit, then, if one of the two remaining Permits is abandoned, lapses, expires, terminated, or is revoked, or if any interest in either of the STR units or properties is sold or otherwise transferred, the exemption will

be lost as to that Permit. The Permittee will then be eligible to apply to renew only the remaining Permit if the Permittee meets all other eligibility requirements. Except as noted in subsections H.1 and H.2, a legacy Permit holder is subject to all other provisions of this section 3-1-5-3.

3. *Number.* Each Permit will be assigned a unique number. The Permit number must be clearly displayed in all advertising and listings of the STR, including but not limited to all digital and print advertising.

4. *Term.* Each Permit is valid for one year from the date of issuance. As an example, a Permit issued on March 20 of a year will be valid through March 19 of the following year unless it is suspended, revoked, or abandoned. Each Permit may be renewed annually according to the provisions set forth in this section 3-1-5-3 and in the Rules.

5. *Non-transferable.* A Permit will be issued solely to the Permittee to whom it is issued and only for the Property for which it is issued. A Permit does not run with the Property but is issued to a specific person. A Permit is not transferable or assignable to any other person, entity, address, or location.

a. *Effect of sale or transfer of property rights.* If at any time during the term of a Permit, the Permittee sells or otherwise transfers their Ownership Interest in the Property, or if the Permittee's Ownership Interest in the Property falls below 20 percent, the Permit will be deemed terminated and revoked as of the date of the sale or transfer.

6. *Contingent upon compliance.* Each Permit is contingent on compliance with this section 3-1-5-3, with any conditions placed on the Permit by the Director, with the provisions of the Rules, with the city's property maintenance, fire, and other building codes, with the provisions of this LDC, and all other applicable municipal and State laws.

7. *Taxes paid.* The Permittee must ensure that all Lodging, sales, and other taxes due as a result of the use of the Property as STR are submitted to the city in a timely manner.

I. *Permit applications – generally; actions by the Director.* STR Permit Applications must be submitted in accordance with this section 3-1-5-3 and the Rules.

1. *Application not accepted.* The Director may not accept an incomplete Application. The Director may not accept an Application for a Permit from a person or entity that has, within one year prior to the date of the Application, had any Arvada STR Permit revoked, or who has been found guilty in the municipal court of operating an STR without a Permit, of not posting an STR Permit inside a Property being offered for Rent, rented, or used as an STR, of falsifying, defacing, or altering an STR Permit, of not having a business license while offering an STR for Rent, Renting, or using a Property as an STR, or of non-payment of Lodging, sales, and other taxes as required under this section 3-1-5-3 and Chapter 98 of the City Code.

2. *Actions by the Director.* The Director may issue a Permit, issue it with conditions, or deny it. The Director may issue a permit electronically or may require that a Permit or renewal Permit be issued to the Permittee in person.

J. *Emergency contact.* A Permittee must designate an emergency contact (EC) whose responsibilities are set forth in the Rules.

K. *Inspections.* By filing an Application, the Applicant is deemed to have consented to inspections of the Property to determine eligibility for a Permit, or for the purpose of determining compliance with all other applicable laws. Inspections may be made as a part of the initial or renewal permitting process and will be made upon reasonable notice. The Director may, at their sole discretion, allow any inspection required or necessitated under this section 3-1-5-3 to be conducted by a city inspector or by a third party licensed or certified inspector. Nothing in this section may be deemed to affect the ability of a Peace Officer or other first responder to respond to a call for service or other incident at a Property being offered for Rent, rented, or being used as an STR.

L. *Operating requirements.* A Permittee must comply with the following operating requirements:

1. *Parking requirement.* Any property being offered for Rent, rented, or used as an STR must have one additional on-site parking space.

Exception. If the entire premises are being used or rented as an STR, no additional on-site parking space is required.

2. *Property maintenance requirements.* The Permittee must maintain weekly rubbish and garbage removal services for the STR and otherwise comply with all provisions of the International Property Maintenance Code (IPMC) as adopted by Arvada. This includes but is not limited to complying with lawn mowing, weed removal, and snow and ice removal requirements.

3. *Nuisances not allowed.* A Permittee may not allow or permit the STR to create a nuisance as that term is defined in Chapter 38 of the City Code.

4. *Limits on overnight occupancy.* STRs are limited to a total overnight Occupancy of two Occupants per bedroom plus two additional Occupants; studios are limited to a total overnight Occupancy of three Occupants. Each Permit Application must list the number of bedrooms in the STR unit at its largest configuration. The maximum number of overnight Occupants for an STR must be included in all advertising for that STR.

5. *Property to be rented.* A Permittee may rent the entire permitted Property or a bedroom, lock-off, or other portion of the permitted Property.

6. *Maximum nights in operation.* No STR may be occupied by Guests or Occupants for more than any 240 days in any 365-day period.

M. *Building and zoning restrictions generally.*

1. *Permitted buildings.* An STR may be allowed in a primary Dwelling. A Dwelling designated as affordable housing or that is otherwise deed-restricted may not be used as an STR.

2. *Number of STRs per lot.* Only one STR Permit may be issued per Lot.

N. *Records.*

1. *Permittee.* Each Permittee must maintain the following records from the date their Permit was issued. If the Permit is a renewal permit, the Permittee must also maintain these records for one year before the current permit was issued:

a. *Total number of nights the STR was rented to a Guest;*

b. *The dates on which the STR was rented to a Guest; and*

- c. Other records necessary to comply with the provisions of this section 3-1-5-3.

2. Marketplace facilitator. Each Marketplace Facilitator must maintain the following information for STR transactions for each Property being offered for Rent on or through their platform in Arvada for five years from the date of the transaction:

- a. The name of the Permittee who offered the STR for Rent;
- b. The address of the STR;
- c. The dates on which the STR was booked by a Guest;
- d. The price paid by the Guest for each STR transaction; and
- e. The STR Permit number.

O. Fees. Each Applicant may be charged an Application fee, an annual Permit or renewal Permit fee, and other fees as noted in the applicable fees schedule.

P. Lodging, sales, and other tax payments required. A Permittee must obtain and maintain a City of Arvada business license in addition to an STR Permit and must remit Lodging, sales, and other taxes in accordance with article V of Chapter 98 of the Arvada City Code.

1. Financial audits. To ensure ongoing eligibility for an STR Permit, Permittees are subject to audits by the City's finance department as set forth in article V of Chapter 98 of the Arvada City Code.

Q. Enforcement. Arvada actively enforces this section and STR Program Rules through inspections, responding to complaints, audits, and permitting activities. Enforcement activities play a vital role in assisting Occupants in supporting neighborhood values and Permittees in complying with applicable laws and the Rules. This section 3-1-5-3 may be enforced by the Director and by those employees designated as Peace Officers under section 58-2 of the Arvada City Code. By applying for an STR Permit, the Applicant is deemed to have acknowledged and to understand that both criminal penalties and administrative consequences may flow from the same act or failure to act. Enforcement mechanisms and appeal rights are as set forth in this section and in the Rules.

1. No warning required. Notwithstanding any other provision of the LDC, and understanding the crucial role enforcement plays in public safety and in maintaining the peaceful enjoyment of the city's neighborhoods, a Peace Officer is not required to issue a warning or similar notice of violation, or a stop work order before issuing a summons and complaint for any of the following violations:

- a. Not having an STR Permit;
- b. Not posting the STR Permit inside the Property;
- c. Falsifying, defacing, or altering an STR Permit;
- d. Not having a business license when offering an STR for Rent, renting, or while using a Property as an STR;
- e. Exceeding overnight Occupancy limits under the STR's Permit;
- f. Allowing or permitting a Large Social Gathering at a Property while it is being rented or used as an STR;
- g. Not having a functioning smoke detector, carbon monoxide detector, or fire extinguisher in or upon the permitted premises;

- h. Not obtaining a building or other permit required under Chapter 18 of the Arvada City Code before beginning the work for which the building permit is required;
- i. Unlawfully removing a Red Tag placard;
- j. Unlawfully entering or occupying a property that has been posted with a Red Tag placard; or
- k. Non-payment of Lodging, sales, and other taxes as required under this section 3-1-5-3 and Chapter 98 of the City Code.

R. *Unlawful acts – generally.* It shall be unlawful for a Permittee to fail to comply with any requirement or provision of or to engage in any act that is declared to be unlawful under this section 3-1-5-3.

11. *Advertising.* It shall be unlawful for any person or Marketplace Facilitator to knowingly advertise or list an STR without the STR Permit number clearly displayed on the face of the advertisement or listing. In this subsection, the term “advertise” means the act of drawing the public’s attention to a Property for the purpose of offering the Property for Rent as or for using it as an STR. The advertisement may be made by or through any platform or medium.

12. *Unlawful to rent or use unpermitted property as an STR.* It shall be unlawful for any person, whether a principal or agent, clerk, or employee, either for themselves, or for any other person to knowingly Rent, offer for Rent, or use Property as an STR without first obtaining an STR Permit.

13. *Unlawful transactions.* It shall be unlawful for any person or Marketplace Facilitator to knowingly advertise or facilitate the rental or use of an unpermitted STR, or to receive payment, directly or indirectly, for renting or allowing the use of an unpermitted STR located in the city.

Minimum rental period. ~~Taxation.~~

2.

~~*Restrictions.* The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.~~

3.

~~*Local Contact Person.* The licensee must designate on the application a local contact person who shall be available to respond within one hour of being notified by the city of a complaint about the condition of the property or the conduct of short term tenants. The local contact person must be available to respond as set forth herein 24 hours per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact change, the licensee must, within seven days of the change, update the license on file with the city.~~

4.

~~*Brochures.* Each Short Term Rental Unit shall provide two brochures to its guests:~~

a.

~~The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.~~

b.

~~The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.~~

E.

~~Licensing Requirements.~~

1.

~~Number of Short Term Rentals Units per lot.~~ Licensees are limited to one Short Term Rental per property. If a property contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.

2.

~~Permitted buildings.~~ Short Term Rental Units are allowed in primary and accessory buildings with finished living space. All buildings shall comply with the regulations for primary and accessory buildings, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the licensee is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each licensee shall be limited to one Short Term Rental Unit per property.

3.

~~Reservations.~~ Only one Short Term Rental reservation to one party at a time is allowed.

4.

~~Parking requirements.~~ One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental. The on-site parking space shall comply with the requirements in Article 4-5 Parking and Loading.

5.

~~Safety requirements.~~ Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises.

6.

~~Occupancy.~~ The occupancy of a Short Term Rental Unit shall not exceed the occupancy limits set forth in

~~applicable fire and safety codes.~~

~~7.~~

~~*Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.~~

~~8.~~

~~*Trash collection.* The licensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.~~

~~9.~~

~~*Number of days in use.* No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. Upon renewal of the license, the licensee shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The Owner shall certify that the number reported is accurate.~~

~~10.~~

~~*Number of Short Term Rentals per Licensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. Licensee shall certify compliance with the requirement on each application submitted to the City.~~

~~F.~~

~~*Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.~~

~~1.~~

~~*Authority.* In addition, the Director may issue any order reasonably calculated to ensure compliance with this Section.~~

~~2.~~

~~*Remedies.* The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.~~

~~a.~~

~~The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:~~

~~(i)~~

~~For at least one year following the revocation; and~~

(ii)

~~Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.~~

3.

~~*Appeal.* An applicant or licensee may appeal any decision to refuse to grant, not renew, or suspend his or her license to the City Manager within 14 days from the City providing notice of the decision. The City Manager's decision shall be final.~~

4.

~~*Administrative Hearing.* A licensee may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2, Article V, Division 3 of the Arvada City Code. The appeal must be received within 14 days from the City providing notice of the revocation.~~

G.

~~*Administration.* The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.~~

1.

~~*Authority to Inspect.* The Director may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises.~~

a.

~~*Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR a condition that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect, provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.~~

2.

14. ~~Violations and Penalty.~~ It shall be unlawful for any person to violate aor Marketplace Facilitator to knowingly offer a Property for Rent, Rent, or use a Property as an STR for fewer than two consecutive days.

15. *Permit displayed.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use a Property as an STR without affixing a valid STR Permit near the primary entrance to the STR in such a way as to be clearly visible to an ordinarily observant person entering the STR.

16. *Unlawful to alter permit.* It shall be unlawful for any person to knowingly falsify, deface, or alter an STR Permit.

17. *Video recording devices prohibited.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use as an STR Property that contains or is equipped with a device that records moving or still images of the inside of the Property. A video recording device that captures only images of outdoor locations upon Property used as an STR, such as a porch, driveway, lawn, garden, patio, or deck is allowed.

a. This subsection does not prohibit a Guest or Occupant from using a video recording device to record images of the inside of the Property if the recording is made in or from an area they are otherwise allowed to be in, and if the recording is otherwise legal.

b. This subsection does not prohibit a Peace Officer, fire official, emergency medical responder, city inspector, or other city official from using a video recording device to record images of the inside of the Property while acting within the course and scope of their employment.

c. This subsection does not prohibit a Permittee or Permittee's agent from using a video recording device to record images of the inside of the Permitted Property if each Guest or Occupant on or within the Property at the time of the recording has been notified of and has consented to the recording before it occurs, or prohibit a Permittee or Permittee's agent from using a video recording device to record images of the inside of the Property when no one is renting it.

18. *Marketplace facilitator – business license.* It shall be unlawful for any person to knowingly broker or facilitate an STR reservation online and receive payment for this service without first obtaining a business license from the city.

19. *Marketplace facilitator – removal of listing.* It shall be unlawful for any person or Marketplace Facilitator to knowingly fail to remove an unpermitted STR from the person's or Marketplace Facilitator's website or other digital platform within 7 calendar days of receiving notification from the Director that the STR is not permitted or that the Permit has been suspended or revoked.

20. *Records.* It shall be unlawful for any person offering a Property for Rent, renting, or using a Property as an STR to knowingly fail to keep or maintain STR records as required under this section 3-1-5-3.

S. *Unlawful acts – business operations.*

1. *False statement of fact.* It shall be unlawful for any person to knowingly make a false statement of a material fact on an STR Permit Application or renewal Permit Application or in any document accompanying an Application.

2. *Safety requirements.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use Property as an STR if the Property is not equipped with a functioning smoke detector, carbon monoxide detector, and fire extinguisher.

3. *Unlawful to remove red tag placard.* It shall be unlawful for any person to knowingly deface or alter a Red Tag placard, or for any person to knowingly remove a

Red Tag placard except at the direction of the Director or the chief building official or designee thereof.

4. *Unlawful to enter red tagged property.* It shall be unlawful for any person to knowingly enter or occupy any Property, structure, or portion of any Property or structure upon which a Red Tag placard has been posted except for the purpose of repairing or otherwise bringing the Property into compliance with this section 3-1-5-3 or into compliance with any other provision of the City Code, including but not limited to the city's property maintenance, fire, and other building codes.

5. *Compliance with city and state laws.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use a Property that does not comply with all applicable city and state laws as an STR.

6. *Insurance.* It shall be unlawful to knowingly Rent, offer for Rent, or use Property as an STR without fire, hazard, and liability insurance within the coverage limits set by the Director.

7. *Business license required.* It shall be unlawful for any person to knowingly Rent, offer for Rent, or use Property as an STR without first having obtained a city-issued business license.

8. *Taxation.* ~~this Section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada~~ It shall be unlawful for any person to knowingly Rent, offer for Rent, or use Property as an STR to fail to pay Lodging, sales, and other taxes owed to the City as required under Chapter 98 of this Code ~~and may also.~~

T. *Unlawful acts – good neighbor provisions.*

1. *Exceeding overnight occupancy.* It shall ~~be subject~~ be unlawful for any person including but not limited to ~~civil~~ a Guest or Occupant to knowingly allow or permit more people to occupy an STR than are allowed as set forth on the STR's Permit.

2. *Unreasonable noise prohibited.* It shall be unlawful for any person including a Guest of or Occupant at or upon a Property being rented or used as an STR to knowingly make, allow, or permit unreasonable Noise from or upon the Property or Noise that is otherwise in violation of any provision of Chapter 38 of this Code.

3. *Rubbish and garbage.* It shall be unlawful for any person, including but not limited to the Permittee, Guest of, or Occupant at or upon a Property being rented or used as an STR to knowingly fail to dispose of rubbish and garbage at the STR no less often than once per week.

4. *Snow and ice removal.* It shall be unlawful for any person, including but not limited to the Permittee, Guest of, or Occupant at or upon a Property being rented or used as an STR to knowingly fail to remove snow and ice from the Property within 24 hours of the end of any snow fall or ice storm as set forth in the International Property Maintenance Code as adopted by the City.

5. *Large social gatherings prohibited.* It shall be unlawful for any person, including but not limited to the Permittee, Guest of, or Occupant at or upon a Property being rented or used as an STR to knowingly allow or permit a Large Social Gathering on the Property while the Property is being rented as or used as an STR.

6. *Failure to physically report upon request.* It shall be unlawful for the Permittee to knowingly fail to physically report to the STR for which they hold a Permit within one hour of being asked to do so by a Peace Officer, or, if the Permittee is unavailable, for

the designated EC to fail to physically report to the STR within one hour of being asked to do so by a Peace Officer.

U. *Criminal penalties; other remedies*~~-A; concurrent remedies.~~

1. *Criminal penalty.* Except as otherwise noted herein, a violation of this section shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of the City Code, except that the penalty for any violation under this section for which there is a counterpart in Chapter 62 or elsewhere in the City Code will be the same as the penalty for the counterpart violation.

2. *Determination of guilt.* Guilt may be found as a result of a no contest plea, a plea of guilty, or by conviction in the municipal court.

3. *Minimum fines.* A person who is found guilty in the municipal court of offering an unpermitted Property for Rent as an STR, of renting, or of using an unpermitted Property as an STR, of not posting the STR Permit inside the Property, or of falsifying, defacing, or altering an STR Permit shall be fined a minimum of \$2000.00 per violation. A person guilty of a violation of any other provision of this section 3-1-5-3 shall be fined according to the following minimum fine schedule:

a. First conviction. Minimum fine of \$500.00 per violation.

b. Second conviction within any 365-day period. Minimum fine of \$1000.00 per violation.

c. Third or subsequent conviction within any 365-day period. Minimum fine of \$2000.00 per violation.

The operative date for calculating the date of the second or third conviction is the date of the violation for which the person is convicted or pleads guilty or no contest, not the date of the conviction or plea. No portion of these minimum fines may be suspended. A municipal court judge may impose conditions in connection with the minimum penalties set forth herein and may impose a greater sentence including imprisonment based on the facts and circumstances of the case and in accordance with section 1-5 of the City Code.

4. *Continuing violation.* In accordance with section 1-5 of the City Code, every day any violation of this section continues or is permitted or allowed to continue shall constitute a separate offense shall be deemed committed upon violation.

V. *Other administrative and civil remedies.* The Director may institute administrative proceedings against a Permittee, including but not limited to a Permittee who has been found guilty of a violation of this section 3-1-5-3, as set forth in the Rules. In addition, the city attorney may institute injunctive, abatement, or other appropriate action to prevent, restrain, enjoin, correct, abate, or remove a violation of this section 3-1-5-3 or any other section of the Code when it occurs.

W. *Concurrent remedies.* The initiation of a prosecution in the municipal court for a violation of this section shall not preclude the city from instituting administrative proceedings against a Permittee or from taking other appropriate action to restrain, enjoin, correct, or abate, or remove a violation, or to stop an illegal act or conduct. Enforcement of the provisions of this ordinance may be conducted by a Peace Officer as a criminal matter, by the Director as an administrative matter, and by other city officials as appropriate.

X. Liens. Until paid, any delinquent charges, assessments, or taxes made or levied by the City pursuant to this section against a Property being offered for Rent as or used as an STR shall, as of recording, be a lien against the property on which the violation has been found to exist. If not paid within 30 calendar days from the date of the statement, the city clerk may certify any unpaid charges, assessments, or taxes to the county treasurer to be collected and paid over by the county treasurer in the same manner as taxes are authorized to be by statute together with a ten percent penalty for costs of collection. Any lien placed against the property pursuant to this section will be recorded with the county clerk and recorder.”

8-1-1-1B.1

“B. Duties and Responsibilities. The Director shall be responsible for the administration of this LDC and the regulations contained therein.

1. The Director shall have the authority to:

.....

g. Implement, administer, and enforce the STR ordinance and Program Rules and in relation thereto, may:

i. Require access to each property being used or operated as an STR or for which an STR Permit is sought to conduct a pre-permitting, renewal or compliance inspection, and to implement, administer, and enforce section 3-1-5-3 of this LDC and STR Program Rules. The Director may require minimum insurance coverage for STRs in types and amounts to be determined in consultation with the city’s insurance and risk program director;

ii. Cause a Red Tag placard to be posted on an unpermitted Property or structure when the Director has good cause to believe it is being offered for Rent, rented, or being used as an STR, or on any permitted STR that has been or is being operated in a manner that adversely affects the health, safety, or welfare of any occupant or the neighborhood in which it is located or that has been or is being operated in violation of any provision set forth in this section 3-1-5-3;

iii. Issue orders to show cause and notices to appear, make compliance determinations, and impose administrative consequences on Permittees including but not limited to suspending or revoking a permit;

iv. Ensure that Marketplace Facilitators offer only permitted properties for Rent as STRs by requiring a Marketplace Facilitator to remove an advertisement or listing for an STR from the Marketplace Facilitator’s website or other digital platform if the STR Permit for the Property has been suspended or revoked or otherwise as appropriate;

v. Maintain and make publicly available a registry of all permitted STRs within the city; and

vi. Take or delegate any other action reasonably necessary to implement, administer, and enforce the STR ordinance. Nothing in this section

affects the ability of a Peace Officer to investigate suspected offenses involving STRs and initiate prosecutions of cases involving STRs.”

11-3-3-1

“Applicant.- Unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors, and assigns, or an ~~owner's~~owner’s authorized agent, who has filed an application for subdivision or development. ~~For wireless applications, an~~ Applicant ~~is any~~also includes a natural person with an ownership interest in a property that has filed an application for an STR permit for that property, and a wireless provider, infrastructure owner or any other entity, agent, employee, and contractor thereof that applies for permission to site, install, construct, collocate, modify and/or operate a WCF, ~~and shall include, where the context suggests, its agents, employees and contractors.~~

Application, Complete.-~~An~~ A complete application means a form, either electronic or paper, and all accompanying fees, submittal documents, and exhibits required of an ~~Applicant~~applicant by an approving authority for review of proposed site plans, conditional uses, subdivisions, planned unit developments, STR permits or renewal permits, and other similar development or land use purposes.

~~Property. Property may be a single lot, parcel, tract~~

City Code. City Code means the Code of Ordinances adopted by the City of Arvada and includes this LDC.

Emergency Contact or EC. Emergency contact or EC means a natural person aged 18 years of age or older who is capable of physically responding to the STR within one hour of being asked to do so by a peace officer, who has access to the STR, and who is authorized by the permittee to make decisions about it.

Guest. Guest means a person who is occupying or may occupy an STR or a property being used as an STR by reason of license, right of access, or by executing a rental agreement for a period of less than 30 consecutive calendar days.

Large Social Gathering. Large social gathering means a wedding, any gathering consisting of more than the total number of overnight occupants allowed on or within the property under the STR permit plus no more than six additional people, any gathering for which an admission, entry, door, cover, or similar fee is assessed, or any gathering that a reasonable person would believe would disrupt the quiet and peaceful enjoyment of a neighbor or neighbors.

Lodging. Lodging has the same meaning as that set forth in section 98-243 of the City Code.

Marketplace Facilitator. Marketplace facilitator has the same meaning as that set forth in section 98-243 of the City Code, and, as used in section 3-1-5-3 of this LDC, it includes any person, entity, or platform that facilitates an STR reservation or similar Lodging services between a prospective guest and a person or entity offering an STR. It does not include a property

management or other company that collects cleaning or other fees on behalf of STR permittees but that does not facilitate STR reservations.

Noise or Unreasonable Noise. Noise or unreasonable noise means any sound that is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings, and includes any sound that a reasonable person would believe would disturb those on an adjoining residential property considering the nature of the sound, the volume of the sound, the length of time the sound continued, the time of day at which the sound occurs, and any other factor a reasonable person would deem relevant to whether the sound was unreasonable. It also includes any sound that is in violation of any provision of Chapter 38 of the City Code.

Occupancy. Occupancy means the use or possession, or the right to use or possession of a dwelling for dwelling, lodging, or sleeping purposes.

Occupant. Occupant means a person of any age who is present upon an STR permitted property.

Ownership Interest. Ownership interest means a legally recognized stake in a property including sole ownership, or at least 20 percent of a legal interest in the property through shared ownership with other individuals, or at least a 20 percent shared legal interest in the property through ownership of an LLC or other corporate entity that owns the property. It includes a named beneficiary of a trust that holds the property.

Peace Officer. Peace officer has the same meaning as that set forth in section 58-2 of the City Code.

Permit. Permit means a document issued by the Director authorizing an applicant to use property for a specific type of use identified in this LDC. As used in section 3-1-5-3 of this LDC, it includes an STR renewal permit.

Permitted Property. As used in section 3-1-5-3 of this LDC, permitted property means the property specified in an STR permit that is owned by or in possession of the permittee and within which the permittee is allowed to provide STR accommodations. The permitted property may consist of the entire property or lot upon which the STR is located as in the case of a dwelling rented out along with driveways, lawns, and other areas appurtenant to the dwelling, or may consist of the area upon or within a property that is being held out for rent, as in the case of a townhome or condominium, or a bedroom and bathroom, or other similar area.

Permittee. Permittee means a person or entity to whom the City has issued a permit authorizing a property for a specific type of use.

Property. Property may be a single lot, parcel, tract, a condominium, or plot of land or may be a combination of abutting lots or parcels that will be bound by the approval.

Red tag. Red tag means a placard issued by the Director or the city's chief building official or designee thereof that is affixed upon or within the property to notify occupants or potential

occupants that the building is not safe for occupancy or that the property is not available to be rented or used as an STR.

Rent. Rent means consideration of any type provided in exchange for the use of a structure or property or portion thereof. As used in section 3-1-5-3 of this LDC, it includes the total consideration charged for short-term residential occupancy as shown on the guest's receipt.

~~*Short-Term-term Rental.* The use of a, *Short-term Rental Unit*, or *STR*. Short-term rental, short-term rental unit, or STR means a furnished dwelling unit, including, without limitation, or portion thereof in a single-unit, duplex, multiplex, or multifamily dwelling unit, mobile home, or any portion of such dwellings, that is offered, provided, operated, or~~ rented for occupancy for dwelling, lodging, or sleeping purposes for guests in exchange for remuneration for a period of less than 30 or fewer consecutive calendar days, counting portions of days as full calendar days. STR does not include a hotel, motel, tent, recreational vehicle, commercial office area, retail space, warehouse, industrial space or area, or other structure designed or used primarily for temporary or transient occupancy, including but not limited to a sleeping space in an outdoor area, a garage, a shed, or a tree house.

STR Program. STR program means and includes provisions of this LDC that relate to STRs and the STR Rules. The program includes any additions, revisions, and amendments to the city's STR laws and STR Rules as these documents may be from time to time amended.

STR Program Rules or Rules. STR Program Rules or Rules means those rules adopted under the City Code to provide clarity and context about the city's STR laws and how they operate."



Short-term Rental Program Rules

May 1, 2026

**Community and Economic Development
Department**

1.0 Generally.

1.1 *Background.* The City of Arvada has for many years regulated the business use of residential properties. This includes residential properties used as short-term rentals (STRs). STRs are residential living spaces available to rent for short periods of time. Shorter than a traditional lease, a short-term rental period ranges from 2-29 consecutive days. STRs are known by various names, including vacation rentals. They are usually made available via a vacation rental platform, also known as a marketplace facilitator, that facilitates or brokers STR reservations online and receives payment for providing this service. STRs exclude hotels and longer-term rentals.

1.2 *STR program.* Arvada's STR Program consists of the implementation, administration, and enforcement of the STR ordinance found at section 3-1-5-3 of Arvada's Land Development Code (LDC), related portions of the LDC and the Arvada City Code, these Rules, those portions of the City's Fees Schedule devoted to STR fees, and related activities. Prospective and current STR permittees are encouraged to be familiar with these and other sections of the City Code that apply to properties that are offered for rent as or being used as an STR.

1.3 *STR program goals.* The goals of the STR Program are to protect the health, safety, and welfare of STR occupants, preserve the residential character of neighborhoods, and provide guidance for STR permittees and emergency contacts (ECs) about how to comply with the law and these Rules.

1.4 *Complaints.* Complaints about an STR or a property thought to be used as an STR may be filed in accordance with section 11.0 below.

2.0 Authority and purpose.

2.1 *Authority.* These administrative Rules have been promulgated in accordance with City Code sections 2-141 – 145.

2.2 *Purpose.* These Rules set forth the standards, procedures, and supplemental information necessary to administer the STR program and provide clarity about the STR program for STR permittees and ECs.

2.3 *Amendment of.* These Rules may be updated, amended, expanded, or otherwise revised in accordance with City Code sections 2-141 – 145.

3.0 Definitions. The words, terms, and phrases defined in LDC section 11-3-3-3 that are used in these Rules have the same meaning as set forth in that section. The following words, terms, and phrases used in these Rules shall have the following meanings unless the context clearly requires otherwise:

Complaint means a statement alleging a violation of LDC section 3-1-5-3, of these Rules, or another section of the City Code related to the operation of a permitted STR or a property suspected of being offered for rent or used as an STR.

Contact information means the physical address, email address, and telephone number of an applicant or a natural person or an entity named in a permit application. In the case of a person filing a complaint about an STR, it means the complainant's name and their email address or telephone number.

Day means a calendar day.

Good standing means a determination by the director that an applicant or permittee is at the time of the determination not the subject of a pending "Order to Show Cause and Notice to Appear," a summons and complaint or red tag notice related to any STR in the city, has submitted all requested documentation to the director, and has paid all outstanding fees, charges, fines, taxes, and other amounts due to the city as a result of applying for or holding an STR permit.

4.0 Permit application.

4.1 *Generally.* An applicant must submit an STR permit application to the director on a form supplied by the director and available on the city's website. The director may require that the application and all required associated documents be submitted electronically. Should the director determine that an application is not complete in all respects or that the applicant is not eligible to apply for an STR permit under LDC section 3-1-5-3, the director will return the application to the applicant, except that the application fee is non-refundable. If the applicant is eligible to apply for an STR permit, the applicant may re-file a complete application with the submission of a re-filing fee as noted in the applicable Fees Schedule. The applicant must supply any information deemed reasonably necessary by the director to complete the application process. The applicant will certify that the information on the application and in the accompanying documents is accurate and truthful under penalty of law.

4.2 *Required documentation generally.* Each applicant must submit the following documentation with their completed application form:

4.2.1 The STR property's parcel information and property address;

4.2.2 A diagram or floor plan depicting the property for which the STR permit is being sought. It must show all floors of the dwelling to be permitted both finished and unfinished, use of rooms or areas, door locations, egress window locations and the size of each egress window, the location of fire extinguishers, and the location of smoke and carbon monoxide detectors;

4.2.3 A written property maintenance plan including the permittee's plan for mowing the lawn and removing weeds, for snow and ice removal, and for rubbish and garbage removal including the name and contact information for the permittee's trash hauling service;

4.2.4 The completed and signed EC form;

4.2.5 An acknowledgement that the applicant understands that each STR permit is contingent upon continuing compliance with all State laws, and local ordinances including the city's property maintenance, fire, and other building codes;

4.2.6 A completed STR Property Inspection Form;

4.2.7 Proof of ownership of the property. This may be by a copy of a recorded deed, by a notarized letter signed by the permittee that they hold an ownership interest in the permitted property as the term ownership interest is defined in LDC section 11-3-3-1, or proof that the applicant is a named beneficiary of a trust that owns the property;

4.2.8 A certification that there are no deed restrictions on the property prohibiting it from being used as an STR;

4.2.9 Information about any pending or previous summonses or Orders to Show Cause issued by the director, a peace officer, or a code enforcement official to the applicant or to the designated EC during the past year relating to:

4.2.9.1 The current or any previous STR permit or STR license issued by the city to the applicant; and

4.2.9.2 Any Arvada property that was offered for rent, rented, or used as an STR which was or is owned in whole or in part by the applicant or in which the applicant had a property interest;

4.2.10 A valid government-issued identification or passport;

4.2.11 A valid City of Arvada business license;

4.2.12 Proof of insurance as required under LDC section 3-1-5-3;

4.2.13 The permit application fee and other fees as applicable including the annual permit fee; and

4.2.14 Any other documentation deemed necessary as determined by the director.

4.3 *Renewal application.* A permittee must file a renewal application form and must update documentation already in the permittee's file as required by the director. In addition, the director may require additional information reasonably necessary to confirm that the permittee has been and is in compliance with all applicable laws and these Rules.

4.4 *Personally identifiable information.* By applying for an STR permit or by signing an EC designation form, each permittee and EC must acknowledge and agree that information that might identify them is being gathered for regulatory purposes as part of the city's STR Program. By applying for an STR permit or by signing an EC designation form, each permittee and EC must acknowledge that their names and names and telephone numbers may be released to the public, including but not limited to occupants of the permitted STR. Financial information related to taxation will not be made available to the public except as otherwise noted in Chapter 98 of the City Code.

5.0 Actions by the director: approval of permits.

5.1 *Generally.* In determining whether to approve, deny, not renew, suspend, or revoke a permit, the director may review and consider information submitted by the applicant, from any city employee, any city data system or contractor, from the Arvada Police Department or any other criminal justice agency or system, from a marketplace facilitator, or from the EC, and may consult with any other person or resource reasonably necessary to provide information relevant to the director's decision.

5.1.1 *Conditions.* The director may, as a condition of approval, retention, or renewal of any permit, impose on the permittee any reasonable condition or conditions related to the permit or the operation of the STR that is in accord with the intent of LDC section 3-1-5-3 and these Rules.

5.1.2. *Permit decisions - time limits.* The director should make any permit decision required under LDC section 3-1-5-3 or these Rules within 21 days of submission by the applicant of all information required to complete the STR permit application. This deadline may be extended if the director must arrange to have the property inspected.

5.2 *Approval of initial permit application.* The director may approve a permit or approve a permit with conditions if the director has sufficient information to satisfy the director that the applicant has submitted all required documentation, has met the requirements set forth in LDC section 3-1-5-3 and other applicable provisions of the City Code and these Rules, and is otherwise in good standing.

5.3 *Approval of renewal permit application.* The director may approve the renewal of an STR permit or approve it with conditions if the applicant has met the approval requirements noted in subsection 5.2 above and has met the following requirements:

5.3.1 Provided information about any changes to the previous application for the permit;

5.3.2 Provided the number of days the STR was occupied by guests during the previous 365 days;

5.3.3 Submitted information from the city's finance director that all lodging, sales, and other taxes due to the city have been paid as of the date the renewal application is filed with the city;

5.3.4 Submitted financial records necessary to allow for an audit of the STR's business records unless the permittee lists exclusively on a hosting platform that has an agreement with the city that includes a provision for pass-through registration for permittees;

5.3.5 Submitted proof of insurance as required under LDC section 3-1-5-3; and

5.3.6 Has met the requirements set forth in LDC section 3-1-5-3, other applicable provisions of the City Code, these Rules, and is otherwise in good standing.

6.0 Actions by the director: denial of permits.

6.1 *Generally.* The director may deny a permit or a renewal permit if:

6.1.1 The applicant fails to submit documentation as required;

6.1.2 The director determines there is or has been a material misrepresentation of fact on any document submitted by the applicant;

6.1.3 The applicant has acted or failed to act in conformance with any provision of LDC section 3-1-5-3 or these Rules including but not limited to the failure to pay any fees, taxes, or has failed to comply with any aspect of a sentence imposed by a municipal court judge relating to a case involving a Property being offered for rent, rented, or used as an STR; or

6.1.4 The designated EC does not meet the requirements of LDC section 3-1-5-3.

6.2 *Notice provided.* The grounds for denying a permit will be stated in writing and provided to the applicant or the permittee at the time the action is taken or as soon thereafter as is reasonably practical. The notice will provide information about the right to file a request for reconsideration or an appeal, as appropriate.

7.0 Permit – contents, signature.

7.1 *Generally.* An STR permit will be in a form supplied by the director and must contain the:

7.1.1 STR permit number;

7.1.2 Property address;

7.1.3 Permittee's and the EC's names and telephone numbers;

7.1.4 Date of issuance and date of expiration of the permit;

7.1.5 Total number of bedrooms in the permitted property;

7.1.6 Total number of overnight occupants allowed to stay at the STR;

7.1.7 Total number of people allowed on the permitted property (meaning the number of overnight occupants plus no more than six additional people);

7.1.8 Location of the fire extinguisher;

7.1.9 A notice to call 911 in an emergency; and

7.1.10 Any other information deemed relevant by the director.

8.0 Abandonment of a permit.

8.1 A permit will be deemed to be abandoned under the following circumstances:

8.1.1 Failure to apply timely for renewal permit. Understanding the time necessary to process a renewal application, and, notwithstanding any other provision of the City Code or these Rules, a permittee must submit a complete renewal application to the city not less than 45 days prior to the expiration date of the permit. The failure by a permittee to submit a complete renewal application no less than 45 days before the expiration of the permittee's existing permit will be deemed to be abandonment of the permit. The abandonment will be deemed to have occurred on the day the permit expires. The director will treat an application for renewal of a permit filed within 45 days or less of its expiration date as an application for a new STR permit.

8.1.2 Failure to rent. A permit will be deemed abandoned if the property is not rented at least once per quarter during the term of the permit as shown on tax filings.

8.1.3 Voluntary abandonment. A permit may be abandoned by a permittee at any time by notifying the director in writing of the permittee's intent to abandon the permit.

8.1.4 Failure to pay lodging, sales, or other taxes due to the city. A permit will be deemed abandoned if the permittee fails to submit lodging, sales, or other taxes due to the city in a timely manner. The abandonment will be deemed to have occurred seven days after the taxes are due.

8.1.5 Failure to pay a renewal permit or other fee. A permit will be deemed abandoned if the permittee fails to submit STR permitting or other fees due to the city in a timely manner. The abandonment will be deemed to have occurred seven days after the fee is due.

9.0 Permittee responsibilities; EC responsibilities.

9.1 *Generally.* The permittee is the primary point of contact for the permitted STR. The permittee is responsible for ensuring that the STR operates in compliance with LDC section 3-1-5-3, with these Rules, and with all other applicable ordinances and laws. In addition, the permittee is responsible for responding to STR occupant and community member complaints, inquiries and complaints from city officials, and to other on-site needs related to the STR and its operation.

9.2 *Response to complaints.* A permittee or EC must respond to a complaint within 24 hours of the time the permittee or EC is contacted about the complaint by the director or a designee thereof, by any third party STR monitoring service designated by the director to process STR complaints, or by a peace officer.

Exception. A permittee or EC must respond to a noise complaint within one hour of the time the permittee or EC is contacted about the noise complaint by the director or a designee thereof, by any third party STR monitoring service designated by the director to process STR complaints, or by a peace officer.

9.3 *Reporting in person to the property.* Notwithstanding the above, a permittee must report to the property in person within one hour if asked to do so by a peace officer. If the permittee is unable to respond to the property within one hour, the permittee may designate the EC to report to the property within one hour. All calls from a peace officer for an in-person response to the property will first be made to the permittee at the permittee's telephone number on file and then, if the permittee is unavailable to report to the property within one hour, to the EC at the EC's telephone number on file. A request to report to the property may be made via voice mail.

9.4 *Fire Protection District.* The permittee must also make available to the Arvada Fire Protection District the name and contact information for the permittee and the EC as shown on the STR permit. The permittee must update this information with the Fire District as soon as it is practicable each time this information changes.

9.5 *Emergency contact's responsibilities.* The EC is designated by the permittee as the secondary point of contact for the permitted STR. The EC must be able to report in

person to the STR within one hour of a request to do so by a peace officer if the permittee is unable to do so. The EC must be able to access the STR and be authorized to make decisions about the operation of the STR. Failure of an EC to physically report to the STR within one hour of a request from a peace officer may result in enforcement action against the permittee and the EC. Except for provisions in LDC section 3-1-5-3 or these Rules that by their very terms are only applicable to the EC, the permittee remains liable for compliance with LDC section 3-1-5-3, these Rules, and other applicable municipal and state laws.

10.0 Good Neighbor provisions.

10.1 *In-unit messaging through the Good Neighbor Guide.* STRs are required to operate in accordance with all applicable city and state laws and rules. These laws protect the health, safety, and welfare of the community and support the preservation of neighborhood character and values. In-unit messaging about applicable laws and rules is essential to assist STR occupants in supporting the city's STR Program Rules, ensuring STRs in neighborhoods support community character, and assisting in the promotion of Arvada's community character. In addition to posting the STR permit, the permittee must provide within the property a copy of the "Good Neighbor Guide" as published by the director.

10.1.1 Contents. The Guide will notify occupants that it is illegal to rent or use property that is not permitted to be an STR as an STR. It will ask occupants to be respectful of the STR's neighbors to help maintain the residential character of the neighborhood. It will note that all occupants are expected to abide by all laws including the city's noise laws that prohibit amplified sounds under Article II of Chapter 38 of the City Code. The Guide will notify occupants that a person who fails to vacate the property upon expiration of the occupancy term may be deemed to be a trespasser and to consult their rental agreement for more detailed information about the length of their rental. The Guide may contain any other information the director deems relevant to support neighborly practices.

10.2 *Neighborhood notification.* A permittee must notify the owner or tenant of each lot that shares a property line with the lot on which the permitted STR is located that an STR permit has been issued for the permitted property. The notice must be in writing and must contain the STR permit number and street address, the permittee's name and contact information, and the EC's name and contact information. The notice must be transmitted by first class U.S. Mail within 14 days of the issuance of the permit. Proof of notice will be considered sufficient if the permittee files with the Director within 28 days of the issuance of the permit a statement that the notice was properly transmitted. In the case of a condominium or other multi-family dwelling, the notice must be made to the current owner or tenant of any dwelling that shares a wall, floor, or ceiling with the permitted property. No notice is required for a lot or property that is entirely owned by a public entity, such as a city, county, or special district.

11.0 Complaints about STRs.

11.1 *Generally.* An STR complaint may be filed by a member of the public, a city employee, or by a contractor hired by the city to monitor STR activity or provide other services related to the administration or enforcement of LDC section 3-1-5-3. Those making a complaint should provide their name, their telephone number or email address, the date, time, and location of the alleged violation, and a detailed description of the action or the failure to act that constitutes the alleged violation.

11.2 *Types.* A complaint about an emergency at an STR or a property thought to be offered for rent, rented, or being used as an STR may be made by calling 911. A complaint of a non-emergency nature about activities at an STR or at a property thought to be offered for rent, rented or being used as an STR, such as a complaint about weeds, noise, or trash or snow removal, should be made through the city's 24/7 STR telephone complaint hotline, the city's online complaint system, or the police department's non-emergency number.

11.3 *Procedure, generally.* Complaints made through the 911 system or the police department's non-emergency number will be handled in accordance with established police policies and procedures. Complaints made about matters governed by the City's building, fire, and related technical codes may be routed to the City's code enforcement office. Other complaints may be handled by the director or another city official as appropriate. The director or police department may respond to an anonymous STR complaint as circumstances dictate and resources allow.

11.4 *Correction of deficiency allowed.* Except as noted in LDC section 3-1-5-3Q.1, which allows for immediate enforcement of certain violations, a peace officer or the director may contact the permittee or the EC about a complaint and ask that the situation be corrected. In these cases, the peace officer or director may allow the permittee or the EC to correct the situation before taking additional enforcement action.

11.5 *Documentation.* The director will, following consultation as necessary with a third party STR monitoring service designated by the director to process STR complaints, a peace officer, the city attorney's office, or with any other city employee with information relevant to the case, categorize the outcome of any complaint as substantiated or unsubstantiated, and will maintain a record of the outcome. A deficiency that is corrected after a notice from a city employee or a third party STR monitoring service designated by the director to process STR complaints but before the issuance by a peace officer of a summons and complaint in the matter will be deemed to be substantiated. An unfounded complaint will be deemed to be unsubstantiated.

11.6 *Records.* Except for records made or maintained by the Arvada Police Department, the city clerk's office is deemed to be the custodian of records related to STR complaints and the outcome of each complaint, including those determined to be unsubstantiated, in accordance with the city's records retention schedule.

11.7 *Fees.* The director may impose inspection, re-inspection, or other fees in connection with enforcement activities and in accordance with the City's applicable Fees Schedules.

11.8 *Coordination with marketplace facilitators.* The director will work to ensure that marketplace facilitators offer only permitted STRs for rent by requiring a marketplace facilitator to remove an advertisement or listing for a suspended, abandoned, or otherwise unavailable or unpermitted STR from their website or other digital platform. The director may coordinate with any other city employee and any marketplace facilitator to create processes that streamline the removal of these properties from these platforms. The director's notification should identify the listing's uniform resource locator (URL) or other specified digital location to be removed and state the reason for the removal. Notwithstanding the above, marketplace facilitators are still responsible for complying with all applicable sections of 3-1-5-3 of the LDC.

12.0 Administrative actions: notice and process.

12.1 *Generally; when initiated.* Administrative actions are a crucial tool to help protect the quality of life in neighborhoods, maintain community character, and protect the public's health, safety, and welfare. The director may initiate administrative proceedings against an STR permittee where:

12.1.1 There are three substantiated complaints relating to the same STR in any one-year period;

12.1.2 There exists good cause to believe the permittee has engaged in conduct that violates a provision of this Code;

12.1.3 A permittee has been charged in the municipal court with a violation of any provision of LDC section 3-1-5-3; or

12.1.4 The permitted property has been used or allowed to be in violation of these Rules or of LDC section 3-1-5-3.

12.2 *Initiation of action: contents of notice and order.* The director will initiate administrative proceedings against a permittee by mailing by first class U. S. Mail an Order to Show Cause and Notice to Appear to the permittee's physical address shown on the permittee's STR application. The Order and Notice must identify the STR property by location and permit number. It must set forth a description of the circumstances that necessitated its issuance and contain other relevant documentation, if any. It must also note the date, time, and location of the administrative hearing on the matter. Finally, the Order and Notice must contain a statement about the possible consequences of the failure to appear at the administrative hearing as required by the Order and Notice.

12.3 *Administrative hearing.* The administrative hearing will be set within 14 days of the date of the Order and Notice. To the extent practicable, the director will conduct the

hearing under Division 3, Administrative Hearings, of Chapter 2, Administration, of the City Code. If the permittee fails to appear at the hearing, the director will accept into the record any relevant evidence about the allegations noted in the Order and Notice and render a decision on the evidence presented. The city has the burden of moving forward with the presentation of evidence at the hearing and bears the burden of proof to show by a preponderance of the evidence that a violation occurred. The permittee will have the opportunity to be heard in accordance with the provisions of Division 3 of Chapter 2 noted above.

12.4 Decision. The director will issue a written decision on the matter within 14 days of the hearing and issue it to the permittee as noted in subsection 12.2 above. In making their decision, the director may consider any relevant information presented at the hearing, including but not limited to the permittee's past history and any actions the permittee has taken to remedy the violation. The justification for imposing administrative consequences, if any, on the permittee will be stated in the decision. The decision must set forth the permittee's appeal rights.

12.5 Administrative consequences. The director is authorized to impose the following consequences for a substantiated violation of any provision of the City Code or these Rules:

12.5.1 First violation: Suspension of the STR permit for up to 90 consecutive days.

12.5.2 Second violation within any one-year period: Suspension of the STR permit for up to 180 consecutive days.

12.5.3 Third violation within any one-year period: Revocation of the STR permit.

12.5.4 Notwithstanding the above, the director may revoke a permit for a violation listed in LDC section 3-1-5-3Q1 that has been committed by the permittee or for which the permittee is responsible. The director may impose other conditions in connection with the suspension of an STR permit. A suspension or revocation may begin at any time after the director's decision is issued.

12.6 Calculating dates of violation. The operative date for calculating the date of the second or third violation under this section 12 is the date of the violation or violations.

13.0 Requests for reconsideration; appeals.

13.1 Reconsideration. An applicant or permittee may request reconsideration by the director of a decision to deny a permit or not renew a permit by filing with the director a form prescribed by the city and available from the director. The reconsideration form must be filed within seven days of the date of the director's decision, state with specificity the error claimed, and contain documentation supporting the claim, if any.

Any grounds or basis not stated on the request form will not be considered as part of the request. A reconsideration request may be granted upon a showing that the decision was based upon a clear or plain error of fact or law. After consultation with the city attorney's office, the director will, within seven days of the date the request was filed, review the request and city records related to the request and issue a written decision on the request. The decision must contain the reason or reasons for the decision and must set forth the permittee's appeal rights. The decision will be issued to the permittee as noted in subsection 12.2 above. Should the director fail to issue a written decision within seven days, the claim will be deemed denied, and the applicant or permittee may appeal as set forth herein.

13.2 *Appeal.* An applicant or permittee may appeal a decision to deny a request for reconsideration or a decision to suspend or revoke a permit by filing with the city manager an appeal form prescribed by the city and available from the director. The appeal form must be filed within 14 days of the date of the director's decision, must state with specificity the grounds or basis for the appeal, and contain documentation supporting the claim, if any. Any grounds or basis not stated on the appeal form will not be considered as part of the appeal.

Exception. A STR permittee or the owner of a property being offered for rent, rented, or being used as an STR may appeal a decision by the director or designee thereof to post a property with a red tag notice by making application to the building code advisory board in accordance with the provisions of Arvada City Code section 18-36, Board of Appeals.

13.3 *Action by city manager.* All information submitted as part of the appeal will be submitted to the city manager or designee thereof. Notwithstanding any other provision of the Code, the appeal of the director's decision shall consist of a review of all relevant documentation submitted by the applicant or permittee, as well as any other information on file with the city in the matter. All documentation may be reviewed electronically.

13.3.1 Process. The city bears the burden of proof in an appeal to show that the director's decision was supported by substantial and competent evidence. The manager will review the documentation submitted, and, within 14 days of the filing of the appeal, issue a written decision on the appeal. The decision must contain the reason or reasons for the decision and set forth the permittee's appeal rights. The decision will be issued to the permittee as noted in subsection 12.2 above. Should the city manager fail to issue a written decision on the appeal within 14 days, the appeal will be deemed denied, and the permittee may proceed as if an adverse decision had been issued.

13.4 *Appeal of the manager's decision.* The city manager's decision, or denial of an appeal because of the manager's failure to issue a written decision, shall be considered a final agency decision. The appeal may proceed under Rule 106 of the Colorado Rules of Civil Procedure.

13.5 *Concurrent actions.* Nothing in these Rules precludes concurrent administrative, civil, investigative, or enforcement actions or as set forth in LDC section 3-1-5-3.

14.0 Fees. As is the case with all city fees, STR fees will reflect the direct and indirect costs of providing services reasonably necessary to implement and administer the STR ordinance and the STR Program Rules, including but not limited to the costs of reviewing and processing applications, inspection costs, and similar costs. STR fees must be remitted at the time the permit application is submitted or at the time a service is requested or rendered, whichever is earliest. Fees are not refundable and will not be pro-rated, even if a permit is suspended, revoked, or abandoned.

Proposed Short-term Rental Ordinance

City Council – Public Hearing
February 17, 2026

Background

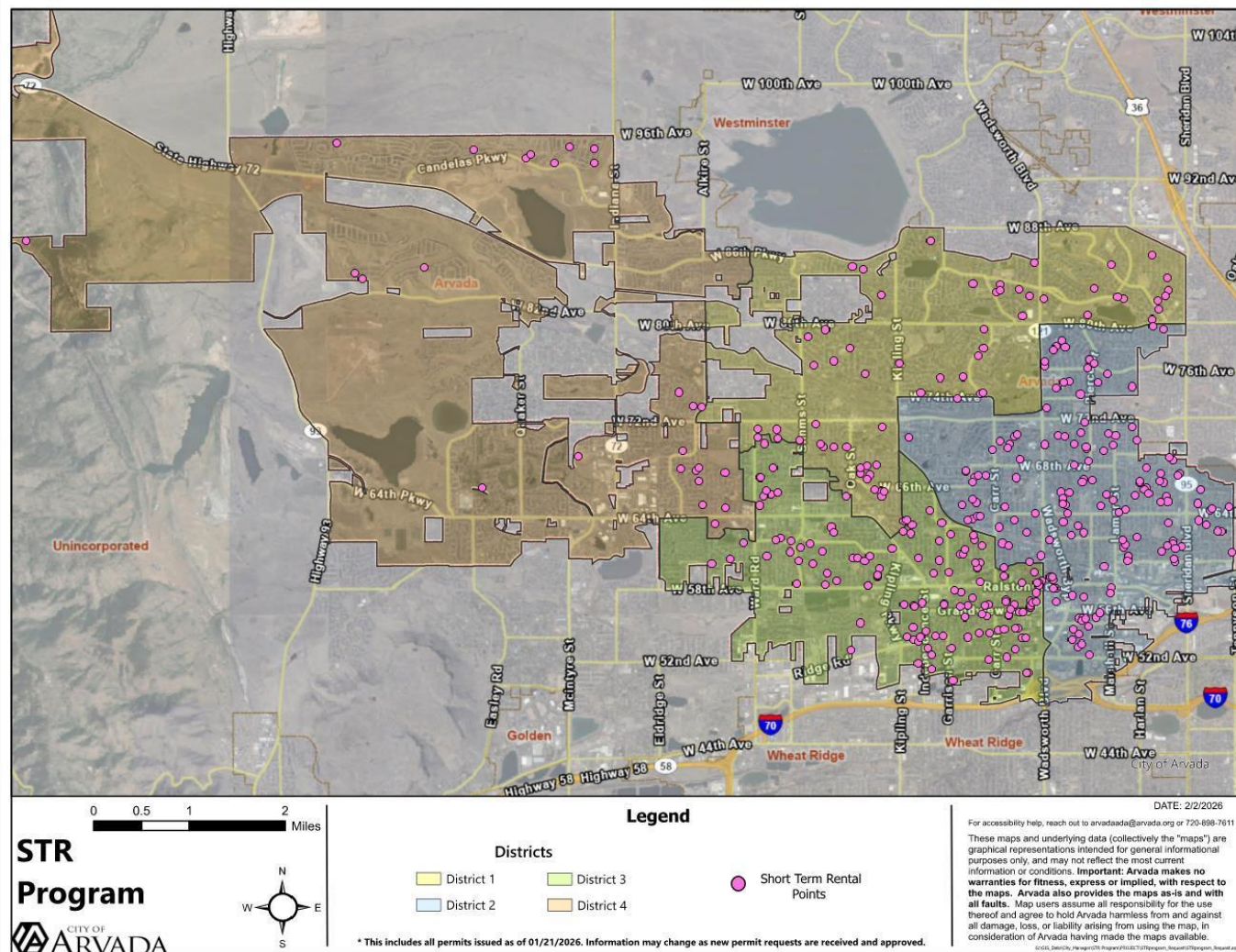
- Feb. 10, 2025: Workshop
- December, 2025: Survey about possible changes to the STR ordinance
- Jan. 13: Study Session about the proposed ordinance
- Feb. 3: 1st Reading (City Council)
- Feb. 4: Public Hearing (Planning Commission)
- Feb. 12: Public Hearing on the proposed Program Rules (Administrative Hearing)
- Today: 2nd Reading and Public Hearing (City Council)

Current Status of STRs in Arvada

390 active short-term rental licenses as of 02/12/2026

- 22 of those have two licenses
- 4 of those have three licenses

212 unlicensed short-term rental licenses



STR Licenses Issued as of January 21, 2026

Arvada's Current STR Ordinance

STR license is required (one-year term):

- Each licensee is allowed to operate three STR units
- Inspections are done at discretion of the CED director
- A business license is also required

Enforcement:

- Complaint processes not clearly set forth
- Unlawful acts are not presented in a transparent manner
- Roles and responsibilities are unclear

Clarifying the Problem

Problem:

- Administrative challenges
- Complaints about STRs
- Enforcement challenges

Council concerns / direction:

- Clarify city processes, roles, and responsibilities
- Provide proper tools and resources to more effectively enforce
- Provide more transparency about how we partner with STR owners

Ask Arvada Snapshot (2025)

Reporting Unpermitted STR Property	35
Property Upkeep (yard maintenance, snow shoveling, trash)	20
Noise Complaint	11
Reporting Unpermitted Changes to STR Property	8
General Question about Permitting/Licensing	7
Parking Complaint	6
	87 total

	Maximum # of Licenses per Person	LLC Ownership and Licensure	Enforcement: can the City impose mandatory fines or loss of license?
Arvada (current)	3 (primary or non-primary)	Yes, LLC ownership and licensure allowed	No minimum mandatory fines; yes loss of license
Boulder	1 (primary residence)	No, LLC ownership and licensure not allowed	Yes to both
Englewood	1 (primary residence or ADU)	Yes, LLC ownership and licensure allowed, but proof of primary residency required.	Yes to both
Fort Collins	No limit, but heavy zoning restrictions (STRs prohibited in most low-density residential zones)	Yes, LLC ownership and licensure allowed	Yes to both
Lakewood	1 (primary residence)	Yes, LLC ownership and licensure allowed, but proof of primary residency required. All owners of LLC must sign that they will not apply for an additional license in city.	Yes to both
Northglenn	No limit	Yes, LLC ownership and licensure allowed	No fines; yes loss of license
Westminster	1 (primary or non-primary)	Yes, LLC ownership and licensure allowed	Yes to both
Wheat Ridge	2 (1 primary and 1 non-primary)	Yes, LLC ownership and licensure allowed	Yes to both



CITY OF
ARVADA



Speak Up Arvada Survey

Survey dates: Monday, Dec. 1–Thursday, Dec. 18

Purpose: To gauge public sentiment on proposed changes to STR ordinance

Total responses: 806 (242 STR owners; 564 non-STR owners)

Open-Ended Comments

Total number of comments: 271 (108 STR owners; 163 non-STR owners)

Themes: STR owners	Themes: Non-STR owners
• Supportive of enforcement • Not supportive of limiting number of licenses and preventing LLCs from holding licenses • Concerns about losing a source of income	• Supportive of enforcement and limiting number of STRs • Not supportive of preventing LLCs from holding licenses • Concerns about quality of life, affordable housing, but recognized economic benefit

Solutions: Proposed Ordinance / Rules

Ownership / permittees:

- Permittee must be a real person w/ ownership interest
- Reduce the # of permits each person may hold from 3 to 1

Enforcement gaps:

- Administrative and enforcement processes are more efficient
- Unlawful acts related to STRs are stated more clearly

Conclusion / Questions

The proposed ordinance and rules:

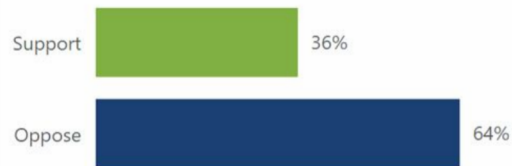
- Create a better balance of competing interests of STR guests, owners, and neighbors
- Address the City Council's concerns around clarifying and streamlining administrative and enforcement processes

Appendix

Response Summary

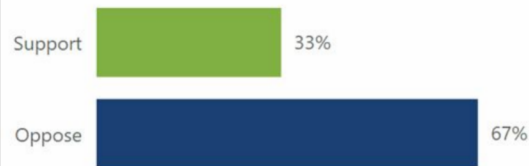
Question 1: One proposed change is that **only real persons ages 18 and over can hold a short-term rental license, and LLCs can no longer hold a license.** Are you in favor of this change?

762



Question 2: Another proposed change is that **individuals can only hold one short-term rental license at a time, either for an owner-occupied property or a non-owner-occupied property. The current limit for licenses is three per person.** Are you in favor of this change?

751



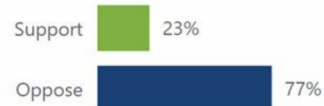
Question 3: Another proposed change is the addition of **stronger enforcement provisions, such as mandatory fines in the City's code for operating an STR without a license, non-compliance with Building Code requirements, with the goal of holding hosts and violators accountable.** Are you in favor of this change?

668



Q1: STR owner

226



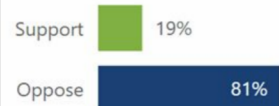
Q1: non-STR owner

536



Q2: STR owners

226



Q2: non-STR owners

525



Q3: STR owners

195

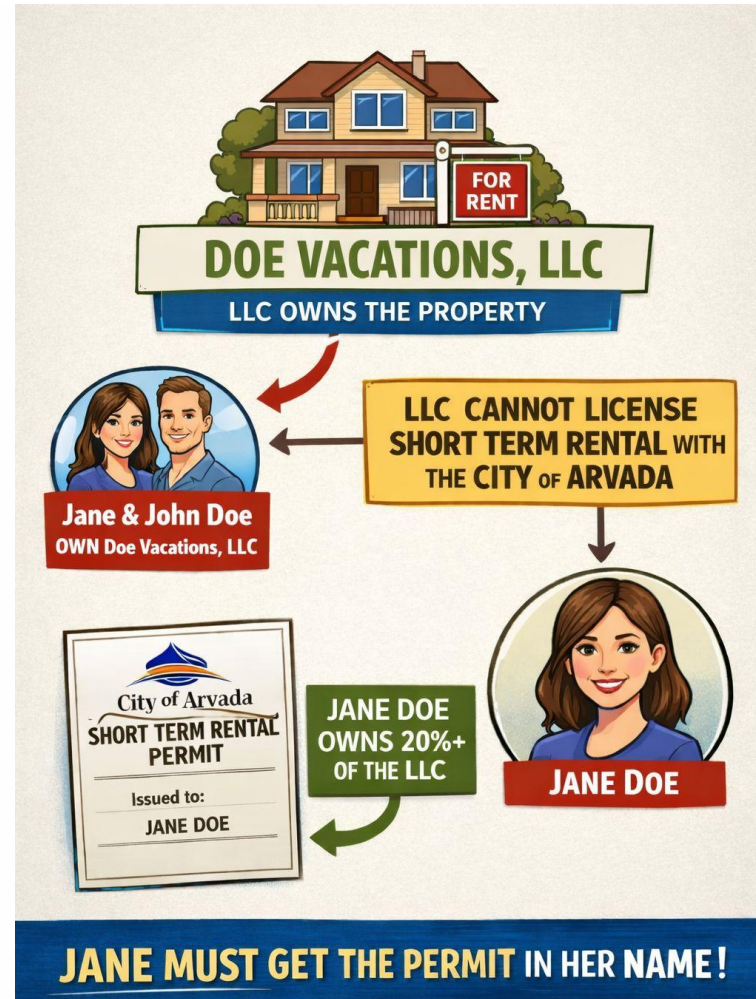


Q3: non-STR owners

473



LLC Example





REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
10.A.1.

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: R26-012, A Resolution Adopting Short-Term Rental Program Rules (Presenter: Nora Steenson, Deputy City Attorney)

Report in Brief

Later this evening, the City Council will consider revisions to the City's Short-Term Rental (STR) ordinance. Members of the Council asked City team members to review and revise the ordinance to make it less burdensome to administer, and to help ensure that regulatory provisions were more transparent.

As a result, the City team is proposing several changes to the STR ordinance. Some of those changes are set forth in the ordinance, but as is the case with many laws, it is also helpful to create rules that govern the implementation, administration, and enforcement of the ordinance. These administrative rules ("Program Rules") help ensure the efficient, effective, and consistent application of the law by more clearly defining the roles and responsibilities of the City team members who are responsible for implementing, administering, and enforcing it. The Program Rules also provide guidance for STR owners about how STR applications will be handled and about how those responsible for regulating STRs will make decisions and resolve disputes. This helps ensure that both STR owners and that City team members are accountable for their actions.

The Arvada team recommends that the City Council approve R 26-012, A Resolution Adopting Short-Term Rental Program Rules.

Financial Impact

N / A

Background

The proposed STR Program Rules are intended to be read in conjunction with the proposed STR ordinance. The Rules contain general information for STR owners about permitting and operating STRs. This includes noting the documentation necessary to file an STR permit application. The Rules also provide decision-making guidance to the CED director about approving or denying STR permits. They also provide basic information for the public about how to file a complaint about an STR or a property thought to be operated as an STR. Finally, the Rules, in conjunction with the proposed revisions to the STR ordinance, provide for the reconsideration or even appeal of certain STR decisions made by the CED director.

In accordance with Arvada City Code sections 2-145 – 145 which outline the process for the adoption of administrative rules, the proposed Rules were the subject of a public hearing held on February 12, 2026. They are being presented to the City Council for adoption via resolution. Should the City Council adopt these Program Rules, the Rules will only go into effect if the City Council also votes to approve CB 26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals.

Discussion

See the Report in Brief and Background sections, above.

Public Contact

The City's STR ordinance itself was the subject of a workshop and a study session in 2025, both available to the public. The STR ordinance was the subject of a public hearing held on February 4 before the Planning Commission. It will be the subject of a second public hearing later this evening before the City Council. These STR Program Rules were the subject of a separate public hearing held on February 12. All these hearings were noticed to the public. This resolution was also posted on the City Council agenda.

Commission Recommendation

N / A

Strategic Alignment

Arvada depends on a well-managed, fiscally responsible, and transparent City government. This item aligns with SC 4: Applies inspection, enforcement, community support, and neighborhood engagement services to residents, businesses, and neighborhood partners to preserve a safe community, with CED 4: Maintains and protects the health, safety, and welfare of the public by ensuring safe buildings in the community while providing excellent customer service, and with OSE 7: Provides information and data to the community to support engagement in community governance, civic responsibility, and easy access to public information.

Alternative Courses of Action

1. Approve the resolution adopting the proposed STR Program Rules (note the Program Rules will only become effective if the City Council also approves CB 26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals).
2. Vote the proposed STR Program Rules down or refuse to take any action.

Recommendation for Action

The Arvada team recommends that the City Council approve Alternative No. 1 by approving the resolution.

Suggested Motion:

I move that R26-012, A Resolution Adopting Short-Term Rental Program Rules, be (approved) (rejected).

Prepared by:
Toni Riebschlager, Law Office Administrator

Reviewed by:

Approved by:

Nora Steenson, Deputy City Attorney	01/27/2026
Jessica Garner, Director of Community and Economic Development	01/28/2026
Rachel Morris, City Attorney	02/04/2026
Allison Scheck, Deputy City Manager	02/04/2026
Don Wick, City Manager	02/05/2026

Enclosure, exhibits & attachments required to support the report

SUBJECT: R26-012, A Resolution Adopting Short-Term Rental Program Rules (Presenter:
Nora Steenson, Deputy City Attorney)

PAGE: 3

ITEM: 10.A.1.

RESOLUTION NO. R26-012

A RESOLUTION ADOPTING SHORT-TERM RENTAL PROGRAM RULES

WHEREAS, the City Council wishes to ensure that the City's Short-term Rental (STR) ordinance is aligned with the goals of ensuring that STRs are more fully integrated into existing neighborhoods while preserving the residential character of these neighborhoods; and

WHEREAS, the City Council is considering revisions to the City's existing STR ordinance; and

WHEREAS, should the City Council revise the STR ordinance, it also wishes to adopt administrative rules, or "Program Rules" that govern the implementation, administration, and enforcement of the ordinance; and

WHEREAS, the proposed STR Program Rules were developed in compliance with Arvada City Code sections 2-141 – 145, which requires a public hearing and presentation to the City Council via resolution; and

WHEREAS, the City Council finds that the adoption of STR Program Rules is in the best interests of the City and protects the public's health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The City Council hereby adopts and approves the Short-Term Rental Program Rules in substantially the same form as that attached hereto.

Section 2. This resolution shall be effective at the same date and time that Council Bill No. 26-001, An Ordinance Repealing and Reenacting or Amending Various Sections of the Land Development Code of the Arvada City Code Relating to Short-Term Rentals, becomes effective.

APPROVED AND ADOPTED this 17th day of February, 2026.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney

By: _____



Short-term Rental Program Rules

May 1, 2026

**Community and Economic Development
Department**

1.0 Generally.

1.1 *Background.* The City of Arvada has for many years regulated the business use of residential properties. This includes residential properties used as short-term rentals (STRs). STRs are residential living spaces available to rent for short periods of time. Shorter than a traditional lease, a short-term rental period ranges from 2-29 consecutive days. STRs are known by various names, including vacation rentals. They are usually made available via a vacation rental platform, also known as a marketplace facilitator, that facilitates or brokers STR reservations online and receives payment for providing this service. STRs exclude hotels and longer-term rentals.

1.2 *STR program.* Arvada's STR Program consists of the implementation, administration, and enforcement of the STR ordinance found at section 3-1-5-3 of Arvada's Land Development Code (LDC), related portions of the LDC and the Arvada City Code, these Rules, those portions of the City's Fees Schedule devoted to STR fees, and related activities. Prospective and current STR permittees are encouraged to be familiar with these and other sections of the City Code that apply to properties that are offered for rent as or being used as an STR.

1.3 *STR program goals.* The goals of the STR Program are to protect the health, safety, and welfare of STR occupants, preserve the residential character of neighborhoods, and provide guidance for STR permittees and emergency contacts (ECs) about how to comply with the law and these Rules.

1.4 *Complaints.* Complaints about an STR or a property thought to be used as an STR may be filed in accordance with section 11.0 below.

2.0 Authority and purpose.

2.1 *Authority.* These administrative Rules have been promulgated in accordance with City Code sections 2-141 – 145.

2.2 *Purpose.* These Rules set forth the standards, procedures, and supplemental information necessary to administer the STR program and provide clarity about the STR program for STR permittees and ECs.

2.3 *Amendment of.* These Rules may be updated, amended, expanded, or otherwise revised in accordance with City Code sections 2-141 – 145.

3.0 Definitions. The words, terms, and phrases defined in LDC section 11-3-3-3 that are used in these Rules have the same meaning as set forth in that section. The following words, terms, and phrases used in these Rules shall have the following meanings unless the context clearly requires otherwise:

Complaint means a statement alleging a violation of LDC section 3-1-5-3, of these Rules, or another section of the City Code related to the operation of a permitted STR or a property suspected of being offered for rent or used as an STR.

Contact information means the physical address, email address, and telephone number of an applicant or a natural person or an entity named in a permit application. In the case of a person filing a complaint about an STR, it means the complainant's name and their email address or telephone number.

Day means a calendar day.

Good standing means a determination by the director that an applicant or permittee is at the time of the determination not the subject of a pending "Order to Show Cause and Notice to Appear," a summons and complaint or red tag notice related to any STR in the city, has submitted all requested documentation to the director, and has paid all outstanding fees, charges, fines, taxes, and other amounts due to the city as a result of applying for or holding an STR permit.

4.0 Permit application.

4.1 *Generally.* An applicant must submit an STR permit application to the director on a form supplied by the director and available on the city's website. The director may require that the application and all required associated documents be submitted electronically. Should the director determine that an application is not complete in all respects or that the applicant is not eligible to apply for an STR permit under LDC section 3-1-5-3, the director will return the application to the applicant, except that the application fee is non-refundable. If the applicant is eligible to apply for an STR permit, the applicant may re-file a complete application with the submission of a re-filing fee as noted in the applicable Fees Schedule. The applicant must supply any information deemed reasonably necessary by the director to complete the application process. The applicant will certify that the information on the application and in the accompanying documents is accurate and truthful under penalty of law.

4.2 *Required documentation generally.* Each applicant must submit the following documentation with their completed application form:

4.2.1 The STR property's parcel information and property address;

4.2.2 A diagram or floor plan depicting the property for which the STR permit is being sought. It must show all floors of the dwelling to be permitted both finished and unfinished, use of rooms or areas, door locations, egress window locations and the size of each egress window, the location of fire extinguishers, and the location of smoke and carbon monoxide detectors;

4.2.3 A written property maintenance plan including the permittee's plan for mowing the lawn and removing weeds, for snow and ice removal, and for rubbish and garbage removal including the name and contact information for the permittee's trash hauling service;

4.2.4 The completed and signed EC form;

4.2.5 An acknowledgement that the applicant understands that each STR permit is contingent upon continuing compliance with all State laws, and local ordinances including the city's property maintenance, fire, and other building codes;

4.2.6 A completed STR Property Inspection Form;

4.2.7 Proof of ownership of the property. This may be by a copy of a recorded deed, by a notarized letter signed by the permittee that they hold an ownership interest in the permitted property as the term ownership interest is defined in LDC section 11-3-3-1, or proof that the applicant is a named beneficiary of a trust that owns the property;

4.2.8 A certification that there are no deed restrictions on the property prohibiting it from being used as an STR;

4.2.9 Information about any pending or previous summonses or Orders to Show Cause issued by the director, a peace officer, or a code enforcement official to the applicant or to the designated EC during the past year relating to:

4.2.9.1 The current or any previous STR permit or STR license issued by the city to the applicant; and

4.2.9.2 Any Arvada property that was offered for rent, rented, or used as an STR which was or is owned in whole or in part by the applicant or in which the applicant had a property interest;

4.2.10 A valid government-issued identification or passport;

4.2.11 A valid City of Arvada business license;

4.2.12 Proof of insurance as required under LDC section 3-1-5-3;

4.2.13 The permit application fee and other fees as applicable including the annual permit fee; and

4.2.14 Any other documentation deemed necessary as determined by the director.

4.3 *Renewal application.* A permittee must file a renewal application form and must update documentation already in the permittee's file as required by the director. In addition, the director may require additional information reasonably necessary to confirm that the permittee has been and is in compliance with all applicable laws and these Rules.

4.4 *Personally identifiable information.* By applying for an STR permit or by signing an EC designation form, each permittee and EC must acknowledge and agree that information that might identify them is being gathered for regulatory purposes as part of the city's STR Program. By applying for an STR permit or by signing an EC designation form, each permittee and EC must acknowledge that their names and names and telephone numbers may be released to the public, including but not limited to occupants of the permitted STR. Financial information related to taxation will not be made available to the public except as otherwise noted in Chapter 98 of the City Code.

5.0 Actions by the director: approval of permits.

5.1 *Generally.* In determining whether to approve, deny, not renew, suspend, or revoke a permit, the director may review and consider information submitted by the applicant, from any city employee, any city data system or contractor, from the Arvada Police Department or any other criminal justice agency or system, from a marketplace facilitator, or from the EC, and may consult with any other person or resource reasonably necessary to provide information relevant to the director's decision.

5.1.1 *Conditions.* The director may, as a condition of approval, retention, or renewal of any permit, impose on the permittee any reasonable condition or conditions related to the permit or the operation of the STR that is in accord with the intent of LDC section 3-1-5-3 and these Rules.

5.1.2. *Permit decisions - time limits.* The director should make any permit decision required under LDC section 3-1-5-3 or these Rules within 21 days of submission by the applicant of all information required to complete the STR permit application. This deadline may be extended if the director must arrange to have the property inspected.

5.2 *Approval of initial permit application.* The director may approve a permit or approve a permit with conditions if the director has sufficient information to satisfy the director that the applicant has submitted all required documentation, has met the requirements set forth in LDC section 3-1-5-3 and other applicable provisions of the City Code and these Rules, and is otherwise in good standing.

5.3 *Approval of renewal permit application.* The director may approve the renewal of an STR permit or approve it with conditions if the applicant has met the approval requirements noted in subsection 5.2 above and has met the following requirements:

5.3.1 Provided information about any changes to the previous application for the permit;

5.3.2 Provided the number of days the STR was occupied by guests during the previous 365 days;

5.3.3 Submitted information from the city's finance director that all lodging, sales, and other taxes due to the city have been paid as of the date the renewal application is filed with the city;

5.3.4 Submitted financial records necessary to allow for an audit of the STR's business records unless the permittee lists exclusively on a hosting platform that has an agreement with the city that includes a provision for pass-through registration for permittees;

5.3.5 Submitted proof of insurance as required under LDC section 3-1-5-3; and

5.3.6 Has met the requirements set forth in LDC section 3-1-5-3, other applicable provisions of the City Code, these Rules, and is otherwise in good standing.

6.0 Actions by the director: denial of permits.

6.1 *Generally.* The director may deny a permit or a renewal permit if:

6.1.1 The applicant fails to submit documentation as required;

6.1.2 The director determines there is or has been a material misrepresentation of fact on any document submitted by the applicant;

6.1.3 The applicant has acted or failed to act in conformance with any provision of LDC section 3-1-5-3 or these Rules including but not limited to the failure to pay any fees, taxes, or has failed to comply with any aspect of a sentence imposed by a municipal court judge relating to a case involving a Property being offered for rent, rented, or used as an STR; or

6.1.4 The designated EC does not meet the requirements of LDC section 3-1-5-3.

6.2 *Notice provided.* The grounds for denying a permit will be stated in writing and provided to the applicant or the permittee at the time the action is taken or as soon thereafter as is reasonably practical. The notice will provide information about the right to file a request for reconsideration or an appeal, as appropriate.

7.0 Permit – contents, signature.

7.1 *Generally.* An STR permit will be in a form supplied by the director and must contain the:

7.1.1 STR permit number;

7.1.2 Property address;

7.1.3 Permittee's and the EC's names and telephone numbers;

7.1.4 Date of issuance and date of expiration of the permit;

7.1.5 Total number of bedrooms in the permitted property;

7.1.6 Total number of overnight occupants allowed to stay at the STR;

7.1.7 Total number of people allowed on the permitted property (meaning the number of overnight occupants plus no more than six additional people);

7.1.8 Location of the fire extinguisher;

7.1.9 A notice to call 911 in an emergency; and

7.1.10 Any other information deemed relevant by the director.

8.0 Abandonment of a permit.

8.1 A permit will be deemed to be abandoned under the following circumstances:

8.1.1 Failure to apply timely for renewal permit. Understanding the time necessary to process a renewal application, and, notwithstanding any other provision of the City Code or these Rules, a permittee must submit a complete renewal application to the city not less than 45 days prior to the expiration date of the permit. The failure by a permittee to submit a complete renewal application no less than 45 days before the expiration of the permittee's existing permit will be deemed to be abandonment of the permit. The abandonment will be deemed to have occurred on the day the permit expires. The director will treat an application for renewal of a permit filed within 45 days or less of its expiration date as an application for a new STR permit.

8.1.2 Failure to rent. A permit will be deemed abandoned if the property is not rented at least once per quarter during the term of the permit as shown on tax filings.

8.1.3 Voluntary abandonment. A permit may be abandoned by a permittee at any time by notifying the director in writing of the permittee's intent to abandon the permit.

8.1.4 Failure to pay lodging, sales, or other taxes due to the city. A permit will be deemed abandoned if the permittee fails to submit lodging, sales, or other taxes due to the city in a timely manner. The abandonment will be deemed to have occurred seven days after the taxes are due.

8.1.5 Failure to pay a renewal permit or other fee. A permit will be deemed abandoned if the permittee fails to submit STR permitting or other fees due to the city in a timely manner. The abandonment will be deemed to have occurred seven days after the fee is due.

9.0 Permittee responsibilities; EC responsibilities.

9.1 *Generally.* The permittee is the primary point of contact for the permitted STR. The permittee is responsible for ensuring that the STR operates in compliance with LDC section 3-1-5-3, with these Rules, and with all other applicable ordinances and laws. In addition, the permittee is responsible for responding to STR occupant and community member complaints, inquiries and complaints from city officials, and to other on-site needs related to the STR and its operation.

9.2 *Response to complaints.* A permittee or EC must respond to a complaint within 24 hours of the time the permittee or EC is contacted about the complaint by the director or a designee thereof, by any third party STR monitoring service designated by the director to process STR complaints, or by a peace officer.

Exception. A permittee or EC must respond to a noise complaint within one hour of the time the permittee or EC is contacted about the noise complaint by the director or a designee thereof, by any third party STR monitoring service designated by the director to process STR complaints, or by a peace officer.

9.3 *Reporting in person to the property.* Notwithstanding the above, a permittee must report to the property in person within one hour if asked to do so by a peace officer. If the permittee is unable to respond to the property within one hour, the permittee may designate the EC to report to the property within one hour. All calls from a peace officer for an in-person response to the property will first be made to the permittee at the permittee's telephone number on file and then, if the permittee is unavailable to report to the property within one hour, to the EC at the EC's telephone number on file. A request to report to the property may be made via voice mail.

9.4 *Fire Protection District.* The permittee must also make available to the Arvada Fire Protection District the name and contact information for the permittee and the EC as shown on the STR permit. The permittee must update this information with the Fire District as soon as it is practicable each time this information changes.

9.5 *Emergency contact's responsibilities.* The EC is designated by the permittee as the secondary point of contact for the permitted STR. The EC must be able to report in

person to the STR within one hour of a request to do so by a peace officer if the permittee is unable to do so. The EC must be able to access the STR and be authorized to make decisions about the operation of the STR. Failure of an EC to physically report to the STR within one hour of a request from a peace officer may result in enforcement action against the permittee and the EC. Except for provisions in LDC section 3-1-5-3 or these Rules that by their very terms are only applicable to the EC, the permittee remains liable for compliance with LDC section 3-1-5-3, these Rules, and other applicable municipal and state laws.

10.0 Good Neighbor provisions.

10.1 *In-unit messaging through the Good Neighbor Guide.* STRs are required to operate in accordance with all applicable city and state laws and rules. These laws protect the health, safety, and welfare of the community and support the preservation of neighborhood character and values. In-unit messaging about applicable laws and rules is essential to assist STR occupants in supporting the city's STR Program Rules, ensuring STRs in neighborhoods support community character, and assisting in the promotion of Arvada's community character. In addition to posting the STR permit, the permittee must provide within the property a copy of the "Good Neighbor Guide" as published by the director.

10.1.1 Contents. The Guide will notify occupants that it is illegal to rent or use property that is not permitted to be an STR as an STR. It will ask occupants to be respectful of the STR's neighbors to help maintain the residential character of the neighborhood. It will note that all occupants are expected to abide by all laws including the city's noise laws that prohibit amplified sounds under Article II of Chapter 38 of the City Code. The Guide will notify occupants that a person who fails to vacate the property upon expiration of the occupancy term may be deemed to be a trespasser and to consult their rental agreement for more detailed information about the length of their rental. The Guide may contain any other information the director deems relevant to support neighborly practices.

10.2 *Neighborhood notification.* A permittee must notify the owner or tenant of each lot that shares a property line with the lot on which the permitted STR is located that an STR permit has been issued for the permitted property. The notice must be in writing and must contain the STR permit number and street address, the permittee's name and contact information, and the EC's name and contact information. The notice must be transmitted by first class U.S. Mail within 14 days of the issuance of the permit. Proof of notice will be considered sufficient if the permittee files with the Director within 28 days of the issuance of the permit a statement that the notice was properly transmitted. In the case of a condominium or other multi-family dwelling, the notice must be made to the current owner or tenant of any dwelling that shares a wall, floor, or ceiling with the permitted property. No notice is required for a lot or property that is entirely owned by a public entity, such as a city, county, or special district.

11.0 Complaints about STRs.

11.1 *Generally.* An STR complaint may be filed by a member of the public, a city employee, or by a contractor hired by the city to monitor STR activity or provide other services related to the administration or enforcement of LDC section 3-1-5-3. Those making a complaint should provide their name, their telephone number or email address, the date, time, and location of the alleged violation, and a detailed description of the action or the failure to act that constitutes the alleged violation.

11.2 *Types.* A complaint about an emergency at an STR or a property thought to be offered for rent, rented, or being used as an STR may be made by calling 911. A complaint of a non-emergency nature about activities at an STR or at a property thought to be offered for rent, rented or being used as an STR, such as a complaint about weeds, noise, or trash or snow removal, should be made through the city's 24/7 STR telephone complaint hotline, the city's online complaint system, or the police department's non-emergency number.

11.3 *Procedure, generally.* Complaints made through the 911 system or the police department's non-emergency number will be handled in accordance with established police policies and procedures. Complaints made about matters governed by the City's building, fire, and related technical codes may be routed to the City's code enforcement office. Other complaints may be handled by the director or another city official as appropriate. The director or police department may respond to an anonymous STR complaint as circumstances dictate and resources allow.

11.4 *Correction of deficiency allowed.* Except as noted in LDC section 3-1-5-3Q.1, which allows for immediate enforcement of certain violations, a peace officer or the director may contact the permittee or the EC about a complaint and ask that the situation be corrected. In these cases, the peace officer or director may allow the permittee or the EC to correct the situation before taking additional enforcement action.

11.5 *Documentation.* The director will, following consultation as necessary with a third party STR monitoring service designated by the director to process STR complaints, a peace officer, the city attorney's office, or with any other city employee with information relevant to the case, categorize the outcome of any complaint as substantiated or unsubstantiated, and will maintain a record of the outcome. A deficiency that is corrected after a notice from a city employee or a third party STR monitoring service designated by the director to process STR complaints but before the issuance by a peace officer of a summons and complaint in the matter will be deemed to be substantiated. An unfounded complaint will be deemed to be unsubstantiated.

11.6 *Records.* Except for records made or maintained by the Arvada Police Department, the city clerk's office is deemed to be the custodian of records related to STR complaints and the outcome of each complaint, including those determined to be unsubstantiated, in accordance with the city's records retention schedule.

11.7 *Fees.* The director may impose inspection, re-inspection, or other fees in connection with enforcement activities and in accordance with the City's applicable Fees Schedules.

11.8 *Coordination with marketplace facilitators.* The director will work to ensure that marketplace facilitators offer only permitted STRs for rent by requiring a marketplace facilitator to remove an advertisement or listing for a suspended, abandoned, or otherwise unavailable or unpermitted STR from their website or other digital platform. The director may coordinate with any other city employee and any marketplace facilitator to create processes that streamline the removal of these properties from these platforms. The director's notification should identify the listing's uniform resource locator (URL) or other specified digital location to be removed and state the reason for the removal. Notwithstanding the above, marketplace facilitators are still responsible for complying with all applicable sections of 3-1-5-3 of the LDC.

12.0 Administrative actions: notice and process.

12.1 *Generally; when initiated.* Administrative actions are a crucial tool to help protect the quality of life in neighborhoods, maintain community character, and protect the public's health, safety, and welfare. The director may initiate administrative proceedings against an STR permittee where:

12.1.1 There are three substantiated complaints relating to the same STR in any one-year period;

12.1.2 There exists good cause to believe the permittee has engaged in conduct that violates a provision of this Code;

12.1.3 A permittee has been charged in the municipal court with a violation of any provision of LDC section 3-1-5-3; or

12.1.4 The permitted property has been used or allowed to be in violation of these Rules or of LDC section 3-1-5-3.

12.2 *Initiation of action: contents of notice and order.* The director will initiate administrative proceedings against a permittee by mailing by first class U. S. Mail an Order to Show Cause and Notice to Appear to the permittee's physical address shown on the permittee's STR application. The Order and Notice must identify the STR property by location and permit number. It must set forth a description of the circumstances that necessitated its issuance and contain other relevant documentation, if any. It must also note the date, time, and location of the administrative hearing on the matter. Finally, the Order and Notice must contain a statement about the possible consequences of the failure to appear at the administrative hearing as required by the Order and Notice.

12.3 *Administrative hearing.* The administrative hearing will be set within 14 days of the date of the Order and Notice. To the extent practicable, the director will conduct the

hearing under Division 3, Administrative Hearings, of Chapter 2, Administration, of the City Code. If the permittee fails to appear at the hearing, the director will accept into the record any relevant evidence about the allegations noted in the Order and Notice and render a decision on the evidence presented. The city has the burden of moving forward with the presentation of evidence at the hearing and bears the burden of proof to show by a preponderance of the evidence that a violation occurred. The permittee will have the opportunity to be heard in accordance with the provisions of Division 3 of Chapter 2 noted above.

12.4 Decision. The director will issue a written decision on the matter within 14 days of the hearing and issue it to the permittee as noted in subsection 12.2 above. In making their decision, the director may consider any relevant information presented at the hearing, including but not limited to the permittee's past history and any actions the permittee has taken to remedy the violation. The justification for imposing administrative consequences, if any, on the permittee will be stated in the decision. The decision must set forth the permittee's appeal rights.

12.5 Administrative consequences. The director is authorized to impose the following consequences for a substantiated violation of any provision of the City Code or these Rules:

12.5.1 First violation: Suspension of the STR permit for up to 90 consecutive days.

12.5.2 Second violation within any one-year period: Suspension of the STR permit for up to 180 consecutive days.

12.5.3 Third violation within any one-year period: Revocation of the STR permit.

12.5.4 Notwithstanding the above, the director may revoke a permit for a violation listed in LDC section 3-1-5-3Q1 that has been committed by the permittee or for which the permittee is responsible. The director may impose other conditions in connection with the suspension of an STR permit. A suspension or revocation may begin at any time after the director's decision is issued.

12.6 Calculating dates of violation. The operative date for calculating the date of the second or third violation under this section 12 is the date of the violation or violations.

13.0 Requests for reconsideration; appeals.

13.1 Reconsideration. An applicant or permittee may request reconsideration by the director of a decision to deny a permit or not renew a permit by filing with the director a form prescribed by the city and available from the director. The reconsideration form must be filed within seven days of the date of the director's decision, state with specificity the error claimed, and contain documentation supporting the claim, if any.

Any grounds or basis not stated on the request form will not be considered as part of the request. A reconsideration request may be granted upon a showing that the decision was based upon a clear or plain error of fact or law. After consultation with the city attorney's office, the director will, within seven days of the date the request was filed, review the request and city records related to the request and issue a written decision on the request. The decision must contain the reason or reasons for the decision and must set forth the permittee's appeal rights. The decision will be issued to the permittee as noted in subsection 12.2 above. Should the director fail to issue a written decision within seven days, the claim will be deemed denied, and the applicant or permittee may appeal as set forth herein.

13.2 *Appeal.* An applicant or permittee may appeal a decision to deny a request for reconsideration or a decision to suspend or revoke a permit by filing with the city manager an appeal form prescribed by the city and available from the director. The appeal form must be filed within 14 days of the date of the director's decision, must state with specificity the grounds or basis for the appeal, and contain documentation supporting the claim, if any. Any grounds or basis not stated on the appeal form will not be considered as part of the appeal.

Exception. A STR permittee or the owner of a property being offered for rent, rented, or being used as an STR may appeal a decision by the director or designee thereof to post a property with a red tag notice by making application to the building code advisory board in accordance with the provisions of Arvada City Code section 18-36, Board of Appeals.

13.3 *Action by city manager.* All information submitted as part of the appeal will be submitted to the city manager or designee thereof. Notwithstanding any other provision of the Code, the appeal of the director's decision shall consist of a review of all relevant documentation submitted by the applicant or permittee, as well as any other information on file with the city in the matter. All documentation may be reviewed electronically.

13.3.1 Process. The city bears the burden of proof in an appeal to show that the director's decision was supported by substantial and competent evidence. The manager will review the documentation submitted, and, within 14 days of the filing of the appeal, issue a written decision on the appeal. The decision must contain the reason or reasons for the decision and set forth the permittee's appeal rights. The decision will be issued to the permittee as noted in subsection 12.2 above. Should the city manager fail to issue a written decision on the appeal within 14 days, the appeal will be deemed denied, and the permittee may proceed as if an adverse decision had been issued.

13.4 *Appeal of the manager's decision.* The city manager's decision, or denial of an appeal because of the manager's failure to issue a written decision, shall be considered a final agency decision. The appeal may proceed under Rule 106 of the Colorado Rules of Civil Procedure.

13.5 *Concurrent actions.* Nothing in these Rules precludes concurrent administrative, civil, investigative, or enforcement actions or as set forth in LDC section 3-1-5-3.

14.0 Fees. As is the case with all city fees, STR fees will reflect the direct and indirect costs of providing services reasonably necessary to implement and administer the STR ordinance and the STR Program Rules, including but not limited to the costs of reviewing and processing applications, inspection costs, and similar costs. STR fees must be remitted at the time the permit application is submitted or at the time a service is requested or rendered, whichever is earliest. Fees are not refundable and will not be pro-rated, even if a permit is suspended, revoked, or abandoned.



REPORT FROM CITY COUNCIL

AGENDA ITEM
12.A.

DATE: February 17, 2026

SUBJECT: Council Committee Reports

Report in Brief

City Council members are appointed to various committees and boards as set out on the attached listing. As meetings are held, individual council members will report back to the full City Council any relevant discussions and issues that occurred.

Prepared by:
Chris Koch, CCO Admin

Lauren Simpson	Arvada City Attorney Committee Arvada Municipal Court/Judicial Committee Arvada Urban Renewal Authority Arvada Visitors Center Committee E-470 Authority (Alternate) *Metro Mayors' Caucus Olde Town Business Improvement (BID)(Alternate) Urban Drainage and Flood Control District West Connect Coalition
Randy Moorman	Arvada Audit Committee Arvada Center for the Arts and Humanities Arvada Sustainability Committee CML Policy Committee Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Alternate)
Shawna Ambrose	Adams County Regional Economic Partnership (ACREP) Arvada Economic Development Association Board Arvada Fire Protection District Coordinating Committee Arvada Visitors Center Committee (Alternate) Bond Oversight Committee CML Policy Committee Denver Regional Council of Governments (DRCOG) (Alternate) Jefferson County R-1 Schools Coordinating Committee

Sharon Davis	Apex Coordinating Committee Arvada Fire Protection District Coordinating Committee Arvada Municipal Court/Judicial Committee Denver Regional Council of Governments (DRCOG) E-470 Authority (Alternate) Jefferson County Community Corrections Board Jefferson Economic Development Council (JEDC) Jeffco Transportation Action & Advisory Group (JEFFTAAG)
Bob Fifer	Arvada City Attorney Committee Arvada Transportation Committee Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Alternate) Smart City Advisory Committee
Michael Griffith	Adams County Regional Economic Partnership (ACREP) (Alternate) Arvada Audit Committee Arvada Chamber of Commerce Government Affairs Committee Housing Advisory Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) (Alternate) Jefferson County Community Corrections Board (Alternate) Smart City Advisory Committee West Connect Coalition (Alternate)
Rebecka Lovisone	Bond Oversight Committee Jefferson County R-1 Schools Coordinating Committee Olde Town Business Improvement (BID)

*asterisked committees are not appointed by Council



REPORT TO CITY COUNCIL

AGENDA ITEM
13.A.

TO: THE HONORABLE CITY COUNCIL

DATE: February 17, 2026

SUBJECT: Review of Future Workshops and Presentations

Report in Brief

The City Manager's Office maintains a list of upcoming workshops and presentations to be scheduled for City Council meetings. During City Manager Reports, at the end of City Council business meetings, City Manager Don Wick, will review with City Council the tentative schedule and make any adjustments necessary.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney	01/27/2026
Allison Scheck, Deputy City Manager	01/27/2026
Linda Haley, Deputy City Manager	01/27/2026
Don Wick, City Manager	01/28/2026

Enclosure, exhibits & attachments required to support the report

2026 CITY COUNCIL WORKSHOPS, STUDY SESSIONS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
No Meeting – Board and Commission Interviews	Feb 24	
Polling for Streets Funding	Mar 10	CMO
Solid Waste Rates and Fees	Mar 10	INFRA
Business meeting – no workshops	Mar 24	
Annual Update for City Attorney’s Office	Apr 14	CAO
Annual Update for Municipal Court	Apr 14	MC
SW Rate Structure	Apr 28	INFRA
ADA Transition Plan Updates	Apr 28	INFRA
W/WW/SW Rates and Fees – Why and How	May 12	INFRA
Harvard Bloomberg Innovation Project	May 26	
System Development Charges	June 9	INFRA
No meeting – CML Conference	June 23	
No Meeting – Appointee Evaluations	July 14	
W/WW/SW Rates and Fees – Financial Scenario	July 28	INFRA
W/WW/SW Rates and Fees – Final Scenario	Aug 25	INFRA
	Sept 8	
Place holder for additional W/WW/SW Rates and Fees (if needed)	Sept 22	INFRA
	Oct 13	
	Oct 27	
	Nov 10	
No Meeting – Holiday Week	Nov 24	
Infrastructure Annual Report	Dec 8	INFRA
No Meeting – Holiday Week	Dec 22	
End of Year City Council Strategic Plan Update	TBD	CMO
Building Code Update	TBD	CED
Parks Master Plan	TBD	VCN
Pavement Program	TBD	INFRA
PRESENTATIONS		
STUDY SESSIONS		
City Expenditures, BID and Chamber funding	TBD	Finance
Waste Diversion Plan	TBD	INFRA
COUNCIL JOINT MEETINGS/DINNERS:		
Denver Water Board Apex Board AURA Board Arvada Center Board–Per Coop Agreement - Annually after October 1 of each year Jefferson Parkway Meeting with Jeffco and Broomfield Council Annual Retreat		

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