

ORDINANCE NO. 2423
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
AMENDING CHAPTER 6 – ANIMALS, OF THE BRIGHTON MUNICIPAL CODE

WHEREAS, the City of Brighton (the “City”) has the power and authority to make and publish ordinances which are necessary and proper to preserve the health, safety, and welfare of the citizens the City not inconsistent with the laws of the State; and

WHEREAS, City staff has recommended certain updates to Chapter 6 of the *Brighton Municipal Code* which to the care and treatment of animals within the City; and

WHEREAS, the City Council finds and determines that the proposed amendments to the *Brighton Municipal Code* shall enhance, protect, and otherwise further the public health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The following definitions set forth in Section 6-4-10 are hereby amended as follows:

Section 6-40-10. Definitions

Animal Shelter means the Riverdale Animal Shelter, which is hereby designated by the City as a facility for the boarding and disposition of any animal impounded under the provisions of this Article or any other ordinance or law of the State. The City may designate other facilities as necessary for the boarding of impounded livestock, wildlife or exotic species that the shelter is unable to confine safely or humanely.

Community cat means a free-roaming cat that may be feral but is not wildlife, and who may be cared for by one or more residents of the immediate area, whether those resident(s) are known or unknown, and who are distinguishable from domestic cats because they are less socialized to humans and are unadoptable.

Community cat caregiver means a person who, in accordance with a good faith effort to conduct trap-neuter-return, provides care to a community cat, including food, shelter or medical care. A community cat caregiver is not the owner and/or custodian of the community cat(s).

Custodian means any person who is in possession of, or is keeping, harboring or caring for any animal three (3) or more days in length excluding community cat caregivers.

Eartipping means the removal of the distal one-quarter of a community cat’s left ear, which is appropriately 3/8 inch, or 1 centimeter, in an adult and proportionally smaller in a kitten. Eartipping is performed under sterile conditions while the community cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian.

Running at large means any pet animal, domesticated animal, or livestock off the premises of the owner or custodian and not under the effective control of the owner or custodian, by means of a leash, cord, or chain not more than ten (10) feet in length, except that for the purpose of this definition, the *premises of the owner or custodian* shall not include the common areas of condominiums, townhouses, duplexes, and apartment buildings/complexes, and any animal not under the effective control as stated above of its owner or custodian upon the common area of a condominium, townhouse, duplex or apartment building/complex, or the grounds thereof shall be deemed to be running at large.

Trap-Neuter-Return or "TNR" means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

Section 2. Section 6-4-15(b) and (e) is hereby amended as follows:

Section 6-4-15. Powers and duties of animal control officers.

- (b) Animal control officers are hereby designated as peace officers and shall be authorized to issue, sign, and serve summonses and complaints in order to enforce the provisions of this Chapter, or any other provisions of this Code or law of the State pertaining to animals.

- (e) Notwithstanding Section 6-4-15(d) above, if the animal control officer has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the animal control officer shall have the right to immediately enter and inspect the property or vehicle in or upon which the animal is kept, and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied. The animal control officer shall first present proper credentials to the owner or occupant of the property or vehicle, demand entry, and explain the reasons and the purpose for the inspection.

Section 3. Section 6-4-60 is hereby repealed and reserved.

Section 4. Section 6-12-120(a)(2) is hereby amended as follows:

Sec. 6-4-120. Reporting of animal bites and confinement.

- (a) Confinement of animals which have bitten persons.
 - (2) Confinement may be on the property of the owner or custodian if deemed appropriate in the discretion of the animal control officer, but confinement must be within the City limits for a minimum of ten (10) days. If the owner or custodian agrees to confinement on his, her, or their property, the owner or custodian is consenting to unannounced inspections by animal control officer, code enforcement officers, or police officer during those confinement days for the purpose of making sure the owner or custodian is complying with the confinement requirements. If not confined on the premises of the owner or custodian, confinement will be at the animal shelter, or in any veterinary hospital or licensed boarding kennel within, or in proximity to, the City limits. Such confinement shall be at the expense of the owner or custodian. In the case of animals whose owner or custodian cannot be located, such confinement shall be at the animal shelter.

Section 5. Section 6-12-120(b) is hereby amended as follows:

- (b) Owners required to produce animals which have bitten persons. The owner or custodian of any animal that has been reported as having inflicted a bite which caused an abrasion of the skin of any person shall, on demand of any animal control officer, code enforcement officer, or police officer, produce said animal for examination and confinement, as prescribed in this Section. If the owner or custodian of any such animal refuses to produce the animal, the owner or custodian shall be in violation of this Chapter and subject to immediate arrest if there is probable cause to believe that the animal has inflicted a bite upon a person and that the owner or custodian is in possession of the animal and is hiding or refusing to produce the animal upon such demand. Such persons shall be taken before a Judge of the Municipal Court, who may order the immediate production of the animal. If the owner or custodian of such animal shall knowingly hide or refuse to produce the animal, each day of refusal to produce the animal shall constitute a separate and individual violation of this Chapter. It shall be unlawful to give away, sell, or remove any such animal from the City, or to destroy such animal before it can be properly confined by the animal control officer.

Section 6. Section 6-4-200 is hereby amended as follows:

Sec. 6-4-200. Vicious animal.

- (a) No person shall keep, possess, care for, maintain, or harbor a vicious animal within the City. A vicious animal is any animal that, without intentional provocation, at any place within the City:
- (1) Causes bodily injury to any person or other animal;
 - (2) Approaches any person or other animal in a menacing or terrorizing manner, or in an apparent attitude of attack while off the owner's or custodian's property; or
 - (3) Goes on another person's property and attacks any person or other animal who is lawfully on that owner's or custodian's property.
- (b) It shall be an affirmative defense to charges under this Section if the victim of the attack has made an unlawful entry into the dwelling or enclosed premises of the owner or custodian or was bitten during the commission of a crime against the owner or custodian.
- (c) Impoundment of animals whose owners or custodians have been cited for violation of this Section shall be at the discretion of the animal control officer.
- (d) Nothing in this Chapter shall be construed to prevent the animal control officer from taking whatever action is reasonably necessary to protect his or her person or other members of the public from injury or damage, including immediate destruction of any vicious animal without notice to the owner or custodian.
- (e) The keeping of bees shall be in accordance with Section 6-4-900, Urban agriculture and small animal husbandry, of this Code, as the same shall be amended, and the provisions of this Division 3 of Article 6-4 shall not apply to the keeping of bees.

Section 7. Section 6-4-210 is hereby amended as follows:

Sec. 6-4-210. Aggressive animal.

- (a) No person shall keep, possess, care for, maintain, or harbor an aggressive animal within the City. An aggressive animal is any animal that, without intentional provocation, at any place within the City:
- (1) Harasses any person by encroaching onto public property or the property of another from the property of the animal's owner or custodian in a menacing or terrorizing manner, or in an apparent attitude of attack; or
 - (2) Attacks, injures, or kills another animal while off the animal owner's or custodian's property.

Section 8. Section 6-4-230 is hereby amended as follows:

Sec. 6-4-230. Running at large and unlawful tethering.

- (a) It shall be unlawful for the owner or custodian of any animal to permit such animal to be running at large, as defined in Section 6-4-10 of the Brighton Municipal Code. This section does not apply to community cats.
- (b) This Section shall not apply to areas designed by the City as dog training areas. Within designated dog training areas, owners and custodians may allow dogs to exercise or undergo training off leash, under the supervision of a person competent to control such dog by hand or voice commands.
- (c) Unlawful tethering. It shall be unlawful to tether any animal on any property other than that of the owner or custodian without prior written permission of the property owner or occupant, or to allow any animal tethered on the property of the owner or custodian to have access to property other than that of the animal owner or custodian.
- (d) Any animal deemed running at large or unlawfully tethered that is injured on public property or property other than that of the owner or custodian without permission of the property owner or occupant shall be removed by the animal control officer and given any stabilizing veterinary treatment deemed reasonable and humane under shelter guidelines, pending notification of the owner or custodian. The animal's owner or custodian of such animal shall be liable for all veterinary expenses and impoundment fees.
- (e) If any animal deemed running at large or unlawfully tethered dies on public property or on property other than that of the owner or custodian, it may be removed by an animal control officer. The animal's owner or custodian shall be responsible for disposal fees established by the animal shelter in addition to penalties for violation of this Section.
- (f) Any impounded dog or cat who has been found running at large shall be required to be microchipped.

Section 9. Section 6-4-430 is hereby amended as follows:

Sec. 6-4-430. Death of animals.

Any dead animal shall be disposed of by the owner or custodian within twenty-four (24) hours of death by burial, incineration in a State-approved facility, rendering, or other State-approved means. It shall be unlawful for any person to dump or abandon any dead animal on any public or private property.

Section 10. Division 7 of Article 6-4 is hereby repealed in its entirety and replaced with the following:

Sec. 6-4-600. Impoundment of animals at large.

- (a) *Impoundment.* Any animal found running at large may be taken up by any person or by an animal control officer and impounded at the animal shelter by such person or officer. As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. If, after a bona fide effort to locate the owner, he or she cannot be identified and the animal is not claimed within five days, the animal shelter may dispose of the animal by sale, adoption, donation, or destruction at the sole discretion of the animal shelter. If the owner is identified and the impounded animal is not claimed by its owner within five days after the owner is given notice, the animal may be disposed of by sale, adoption, donation, or destruction at the sole discretion of the animal shelter. If the owner of an unclaimed animal is known, such owner shall be held responsible for any costs incurred related to the impoundment, keeping, or disposal of the animal.
- (b) *Claiming impounded animals.* Any animal impounded pursuant to this section shall be released to the owner upon payment, including setting up a payment plan, of the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment.
- (c) *Emergency medical treatment.* Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical treatment. The owner shall be liable for payment of all such emergency treatment. The Court may allow the release of the animal to the owner with a payment plan, and the officer may allow release of the animal with the owner assuming responsibility for all veterinary care received.
- (d) *Presumptive proof of ownership.* A valid rabies vaccination certificate for the animal shall be presumptive evidence that the owner of the animal is the person registered as obtaining the rabies vaccination for such animal. The registered owner of an animal may be charged with any violation the animal committed.
- (e) *Cats at large.*
 - (1) The animal control officer may seize any cat, whether a community cat or domestic cat, which is found strayed or running at large in any public highway, street, public way, or upon public property.
 - (2) The animal control officer may impound any community cat in response to a complaint verified by an animal control officer related to damage or other activity of the community cat that impacts the comfortable enjoyment of an individual's property. Once a community cat is seized, the animal control officer may turn over the

community cat to the animal shelter or to a community cat caregiver for entrance into a Trap-Neuter-Return program if such a caregiver exists.

- a. Trap-Neuter-Return ("TNR") shall be permitted to be practiced by community cat caregivers, as defined in Section 6-40-10, organizations, and animal control, in compliance with any applicable federal or state law. As part of TNR, spay or neuter and vaccination for rabies shall take place under the supervision of a licensed veterinarian.
- b. A trapped eartipped cat will be released on the site where trapped unless veterinary care is required. An eartipped cat received by a shelter or animal control will be returned to the location where trapped unless veterinary care is required.
- c. Community cat caregivers may reclaim impounded community cats without proof of ownership solely for the purpose of carrying out TNR or returning eartipped community cats to their original locations.
- d. A community cat caregiver who returns a community cat to its original location while conducting TNR does not impermissibly abandon the cat.
- e. TNR shall be the preferred disposition for impounded community cats. Animal control facilities and shelters shall be authorized and encouraged to conduct TNR or to direct impounded community cats to a TNR program.

(3) If a seized cat is found to be a domestic cat, it may be seized pursuant to this Section 6-4-600. If it is unclear whether the cat is a community cat or a domestic cat, the cat may be released to a community cat caregiver or if the shelter finds the cat adoptable, it may be put up for adoption.

Sec. 6-10-610. Impoundment of animals habitually at large.

- (1) Any animal found running at large on three or more occasions in any 12-month period shall be deemed an animal habitually at large and shall be impounded by an animal control officer or police officer at the animal shelter.
- (2) As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner.
- (3) Any such animal shall be held until a fact-finding dispositional hearing can be held in municipal court to determine its proper disposition pursuant to Section 6-4-620. This dispositional hearing can take place notwithstanding any court action against any person who has been charged with a violation of Section 6-4-230, and any statement made by any person at such a dispositional hearing can be used as evidence in the prosecution's case-in-chief in any trial procedure.

Sec. 6-4-620. Impoundment and dispositional hearing for animals habitually at large.

- (1) When any animal has been impounded pursuant to Section 6-10-610, the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment.
- (2) If the owner is known, the owner of the animal shall be given written notice by the police department, animal control officer, or the court. Such notice may be personally served upon the owner of the animal. In lieu of personal service, service may be made by leaving the

notice at the Owner's usual place of abode with some person over the age of eighteen years residing therein or by mailing the notice to the Owner's last known address and by posting notice on the Brighton Police Department's website, at least 72 hours before said hearing.

- (3) The dispositional hearing shall be conducted as an administrative hearing before the municipal court, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence.
- (4) Trials involving charges resulting in animal seizures shall be given priority on the Municipal Court docket in order to minimize the expense to animal owners or custodians for impoundment and boarding of seized animals.
- (5) The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge, including sworn affidavits, shall be received in evidence.
- (6) The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses.
- (7) At the dispositional hearing, the court shall determine whether or not the owner has proven, by preponderance of the evidence, that the owner has put in place sufficient confinement measures, which secure the animal to avoid future at large violations, and whether the owner can safely maintain the animal so as to prevent future running at large violations. The court shall have the power to determine that the animal be further confined and to order that the owner take specific steps to prevent the animal from running at large. The court may order that any confinement or security measures be inspected by animal control.
- (8) Only upon a showing of proof of sufficient confinement measures, which secure the animal to avoid future at large violations, and proof that the owner safely maintain the animal so as to prevent future running at large violations can the court order the animal released to the owner upon the payment of the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment. The owner shall bear the costs of impounding the animal regardless of the results of any municipal charges.
- (9) Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner or custodian more than five (5) business days following issuance of a court order authorizing the release of the animal. The animal owner or custodian shall be liable for all expenses arising from the impoundment and boarding of any animal under a seizure order until the animal is released or otherwise disposed of and must pay a bond according to State law.
- (10) If the owner does not appear at the dispositional hearing, the Court shall order the animal surrendered.

Sec. 6-4-630. Impoundment of vicious or aggressive animals.

- (1) Any animal reasonably believed to be in violation of Section 6-4-200 or 210 may be taken into custody by an animal control officer or police officer and impounded at the animal shelter, or the animal may be ordered quarantined at the owner's residence pursuant to Section 6-4-120. If impounded, the animal shall be held in the animal shelter at the owner's

expense pending final disposition of the charge against the owner or by order of the court after a fact-finding dispositional hearing pursuant Section 6-4-640.

- (2) *Production of animal.* It shall be unlawful for any owner of an animal subject to an impoundment under this section to fail to produce the animal, on demand of any animal control officer or police officer, for examination and impoundment. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there shall be probable cause to believe that the owner is keeping or harboring the animal upon such a demand, and the owner may be charged with a violation of this section by failing to produce such an animal. If the owner of any such animal shall willfully or knowingly secrete or refuse to produce such animal, such act shall constitute a separate and individual violation of this section.
- (3) *Fees.* The owner shall be responsible for the payment of all fees, including impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.
- (4) Any person who shall violate any of the provisions of this section shall be subject to a mandatory court appearance, and upon conviction, be subject to any penalty in Article 1-24.

Sec. 6-4-640. Fact-finding dispositional hearing for aggressive animals.

- (1) When any animal has been impounded pursuant to Section 6-4-630, the owner shall be entitled to a fact-finding dispositional hearing ("dispositional hearing") within ten days of such impoundment.
- (2) If the owner is known, the owner of the animal shall be given written notice by the police department, animal control officer, or the court. Such notice may be personally served upon the owner of the animal. In lieu of personal service, service may be made by leaving the notice at the Owner's usual place of abode with some person over the age of eighteen years residing therein or by mailing the notice to the Owner's last known address and by posting notice on the Brighton Police Department's website, at least 72 hours before said hearing.
- (3) The dispositional hearing shall be conducted as an administrative hearing before the municipal court, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence.
- (4) Trials involving charges resulting in animal seizures shall be given priority on the Municipal Court docket in order to minimize the expense to animal owners or custodians for impoundment and boarding of seized animals.
- (5) The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge, including sworn affidavits, shall be received in evidence.
- (6) The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses.
- (7) At the dispositional hearing, if the court determines that the city has established, by a preponderance of the evidence, that there is a reasonable likelihood of future injury to

persons, property, or animals, the court shall order the animal surrendered to the animal shelter. In making this determination, the court shall consider the following:

- a. The conduct of the animal during the incident charged;
- b. Any evidence of aggressive or violent behavior by the animal, or threats thereof;
- c. Any prior violations by the owner of this chapter, or any municipal ordinance, or the laws of any state or political subdivision thereof which involves an animal;
- d. Any prior violations by any other owner, involving the same animal, of any violations of this chapter or any municipal ordinance, or any laws of the state or political subdivision thereof;
- e. Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal, or property;
- f. Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal, or property; and
- g. Any other evidence relevant to the issues as determined by the court.

(8) Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner or custodian more than five (5) business days following issuance of a court order authorizing the release of the animal. The animal owner or custodian shall be liable for all expenses arising from the impoundment and boarding of any animal under a seizure order until the animal is released or otherwise disposed of and must pay a bond according to State law.

(9) If the owner does not appear at the dispositional hearing, the Court shall order the animal surrendered.

Sec. 6-4-650. Impoundment for improper treatment of animals.

(1) *Impoundment.* Any animal reasonably believed to be a victim of improper treatment of animals under Section 6-4-500 may be impounded by an animal control officer or any member of the police department at the animal shelter by such officer. As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment. Any animal impounded pursuant to this subsection can be held until a dispositional hearing before the municipal court, or at the officer's discretion, held and released to its owner. If no dispositional hearing is required, the owner shall have five days to claim the animal. After five days the animal may be disposed of by sale, adoption, donation, or destruction at the sole discretion of the animal shelter.

(2) *Emergency medical treatment.* Any animal control officer or police officer may, at such officer's discretion, take an injured impounded animal to a licensed veterinarian for emergency medical treatment. The owner shall be liable for payment of all such emergency treatment. Subject to Section 6-4-660, the Court may allow the release of the animal to the owner with a payment plan for all costs and fees.

(3) *Fees.* The owner shall be responsible for the payment of all fees, including the impound fee, boarding fee, veterinary care charges, and any other costs associated with the impoundment regardless of the results of any municipal charges.

Sec. 6-4-660. Fact-finding dispositional hearing for improper treatment of animals.

- (1) When an animal has been impounded pursuant to this section, the owner shall be entitled to a fact-finding dispositional hearing within ten days of such impoundment.
- (2) If the owner is known, the owner of the animal shall be given written notice by the police department, animal control officer, or the court. Such notice may be personally served upon the owner of the animal. In lieu of personal service, service may be made by leaving the notice at the Owner's usual place of abode with some person over the age of eighteen years residing therein or by mailing the notice to the Owner's last known address and by posting notice on the Brighton Police Department's website, at least 72 hours before said hearing.
- (3) The dispositional hearing shall be conducted as an administrative hearing, and the formal rules of evidence shall not apply. However, such rules of evidence may be used as a guide for the introduction of evidence.
- (4) Trials involving charges resulting in animal seizures shall be given priority on the Municipal Court docket in order to minimize the expense to animal owners or custodians for impoundment and boarding of seized animals.
- (5) The court shall allow the parties to present evidence, witnesses, and have the right to cross-examination. Any and all documentary evidence and other data deemed relevant by the municipal judge, including sworn affidavits, shall be received in evidence.
- (6) The owner shall have all rights possessed by defendants in judicial proceedings, including the right to be represented by counsel, and the right to compel attendance of witnesses.
- (7) At the dispositional hearing, if the court determines that the owner has failed to establish, by a preponderance of the evidence, that the animal will not be at risk of further injury or mistreatment if returned, the court shall order the animal surrendered. In making this determination, the court shall consider the following:
 - a. The severity of the injury or risk of injury to the animal from the incident charged;
 - b. Any prior violations by the owner of this chapter, or any municipal ordinance, or the law of any state or political subdivision thereof which involves an animal;
 - c. Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal, or property;
 - d. Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to the animal;
 - e. Any other evidence relevant to the issues as determined by the court;
- (8) Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner or custodian more than five (5) business days following issuance of a court order authorizing the release of the animal. The animal owner or custodian shall be liable for all expenses arising from the impoundment and boarding of any animal under a seizure order until the animal is released or otherwise disposed of and must pay a bond according to State law.
- (9) If the owner does not appear at the dispositional hearing, the Court shall order the animal surrendered.

Sec. 6-4-670. Procedures following a court-ordered surrender.

After any contested hearing in which the Court orders any animal surrendered, the owner of the animal may request a stay. The Court may grant a seven day stay, and the Owner has seven days to appeal the order to the district court. If the seventh day falls on a Sunday or a holiday, the period of the stay will be extended to the close of business of the next business day.

Sec. 6-4-680. Immunity from liability.

The city and its employees, the animal shelter and its employees, and any veterinarian consulted pursuant to this chapter shall be immune from liability for any actions taken pursuant to this chapter.

Section 10. All sections, subsections, and definitions of Article 6 not expressly amended or modified herein remain in full force and effect.

Section 11. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 2nd DAY OF May 2023.


INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 16th DAY OF May 2023.

CITY OF BRIGHTON, COLORADO



GREGORY MILLS, Mayor

ATTEST:




NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:



MICHAEL DAVIS, Assistant City Attorney