

ORDINANCE NO. 2020-____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ENACTING A NEW CHAPTER OF THE CITY CODE PERTAINING TO ESTABLISHING A MINIMUM WAGE IN AURORA ABOVE THE STATE MINIMUM WAGE AND PROVIDING REMEDIES FOR VIOLATIONS

WHEREAS, as a home rule government under Article XX Section 1 of the Colorado Constitution, the City of Aurora, Colorado (the “City”) has broad authority through its police powers to enact regulation to further the public health, safety, and general welfare; and

WHEREAS, increasing the minimum wage directly promotes the health, safety, and welfare of those who work within the City's borders; and

WHEREAS, State law grants local governments the authority to enact minimum wage laws, Colorado Revised Statutes (C.R.S.) Section 8-6-101; and

WHEREAS, enacting a minimum wage for workers in the City that exceeds the floor established in the state minimum wage law advances the stated purpose therein to “adopt local minimum wage laws requiring a higher minimum wage than the state when local governments determine that such laws are in the best interest of their jurisdiction;” and

WHEREAS, income inequality, low wages, and a high cost of living relative to other parts of the state are serious economic and social problems facing the City; and

WHEREAS, many residents of the City work long hours but cannot afford housing, food, medical care, and other basic necessities; and

WHEREAS, according to the National Low-Income Housing Coalition, a person living in Colorado would need to earn seventeen dollars and fifty-two cents (\$17.52) to afford the rent for the average studio apartment. That number is twenty-five dollars and thirty-three cents (\$25.33) for the average two-bedroom apartment; and

WHEREAS, without action to raise the wage floor in the City, the problems caused by incomes that are inadequate to sustain working families will become more acute and the gap between low wages and the cost of a basic standard of living in the City will continue to widen; and

WHEREAS, when workers earn decent wages, such wages can also boost the growth of the local economy; and

WHEREAS, the City has recognized that income inequality, particularly between white and non-white workers, is one of the most pressing economic and social issues

facing the City. Increasing the minimum wage is one of the primary ways the City can act to reduce economic and racial disparities; and

WHEREAS, an increase in the minimum wage to 20.00 per hour would impact many of the low wage workers in the city, particularly low wage workers of color who would disproportionately benefit. 28.7 percent of Latino workers and 5.1 percent of black workers in the state are in low-wage jobs though they represent only 19.6 and 4.2 percent of workers overall, respectively. Therefore, these workers would benefit from an increase to 20.00 per hour; and

WHEREAS, research and economic data show that poverty is concentrated among people of color, children, people with lower educational attainment, and female-headed households. Higher wages for these families would mean parents could work fewer jobs or hours. The benefits to children would accrue through more parenting time, including time for involvement in their children's education and family recreation. Better economic conditions for Colorado families would mean longer and healthier lives, and ultimately more stable communities; and

WHEREAS, numerous studies document a strong relationship between income and health. Income is consistently shown to be one of the strongest predictors of health status. Poverty and low income have been linked with premature mortality and low life expectancy. A rise in household income stemming from an increase in the minimum wage would result in significant public health benefits for workers in the city; and

WHEREAS, numerous studies indicate minimum wages benefit employers and the economy as a whole by improving employee performance, reducing employee turnover, lowering absenteeism, and thereby improving productivity and the quality of the services furnished by employees; and

WHEREAS, the public welfare, health, and prosperity of the City require wages sufficient to ensure a decent and healthy life for all Aurora workers and their families.

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

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a new chapter, to be numbered 27, which chapter reads as follows:

Chapter 27. Wages
Article 1. Aurora Minimum Wage

Section 2. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-1, which section reads as follows:

Sec. 27-1. Definitions.

***Definitions.* For purposes of this article, the following definitions shall apply:**

"Adverse action" shall mean denying a job or promotion, demoting, terminating, failure to rehire after a seasonal interruption of work, threatening, penalizing, retaliating, engaging in unfair immigration-related practices, filing a false report with a government agency, changing an employee's status to a nonemployee, and any other negative change to an aspect of employment, including modification of pay, work hours, responsibilities, or other material change in the terms or conditions of a person's employment;

"Aggrieved party" means a worker who suffers tangible or intangible harm due to an employer's violation of this article;

"City" shall mean the City of Aurora, Colorado;

"Complaint" shall mean a written complaint, claim, or assertion of right by an employee, or aggrieved party, regarding the payment of wages as required under this article, that is discussed with or made to: the employer or a supervisor; a manager; a foreperson employed by the employer; an individual with apparent authority to alter the terms or conditions of the complainant's employment; a local, state, or federal enforcement agency; a court; and an elected official or their staff;

***Director of Finance* is the department director given the authority to enforce this article. The term "Director" will be used in this article to refer to the Director of Finance and shall include such person's designee;**

"Employer" has the same meaning as set forth in the federal Fair Labor Standards Act, 29 U.S.C. sec. 203(d), and includes a foreign labor contractor and a migratory field labor contractor or crew leader, except that the provisions of this article do not apply to the federal government;

"Food and beverage worker" shall mean a worker for any business or enterprise that prepares and offers for sale food or beverages for consumption either on or off an employer's physical premises;

"Tips" shall mean a verifiable sum presented directly and customarily by customers as a gift or gratuity in recognition of some service performed for customers by the person receiving the tip;

"Unemancipated minor" shall mean a person less than eighteen (18) years of age who does not maintain sole or primary responsibility for his or her own support, is not married or domiciled separately from his or her parents or guardian, and is unable to show that his or her well-being is substantially dependent on being gainfully employed;

"Work" shall mean any services performed on behalf of or for the benefit of an employer whether on an hourly, piecework, commission, time,

task, or other basis but shall not include services performed as an independent contractor; and

"Worker" means any person, including a migratory laborer, performing labor or services for the benefit of an employer. For the purpose of this article, relevant factors in determining whether a person is a worker include the degree of control the employer may or does exercise over the person and the degree to which the person performs work that is the primary work of the employer; except that an individual primarily free from control and direction in the performance of the service, both under his or her contract for the performance of service and in fact, and who is customarily engaged in an independent trade, occupation, profession, or business related to the service performed is not a "worker".

Section 3. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-2, which section reads as follows:

Sec. 27-2. Aurora Minimum Wage.

- (1) An employer shall pay a worker a wage of no less than the hourly rates set under the authority of this article.**
- (2) The Aurora minimum wage shall be calculated as follows:**
 - a. On January 1, 2021, the hourly wage shall be increase by 5% to twelve dollars and sixty cents (\$12.60).**
 - b. On January 1, 2022, the hourly wage shall be increased by 5% to thirteen dollars and twenty-three cents (\$13.23).**
 - c. On January 1, 2023, the hourly wage shall be increased by approximately 10% to fourteen dollars and fifty-five cents (\$14.55).**
 - d. On January 1, 2024, the hourly wage shall be increased by approximately 10% to sixteen dollars (\$16.00).**
 - e. On January 1, 2025, the hourly wage shall be increased by 10% to seventeen dollars and sixty cents (\$17.60).**
 - f. On January 1, 2026, the hourly wage shall be increased by 10% to nineteen dollars and thirty-six cents (\$19.36).**
 - g. On January 1, 2027, the hourly wage shall be increased by approximately 3.3%% to twenty dollars (\$20.00).**
- (3) In order to prevent inflation from eroding the value of the last minimum wage increase prescribed by this article the Aurora minimum wage rate shall increase by an amount corresponding to the prior year's increase, if any, in the Consumer Price Index (Urban Wage Earners and**

Clerical Workers, Denver-Aurora-Lakewood) or its successor index as published by the U.S. Department of Labor or its successor agency ("CPI"). Annually thereafter, on the first of January, the Aurora minimum wage rate shall increase by an amount corresponding to the prior year's increase, if any, in CPI.

(4) Food and beverage workers. Tips regularly and actually received by a food and beverage worker may be applied to an employer's obligation to pay such food and beverage worker the Aurora Minimum Wage. However, no more than three dollars and two cents (\$3.02) per hour in tip income ("tip credit") may be used to partially offset payment of the Aurora Minimum Wage.

Section 4. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section to be numbered 27-3 which section reads as follows:

Sec. 27-3. Application of the Aurora Minimum Wage.

- (1) The provisions of City Code section 27-2 shall apply only to employers who have business licenses issued by the City, and only to work performed physically within the geographic boundaries of the City, and for all the time worked within the geographic boundaries of the City.**
- (2) The provisions of City Code section 27-2 shall not apply to a worker performing work in the City when the work totals less than four (4) hours in any given week.**
- (3) The provisions of City Code section 27-2(2) shall not apply to work that occurs within the geographic boundaries of the City which is solely for the purpose of traveling through the City from a point of origin outside of the City to a destination outside of City, with no work-related or commercial stops in the City except for refueling or the worker's personal meals or errands.**
- (4) The provisions of City Code section 27-2 shall not apply to an unemancipated minor performing work in the City.**

Section 5. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-4 which section reads as follows:

Sec. 27-4. Notice and posting.

(1) On an annual basis and by May 1 each year, the City shall publish and make available to employers, in all languages spoken by more than five (5) percent of the workforce in the City (as calculated by the City) notices suitable for posting by employers in the workplace informing workers of the current minimum wage rate and their rights under this article.

(2) Employers may comply with this section by displaying the poster in a conspicuous and accessible place, in English and in any language spoken by at least five (5) percent of workers, in each establishment where workers are employed, if applicable. An employer that provides an employee handbook to its workers must include in the handbook the notice of rights required under this section.

Section 6. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-5 which section reads as follows:

Sec. 27-5. *Recordkeeping requirements and inspection.* All employers shall retain sufficient payroll records concerning work performed for a period of at least three (3) years. After a worker or third-party complaint determined credible by the Director has been received, referral of a complaint from the State of Colorado or any agency thereof, referral of a complaint from a City agency specifically authorized to receive complaints made pursuant to this article, pursuant to an investigation in accordance with section 27-7, or a private right of action has been initiated by a worker against an employer pursuant to this article, the employer shall promptly allow the Director access to such records at a reasonable time during normal business hours to review and assess employer's compliance with the requirements of this article. The Director's review of an employer's records following receipt of a credible worker or third-party complaint, referral of a complaint from the State of Colorado or any agency thereof, referral of a complaint from a City agency specifically authorized to receive complaints made pursuant to this article, pursuant to an investigation in accordance with section 27-7, or initiation of a private right of action shall not be limited to workers who have filed complaints. Should an employer not maintain or retain adequate records documenting the manner and amount of wages paid for work performed pursuant to this article, or not allow the Director reasonable access to such records within thirty (30) days of an Director request, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this article for the periods and for each worker for whom adequate records were not retained or access to such records was not timely provided.

Section 7. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-6 which section reads as follows:

Sec. 27-6. *Retaliation prohibited.*

No employer shall interfere with, restrain, deny, assist another person or entity, or attempt to deny the exercise of any right protected under this article. Any attempted or actual retaliation shall be regulated as follows:

(1) No employer or any other person shall take any adverse action against any person because the person has exercised in good faith rights described in this article. Such rights include, but are not limited to: the right to file and pursue a private cause of action alleging a violation of this article; the right to make inquiries about rights protected under this article; the right to inform an employer, a union or similar organization, and/or the person's legal counsel or any other person about an alleged violation of this article; the right to file a written complaint with the Director; the right to cooperate with the Director in any investigations pursuant to this article; the right to testify in a proceeding related to an investigation pursuant to this article; the right to refuse to participate in an activity that would result in a violation of this article; and the right to oppose any policy, practice, or act that is unlawful pursuant to this article.

(2) No employer or any other person shall communicate to a worker exercising rights protected under this article, directly or indirectly, the willingness to inform a government employee that the person is not lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of a worker or a family member of the worker to a federal, state, or local agency because the worker has exercised a right pursuant to this article.

(3) It shall be a rebuttable presumption of retaliation if an employer or any other entity or person takes an adverse action against a worker within ninety (90) days of the worker's exercise of rights protected in this article. However, in the case of seasonal work that ended before the close of a 90-day period, the presumption also applies if the employer or other person or entity fails to rehire a former worker at the next opportunity for work in the same position. The employer may rebut this presumption by establishing by a preponderance of the evidence that the adverse action was taken for a lawful purpose.

(4) Proof of retaliation shall be sufficient upon a showing that an employer or any other person or entity has taken an adverse action against a worker and the worker's exercise of rights protected in this article was a motivating factor in the adverse action, unless the employer can prove by clear and convincing evidence that the action would have been taken in the absence of such protected activity.

Section 8. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-7 which section reads as follows:

Sec. 27-7. Enforcement.

(1) *In general.* The implementation, administration, and enforcement of this article shall be the responsibility of the City. The City shall publish, maintain, and make available to the public any rules and regulations adopted pursuant to this article.

(2) *Worker complaints.* Subject to any rules and regulations that may be issued by the Director, any worker may submit a complaint of a violation of this article by her or his employer to the Director. The burden of demonstrating to the Director's satisfaction that a violation has occurred rests with the person making the complaint and shall be demonstrated by a preponderance of the evidence. Any such complaint shall be made in writing to the Director and shall include all information relied upon by such person. If a worker filing a complaint pursuant to this section 27-7(2) is unable to reasonably file her or his complaint in writing, a complainant may request the Director to assist him or her with documenting any allegations to satisfy the written complaint requirement. A worker may also consult with an attorney or other third-party for assistance when filing a complaint. The Director shall prioritize complaints received pursuant to rules established by the Director and may investigate any credible complaints. For any credible complaint investigated by the Director, the Director shall notify any employer alleged to have violated this article of any credible complaint and shall provide a summary of findings regarding any such complaint to both the complainant and the employer. Any determination by the Director pursuant to this article is reviewable by the complained-of party, pursuant to section 27-7(5). Any complaint must be submitted to the Director within one (1) year of the date the employer was alleged to have violated the requirements of this article, and shall include: the worker's name and/or the name of their duly authorized representative, if applicable; the worker's contact information; a detailed statement of the employer's alleged violation of the requirements of this article, including readily available supporting documentation demonstrating a violation; and any additional information requested by the Director or pursuant to rules issued by the Director. Employers shall be subject to penalties and other consequences pursuant to this article for any actual violation(s) that occurred within one (1) year of the date a credible complaint was first and timely submitted to the Director pursuant to this section 27-7(3) and within three (3) years of the date an investigation of an employer by the Director (not limited to a specific complaint) is initiated following the earlier of receipt of a credible worker complaint concerning a specific employer by the Director, referral of a complaint from the State of Colorado or any agency thereof, referral of a complaint from a City agency specifically authorized to receive complaints made pursuant to this article, or filing of a private right of action by a worker against an employer pursuant to this article. At any time, the Director may refer a worker complaint to an appropriate state or federal

agency to coordinate resources with respect to such complaint or otherwise assist a worker alleging a violation of this article or other law.

(3) *Third party complaints.* Subject to any rules and regulations that may be issued by the Director, any person or entity may submit a complaint of a violation of this article to the Director. The burden of demonstrating to the Director's satisfaction that a violation has occurred rests with the person or entity making the complaint and shall be demonstrated by a preponderance of the evidence. Any non-worker complaint shall be made in writing to the Director and shall include all information relied upon by such person or entity. The Director shall prioritize complaints received pursuant to rules established by the Director and may investigate any credible complaints. For any credible complaint investigated by the Director, the Director shall notify any employer alleged to have violated this article of any credible complaint, and shall provide a summary of findings regarding any such complaint to both the complainant (unless the complaint was filed anonymously) and the employer. Any determination by the Director pursuant to this article is reviewable by the complained-of party, pursuant to section 27-7(5). Any complaint must be submitted to the Director within one (1) year of the date an employer was alleged to have violated the requirements of this article, and shall include: a detailed statement of the employer's alleged violation of the requirements of this article, including readily available supporting documentation demonstrating a violation; and any additional information requested by the Director or pursuant to rules issued by the Director. Employers shall be subject to penalties and other consequences pursuant to this article for any actual violation(s) that occurred within one (1) year of the date a credible third-party complaint was first and timely submitted to the Director pursuant to this section 27-7(3) and within three (3) years of the date an investigation of an employer by the Director (not limited to a specific complaint) is initiated following receipt of a credible third-party complaint concerning a specific employer by the Director. At any time, the Director may refer a third-party complaint to an appropriate state or federal agency to coordinate resources with respect to such complaint or otherwise secure assistance for persons or entities alleging a violation of this article or other law.

(4) *Investigations in the absence of a complaint.* On and after January 1, 2022, the Director may utilize data collected and received concerning noncompliance with this article to investigate and enforce the terms of this article against employers and industries without issuance of a prior credible complaint consistent with rules established by the Director and as follows:

Prior to an investigation absent a credible complaint, the Director must determine that based on available information a reasonable basis exists

for a belief that a violation of this article has occurred or will occur due to any or all the following:

- a. The owner or partial owner of a legal entity has violated the terms of this article with respect to another entity with common ownership interests;**
- b. A pattern and practice, including, but not limited to, receipt of multiple credible complaints filed against an industry, demonstrates an increased likelihood that certain workers within an industry are regularly not paid wages as required by this article;**
- c. The Director receives credible information from a state or federal agency that demonstrates an increased likelihood that a particular employer or industry has failed to comply with the terms of this article; or**
- d. The Director, relying upon data collected or received by the City, establishes a reasonable basis to conclude that a particular employer or industry is likely to have failed to comply with the terms of this article.**

(5) *City-initiated enforcement; appeals.* Any determination of the Director related to the payment of the Aurora minimum wage and an employer's strict adherence to the requirements of this article including, but not limited to, determinations of worker status, determinations of underpayment or misreporting, and the imposition of penalties pursuant to this article shall be reviewable as follows:

- a. Any employer who disputes any determination made by or on behalf of the City pursuant to the authority of the Director, which determination adversely affects such employer, may petition the Director for a hearing concerning such determination no later than thirty (30) days after having been notified of any such determination. Compliance by an employer with the provisions of this section 27-7(5)(a) shall be a jurisdictional prerequisite to appeal any determination made by the Director pursuant to this article, and failure of compliance shall forever bar any such appeal. The foregoing in no way shall preclude or limit a worker from initiating a private cause of action pursuant to this article.**
- b. The Director shall designate as a hearing officer a person retained by the City for appeal purposes.**

- c. The petition for a hearing shall be in writing, and the facts and figures submitted shall be submitted under oath or affirmation either in writing or orally at a hearing scheduled by the hearing officer. The hearing, if any, shall take place in the City, and notice thereof and the proceedings shall otherwise be in accordance with rules and regulations issued by the Director. The petitioner shall bear the burden of proof, and the standard of proof shall conform with that in civil, nonjury cases in state district court.
- d. The designated hearing officer may hold hearings pursuant to this article, subpoena witnesses and compel their attendance, administer oaths and take the testimony of any person under oath and compel witnesses to produce for examination books and papers related to the subject matter of the appeal.
- e. Following a hearing, the hearing officer shall make a final, written determination. Such final determination shall be considered a final order and may be appealed to the Aurora Municipal Court under Rule 106(a)(4) of the state rules of civil procedure by the employer or by the city.

(6) *Administrative enforcement and relief.* If an employer is found to have violated this article the City shall order the employer to cease and desist from engaging in the violative practice and shall order any appropriate relief, including, but not limited to:

- a. For failing to pay the minimum wage as required under this article, payment to each aggrieved party of the unpaid wages in addition to twice the unpaid wages as liquidated damages, less any amount actually paid to the aggrieved party by the employer.
- b. For retaliation in violation of City Code section 27-6, compensatory damages payable to each aggrieved party equal to twice the actual damages, including but not limited to unpaid wages and benefits; punitive damages payable to each aggrieved party of no less than \$2,650; and a civil penalty payable to the City of no less than \$1,000 per aggrieved party.
- c. Payment of a civil penalty payable to the City of:
 - I. A minimum of \$50 and a maximum of \$750 when the amount of unpaid wages amounts to at least \$50 but less than \$300.
 - II. A minimum of \$250 and a maximum of \$1,000 when the amount of unpaid wages amounts to at least \$300 but less than

\$750;

III. A minimum of \$500 and a maximum of \$5,000 when the amount of unpaid wages amounts to at least \$750 but less than \$2,000.

IV. When the amount of unpaid wages is \$2,000 or more the penalty will be more than \$2,000 and a maximum of \$2,650.

V. In determining the amount of the civil penalty, the hearing officer shall consider the size of the employer and the gravity of the violation.

d. Reimbursement to the City for all appropriate costs expended in enforcing this article, unless the payment of costs would impose an extreme financial hardship on the employer, in which case the hearing officer may order the payment of a percentage of costs expended which will not cause extreme financial hardship on the employer.

e. Payment to the City of a fine of up to one thousand dollars (\$1,000.00) for each failure to comply with City Code section 27-5, Employer Records. In determining the amount of the fine, the size of the employer and the gravity of the violation shall be considered.

f. Payment to the City of a fine of up to one thousand dollars (\$1,000.00) for each failure to comply with City Code section 27-4, Notice and Posting. In determining the amount of the fine, the size of the employer and the gravity of the violation shall be considered.

f. Additional appropriate legal or equitable relief.

(7) *Private right of action, authorization, and scope.* Within three (3) years of an alleged violation of this article, any aggrieved party may bring a civil action in the Aurora Municipal Court or other court of competent jurisdiction against an employer alleged to have violated this article, and, upon prevailing, shall be entitled to such legal and equitable relief as may be appropriate to fully remedy the violation including, without limitation: the payment of any wages unlawfully withheld and any unpaid overtime based on those wages (including amounts that accrued after the filing of the civil action), interest on unpaid wages and overtime compensation at a rate of twelve (12) percent per annum from the date such wages were first due, the payment of an additional sum as a penalty in the amount of one hundred dollars (\$100.00) to each worker whose rights under this article were violated for each day that the violation occurred or continued, liquidated damages in an amount equal up to three (3) times the amount of unpaid wages and overtime compensation in connection with such wages, reinstatement of employment (if applicable)

and/or other injunctive relief, and shall be awarded reasonable attorney fees and costs. Nothing in this section 27-7(7) shall be interpreted as restricting, precluding, or otherwise limiting a separate or concurrent investigation by the Director of an alleged violation of this article pursuant to city code. Jeopardy shall not attach as a result of any administrative or civil enforcement action initiated pursuant to this article.

Section 9. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-8 which section reads as follows:

Sec. 27-8. Confidentiality

The City shall encourage reporting pursuant to this article by keeping confidential, to the extent permitted by the Colorado Open Records Law and other applicable laws, the name and other identifying information of the worker or person reporting the violation. The City may disclose the worker's or complainant's name and identifying information with the person's authorization or as necessary to enforce this article, comply with a court order, or for other appropriate purposes.

Section 10. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-9 which section reads as follows:

Sec. 27-9. No assumption of liability.

In undertaking the adoption and enforcement of this article, the City is undertaking only to preserve and protect safety, health, and general welfare. The City is not assuming liability, nor is it imposing on its officers and employees an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. This article does not create a legally enforceable right against the City.

Section 11. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-10 which section reads as follows:

Sec. 27-10. Preemption

Nothing in this article shall be interpreted or applied to create any power or duty in conflict with federal or state law. In the event of a conflict of laws, federal or state law shall prevail.

Section 12. The City Code of the City of Aurora, Colorado, is hereby amended by enacting a section, to be numbered 27-11 which section reads as follows:

Sec. 27-11. Severability.

If any of the parts or provisions of this article or the application thereof to any person or circumstance is held invalid or unconstitutional by a decision of a court of competent jurisdiction, the remainder of this article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this article are severable.

Section 13. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the office of the City Clerk.

Section 15. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day of _____, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2020.

MIKE COFFMAN, Mayor

ATTEST:

SUSAN BARKMAN, Interim City Clerk

APPROVED AS TO FORM:

Rachel Allen, Client Group Manager