

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER FITZGERALD
Council Bill No. 20
Ordinance No. 1609

Series of 2016

TITLE: AN ORDINANCE AMENDING SECTION 2-33 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE AUTHORITY OF COMMUNITY SERVICE OFFICERS

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), acting through its City Council (the "Council"), has the authority to enact ordinances proscribing certain acts detrimental to the public health, safety and welfare and to provide for penalties and enforcement of the same; and

WHEREAS, exercising this authority, the Council has previously enacted Chapter 2 of the Wheat Ridge Code of Laws (the "Code") which sets forth an administrative enforcement procedure for certain violations of the Code; and

WHEREAS, those Code violations that may be enforced administratively include violations of Chapter 24, concerning weeds and vegetation; and

WHEREAS, the Council also previously acted to create the position of Community Service Officer (CSO) and to define the scope and authority of the same under Code Section 2-33; and

WHEREAS, the Council finds that the use of CSOs to enforce certain Code violations through the administrative enforcement process is a simplified and efficient alternative to the traditional law enforcement avenue of certified police officers issuing summonses to the City's Municipal Court; and

WHEREAS, the Council further finds that it would be a prudent use of City resources to explicitly authorize CSOs to enforce Chapter 24, thereby authorizing them to use the administrative enforcement process for violations of the same.

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

Section 1. Section 2-33 of the Wheat Ridge Code of Laws, concerning the scope of the authority of community service officers, is hereby amended as follows:

Sec. 2-33. - Authority of community service officers.

Pursuant to the provisions of C.R.S. § 30-15-105 and the Colorado Municipal Court Rules, the city community service officers (CSO officers) are hereby designated as peace officers and shall be authorized to issue, sign, and serve summons, and complaints, detain and arrest suspects, and to make all the discretionary determinations required in order to enforce the provisions of chapters 4, 13, 15, 16, 17, 20, 24 and 26.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

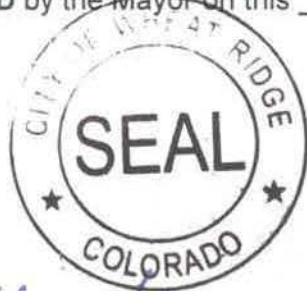
Section 3. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

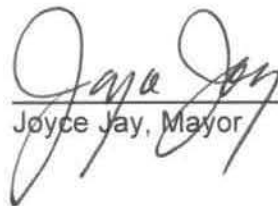
Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 22nd day of August, 2016, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for September 12, 2016, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 12th day of September, 2016.

SIGNED by the Mayor on this 12th day of September, 2016.




Joyce Jay, Mayor

ATTEST:


Janelle Shaver, City Clerk

Approved As To Form

Gerald E. Dahl, City Attorney

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