

ORDINANCE NO. 820

AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE REGARDING COMMUNITY RESOURCE OFFICERS.

WHEREAS, the Colorado Municipal Court Rules of Procedure define a “peace officer” as any duly appointed law enforcement officer of the state of Colorado or any political subdivision thereof who is authorized by a city’s ordinances to enforce municipal ordinance violations; and

WHEREAS, the City Council of the City of Dacono has authorized code enforcement officers to enforce certain ordinance contained in the Dacono Municipal Code; and

WHEREAS, the City Council and Chief of Police desire to expand the authority of such code enforcement officers as set forth herein, to better serve and be a resource to the community.

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

Section 1. Section 2-78 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

Sec. 2-78. ~~Code-enforcement~~ Community resource officer—Responsibilities.

(a) There is created the position of ~~code-enforcement~~ community resource officer.

(b) ~~The code-enforcement~~ Community resource officers shall have the authority and responsibility to enforce, under the supervision and direction of the Chief of Police, ~~the following provisions of this Code~~ any violation of this Code, except for the following:

(1) ~~Chapter 6, Article 1, Business Licenses~~ Chapter 8, Article 1 (Model Traffic Code).

(2) ~~Chapter 7, Article 1, Trash, Rubbish and Waste Materials~~ Chapter 10, Articles 2-8 (certain General Offenses).

(3) ~~Chapter 7, Article 2, Weeds and Brush~~

(4) ~~Chapter 7, Article 4, Animals~~

~~(5) — Chapter 8, Article 2, Abandoned and Junked Vehicles.~~

For violations of ordinances set forth in Chapter 18, Building Regulations, or any codes adopted by reference therein, community resource officers shall have concurrent authority with the building official for those violations occurring outside buildings and other structures.

(c) In addition to the responsibilities set forth in ~~§~~subsection (b) of this Section, ~~the code enforcement~~ community resource officers shall perform such other duties as required by the Chief of Police. In no event shall any such duties include any activities related to law enforcement except as specifically authorized by this Section.

(d) Nothing in this Section shall deprive any police officer of the power to enforce any of the provisions of this Code ~~listed in Subsection (b) of this Section~~ or the building official to enforce violations of Chapter 18 of this Code.

(e) ~~The code enforcement~~ Community resource officers shall not have any arrest power and shall not be authorized to carry a firearm.

(f) Solely for the purpose of the issuance of a summons and complaint or a penalty assessment notice for offenses within the scope of ~~the code enforcement~~ a community resource officer's enforcement responsibilities pursuant to ~~§~~subsection (b) of this Section, and for no other purpose, ~~the code enforcement~~ community resource officers shall be deemed ~~to be a~~ "peace officers" within the meaning of the Colorado Municipal Court Rules of Procedure.

(g) It is unlawful for any person, by using or threatening to use violence, force, physical interference, or obstacle, to obstruct, impair, or hinder a community resource officer or peace officer in the discharge of his or her duties herein prescribed. It is no defense to a prosecution for any violation of this code that the community resource officer or peace officer was acting in an illegal manner, if the officer was acting in the regular course of his or her assigned duties and in good faith based upon surrounding facts and circumstances.

Section 2. If any article, 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 or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed 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. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty,

forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.


Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 12th day of September, 2016.

PUBLIC HEARING AND SECOND READING WILL BE THE 26th day of September, 2016, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.


READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 26th day of September, 2016.

CITY OF DACONO, COLORADO



Joe Baker, Mayor

ATTEST:



Valerie Taylor, City Clerk

Summary of Ordinance No. 820, "AN ORDINANCE AMENDING THE DACONO MUNICIPAL CODE REGARDING COMMUNITY RESOURCE OFFICERS": Redefines the position of code enforcement officer within the Police Department, in order to better serve and be a resource to the community.