

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER FITZGERALD
Council Bill No. 06
Ordinance No. 1567
Series of 2015

TITLE: AN ORDINANCE AMENDING SECTION 16-156 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING INTERFERENCE WITH PUBLIC OFFICERS PERFORMING THEIR DUTIES

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations prohibiting certain conduct and defining general offenses that harm or pose a threat to the public health, safety or welfare; and

WHEREAS, pursuant to such authority, the Council has previously defined and adopted certain general offenses, codified as Chapter 16 of the Wheat Ridge Code of Laws ("Code"), including a prohibition of interfering with public officers in the performance of their duties, codified as Code Section 16-156; and

WHEREAS, the Council finds that said Section 16-156 should be amended and updated to reflect the current state of the law concerning investigatory stops and interference with officers.

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

Section 1. Section 16-156 of the Wheat Ridge Code of Laws, concerning interference with public officers when discharging their duties, is hereby amended as follows:

Sec. 16-156. Same—When in discharge of duties.

(a) It is unlawful for any person to use and/or to threaten to use violence, force, or physical interference, or any obstacle for the purpose of knowingly obstructing, impairing, hindering or attempting to prevent the investigation of any incident, the enforcement of any penal code, or the preservation of the peace by a police officer or a peace officer acting under color of his official authority, and/or any canine utilized by any police officer in the discharge of such authorized official law enforcement duties, or knowingly to obstruct, impair, hinder or attempt to prevent the prevention, control or abatement of fire by a ~~fireman~~ FIREFIGHTER acting under color of his official authority.

(b) ~~It is unlawful for any person to threaten violence, reprisal or any other injurious act to any police officer, peace officer, fireman, city employee or other public official who is engaged in the performance or attempted performance of his official duties, or to make such a threat by reason of such officer's performance or attempted performance of his official duties.~~

(e) It is unlawful for a person knowingly to give false information or a false name or a false address to a police officer or a peace officer acting under color of official authority with the purpose of implicating another or with the intent to hide one's own real name, address or age.

(C d) It is unlawful for a person WHO HAS BEEN STOPPED BY A POLICE OFFICER OR PEACE OFFICER ACTING UNDER COLOR OF OFFICIAL AUTHORITY, UPON REASONABLE SUSPICION THAT THE PERSON IS COMMITTING, HAS COMMITTED OR IS ABOUT TO COMMIT A CRIME, TO knowingly to refuse to reveal his correct name, address or date of birth when requested to do so by SUCH a police officer or a peace officer acting under color of official authority.

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.

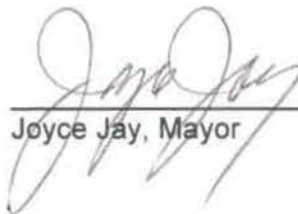
Section 3. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of 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 9th day of February, 2015, 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 February 23, 2015, 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 8 to 0, this 23rd day of February, 2015.

SIGNED by the Mayor on this 23rd day of February, 2015.



Joyce Jay, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk



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Second Publication: February 26, 2015
Wheat Ridge Transcript
Effective Date: March 13, 2015

Approved As To Form

Gerald E. Dahl
Gerald E. Dahl, City Attorney