

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER NOSLER BECK**  
**COUNCIL BILL NO. 25**  
**ORDINANCE NO. 1705**  
**Series 2020**

**TITLE: AN ORDINANCE ADOPTING SECTION 16-47 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING UNLAWFUL REMOVAL OR DEFACING OF NOTICES ON PUBLIC PROPERTY AND ESTABLISHING PENALTIES FOR VIOLATION OF THE SAME**

**WHEREAS**, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

**WHEREAS**, the Council finds that the City has an interest in ensuring that a notice posted on or upon public property in the course of implementing a City ordinance, policy, rule, procedure, or order remain legible and in place; and

**WHEREAS**, the City Council has determined that it is in the best interests of the health, safety, and welfare of the public that such a notice be maintained and preserved to ensure that any individual who may be affected by a City action or activity receive proper notice of that action or activity.

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

**Section 1.** Section 16-47, Unlawful to Remove Notice, is hereby enacted within Chapter 16 of the Wheat Ridge Code of Laws, to read as follows:

**Sec. 16-47. - Unlawful to Remove Notice.**

- (a) *Legislative declaration.* The Wheat Ridge City Council finds that the City has a compelling interest in ensuring that members of the public receive proper notice of City actions or activities on or related to public property within its jurisdiction. The City Council also finds that in order to ensure members of the public are properly notified of these actions or activities, the City or an authorized third party must sometimes post a notice or notices relating to the impending action or activity on or upon a particular property. In order to balance the rights of all citizens, and especially to protect the rights of individuals who may be affected by the impending action or activity, it is essential that these notices be legible and they remain in place.
- (b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this subsection,

except where the context clearly indicates a different meaning:

*City employee* means an employee of the City of Wheat Ridge or a contractor designated by the City to carry out duties associated with or relating to a City ordinance, policy, rule, procedure, or order.

*Notice* means a sign or placard conveying information that is placed or posted on or upon public property within the jurisdiction of the City by a City employee while carrying out duties associated with or relating to a City ordinance or policy, or a rule, procedure, or order of a City board, commission, or council.

*Tamper* means to alter, damage, deface, destroy, move, or render illegible a notice.

- (c) *Unlawful act.* It shall be unlawful for any person to remove, tamper with or deface a notice.

Exception: A City employee carrying out duties associated with or relating to a City ordinance or policy, or a rule, procedure, or order of a City board, commission, or council may move, remove, or destroy a notice.

- (d) *Strict liability.* A violation of this section is entirely strict liability in nature. No culpable mental state or *mens rea* of any type or degree shall be required to prove a violation of this section.

- (e) *Penalty.* Any violation of this section shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code.

**Section 2. 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 3. 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 14th day of December, 2020, 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 January 25, 2021 at 7:00 p.m., as a virtual meeting and that it take effect 15 days after final publication.

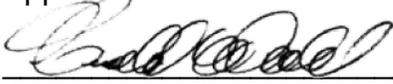
**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 25<sup>th</sup> day of January, 2021.

SIGNED by the Mayor on this 25<sup>th</sup> day of January, 2021

  
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Bud Starker, Mayor

ATTEST:

  
\_\_\_\_\_  
Steve Kirkpatrick, City Clerk

Approved as to Form  
  
\_\_\_\_\_  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: December 17, 2020  
2<sup>nd</sup> publication: January 28, 2021  
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