

**ORDINANCE NO. 10-2020**

**AN ORDINANCE REVISING THE PROVISIONS GOVERNING FALSE REPORTING TO MIRROR STATE CODE AND INCLUDE PROHIBITIONS ON ABUSE OF 911 EMERGENCY CALLS**

*WHEREAS*, City of Alamosa public safety responders respond to all 911 calls placed; and

*WHEREAS*, there are a limited number of 911 calls every year that are not related to emergencies, many of them multiple calls from the same individual; and

*WHEREAS*, the City incurs costs in responding to every call, and responses can also put responders in harm's way, and detract from the City's ability to respond to actual emergencies; and

*WHEREAS*, in response to increased abuse of the 911 system, in pranks known as "swatting," the Colorado legislature enacted Senate Bill 18-068, amending C.R.S. § 18-8-111 to address those crimes at a state level; and

*WHEREAS*, the City's public safety officers experience prank 911 calls, but some of them are better resolved in municipal court as ordinance violations rather than in State court as violations of C.R.S. § 18-8-111. Those better resolved in municipal court do not include false reporting of an emergency under extraordinary risk factors or threats involved in C.R.S. § 18-8-111(2); and

*WHEREAS*, the City's public safety officers also experience repeated abuse of the 911 system not as prank calls, but for calls that do not constitute emergencies but which, pursuant to the department's policy, must also be responded to, and which situation is not covered by C.R.S. § 18-8-111 or the existing City ordinance on false reporting, and which could be addressed by adding a provision specifically addressing such abuse of the 911 system to the City's ordinances;

**NOW THEREFORE BE IT ORDAINED** by the City Council of Alamosa as follows:

**Section 1.** Amendment of Section 11-25 of the Code of Ordinances of the City of Alamosa. Section 11-25 of the *Code of Ordinances of the City of Alamosa* is amended in its entirety, to read in its entirety as follows:

**§ 11-25. False reporting to authorities; misuse of the 911 system.**

(a) **False reporting to authorities.** It shall be unlawful to commit false reporting to authorities. A person commits false reporting to authorities if he or she:

1. Knowingly causes by any means, including but not limited to activation, a false alarm of

fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency which deals with emergencies involving danger to life or property; or

2. Knowingly prevents by any means, including but not limited to deactivation, a legitimate fire alarm, emergency exit alarm, or other emergency alarm from sounding or from being transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency that deals with emergencies involving danger to life or property; or
3. Makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur; or
4. Makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false; or
5. Knowingly provides false identifying information to law enforcement authorities. For purposes of this section, "identifying information" means a person's name, address, birth date, social security number, or driver's license or Colorado identification number.

(b) **Misuse of the 911 system.** It shall be unlawful for any person to misuse the 911 system. For purposes of this section, "misuse of the 911 system" means a request for emergency response when no actual emergency exists and when the caller does not have a good faith basis to request emergency assistance based on a reasonable factual basis that an emergency situation exists.

**Section 2.** Severability. Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 3.** General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

**Section 4.** Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

**Section 5.** Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

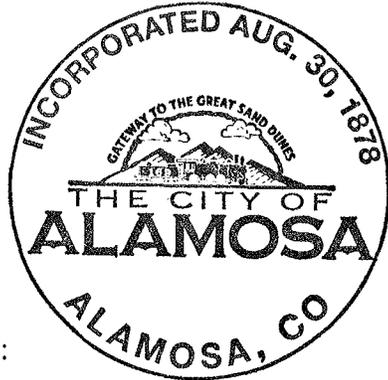
**Section 6.** Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

**Section 7.** Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

**INTRODUCED, READ AND APPROVED** on first reading the 1<sup>st</sup> day of April, 2020, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 15<sup>th</sup> day of April, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

**APPROVED, AND ADOPTED** after public hearing the 15<sup>th</sup> day of April, 2020.

CITY OF ALAMOSA



By Ty Coleman  
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez  
Holly C. Martinez, City Clerk