

BY AUTHORITY

ORDINANCE NO. 47
SERIES OF 2022

COUNCIL BILL NO. 53
INTRODUCED BY COUNCIL
MEMBER ANDERSON

**AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL CODE
THROUGH THE ADDITION OF NEW CRIMINAL OFFENSES THAT
MAY BE PROSECUTED IN MUNICIPAL COURT**

WHEREAS, Englewood Municipal Code (EMC) § 1-7-2(A) authorizes the City to prosecute misdemeanor violations in Englewood Municipal Court; and

WHEREAS, Colorado Revised Statutes reclassified multiple offenses to be misdemeanors, so that they could now be prosecuted not only in Arapahoe District Court but also in Englewood Municipal Court; and

WHEREAS, after consultation with Englewood Police Department and the Municipal Prosecutor, multiple newly-classified misdemeanors could be successfully filed and prosecuted in Municipal Court; and

WHEREAS, in order to do so, Englewood Municipal Code must be amended to mirror state law; and

WHEREAS, the newly-reclassified misdemeanor offenses under Colorado state law include Unlawful Acts- Theft Detection Devices C.R.S. § 18-4-417, Criminal Impersonations C.R.S. § 18-5-113, Contributing to the Delinquency of a Minor C.R.S. § 18-6-701, Tampering with Physical Evidence C.R.S. § 18-8-610, Hindering Transportation C.R.S. § 18-9-114, Unlawful Conduct on Public Property C.R.S. § 18-9-117, and Trespass and Interference upon Public Buildings C.R.S. § 18-9-110.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Amendment of Englewood Municipal Code

Title 7, Chapter 6 of the Englewood Municipal Code is hereby amended to read as follows (new provisions in *italics*, deleted provisions ~~struck through~~):

7-6A-6: Impersonations.

A. *Impersonating a Public Servant. No person shall* ~~It shall be unlawful for a person to~~ falsely pretend to hold a position in the public service with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense.

B. *Impersonating an Officer. No person,* ~~It shall be unlawful for a person to~~ other than an official police officer of the City, ~~shall~~ *to* wear the uniform, apparel or any other insignia of

office like or similar to, or a colorful imitation of that adopted and worn by the official police officers of the City.

C. *Assuming False Identity. No person shall assume a false or fictitious identity or capacity, legal or other, and in such identity or capacity perform an act:*

1. *That, if done by the person falsely impersonated, might subject the person to an action or special proceeding, civil or criminal, or to liability, charge, forfeiture, or penalty; or*

2. *With intent to unlawfully gain a benefit for themselves or another, or to injure or defraud another.*

7-6B-14: Hindering Transportation

No person shall knowingly and without lawful authority forcibly stop or hinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association, or corporation.

7-6E-13: Contributing to Delinquency of a Minor

No person shall induce, aid, or encourage a person under the age of 18 to violate Englewood Municipal Code or ordinance, or a Municipal Court order.

7-6F-2-1: Public Building Trespass, Interference

- A. *No person shall so conduct themselves at or in any public building owned, operated, or controlled by the City as to willfully deny to any public official, public employee, or invitee on such premises the lawful rights of such official, employee, or invitee to enter, to use the facilities of, or to leave any such public building.*
- B. *No person shall, at or in any such public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof.*
- C. *No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the City Manager or designee charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit, or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in the public building.*
- D. *No person shall, at any meeting or session conducted by any judicial, legislative, or administrative body or official at or in any public building, willfully impede, disrupt, or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce, or hinder any member of such body or official engaged in the performance of duties at such meeting or session.*

7-6F-2-2 Unlawful Conduct on Public Property

A. *No person shall enter or remain in any public building or on any public property or conduct themselves in or on the same in violation of any order, rule, or regulation concerning any matter prescribed in this subsection (A), limiting or prohibiting the use or activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management, or supervision of the building or property. In addition to any authority granted by any other law, the City Manager and City Departments may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of public buildings and property, specifically, orders, rules, and regulations upon the following matters:*

1. Preservation of property, vegetation, wildlife, signs, markers, statues, buildings and grounds, and other structures, and any object of scientific, historical, or scenic interest;

2. Restriction or limitation of the use of such public buildings or property as to time, manner, or permitted activities;

3. Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance or which may interfere with, impair, or disrupt a funeral or funeral procession;

4. Necessary sanitation, health, and safety measures; and

5. Camping and picnicking, public meetings and assemblages, and other individual or group usages, including the place, time, and manner in which such activities may be permitted.

B. *No conviction may be obtained under this section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given to the person by the officer or agency, including any agent thereof, or by any peace officer having jurisdiction or authority to enforce this section.*

7-6F-4-1 Unlawful Acts, Theft Detection Devices

A. *No person shall knowingly manufacture, distribute, or sell a theft detection shielding device or a theft detection deactivating device with the knowledge that some person intends to use the device in the commission of an offense involving theft.*

B. *No person shall possess a theft detection shielding device or a theft detection deactivating device with the intent to use the device possessed, or with the knowledge that some person intends to use the device possessed, in the commission of an offense involving theft.*

C. *No person shall knowingly deactivate or remove a theft detection device or any component thereof in any store or mercantile establishment without authorization prior to purchase.*

D. *Definitions*

a. *“Theft detection deactivating device” means any tool, instrument, mechanism, or other article adapted, designed, engineered, used, or operated to inactivate, incapacitate, or remove a theft detection device without authorization. “Theft*

detection deactivating device” includes, but is not limited to, jumper wires, wire cutters, and electronic article surveillance removal devices.

- b. “Theft detection device” means an electronic or magnetic mechanism, machine, apparatus, tag, or article designed and operated for the purpose of detecting the unauthorized removal of merchandise from a store or mercantile establishment.*
- c. “Theft detection shielding device” means any tool, instrument, mechanism, or article adapted, designed, engineered, used, or operated to avoid detection by a theft detection device during the commission of an offense involving theft. “Theft detection shielding device” includes, but is not limited to, foil-lined or otherwise modified clothing, bags, purses, or containers capable of and for the sole purpose of avoiding detection devices.*

7-6F-15: Tampering with Physical Evidence

No person shall tamper with physical evidence, including any article, object, document, record, or other thing of physical substance, by, believing that an official proceeding is pending or imminent and acting without legal right or authority, destroying, mutilating, concealing, removing, or altering physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding; or knowingly making, presenting, or offering any false or altered physical evidence with intent that it be introduced in the pending or prospective official proceeding.

Section 2. General Provisions Applicable to this Ordinance

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. 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.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood 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 purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as 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.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.

Introduced, read in full, and passed on first reading on the 19th day of September, 2022.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 22nd day of September, 2022.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of September, 2022. for thirty (30) days.

Read by Title and passed on final reading on the 3rd day of October, 2022.

Published by Title in the City's official newspaper as Ordinance No. 47, Series of 2022, on the 6th day of October, 2022.

Published by title on the City's official website beginning on the 5th day of October, 2022 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

Othoniel Sierra, Mayor

ATTEST:

Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by Title as Ordinance No. 47, Series of 2022.

Stephanie Carlile