

ARAPAHOE COUNTY
A BILL FOR AN ORDINANCE NO. 2008-02

Introduced as a proposed ordinance at the Public Hearing during a regular meeting of the Board of County Commissioners of Arapahoe County on June 3, 2008. The proposed ordinance was passed by a vote of 4 to 1 on first reading by the Board of County Commissioners on June 3, 2008 and ordered published in the Villager on June 12, 2008. A Public Hearing was held as published on Proposed Ordinance No. 2008-02 on June 24, 2008 and after public comment at the public hearing, the proposed ordinance was taken under advisement by the Board of County Commissioners. The proposed ordinance was amended at the June 24, 2008 Public Hearing and, as amended, was adopted, approved and ordered published in its entirety. This Ordinance will take effect immediately upon adoption due to the need for the immediate preservation of the public safety and the public health.

ARAPAHOE COUNTY, COLORADO
ORDINANCE NO. 2008-02

AN ORDINANCE PROHIBITING THE POSSESSION OR CARRYING OF CERTAIN OBJECTS AT PICKET LINES AND OTHER PUBLIC ASSEMBLIES; AND PROVIDING PENALTY PROVISIONS FOR VIOLATIONS AND ENFORCEMENT PERTAINING THERETO.

WHEREAS, pursuant to Section 30-15-401, C.R.S., the Board of County Commissioners of Arapahoe County has the power to adopt ordinances for control of those matters of local concern; and

WHEREAS, pursuant to Section 30-15-401 (1)(b), C.R.S., the Board of County Commissioners has the power to adopt an ordinance to prevent and suppress riots, routs, affrays, disturbances and disorderly assemblies; and

WHEREAS, the Board of County Commissioners of Arapahoe County finds that it is necessary to the immediate preservation of the public health, safety, morals and welfare of the citizens of unincorporated Arapahoe County and, therefore, it should take the following action:

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Arapahoe County, the following:

SECTION I – LEGISLATIVE DECLARATION

It is hereby declared that the public health and welfare and the good order of the community is of the highest importance; that the citizens of unincorporated Arapahoe County should be protected from riots, routs, affrays, disturbances and disorderly assemblies; and that prohibiting the

possession or carrying of certain objects at picket lines and other public assemblies will help protect the health, safety and welfare of the citizens of Arapahoe County.

SECTION II – UNLAWFUL ACTS

A. No person shall carry or possess, while participating in any demonstration, rally, picket line or other such public assembly, any bar, shaft, rod, cable, wire or other hard metal, hard plastic or any length of lumber, wood, wood lath or other wood product, unless the dimensions of such object do not exceed a thickness of one-fourth inch and a width of two inches; or, if not generally rectangular in shape, such object shall not exceed three-quarters inch in its thickest dimension; and such object is blunt and unsharpened at its end and edge.

B. No person shall carry or possess, while participating in any demonstration, rally, picket line or other such public assembly, any projectile launcher or other device which is commonly used for the purpose of launching, hurling, or throwing any object, liquid, material or other substance.

C. No person shall carry or possess, while participating in any demonstration, rally, picket line or other such public assembly, any gas mask or similar device designed to filter all air breathed and that would protect the respiratory tract and face against irritating, noxious or poisonous gases.

SECTION III – APPLICABILITY

This ordinance shall apply to all portions of unincorporated Arapahoe County.

SECTION IV – PENALTY FOR VIOLATION

Any person who violates this ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of up to five hundred dollars (\$500) for a first offense, up to seven hundred and fifty dollars (\$750) for a second offense and up to one thousand dollars (\$1000) for a third and any subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed by the arresting sheriff's deputy for any violation of this ordinance, and the graduated fine schedule set forth herein shall be followed when issuing any summons and complaint in accordance with such procedure.

SECTION V – ENFORCEMENT

The Arapahoe County Sheriff's Office shall enforce the provisions of this ordinance.

SECTION VI – DISPOSITION OF FINES

All fines for violations of this ordinance shall be paid into the General Fund of Arapahoe County.

SECTION VII – SEVERABILITY

If any one or more of the provisions of this ordinance is determined by a court of law to be invalid, such determination shall not affect the validity of the remaining provisions of this ordinance.

SECTION VIII – EFFECTIVE DATE

The Ordinance shall take effect upon its adoption. This is necessary for the immediate preservation of public health and safety, due in part to control activity subject to this ordinance as soon as possible, to prevent possible disturbances of the peace and to bring immediate relief to those areas affected by demonstrations, rallies, picket lines or other such public assemblies.

SECTION IX – SUNSET PROVISION

The Ordinance shall cease to be effective one year from the date of its passage, unless further action is taken by the Board of County Commissioners to extend its effectiveness.

**BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO**

Susan Beckman, Chair

I, Nancy A. Doty, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced and read at a regular meeting of the Board of County Commissioners on the 3rd day of June, 2008. At a public hearing held on the 24th day of June, 2008, the Ordinance was adopted, approved and ordered published as adopted on June 24, 2008.

ATTEST:

NANCY A. DOTY
CLERK TO THE BOARD

**BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS
ARAPAHOE COUNTY, COLORADO**

INTRODUCED AND READ ON THE 3rd day of June, 2008 at a regular meeting of the Board of County Commissioners.

Date of initial publication: June 12, 2008.

ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED ON JUNE 24, 2008.

Date of publication after adoption: July 3, 2008.

NANCY A. DOTY, CLERK TO THE BOARD

By: _____
Deputy Clerk