

Ordinance - Sheriff's Lines

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A BILL FOR AN ORDINANCE ORDINANCE NO. 93-1

AN ORDINANCE SETTING FORTH ARAPAHOE COUNTY POLICIES AND PROCEDURES TO ESTABLISH SHERIFF LINES IN UNINCORPORATED ARAPAHOE COUNTY, PENALTY PROVISIONS FOR VIOLATIONS AND ENFORCEMENT PROVISIONS 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 purely local concern; and

WHEREAS, pursuant to Section 30-15-401 (1)(b) and (1)(d) C.R.S., matters of purely local concern include the prevention and suppression of riots, routs, affrays, disturbances and disorderly assemblies in any public or private place and the restraining and punishing of loiterers; and

WHEREAS, the Board of County Commissioners recognizes that statutory mandates placed upon the Sheriff of Arapahoe County by Section 30-10-516, C.R.S. include a duty to keep and preserve the peace, and to quiet and suppress affrays, riots, unlawful assemblies and insurrections within the borders of Arapahoe County; and

WHEREAS, the Board of County Commissioners wishes to support the Sheriff of Arapahoe County in the performance of his statutory duties; and

WHEREAS, it is the opinion of the Board of County Commissioners of Arapahoe County that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, the following action should be taken.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Arapahoe County, Colorado as follows:

SECTION I - INTENT, DEFINITIONS, APPLICABILITY

1) INTENT

The Board finds, determines and declares that a substantial danger to the preservation of public health and safety exists as a result of a parade or demonstration or counter-demonstration or planned or threatened parade or demonstration or counter-demonstration, and that a Sheriff line or lines may be needed for the purpose of effecting a clearing; to separate parade participants or demonstrators, counter-demonstrators, and passers-by; to allow for the movement of pedestrian and vehicular traffic; to exclude the public from the vicinity of a riot or disorderly gathering; to protect persons and property; or to preserve evidence at a crime scene.

2) DEFINITIONS

As used in this Ordinance the following words are defined as follows:

"Board" - means the Board of County Commissioners of Arapahoe County, Colorado

"Sheriff" - means the Sheriff of Arapahoe County, Colorado or the Undersheriff in the absence of the Sheriff

"Sheriff Line" - includes a row of uniformed Sheriff's deputies, an area marked by yellow tape, fencing or other physical barrier used for the purpose of blocking or limiting access to or from a particular area or used for the purpose of protecting a crime scene in order to preserve evidence which may be found.

"Unincorporated Arapahoe County" - that portion of Arapahoe County, Colorado not within the corporate boundaries of a municipality.

3) APPLICABILITY

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

SECTION II - REGULATIONS AND VIOLATION

1) When the circumstances require it, the Sheriff may establish a Sheriff Line or Sheriff Lines for the purpose of effecting a clearing; to separate parade participants or demonstrators, counter-demonstrators and passers-by; to allow for movement of pedestrian and vehicular traffic; to exclude the public from the vicinity of a riot or disorderly gathering; to protect persons and property; or to preserve a crime scene. Such Sheriff Line shall be set up in a manner which is necessary to cope with the danger posed, in the judgment of the Sheriff, and by any means which the Sheriff determines gives reasonable notice of the existence of the Sheriff Line.

2) No person shall cross a Sheriff Line established by the Sheriff under this Ordinance.

3) Any person who violates this Ordinance commits a class 2 petty offense and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S. may be followed by any arresting officer for any such violation.

SECTION III - ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Arapahoe County Sheriff.

SECTION IV - DISPOSITION OF FINES

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

SECTION V - SEVERABILITY

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

SECTION VI - SAFETY CLAUSE

The Ordinance shall take effect upon the adoption. This is necessary for the immediate preservation of the public safety and public health, due in part to a scheduled gathering of a crowd estimated to exceed 300,000 persons for a special event to be held in unincorporated Arapahoe County in August, 1993.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

Jeannie Jolly, Chairman

I, Marjorie Page, Clerk and Recorder of Arapahoe County and Clerk to the Board of County Commissioners, do hereby attest and certify that the Ordinance was introduced, read, and ordered published at a regular meeting of the Board of County Commissioners on the 12th day of July, 1993. At a public hearing held on the 26th day of July, 1993, the Ordinance was taken under advisement. The Ordinance was adopted, approved and ordered published as adopted on July 26, 1993.

ATTEST:

Marjorie Page, Clerk to the Board

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

INTRODUCED, READ AND ORDERED PUBLISHED on the 12th day of July, 1993 at a regular meeting of the Board of County Commissioners.

Date of initial publication: July 15, 1993

TAKEN UNDER ADVISEMENT AFTER PUBLIC COMMENT AT A PUBLIC HEARING HELD on the 26th day of July, 1993.

ADOPTED, APPROVED AND ORDERED PUBLISHED AS ADOPTED the 26th day of July, 1993.

Date of publication after adoption: August 5, 1993.

Marjorie Page, Clerk to the Board

by _____
Judith K. Loose, Deputy Clerk
SEAL