

O-2013-16

AN ORDINANCE

AMENDING SECTIONS 9.06.010, 9.10.020, 9.50.080, 9.50.090, 9.64.030, AND 9.70.010 AND ADDING SECTION 9.30.040 OF TITLE 9 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PUBLIC PEACE AND SAFETY AND ADDING SECTION 10.60.250 OF TITLE 10 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO VEHICLES AND TRAFFIC

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Section 9.06.010 of the Lakewood Municipal Code is hereby amended and shall be as follows:

9.06.010 False reporting to authorities.

A. It is unlawful for any person to knowingly cause 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 a fire department, ambulance service, law enforcement agency, or any other agency which deals with emergencies involving danger to life or property; or

B. It is unlawful for any person to prevent 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 other government agency that deals with emergencies involving danger to life or property;

C. It is unlawful for any person to knowingly report or knowingly cause 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.

D. It is unlawful for any person to knowingly make a report or knowingly cause 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.

E. It is unlawful to knowingly provide false identifying information to law enforcement authorities.

F. This section does not apply to reports of the existence or placement of a bomb or other explosive in any public or private place or vehicle designed for transportation of persons or property.

G. Any person convicted of a violation of this section or any person who enters a plea of guilty or nolo contendere to a violation of this section or is placed on a deferred judgment and sentenced for a violation of this section shall be responsible for the payment of any extraordinary expenses incurred by a law enforcement agency or a fire department as a result of such violation up to a maximum of two thousand dollars. "Extraordinary expenses" means any cost relating to a violation of the provisions of this section, including, but not limited to overtime wages for officers, firefighters, and rescue specialists, operating expenses of any equipment utilized as a result of such violation and costs relating to any laboratory testing or medical examinations conducted.

H. For purposes of this section, fire department means any fire protection district or firefighting agency of the state, county or municipalities whether the employees or officers of such agency are volunteers or receive compensation for their services as firemen, or both.

SECTION 2. Section 9.10.020 of the Lakewood Municipal Code is hereby amended and shall be as follows:

9.10.020 Interference with police officers, firefighters, emergency medical services providers, rescue specialists, city employees, public officials, or volunteers in the performance of their duties.

A. A person commits interference with a police officer, city employee, or public official when, by using or threatening to use violence, force, physical interference, or an obstacle, such person knowingly obstructs, impairs, hinders, or interferes with the discharge or attempted discharge of an official duty by a police officer, city employee, or public official while such person is acting under color of his or her official authority.

B. A person commits interference with a firefighter, emergency medical service provider, or rescue specialist when by using or threatening to use violence, force, or physical interference, or an obstacle, knowingly obstructs, impairs, hinders, or interferes with the prevention, control, or abatement of fire by a firefighter, while such person is acting under color of his or her official authority; or knowingly obstructs, impairs, hinders, or interferes with the administration of medical treatment or emergency assistance by an emergency medical service provider or rescue specialist, while such person is acting under color of his or her official authority.

C. It is unlawful for any person to threaten violence, reprisal, or any other injurious act to any police officer, firefighter, emergency medical services provider, rescue specialist, city employee, other public official, or volunteer who is engaged in the performance or attempted performance of his or her official duties or to make such a threat by reason or on account of the performance or attempted performance of his or her official duties.

D. Definitions. The following definitions shall apply in the interpretation of this section:

1. "Emergency medical service provider" means a member of a public or private emergency medical service agency, whether that person is a volunteer or receives compensation for services rendered as such emergency medical service provider.

2. "Rescue specialist" means a member of a public or private rescue agency, whether that person is a volunteer or receives compensation for service rendered as such rescue specialist.

E. It is not a defense to a prosecution under this section that the police officer was acting in an illegal manner, if he or she was acting under color of his or her official authority. A police officer acts "under color of his or her official authority" if, in the regular course of assigned duties, he or she makes a judgment in good faith based on surrounding facts and circumstances that he or she must act to enforce the law or preserve the peace.

SECTION 3. Section 9.30.040 of the Lakewood Municipal Code is hereby added and shall be as follows:

9.30.040 Unlawful storage on public property.

A. It is unlawful for any person to place, maintain, or store any materials, structure, shelter, enclosure, or other personal property on public property for a period of twenty-four (24) hours or more that is owned or used by the City including undeveloped land. This section shall not apply to any City property that is regulated pursuant to Chapter 9.32 of the Lakewood Municipal Code.

B. For the purposes of this section, the term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

SECTION 4. Section 9.50.080 of the Lakewood Municipal Code is hereby amended and shall be as follows:

9.50.080 Public indecency.

A. It is unlawful for any person to commit public indecency. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

1. An act of sexual intercourse; or

2. A lewd exposure of an intimate part as defined by Section 18-3-401(2), C.R.S. of the body, not including the genitals, done with intent to arouse or to satisfy the sexual desire of any person; or

3. A lewd fondling or caress of the body of another person; or

4. A knowing exposure of the person's genitals to the view of a person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

SECTION 5. Section 9.50.090 of the Lakewood Municipal Code is hereby amended and shall be as follows:

9.50.090 Invasion of privacy.

A. It is unlawful for any person to knowingly observe or take a photograph of another person's intimate parts without that person's consent, in a situation where the person observed or photographed has a reasonable expectation of privacy.

B. For the purposes of this section, "intimate parts" means the external genitalia or the perineum of the anus or the buttocks or the pubes or the breast of any person.

C. For the purposes of this section, "photograph" includes a photograph, motion picture, videotape, live feed, print, negative, slide, or other mechanically, electronically, digitally, or chemically reproduced visual material.

SECTION 6. Section 9.64.030 of the Lakewood Municipal Code is hereby amended and shall be as follows:

9.64.030 Unlawful acts-theft detection devices.

A. It is unlawful for any person to 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. It is unlawful for any person to 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. It is unlawful for any person to knowingly deactivate or remove a theft detection device or any component thereof in any store or mercantile establishment without authorization prior to purchase.

D. As used in this section:

1. "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.

2. "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.

3. "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.

SECTION 7. Section 9.70.010 of the Lakewood Municipal Code is hereby amended and shall be as follows:

9.70.010 Definitions

The following definitions shall apply to this chapter:

"Blackjack" includes any billy, sandclub, sandbag, sap or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance, and, at the handle end, a strap or springy shaft which increases the force of impact, or any device or article consisting of two or more separate portions, linked together by a chain, strap or other fastener, which configuration is designed to increase the striking force or impact of the device or article.

"Deadly Weapon" means:

1. A firearm, whether loaded or unloaded; or
2. A knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

"Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive devices.

"Gravity knife" includes any knife, the blade of which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

"Switchblade knife" includes any knife, the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle.

SECTION 8. Section 10.60.250 of the Lakewood Municipal Code is hereby added and shall be as follows:

10.60.250 Failure to present a valid transit pass or coupon – fare inspector authorization – definitions.

A. A person commits failure to present a valid transit pass or coupon if the person occupies, rides in, or uses a public transportation vehicle without paying the applicable fare or providing a valid transit pass or coupon.

B. A person shall not occupy, ride in, or use a public transportation vehicle without possession of proof of prior fare payment. A person shall present proof of prior fare payment upon demand of a fare inspector appointed or employed pursuant to Section 42-4-1416, C.R.S., a peace officer, or any other employee or agent of a public transportation entity.

C. As used in this section, unless the context otherwise requires:

1. “Proof of Prior Fare Payment” means:

a. A transit pass valid for the day and time of use;

b. A receipt showing payment of the applicable fare for use of a public transportation vehicle during the day and time specified in the receipt; or

c. A prepaid ticket or series of tickets showing cancellation by a public transportation entity used within the day and time specified in the ticket.

2. “Public Transportation Entity” means a mass transit district, a mass transit authority, or any other public entity authorized under the laws of this state to provide mass transportation services to the general public.

3. “Public Transportation Vehicle” means a bus, a train, a light rail vehicle, or any other mode of transportation used by a public transportation entity to provide transportation services to the general public.

4. “Transit Pass” means any pass, coupon, transfer, card, identification, token, ticket, or other document, whether issued by a public transportation entity or issued by an employer to employees pursuant to an agreement with a public transportation entity, used to obtain public transit.

D. A violation of this section is a Class 4 traffic infraction and is punishable by a fine of seventy-five dollars.

SECTION 9. This ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 13th day of May, 2013; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of May, 2013; set for public hearing on the 10th day of June, 2013, read, finally passed and adopted by the City Council on the ____ day of June, 2013 and, signed and approved by the Mayor on the ____ day of June, 2013.

Bob Murphy, Mayor

ATTEST:

Margy Greer, City Clerk

APPROVED AS TO FORM:

Tim Cox, City Attorney