

**NORTHGLENN POLICE
COUNCIL MEMORANDUM #2013-02**

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: David Willett, Acting City Manager

Jim May, Chief of Police

DATE: January 28, 2013

SUBJECT: CB-1791 Unlawful Conduct on Public Property

BACKGROUND

There have been a series of public meetings about activity in the area of E.B. Rains Jr. Memorial Park concerning criminal reports and calls for service at the park over the last two years. Several incidents at EB Rains Park were by repeat offenders, and were nuisance problems or criminal activity. Staff believes the proposed ordinance will enhance our current ordinances in a non-discriminatory way that would assist the police department in reducing this type of re-occurring problem and decrease the recidivism of the offenders.

BUDGET AND TIME IMPLICATIONS

There is no cost associated with this change, but it would require Council action to approve the proposed ordinance.

Staff recommends implementing the ordinances early spring, as to have them fully in place prior to the summer season when the park is heavily used and most problems occur.

STAFF REFERENCE

James May, Chief of Police at jmay@northglenn.org 303.450.8967.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1791
Series of 2013

Series of 2013

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 16 TO CHAPTER 9 OF THE NORTHGLENN MUNICIPAL CODE REGARDING UNLAWFUL CONDUCT ON PUBLIC PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City of Northglenn Municipal Code is amended by the addition thereto of a new Article 16 of Chapter 9 to read as follows:

ARTICLE 16
UNLAWFUL CONDUCT ON PUBLIC PROPERTY

Section 9-16-1. Legislative Intent.

It is the intent of this Article to protect the public health, safety and welfare by prohibiting undesirable activities or conduct on public property which may reasonably expect to substantially interfere with the public's use and enjoyment of such public places.

Section 9-16-2. Definitions.

(a) **“Public Property”** means any street, alley, sidewalk, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

(b) **“Parks and Recreation Facilities”** means all parks and municipal recreation facilities operated by the City of Northglenn, and located within the municipal boundaries of the City.

(c) **“Camp”** means to reside or dwell temporarily in a place, with shelter. 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. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.

Section 9-16-3. Unlawful Conduct on Public Property.

(a) It is unlawful for any person to enter or remain on any public property owned, operated or controlled by the City of Northglenn or to conduct himself or herself 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 the City Council, the City Manager or any other official of the City of Northglenn designated by City Council by ordinance or resolution and having the power of control, management, or supervision of the building or property. In addition to any authority granted by any other law, City Council, the City Manager or any other official designated by City Council under this subsection may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of such 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 property as to time, manner, or permitted activities;
- (3) Prohibition of activities or conduct 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;
- (4) Necessary sanitation, health, and safety measures, consistent with the ordinances and published rules and regulations of the City of Northglenn;
- (5) Picnicking, public meetings and assemblages, and other individual or group usages, including the place, time, and manner in which such activities may be permitted;
- (6) Use of all vehicles as to place, time, and manner of use;
- (7) Control and limitation of fires, including but not limited to the prohibition, restriction, or ban on fires or other regulation of fires to avert the start of or lessen the likelihood of wildfire, and the designation of places where fires are permitted, restricted, prohibited, or banned.

(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 property or unless such notice is actually first given the person by the City Manager, by any other official designated by City Council under subsection (a) of this section, or by any law enforcement officer of the City of Northglenn.

(c) All officers of the Northglenn City Police Department shall have the authority to communicate to any person the terms of any orders, rules or regulations adopted pursuant to subsection (a) of this section and the additional authority to enforce subsection (a) and all orders, rules and regulations adopted pursuant to subsection (a) by removing any violator from the public place where the violation occurred and by issuing and serving upon such violator a summons and complaint or such other charging documents as are appropriate.

Section 9-16-4. Unauthorized Camping on Public Property Prohibited.

(a) It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the City of Northglenn.

(b) No officers of the Northglenn City Police Department shall issue a citation, make an arrest or otherwise enforce this section against any person unless:

(1) The officer orally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this section; and

(2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including, but not limited, to mental health treatment, drug or alcohol rehabilitation, or homeless services assistance. If the officer determines that the person may be in need of medical or human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a designated human service outreach worker, who in turn shall assess the needs of the person and, if warranted, direct the person to an appropriate provider of medical or human services assistance in lieu of the person being cited or arrested for a violation of this section. If the officer is unable to obtain the assistance of a human services outreach worker, if the human services outreach worker determines that the person is not in need of medical or human services assistance, or if the person refuses to cooperate with the direction of the human services outreach worker, the officer may proceed to cite or arrest the person for a violation of this section so long as the warnings required by paragraph (1) of this subsection have been previously given.

Section 9-16-5. Violations and Penalties.

(a) Any person who violates any section of this article is guilty of a misdemeanor and a nuisance pursuant to Section 9-11-3 of this Code. Any persons convicted of a violation of any section of this article shall be punished as provided in Section 1-1-10(a)(2) of this Code, and may also be punished pursuant to the provisions of Article 11 of Chapter 9 as the same may be applicable.

(b) If a person is convicted of any provision of this article while in a park or municipal recreation facility, or convicted of any other violation of the Code while in a park or municipal recreation facility, the person will be precluded from using all parks and municipal recreation facilities for one (1) month from the time of the conviction, or such other time period as may be determined by the City of Northglenn Municipal Court Judge based on the nature and circumstances of the offense.

(c) The Municipal Court of the City of Northglenn shall have jurisdiction over and venue of all alleged violations of the provisions of this Article.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney