



Council Communication File Number: Ord 2343

Agenda Date: 8/2/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE AUTHORITY OF CERTAIN PERSONS DESIGNATED AS PEACE OFFICERS TO ENFORCE VIOLATIONS OF THE CHARTER AND ORDINANCES OF THE CITY OF COMMERCE CITY

Summary and Background Information: The Commerce City Revised Municipal Code ("Code") identifies persons with authority to enforce various civil and criminal provisions of the Code as "peace officers." The Code lists, by specific title, various peace officers and identifies the scope of their authority. The proposed ordinance relocates the definitions to a section of the Code identifying general enforcement provisions and updates the definitions to: (1) rename "neighborhood services inspectors" as "code enforcement inspectors," consistent with a recent administrative name change; (2) clarifies the scope of persons included as firefighters; and (3) creates a new category of persons conferred express authority through an intergovernmental agreement or other contract to the extent specified in the agreement or contract). This new peace officer definition would be used to engage services of Adams County park rangers.

The following definitions would apply if the ordinance is approved.

- (1) *Police officers.* City police officers, which shall include any peace officer engaged to provide law enforcement services for the city pursuant to a written contract signed by the chief of police, shall have the authority to enforce all municipal ordinance, Code, and Charter violations.
- (2) *Code enforcement inspectors.* Any city employee who holds the position of code enforcement inspector shall have authority to enforce municipal ordinance and Code violations related to land use, sales and use tax, nuisances, business licensing, parking, and building design, construction, and maintenance.
- (3) *Animal control agents.* Any city employee who holds the position of animal control agent shall have authority to enforce municipal ordinance violations related to animals and fowl.
- (4) *Community service officers.* Any city employee who holds the position of community service officer shall have authority to enforce municipal ordinance and code violations related to land use, animals and fowl, sales and use tax, nuisances, business licensing, parking, and building design, construction, and maintenance.
- (5) *Building official and building inspectors.* City employees who hold the position of

building official or building inspector shall have authority to enforce municipal ordinance and code violations related to building design, construction, and maintenance.

- (6) *Tax auditors.* City employees who hold the position of tax auditor, at any level, shall have authority to enforce municipal ordinance violations related to sales and use tax.
- (7) *Firefighters.* Firefighters operating as employees or agents of the South Adams County Fire Protection District and the Greater Brighton Fire Protection District shall have authority to enforce the international fire code and parking restrictions related to fire safety.
- (8) *Persons with conferred authority.* Persons to whom authority has been conferred expressly, pursuant to an intergovernmental agreement or contract approved by the city council or otherwise lawfully approved consistent with the charter and state law, to enforce municipal ordinance and code violations shall have authority to enforce municipal ordinance and code violations to the extent specified in such agreement or contract.

Staff Responsible (Department Head): Robert Sheesley, City Attorney

Staff Member Presenting: Robert Sheesley, City Attorney

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval.

Suggested Motion:

- First reading: I move to introduce by Council as seated and approve Ordinance 2343 on first reading.
- Second reading: I move to approve Ordinance 2343 on second and final reading.