

ORDINANCE NO. 4 - 2022

AN ORDINANCE AMENDING THE DEFINITION OF “POLICE OFFICER” IN SECTIONS 11-22 THROUGH 11-24 OF THE *CODE OF ORDINANCES OF THE CITY OF ALAMOSA* CONCERNING OFFENSES RELATED TO THE ADMINISTRATION OF JUSTICE

WHEREAS, Article II of Chapter 11 of the *Code of Ordinances of the City of Alamosa* generally sets forth provisions relating to the administration of justice, including proscriptions on resisting arrest, obstructing public officers, and refusing to aid police officers; and

WHEREAS, Sections 11-22 through 11-24 of that Article generally limit their application to police officers (peace officers employed by the City) rather than to the larger set of peace officers generally (including sheriffs’ deputies, federal marshals, state patrol officers, and other sworn peace officers) carrying out their duties within the city; and

WHEREAS, before the provisions of Section 11-22 come into play an out-of-uniform police officer must exhibit credentials, and the requirement that off-duty or out-of-uniform peace officers exhibit credentials before the provisions of the Article are invoked is inconsistent with the exigencies with which officers are confronted in quick moving circumstances;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Alamosa, Colorado:

Section 1. Amendment of Sections 11-22 through 11-24 of the *Code of Ordinances of the City of Alamosa*. Sections 11-22, 11-23, and 11-24 of the *Code of Ordinances of the City of Alamosa* are amended to replace every instance of the words “police officer” with the words “peace officer.”

Section 2. Amendment of Section 11-22 (c) to define “peace officer.” Section 11-22(c) of the *Code of Ordinances of the City of Alamosa* is amended to read in its entirety as follows:

(c) The term “peace officer” as used in this Article has the same meaning as described in section 16-2.5-101, C.R.S., and includes, where relevant, a peace officer in uniform or a peace officer out of uniform who has identified himself or herself verbally or otherwise as a peace officer and, if the totality of circumstances allow opportunity for doing so, has exhibited his or her peace officer credentials to the person such officer is attempting to arrest or from whom the officer is seeking aid. If the totality of the circumstances does not allow the out-of-uniform officer to exhibit his or her credentials prior attempting an arrest or seeking aid, the officer shall exhibit such credentials as soon thereafter as circumstances allow. Failure of an out-of-uniform officer to have such credentials available at the time shall not constitute a circumstance justifying a failure to present such credentials for purposes of this definition.

Section 3. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this ordinance, are hereby repealed to the extent of such conflict.

Section 4. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 5. Publication and Effective Date. This ordinance shall take effect ten days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 7. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 2nd day of February, 2022, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2nd day of March, 2022, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 2nd day of March, 2022.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk