

City Code – Restore Criminal Enforcement (Remaining Sections)

Code Sec.	Chapter Name	Section
4-32 4-110	Aviation	Commercial Activity Use Permit Penalties for violations -Ground Transportation at Airport
6-270	Businesses and Trades	Penalties and remedies -Dancehall Businesses (permits, minors)
10-100	Health and Sanitation	Authority -Public Health Nuisances (neglect, trash/debris, overgrown vegetation/ abandoned/ hazardous/ junk vehicles)
14-325	Motor Vehicles and Traffic	Playing or Loitering about Railroad Property
15-26 15-157 15-251	Offenses and Miscellaneous Provisions	Camping and other activity prohibited on public property Penalties -Youth Protection (curfew violations) Violations; penalty -Carnivals (permits)

1

1

City Code – Aviation

Code Sec.	Chapter Name	Section
4-32 4-110	Aviation	Commercial Activity Use Permit Penalties for violations -Ground Transportation at Airport

Justification:

- When the Airport has had people operating or attempting to operate without a commercial activity use permit or ground transportation permit, they usually resolve this with a cease and desist order. Such an order is stronger, more effective and more likely to result in voluntary compliance when the City also has an enforcement option to assert that operating without a permit is a criminal offense.

- Alternatively, staff would rely on state criminal statutes, such as trespass. However, the elements for state offenses may not always be applicable, depending on the facts of each situation and having criminal enforcement in the Code minimizes this potential gap with other laws.

- Enforcing permits is also important because permittees certify that they will follow the Airport's rules, including security regulations and civil rights requirements.

- The Airport also receives a portion of revenue generated from permittees, which is necessary to fulfill its Grant Assurance Obligation to the FAA to be as self-sustaining as possible.

2

2

City Code – Dancehalls

Code Sec.	Chapter Name	Section
6-270	Businesses and Trades	Penalties and remedies -Dancehall Businesses (permits, minors)

Justification:

- There is **no** parallel state statute for dancehalls.
- Dancehall gatherings (or raves) often result in violent crimes including fights and shootings. This is especially true during the summer months and often involve juvenile offenders.
- Criminal enforcement has historically allowed law enforcement to intervene with the dancehall “hosts” before the events escalate into more serious and dangerous problems.

3

City Code – Public Health Nuisances

Code Sec.	Chapter Name	Section
10-100	Health and Sanitation	Authority -Public Health Nuisances (neglect, trash/debris, overgrown vegetation/ abandoned/ hazardous/ junk vehicles)

Justification:

-Code Enforcement uses criminal enforcement as a last-resort tool when a property owner repeatedly violates the ordinance or it is cost prohibitive to have the City abate the violation. Without it, unpaid civil fines are written off after three years or are paid off by the owner. For larger nuisances, owners are cited every 10 days, may pay civil fines and have no further repercussions if criminal enforcement is not an option.

-Code violation is the tool Code Enforcement uses when citing property owners to Environmental Court (where a special judge and assistant district attorney are assigned) for nuisance violation hearings if violators fail to comply, especially for hazardous or large hoarding clean-ups.

-Without criminal enforcement, it takes longer to decrease violations and increases budgetary costs to abate large scale violations. Neighborhood dilapidation, property values, and quality of life may also be affected without this enforcement option.

4

City Code – Railroads

Code Sec.	Chapter Name	Section
14-325	Motor Vehicles and Traffic	Playing or Loitering about Railroad Property

Justification:

- There is no parallel law that specifically addresses playing about railroad or lightrail tracks. While state and federal criminal laws prohibit trespass and disorderly conduct in rail rights-of-way, there is no specific statute for the lightrail system when someone is simply loitering or playing around.
- Also, state trespass laws are not the most efficient way to handle trespassing on the tracks. While the CATS and CDOT have authority to act as agents with Police, this only allows Police to handle trespasses at specific, listed locations (often rail overpasses). Alternatively, an authorized CATS rep would also need to be present with officers before banning someone from being on the tracks before they would be charged with trespass.
- By restoring criminal enforcement for this offense, the City can reduce the dangers of people walking on the tracks for photo/video shoots or to place memorials nearby. Recently, two brothers were hit and killed on the tracks during a memorial vigil for their brother who had also been killed by a train on the tracks.

5

City Code – Camping, Youth Protection and Carnivals

Code Sec.	Chapter Name	Section
15-26	Offenses and Miscellaneous Provisions	Camping and other activity prohibited on public property
15-157		Penalties
15-251		-Youth Protection (curfew violations) Violations; penalty -Carnivals (permits)

Justification:

- Camping:** This is not intended to criminalize homelessness. With homeless citizens, Police first offer resources, rides to shelters, or call Mobile Crisis units. Criminal enforcement is only sought for large scale situations when hundreds of people set up tents in public parks or on city sidewalks.
- Youth Protection:** Protects youth who are not properly supervised, especially when DSS or Juvenile Court system efforts did not result in changed behavior. With a criminal enforcement option, voluntary compliance by both the youth and their parent/guardian is more likely. Officers would check a youth's history to determine whether diversion, mental health resources, or DSS intervention should be utilized prior to issuing a criminal charge.
- Carnivals:** No comparable state law available. Without criminal enforcement, compliance is very difficult. In the last year, carnivals have posed serious problems near major intersections requiring off-duty police to work the event.

6

6