

TOWN OF ERIE
ORDINANCE NO. 17-2020

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE AMENDING CHAPTER 4 OF TITLE 1 OF THE ERIE MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 1-4-15, ENTITLED "PROTECTION ORDERS"

WHEREAS, the Board of Trustees of the Town of Erie finds that it is in the best interest of the Town to amend the Erie Municipal Code as set forth herein below, and that such an amendment is necessary to the preservation of the public property, health, safety, and welfare of the Town.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. Chapter 4 of Title 1 of the Erie Municipal Code is hereby amended by the addition of a new Section 1-4-15, entitled "Protection Orders", to read as follows:

1-4-15: PROTECTION ORDERS:

A. Definitions: For purposes of this Section, the following terms shall have the following meanings:

Final disposition of the action means when the case is dismissed, the defendant is acquitted, or the defendant completes their sentence.

Protected person means the person or persons identified in the protection order as the person or persons for whose benefit the protection order is issued.

Protection order means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening or touching any protected person, or retaliating against or tampering directly or indirectly with any named protected person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises or any other provision of the protection order.

Registry means a computerized information system.

Restrained person means the person identified in the order as the person prohibited from doing the specified act or acts.

Subsequent order means an order that amends, modifies, supplements, or supersedes a protection order.

B. Issuance:

1. The Municipal Court is authorized to issue a protection order against any person charged with or convicted of a municipal offense as a

condition of arraignment or as part of sentence. The Municipal Court is authorized to order any appropriate restraint on the conduct of the restrained person, or to continue, vacate or modify any existing protection order.

2. Nothing in this Section precludes the defendant or their attorney from applying to the court at any time for modification or dismissal of the protection order issued pursuant to this Section.

3. Nothing in this Section precludes the Town prosecutor from applying to the Municipal Court at any time for further orders, additional provisions under the protection order, or modification or dismissal of the same.

4. The Municipal Court retains jurisdiction to enforce, modify, or dismiss the protection order until final disposition of the action.

5. The Municipal Court shall electronically transfer to the Central Registry of Protection Orders established pursuant to C.R.S. § 18-6-803.7, as amended, a copy of any protection order issued pursuant to this Section. A copy of the protection order shall be provided to the protected person. A law enforcement officer shall enforce a valid protection order whether or not there is a record of the protection order in the registry.

6. The protection order issued by the Municipal Court shall remain in effect for such time as specified in the protection order, unless earlier vacated by the Municipal Court upon written order.

7. The Municipal Court shall inform the restrained person that a violation of the protection order shall constitute a criminal violation and/or result in contempt of court proceedings as provided by law.

C. Violation; penalty.

1. It is unlawful to violate a protection order. Violation of a protection order is deemed a criminal offense, subject to the penalties set forth in Section 1-4-4.B. of this Code.

2. A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as the restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of the protection order that identifies the person as a restrained person, that person: contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal owned by the protected person, identified in the protection order or enters or remains on the premises or comes within a specified distance of the protected person, protected property, including an animal, or premises or violates any other provision of the protection order to protect the protected person and such conduct is prohibited by the protection order.

3. Any sentence imposed for violation of this Section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuance of the protection order.

4. Nothing in this Section shall be construed to alter or diminish the inherent authority of the Municipal Court to enforce its orders through civil or criminal contempt proceedings.

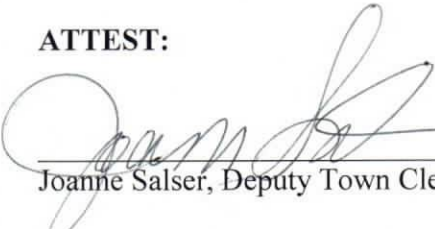
Section 2. Severability. If this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.


INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14th day of January, 2020.

ATTEST:




Joanne Salser, Deputy Town Clerk





Jennifer Carroll, Mayor


Geoff Decker
Mayor Pro Tem