

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER MATHEWS
Council Bill No. 14
Ordinance No. 1626
Series of 2017

TITLE: AN ORDINANCE AMENDING SECTIONS 16-81 AND 16-84 OF THE WHEAT RIDGE CODE OF LAWS TO LEGALIZE GRAVITY KNIVES AND SWITCHBLADES, CONSISTENT WITH STATE LAW

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations prohibiting certain conduct and defining general offenses that harm or pose a threat to the public health, safety or welfare; and

WHEREAS, pursuant to such authority, the Council has previously defined and adopted certain general offenses, codified as Chapter 16 of the Wheat Ridge Code of Laws ("Code"), including a prohibition of carrying, concealing and using illegal weapons, generally consistent with a parallel state statute; and

WHEREAS, through the adoption of Senate Bill 17-008 during the last legislative session, the Colorado Legislature amended the parallel state statute to remove gravity knives and switchblades from the list of weapons that it is unlawful to possess under state law; and

WHEREAS, the Wheat Ridge Police Department has recommended that certain provisions of the Code be amended to achieve the same result under local law, in the interests of consistency and uniform enforcement; and

WHEREAS, the Council therefore finds that it is desirable and appropriate to amend the Code to eliminate the inclusion of gravity knives and switchblades in the list of illegal weapons, to be consistent with state law.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 16-81 of the Wheat Ridge Code of Laws, concerning definitions relevant to weapons offenses, is hereby amended as follows:

Sec. 16-81. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blackjack means any billy, sandclub, sandbag, sap or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of

impact; or any device or article consisting of two (2) or more separate portions, linked together by a chain, strap or other fastener, which configuration is designed to increase the striking force or impact of the device or article.

Concealment means the deliberate hiding of a weapon upon or near the person with the intent to avoid the lawful detection thereof. It shall be evidence of concealment that the weapon is hidden so as to make it immediately available for use in the fashion in which the weapon is designed to be used.

Crossbow means any device resembling a rifle or handgun in configuration, having a bow or similar device mounted perpendicularly to a stock, grip or frame, and usually equipped with a winch or similar device which draws back the bowstring and cocks the weapon and which fires an arrow, bolt, quarrel, stone or similar shaft from a groove or depression in the stock, grip or frame by the manipulation of a trigger or similar mechanism.

Firearm means any pistol, revolver, self-loading pistol, rifle, shotgun or any other device designed to shoot, project, throw or hurl a projectile or projectiles by means of the explosion of gunpowder or other explosive substance.

~~*Gravity knife* means any knife the blade of which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which blade, upon release, becomes locked in place by means of a button, spring, plate, lever or other device.~~

Knife means any dagger, knife, bayonet, straightrazor, dirk, machete, stiletto, sword or swordcane with a blade over three and one-half (3½) inches in length, or any other dangerous instrument designed to inflict cutting, stabbing or tearing wounds; but, as used in this section, does not include a knife or hatchet of the type customarily used in hunting, fishing or camping when such is being carried for sporting use; and does not include any instruments being used in pursuance of a lawful home use, trade, occupation or profession or otherwise being lawful under federal or state statutes, or being used as an item of display or a collector's item in any home or place of business.

~~*Switchblade knife* means any knife, the blade of which opens automatically by manual pressure applied to a button, spring or other device in its handle.~~

Section 2. Section 16-84 of the Wheat Ridge Code of Laws, concerning illegal weapons, is hereby amended as follows:

Sec. 16-84. - Carrying, etc., illegal weapons.

- (a) It is unlawful for any person to knowingly carry, conceal or cause to be concealed in any vehicle or to use any blackjack, ~~gravity knife~~, multifixed bladed stellate throwing knife, ~~switchblade knife~~ or brass or metallic knuckles.
- (b) Nothing in this section shall apply to peace officers or to members of the Armed Forces of the United States or the Colorado National Guard acting in the lawful discharge of their duties.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

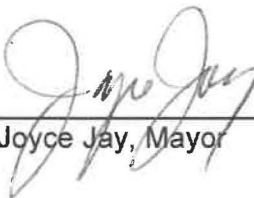
Section 4. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.


INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 26 day of June, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for July 10, 2017, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 10th day of July, 2017.

SIGNED by the Mayor on this 10th day of July, 2017.



Joyce Jay, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved As To Form


Gerald E. Dahl, City Attorney

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