

CHAPTER 10 General Offenses

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CHAPTER 10 General Offenses

ARTICLE I General Provisions

Sec. 10-1-10. Criminal attempt.

- (a) A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he or she engages in conduct constituting a substantial step toward the commission of the offense. A *substantial step* is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.
 - (b) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his or her complicity under Section 18-1-603, C.R.S., were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.
 - (c) It is an affirmative defense to a charge under this Section that the defendant abandoned his or her effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of this criminal intent.
 - (d) Criminal attempt to commit a misdemeanor is a misdemeanor.
 - (e) Criminal attempt to commit a petty offense is a crime of the same class as the offense itself.
- (Ord. 06-01 §1, 2006)

Sec. 10-1-20. Conspiracy.

- (a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agrees with another person or persons that they, or one (1) or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he or she agrees to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.
- (b) No person may be convicted of conspiracy to commit a crime, unless an overt act in pursuance of that conspiracy is proved to have been done by him or her or by a person with whom he or she conspired.
- (c) If a person knows that one with whom he or she conspires to commit a crime has conspired with another person to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person, whether or not he or she knows the other person's identity.
- (d) If a person conspires to commit a number of crimes, he or she is guilty of only one (1) conspiracy so long as such multiple crimes are part of a single criminal episode.

- (e) Conspiracy to commit a misdemeanor is a misdemeanor.
 - (f) Conspiracy to commit a petty offense is a crime of the same class as the offense itself.
- (Ord. 06-01 §1, 2006)

Sec. 10-1-30. Complicity.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, he or she aids, abets or advises the other person in planning or committing the offense.

Sec. 10-1-40. Accessory to crime.

- (a) A person is an accessory to crime if, with intent to hinder, delay or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he or she renders assistance to such person.
- (b) *Render assistance* means to:
 - (1) Harbor or conceal the other;
 - (2) Warn such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law;
 - (3) Provide such person with money, transportation, weapon, disguise or other thing to be used in avoiding discovery or apprehension;
 - (4) By force, intimidation or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution or punishment of such person; or
 - (5) Conceal, destroy or alter any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such person.
- (c) Being an accessory to crime is a Class 1 petty offense if the offender knows that the person being assisted has committed, has been convicted of or is charged by pending information, indictment or complaint with a crime, or is suspected of or wanted for a crime, and if that crime is designated by this Code as a misdemeanor of any class.

(Ord. 06-01 §1, 2006)

Sec. 10-1-50. Aiding and abetting.

Every person who commits, attempts to commit, conspires to commit, aids or abets in the commission of any act declared herein to be in violation of the ordinances of the Town, whether individually or in connection with one (1) or more persons, as a principal, agent or accessory, shall be guilty of such offense, and every person who fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any ordinance of the Town is likewise guilty of such offense.

ARTICLE II Government and Public Officers

Sec. 10-2-10. Definitions.

For purposes of this Chapter, the following words shall have the meanings ascribed hereafter:

Government includes any branch, subdivision, institution or agency of the government of this Town.

Governmental function includes any activity which a public servant is legally authorized to undertake on behalf of a government.

Public servant means any officer or employee of the government, whether elected or appointed, and any person participating as an advisor or consultant, engaged in the service of process or otherwise performing a governmental function, but the term does not include witnesses.

Sec. 10-2-20. Obstructing government operations.

- (a) It is unlawful to obstruct government operations.
- (b) A person commits obstructing government operations if he or she intentionally obstructs, impairs or hinders the performance of a governmental function by a public official, employee or servant, by using or threatening to use violence, force or physical interference or obstacle.
- (c) It is an affirmative defense that:
 - (1) The obstruction, impairment or hindrance was of unlawful action by a public servant;
 - (2) The obstruction, impairment or hindrance was of the making of an arrest; or
 - (3) The obstruction, impairment or hindrance was by lawful activities in connection with a labor dispute with the government.

(Ord. 06-01 §1, 2006)

Sec. 10-2-30. Impersonating a peace officer.

No person shall impersonate a police officer or any officer of the Town by wearing any uniform or imitation of a uniform, star, badge or other emblem of office or in any other manner.

Sec. 10-2-40. Obstructing a peace officer or firefighter.

- (a) No person shall willfully fail or refuse to comply with any lawful order, signal or direction of a police officer made or given in the discharge of the police officer's duties.
- (b) No person shall, in any way, interfere with or hinder any police officer who is discharging or apparently discharging the duties of the position.
- (c) It is unlawful to obstruct a peace officer or firefighter.
- (d) A person commits obstructing a peace officer or firefighter when, by using or threatening to use violence, force or physical interference or obstacle, such person knowingly obstructs, impairs or hinders the enforcement of the law or the preservation of the peace by a peace officer, acting under color of his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of fire by a firefighter, acting under color of his or her official authority.
- (e) It is no defense to a prosecution under this Section that the peace officer or firefighter was acting in an illegal manner, if the peace officer or firefighter was acting under color of his or her official authority as defined in Subsection 10-2-50(c) below.
- (f) This Section does not apply to obstruction, impairment or hindrance of the making of an arrest.

(Ord. 06-01 §1, 2006)

Sec. 10-2-50. Resisting arrest.

- (a) It is unlawful to resist arrest.
- (b) A person commits resisting arrest if he or she knowingly prevents or attempts to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest of the actor or another by:
 - (1) Using or threatening to use physical force or violence against the peace officer or another; or
 - (2) Using any other means which creates a substantial risk of causing physical injury to the peace officer or another.
- (c) It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if the peace officer was acting under color of his or her official authority, and in attempting to make the arrest, the peace officer was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts *under color of his or her official authority* when, in the regular course of assigned duties, the peace officer is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by the peace officer.
- (d) The term *peace officer*, as used in this Section, means a peace officer in uniform or, if out of uniform, one who has identified himself or herself by exhibiting his or her credentials as such peace officer to the person whose arrest is attempted.

(Ord. 06-01 §1, 2006)

Sec. 10-2-60. False reporting to authorities.

- (a) It is unlawful for a person to falsely report to authorities. A person commits false reporting to authorities if he or she:
 - (1) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service or any other government agency which deals with emergencies involving danger to life or property;
 - (2) Makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur;
 - (3) Makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false;
 - (4) Knowingly gives false information to any law enforcement officer with the purpose of implicating another; or
 - (5) Provides false identifying information to law enforcement authorities.
- (b) For purposes of this Section, *false identifying information* means a person's name, address, birth date, social security number, driver's license or State identification number.

(Ord. 06-01 §1, 2006)

Sec. 10-2-70. Duty of citizens to aid police officers.

It is the duty of all persons when called upon by a police officer to promptly aid and assist such officer or member in the discharge of his or her duties.

ARTICLE III Streets and Public Places

Sec. 10-3-10. Unlawful conduct on public property.

- (a) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on them in violation of any order, rule or regulation concerning any matter prescribed in this Section, limiting or prohibiting the use, activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such public buildings and property, specifically, orders, rules and regulations upon the following matters:
- (1) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings, grounds and other structures, and any object of scientific, historical or scenic interest;
 - (2) Restriction or limitation of the use of such public buildings or property as to time, manner or permitted activities;
 - (3) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance;
 - (4) Camping and picnicking, public meetings and assemblages and other individual or group usages, including the place, time and manner in which such activities may be permitted;
 - (5) Use of all vehicles as to place, time and manner of use; and
 - (6) Control and limitation of fires and designation of places where fires are permitted.
- (b) No conviction may be obtained under this Section unless notice of such limitation or prohibition is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the office or agency, including any agent thereof or by any law enforcement officer having jurisdiction or authority to enforce this Section.
- (c) Any person who violates this Section is guilty of unlawful conduct on public property.

(Ord. 06-01 §1, 2006)

Sec. 10-3-20. Trespass or interference in public buildings.

- (a) No person shall so conduct himself or herself at or in any public building owned, operated or controlled by the Town as to willfully deny to any public official, public employee or invitee on such premises the lawful rights of such official, employee or invitee to enter, to use the facilities of or to leave any such public building.
- (b) No person shall, at or in any public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof.
- (c) No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the Town officer charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in the public building.

- (d) No person shall, at any meeting or session conducted by any judicial, legislative or administrative body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties at such meeting or session.
 - (e) No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such body or official.
 - (f) The term *public building*, as used in this Section, includes any premises being temporarily used by a public officer or employee in the discharge of his or her official duties.
 - (g) Any person who violates any of the provisions of this Section commits an unlawful act.
- (Ord. 06-01 §1, 2006)

Sec. 10-3-30. Interfering with use of streets or sidewalks.

It is unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregating on any public highway, street, alley or sidewalk in the Town shall obstruct, interfere with or prevent the free, unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the Town or other authorized peace officer.

Sec. 10-3-40. Damage or removal of street signs.

It is unlawful for any person without proper authorization to remove, deface, damage or destroy any street sign or sign erected or placed in or adjacent to any street indicating the name of such street.

ARTICLE IV Public, Private and Personal Property

Sec. 10-4-10. Criminal mischief.

It is unlawful for any person to knowingly damage the real or personal property of one (1) or more other persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than five hundred dollars (\$500.00).

Sec. 10-4-20. Damaging or destroying public property.

It is unlawful for any person to either willfully, maliciously, wantonly, negligently or in any other manner damage or destroy real property, improvements thereto or moveable or personal property belonging to the Town.

Sec. 10-4-30. Damaging or destroying private property.

It is unlawful for any person to either willfully, maliciously or wantonly damage or destroy real property or improvements thereto, or moveable or personal property, belonging to any person.

Sec. 10-4-40. Trespassing.

- (a) Definition. For the purposes of this Section, *premises* means any real estate and all improvements erected thereon.

- (b) General provisions.
 - (1) A person unlawfully enters or remains in or upon premises when he or she is not licensed, invited or otherwise privileged to do so.
 - (2) A person who, regardless of his or her intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner or some other authorized person.
 - (3) A license or privilege to enter or remain on the premises which are only partly open to the public is not a license or privilege to enter or remain in that part of the premises which is not open to the public.
 - (4) A person who enters or remains upon unimproved and apparently unused land which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege, unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person or unless notice forbidding entry is given by posting with signs at intervals of not more than four hundred forty (440) yards along the outer boundary of the property or, if there is a readily identifiable entrance to the land, by posting with signs at such entrance to the premises or the forbidden part of the premises.
- (c) Trespasses prohibited. It is unlawful for any person to commit criminal trespass. A person commits criminal trespass if he or she enters or remains in or upon premises of another without the consent of the owner, occupant or person in charge thereof.
- (d) Damage to signs. It is unlawful for any person to knowingly mar, destroy, deface, tamper with or remove any posted notice or sign authorized by law.
- (e) Trespass prevention. In order to aid in the enforcement of this Section, the owner or person having legal possession and control of the premises, or his or her designated agent, may temporarily close, barricade or otherwise prevent use of any entrance, driveway or other means of access to the premises and erect barriers to interrupt the flow of traffic, so long as such actions do not interfere with fire protection and other public safety functions of the Town.
- (f) Penalty. It is unlawful for any person to violate any provision of this Section. Any person convicted of a violation of this Section shall be punished by a fine as provided in Section 1-4-20 of this Code.

(Prior code 3-6-3; Ord. 06-01 §1, 2006)

Sec. 10-4-50. Use of trash or refuse containers.

It is unlawful for any person to use or cause to be used in any way any trash or refuse container which is the property of another or to which such person has no rights of use. It is unlawful to deposit any trash or refuse in any trash or refuse container without authority to use such container. Any person found guilty of violating the provisions of this Section shall be fined as provided in Section 1-4-20 of this Code.

Sec. 10-4-60. Littering.

- (a) It is unlawful to throw or deposit in any street, alley, sidewalk or public grounds in the Town any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw, hay, trash or any other thing, except in public receptacles and authorized private receptacles.
- (b) It is unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town or upon private property.

(Ord. 06-01 §1, 2006)

Sec. 10-4-70. Theft.

It is unlawful for a person to commit theft. A person commits theft when he or she knowingly obtains or exercises control over anything of another without authorization or by threat or deception when the value of the thing is less than five hundred dollars (\$500.00), and:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value;
- (2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;
- (3) Uses, conceals or abandons the thing of value, intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or
- (4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.

Sec. 10-4-80. Theft of rental property.

It is unlawful for a person to commit theft of rental property. A person commits theft of rental property if he or she:

- (1) Obtains the temporary use of personal property of another, which is available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the personal property;
- (2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fails to reveal the whereabouts of or to return the property to the owner thereof or his or her representative or to the person from whom he or she has received it within seventy-two (72) hours after the time at which he or she agreed to return it; and
- (3) The value of the property involved is less than five hundred dollars (\$500.00).

Sec. 10-4-90. Theft by receiving.

It is unlawful to commit theft by receiving. A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on or disposes of anything of value of another, knowing or believing that the thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value, where the value of such thing is less than five hundred dollars (\$500.00).

Sec. 10-4-100. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than five hundred dollars (\$500.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on his or her own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

Sec. 10-4-110. Tampering and unauthorized connection.

- (a) Any person who connects any pipe, tube, stopcock, wire, cord, socket, motor or other instrument or contrivance with any main, service pipe or other medium conducting or supplying gas, water or electricity to any building without the knowledge and consent of the person supplying such gas, water or electricity commits tampering and unauthorized connection, which is unlawful.

- (b) Any person who in any manner alters, obstructs or interferes with any meter pit, meter or metering device provided for measuring or registering the quantity of gas, water or electricity passing through said meter without the knowledge and consent of the person owning said meter commits tampering and unauthorized connection, which is unlawful.
- (c) A person who tampers with property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he or she knowingly makes unauthorized connection with property of a utility, commits tampering and unauthorized connection, which is unlawful.
- (d) Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

(Ord. 06-01 §1, 2006)

ARTICLE V Public Peace, Order and Decency

Sec. 10-5-10. Disorderly conduct.

A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:

- (1) Makes a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to incite an immediate breach of the peace;
- (2) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;
- (3) Fights with another in a public place except in an amateur or professional contest of athletic skill;
- (4) Not being a peace officer, discharges a deadly weapon in a public place except when engaged in lawful target practice or hunting; or
- (5) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm.

Sec. 10-5-20. Disrupting lawful assembly.

A person commits disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance or any other means.

Sec. 10-5-30. Harassment.

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
 - (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact;
 - (2) In a public place directs obscene language or makes an obscene gesture to or at another person;
 - (3) Follows a person in or about a public place;
 - (4) Initiates communication with a person, anonymously or otherwise, by telephone, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage,

or makes any comment, request, suggestion or proposal by telephone, computer, computer network or computer system which is obscene;

- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
 - (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
 - (7) Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response.
- (b) As used in this Section, unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- (c) Any act prohibited by subparagraph (a)(4) above may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail or other electronic communication was either made or received.

(Ord. 06-01 §1, 2006)

Sec. 10-5-40. Loitering.

- (a) The word *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place.
- (b) A person commits a Class 1 petty offense if he or she:
 - (1) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;
 - (2) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;
 - (3) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific legitimate reason for being there, and having been asked to leave by a school administrator or his or her representative or by a peace officer; or
 - (4) Loiters with one (1) or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-7-10 of this Chapter.
- (c) It is an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as part of a peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

(Ord. 06-01 §1, 2006; Ord. No. 18-03, § 1, 9-18-2018)

Sec. 10-5-50. Assault.

- (a) An assault is an unlawful attempt of a person, coupled with a present ability, to commit a bodily injury on another person.
- (b) It is unlawful to assault, beat, strike, wound, imprison or inflict violence on another.

(Ord. 06-01 §1, 2006)

Sec. 10-5-60. False alarms.

Any person who shall intentionally make or give a false alarm of fire shall be deemed guilty of a misdemeanor.

Sec. 10-5-70. False alarm regulation.

- (a) The following code, as hereinafter amended, is hereby adopted by reference: Ordinance No. 16, AN ORDINANCE PERTAINING TO THE REGULATION OF FALSE ALARMS IN THE UNINCORPORATED TERRITORY OF SUMMIT COUNTY, as from time to time amended ("Summit County False Alarm Regulation").
- (b) Any person convicted of violating any of the provisions of the Summit County False Alarm Regulation shall be punished by a fine as hereinafter provided. The following fines shall apply to any such violation and shall be levied either through the penalty assessment procedure of Rule 210(b)(4), Colorado Municipal Court Rules, or by the Court after conviction, in which case the Court shall also assess the appropriate court costs:

First offense:	\$ 150.00
Second offense:	500.00
Subsequent offenses:	1,000.00

(Prior code 3-6-2; Ord. 06-02 §1, 2006)

Sec. 10-5-80. Storage of flammable liquids.

It is unlawful to store or cause to be stored or parked, except for delivery, any tank vehicle carrying flammable liquids or gases upon any streets, ways or avenues of the Town or in any other part of the Town, except those areas zoned for such uses.

Sec. 10-5-90. Explosives.

It is unlawful for any person to store within the Town limits or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosive in excess of one (1) fifty-pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives.

Sec. 10-5-100. Abandoned containers and appliances.

It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, structure or dwelling under his or her control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, washer, dryer, freezer or other container or appliance which has a door, lid, snap lock or other locking device which may not be released from the inside, without first removing said door, lid, snap lock or other locking device.

Sec. 10-5-110. Throwing stones or missiles.

No person shall throw or shoot any stone or other missile at or upon any person, animal, public or private property, building, structure, tree or shrub.

Sec. 10-5-120. Fraud by check.

- (a) As used in this Section, unless the context otherwise requires:

Check means a written, unconditional order to pay a certain sum in money, drawn on a bank, payable on demand, and signed by the drawer. *Check*, for the purposes of this Section only, also includes a negotiable order of withdrawal and a share draft.

Drawee means the bank upon which a check is drawn or a bank, savings and loan association, industrial bank or credit union on which a negotiable order of withdrawal or a share draft is drawn.

Drawer means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature is that of himself or herself or of a person authorized to draw the check on himself or herself.

Insufficient funds means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account, negotiable order of withdrawal account or share draft account with the drawee, or has funds in such an account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance; and a check dishonored for "no account" shall also be deemed to be dishonored for insufficient funds.

Issue. A person issues a check when he or she makes, draws, delivers or passes it or causes it to be made, drawn, delivered or passed.

Negotiable order of withdrawal and share draft mean negotiable or transferable instruments drawn on a negotiable order of withdrawal account or a share draft account, as the case may be, for the purpose of making payments to third persons or otherwise.

Negotiable order of withdrawal account means an account in a bank, savings and loan association or industrial bank, and *share draft account* means an account in a credit union, on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association, industrial bank or credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than thirty (30) days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable order of withdrawal or share draft.

- (b) Any person, knowing he or she has insufficient funds with the drawee who, with intent to defraud, issues a check for a sum less than five hundred dollars (\$500.00) for the payment of services, wages, salary, commissions, labor, rent, money, property or other thing of value, commits fraud by check, which is unlawful.
- (c) Any person, having acquired rights with respect to a check which is not paid because the drawer has insufficient funds, shall have standing to file a complaint under this Section, whether or not he or she is the payee, holder or bearer of the check.
- (d) Any person who opens a checking account, negotiable order of withdrawal account or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks commits fraud by check, which is unlawful.
- (e) If deferred prosecution is ordered, the court as a condition of supervision may require the defendant to make restitution on all checks issued by the defendant which are unpaid as of the date of commencement of the supervision in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.
- (f) A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to a sheriff, deputy sheriff, undersheriff, police officer,

district attorney, assistant district attorney, deputy district attorney or authorized investigator for a district attorney investigating or prosecuting a charge under this Section.

- (g) This Section does not relieve the prosecution from the necessity of establishing the required culpable mental state. However, for purposes of this Section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order, if:
- (1) He or she has no account upon which the check or order is drawn with the bank or other drawee at the time he or she issues the check or order; or
 - (2) He or she has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue.

(Ord. 06-01 §1, 2006)

Sec. 10-5-130. Public indecency.

It is unlawful to commit public indecency. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

- (1) An act of sexual intercourse or deviate sexual intercourse;
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or
- (3) A lewd fondling or caress of the body of another person.

Sec. 10-5-140. Indecent exposure.

It is unlawful for a person to knowingly expose his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

ARTICLE VI Minors

Sec. 10-6-10. Parent or guardian aiding, abetting.

It is unlawful for any person to knowingly permit any minor child, or to aid, abet, approve, encourage, allow, permit, tolerate or consent to the violation by any minor child of any provision of this Article or any ordinances of the Town.

Sec. 10-6-20. Encouraging delinquency.

It is unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities, and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

Sec. 10-6-30. False statement; false credentials.

It is unlawful for any person under twenty-one (21) years of age to make false statements, to furnish, present or exhibit any fictitious or false registration card, identification card, note or other document for any unlawful purpose, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited places for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor, wine or fermented malt beverages as defined in this Chapter.

Sec. 10-6-40. Services of others.

It is unlawful for any person under the age of twenty-one (21) years to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the person under the age of twenty-one (21) years is forbidden by law to purchase.

Sec. 10-6-50. Loitering and other acts around schools.

It is unlawful for any person to loiter, idle, wander, stroll or play in, about or on any public, private or parochial school, college or seminary grounds or buildings, either on foot or in or on any vehicle, without having some lawful business therein or thereabout or in connection with such school or the employees thereof, or for any person to:

- (1) Annoy, disturb or otherwise prevent the orderly conduct of classes and activities of any such school;
- (2) Annoy, disturb, assault or molest any student or employee of any such school, college or seminary while in any such school building or on any school grounds;
- (3) Conduct himself or herself in a lewd, wanton or lascivious manner in speech or behavior in or about any school building or school grounds; or
- (4) Park or move a vehicle in the immediate vicinity of or on the grounds of any such school, college or seminary for the purpose of annoying or molesting the students or employees thereof or in an effort to induce, entice or invite students into such vehicles for immoral purposes.

ARTICLE VII Alcoholic Beverages and Drugs

Sec. 10-7-10. Definitions.

For purposes of this Code, the following words shall have the meanings ascribed hereafter:

Alcoholic beverage or alcoholic liquor means fermented malt beverage or malt, vinous or spirituous liquors.

Controlled substance means a drug or other substance or an immediate precursor which is declared to be a controlled substance under this Article, and also includes marijuana, marijuana concentrate and cocaine.

Drug paraphernalia means any machine, instrument, tool, equipment or device which is primarily designed and intended for one (1) or more of the following:

- a. To introduce into the human body any controlled substance under circumstances in violation of state law;
- b. To enhance the effect on the human body of any controlled substance under circumstances in violation of state law;
- c. To conceal any quantity of any controlled substance under circumstances in violation of state law; or
- d. To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of state law.

Fermented malt beverage means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water containing not

less than one-half of one percent (0.5%) and not more than three and two-tenths percent (3.2%) alcohol by weight.

Malt liquor includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2%) of alcohol by weight.

Marihuana or *marijuana* means all parts of the plant *cannabis sativa L.*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin. It does not include the mature stalks of the plant, the fiber produced from the stalks, oil or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination if these items exist apart from any other item defined as *marijuana* herein.

Private property means any dwelling and its curtilage which is being used by a natural person for habitation and which is not open to the public, and privately owned real property which is not open to the public. *Private property* shall not include:

- a. Any establishment which has or is required to have a license pursuant to Article 46, 47 or 48 of Title 12, C.R.S.;
- b. Any establishment which sells alcoholic beverages or upon which alcoholic beverages are sold; or
- c. Any establishment which leases, rents or provides accommodations to members of the public generally.

Public place means any place commonly or usually open to the general public or to which members of the general public may resort, or accessible to members of the general public. By way of illustration, such public places include but are not limited to public ways, streets, buildings, sidewalks, alleys, parking lots, shopping centers, shopping center malls, places of business usually open to the general public and automobiles or other vehicles in or upon any such place or places, but shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments.

Spirituous liquor means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent (0.5%) alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except malt liquors and vinous liquors shall be construed to be spirituous liquor.

Vinous liquor means wine and fortified wines which contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

Sec. 10-7-20. Alcohol-related violations.

- (a) It is unlawful for any person under the age of twenty-one (21) years to possess or consume, whether actual or constructive, fermented malt beverage or malt, vinous or spirituous liquors.
- (b) It is unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any fermented malt beverage or malt, vinous or spirituous liquors.

(Ord. 06-01 §1, 2006)

Sec. 10-7-30. Illegal possession or consumption of alcoholic beverages by an underage person.

- (a) Any person under twenty-one (21) years of age who possesses or consumes alcoholic beverages anywhere in the Town commits illegal possession or consumption of alcoholic beverages by an underage person. Illegal possession or consumption of alcoholic beverages by an underage person is a strict liability offense.
- (b) It is an affirmative defense to the offense described in Subsection (a) above that the alcoholic beverages were possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:
- (1) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the alcoholic beverages were possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption; or
 - (2) When the existence of alcoholic beverages in a person's body was due solely to the ingestion of a confectionery which contained alcoholic beverages within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes or solely from the ingestion of a beverage which contained less than one-half of one percent (0.5%) of alcoholic beverages by weight.
- (c) The possession or consumption of alcoholic beverages shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.
- (d) Prima facie evidence of a violation of Subsection (a) above shall consist of:
- (1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed alcoholic beverages anywhere in this State; or
 - (2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with alcoholic beverage intoxication or impairment while present anywhere in this State.
- (e) During any trial for a violation of Subsection (a) above, any bottle, can or other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of alcoholic beverages. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of alcoholic beverages.
- (f) A parent or legal guardian of a person under twenty-one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption of, alcoholic beverages to or by a person under the age of twenty-one (21) years under the conditions described in Subsection (b)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Article 46, 47 or 48 of Title 12, C.R.S., or any members, employees or occupants of any such establishment to give, provide, make available or sell alcoholic beverages to a person under twenty-one (21) years of age.

(Ord. 06-01 §1, 2006)

Sec. 10-7-40. Sales near schools.

It is unlawful for any person to sell, offer or expose for sale or gift any fermented malt beverage or any vinous, spirituous or malt liquors within a distance of two hundred fifty (250) feet from any private, public or parochial school, said distance to be computed by direct measurement from the nearest property lines. However, this prohibition shall not affect the rights of any person holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal, upon the expiration thereof, of any license in effect at such time authorizing such business within the restricted area hereby established.

Sec. 10-7-50. Alcoholic beverages in certain places.

- (a) No person shall carry or have any open containers of alcoholic beverages on any street, sidewalk, alley or other public place, in any automobile or on the grounds or in the facilities of any public or private school, college or university except where authorized by the governing authority of such institution.
- (b) No person shall drink any alcoholic beverages in or on any of the above enumerated places.
- (c) The foregoing prohibitions shall not apply to any place duly licensed for the sale of alcoholic beverages.

(Ord. 06-01 §1, 2006)

Sec. 10-7-60. Open container.

It is unlawful for any person to possess or consume by open container any alcoholic beverage, whether such possession is actual or constructive, in any public place as defined in Section 10-7-10 of this Chapter, upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town; provided, however, that it shall not be a violation of this provision to store or consume any alcoholic beverage in conformance with, and pursuant to the terms of, any validly issued permit or license. For the purpose of this Subsection, an unsealed or open container shall not include a container of vinous liquor that has been resealed pursuant to the provisions of Section 12-47-411(3.5), C.R.S., and is clearly recognizable to a police officer as a container that has been resealed by the hotel or restaurant license holder.

Sec. 10-7-70. Possession of drug paraphernalia.

- (a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and intends to use the drug paraphernalia under circumstances in violation of state law.
- (b) Any person who commits possession of drug paraphernalia commits a Class 2 petty offense.

(Ord. 06-01 §1, 2006)

Sec. 10-7-80. Possession of marijuana.

- (a) Any person who knowingly possesses not more than one (1) ounce of marijuana commits a criminal offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00).
- (b) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written

promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer. Any person who does not honor such written promise to appear commits the offense of failure to appear and, upon conviction, shall be punished as set forth in Section 1-4-20 of this Code.

- (c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a maximum, by a fine of not more than three hundred dollars (\$300.00) and, notwithstanding the provisions of Subsection (b) above, by fifteen (15) days in jail.
- (d) A violation of this Section is a Class A municipal offense. Penalties for this violation are set forth in Section 1-4-20 of this Code.
- (e) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(Ord. 06-01 §1, 2006)

Sec. 10-7-90. Abusing toxic vapors.

- (a) As used in this Section, the term *toxic vapors* means the following substances or products containing such substances: alcohols, including methyl, isopropyl, propyl or butyl; aliphatic acetates, including ethyl, methyl, propyl or methyl cellosolve acetate; acetone; benzene; carbon tetrachloride; cyclohexane; Freons, including Freon 11 and Freon 12; hexane; methyl ethyl ketone; methyl isobutyl ketone; naphtha; perchlorethylene; toluene; trichloroethane or xylene.
- (b) No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system. No person shall knowingly possess, buy or use any such substance for the purposes described in this Section. This Subsection shall not apply to the inhalation of anesthesia for medical or dental purposes.
- (c) It is unlawful for any person knowingly to sell, offer for sale, deliver or give away to any other person any substance or product releasing toxic vapors, where the seller, offeror or deliverer knows or has reason to believe that such substance will be used for the purpose of inducing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system.
- (d) In a prosecution for a violation of this Section, evidence that a container lists one (1) or more of the substances described in Subsection (a) above as one (1) of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

(Ord. 06-01 §1, 2006)

ARTICLE VIII Weapons

Sec. 10-8-10. Definitions.

- (a) As used in this Article, unless the context otherwise requires, the following definitions shall apply:

Ballistic knife means any knife that has a blade which is forcefully projected from the handle by means of a spring-loaded device or explosive charge.

BB gun means an instrument, device, or weapon that that uses air pressure to propel one (1) or more pellet(s), shot(s), stone(s), ball(s), or other densely packed mass.

Blackjack includes any billy, sand club, sandbag 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.

Bomb means any explosive or incendiary device or Molotov cocktail as defined in Section 9-7-103, C.R.S., or any chemical device which causes or can cause an explosion, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

Bow and arrow means and includes any device or weapon consisting of a stave made of wood, plastic, fiberglass, or other resilient or elastic material, bent and held in tension by a string or cord for the purpose of propelling, launching, throwing, or projecting any form of shaft or arrow with or without a feathered tail. Bow and arrow includes a crossbow.

Firearm means and includes any handgun, automatic, pistol, revolver, rifle, or shotgun which may be used for the explosion of cartridges, or any stun gun, air gun, gas gun, spring gun, BB gun, pellet gun, or other instrument, device, or weapon of any description or name capable or intended to be capable of shooting, projecting, discharging any form of projectile, shot, bullet, or other object.

Firearm silencer means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

Gas gun means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such device.

Gravity knife means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force that, when released, is locked in place by means of a button, spring, lever or other device.

Handgun means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, does not exceed twelve (12) inches.

Knife means any dagger, dirk, ballistic knife, gravity knife, switchblade knife, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds; but does not include a knife, other than a ballistic knife, gravity knife, or switchblade knife, in possession of a person while engaged in hunting or fishing. The issue that a knife is in possession of a person while engaged in hunting or fishing must be raised as an affirmative defense.

Machine gun means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

Nunchaku means an instrument consisting of two (2) sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain which is in the design of a weapon used in connection with the practice of a system of self-defense.

Pellet gun means an instrument, device, or weapon that propels a pellet, shot, stone, ball, or other densely packed mass by use of a compressed spring, rather than an explosion of gunpowder or other means.

Rifle means a long-barreled firearm designed to be fired from the shoulder often incorporating a rifled or grooved interior barrel. A rifle includes a rifle with a barrel that is cut or otherwise modified to shorten the length of the weapon.

Shotgun means a long-barreled firearm designed to shoot a straight-walled cartridge or shotshell which usually discharges numerous small pellet-like spherical projectiles often called shot, or a single solid projectile often called a slug. A shotgun includes a shotgun with a barrel that is cut or otherwise modified to shorten the length of the weapon.

Stun gun means a device capable of temporarily immobilizing a person by the infliction of an electrical charge.

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

Throwing star means a disk having sharp radiating points or any disk-shaped bladed object which is handheld and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

- (b) It is an affirmative defense to any provision of this Article, that the act was committed by a peace officer in the lawful discharge of his or her duties.

(Ord. 06-01 §1, 2006; Ord. No. 2022-05, § 1, 2, 9-20-2022)

Sec. 10-8-20. Carrying concealed weapon; forfeiture.

- (a) It is unlawful for any person to carry a knife (as defined in Section 18-12-101(f), C.R.S.) or firearm concealed on or about his or her person. It shall not be an offense if the defendant was:
- (1) A person in his or her own dwelling or on property owned or under his or her control at the time of the act of carrying;
 - (2) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another person's person or property while traveling;
 - (3) A person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to Section 18-12-105.1, C.R.S., as it existed prior to its repeal or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of Article 12, Title 18, C.R.S., except that it shall be an offense under this Section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214, C.R.S.;
 - (4) A peace officer, as described in Section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in Section 16-2.5-101(2), C.R.S.; or
 - (5) A United States probation officer or a United States pretrial services officer while on duty and serving in the Town under the authority of rules and regulations promulgated by the judicial conference of the United States.
- (b) It is unlawful for any person to sell, offer to sell, display, use, possess or carry any knife having the appearance of a pocket knife the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of Subsection (a) above, and shall be subject to forfeiture to the Town as provided in Subsection (c) below.

- (c) Every person convicted of any violation of this Section shall forfeit to the Town such dangerous or deadly weapon so concealed or displayed.

(Ord. 06-01 §1, 2006; Ord. 08-05 §§1, 2, 2008)

Sec. 10-8-30. Disposition of confiscated concealed weapons.

It is the duty of every police officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the weapon to the Municipal Judge, to be held by him or her until the final determination of the prosecution for said offense, and upon the finding of guilt, it shall then be the duty of the Municipal Judge to deliver said weapon forthwith to the Chief of Police, who shall make disposition of the weapon.

Sec. 10-8-40. Prohibited use of weapons.

- (a) It shall be unlawful and a violation of the Municipal Code to:
 - (1) Knowingly and unlawfully aims a firearm or bow and arrow at another person;
 - (2) Recklessly or with criminal negligence discharges a firearm or shoots a bow and arrow;
 - (3) Knowingly sets a loaded gun, trap, bomb, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;
 - (4) Has in his or her possession a firearm while he or she is under the influence of intoxicating liquor or of a controlled substance. Possession of a permit issued under Section 18-12-105(2)(c), C.R.S., is no defense to a violation of this Section; or
 - (5) Knowingly aims, swings or throws a throwing star or nunchaku at another person, or knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, non-accessible container.
- (b) It shall be unlawful and a violation of the Municipal Code to discharge, shoot, or operate whether intentionally, recklessly, or negligently, a firearm or a bow and arrow within the Town, except as follows:
 - (1) Nothing contained in this Section shall prevent the use of a firearm or a bow and arrow within a lawfully established and Town approved shooting gallery or shooting range when such instrument can be fired, discharged, or operated in a manner as to not endanger persons or property.
 - (2) Nothing contained in this Section shall prevent the use of any such instruments by any peace officer as shall be necessary in the proper discharge of the officer's duties.
 - (3) Nothing contained in this Section shall prohibit the shooting, operation, or use of a bow and arrow when such shooting, operation, or use is conducted in a matter that:
 - a. Is wholly contained within a lot or parcel with the owner's consent;
 - b. Is conducted in a manner that will reasonably prevent the arrow from leaving the boundaries of the lot or parcel;
 - c. Is directed at an inanimate target located to prevent an errant arrow from contacting a building, deck, patio, recreation area, or other structures or areas authorized for habitation.
 - (4) Nothing contained in this Section shall prohibit the shooting, operation, or use of a BB gun or a pellet gun when such shooting, operation, or use is conducted in a matter that:
 - a. Is wholly contained within a lot or parcel with the owner's consent;

- b. Is conducted in a manner that will reasonably prevent a projectile from leaving the boundaries of the lot or parcel;
 - c. Is directed at an inanimate target located to prevent an errant projectile from contacting a building, deck, patio, recreation area, or other structures or areas authorized for habitation.
- (5) Nothing contained in this Section shall be applied to render unlawful the use of an instrument regulated by this Article when such use is determined by the Chief of Police or by a court of competent jurisdiction to be reasonable and necessary in self-defense or defense of others.
- (6) Nothing contained in this Section shall prevent the use of any instruments regulated by this Article by the personnel of law enforcement agencies of the United States, the State of Colorado, county sheriffs' offices, or municipal police departments as such use is reasonable, necessary, and appropriate in the proper discharge of such personnel's authorized duties.

(Ord. 06-01 §1, 2006; Ord. No. 2022-05, § 3, 9-20-2022)

Sec. 10-8-50 Prohibited hunting, trapping, and poisoning of animals.

- (a) It is unlawful to feed, hunt, pursue, molest, harass, catch, harm, or kill any wildlife within the Town limits, whether the wildlife is located upon public or private property. This prohibition does not apply to:
- (1) Fishing with a valid license in compliance with federal, state, and local laws.
 - (2) Use of a bird feeder during daylight hours on private property by the property owner or with the property owner's consent.
- (b) It is unlawful to set, or cause to be set within the Town, any trap, snare, or mechanical device for the purpose of holding, capturing, or killing an animal or animals. This prohibition does not apply to:
- (1) Setting a trap with the intent to trap rodents by means of a trap, snare, or mechanical device specifically designed to trap such animals by the owner of the property or an individual who has obtained the express consent of the owner or adult occupant of the property on which the trap is set. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
 - (2) Use of a trap or restraint by the owner or occupant of such property, by the agent of such owner or occupant, or by an authorized public officer, by means of a snare or mechanical device designed not to injure or harm the animal, which are known variously by the names, among others, of "cage trap," "cage-door trap," or "live trap," if an animal is causing damage, injury, or destruction to private property.
- (c) It is unlawful for any person to place, maintain, or permit the use of a poisonous bait upon any property, public or private, within the Town. For the purposes of this Section, poisonous baits are defined as substances attractive to animals as food, to which lethal poisons are added for the purpose of killing those animals which ingest them. This prohibition does not apply to:
- (1) Use of a poisonous bait specifically designed for rodents if the bait is used within a building or structure that is not generally accessible to large wildlife such as deer, elk, bear, racoon, or fox. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
- (d) The prohibitions of these subsections (a)—(c) do not apply to any public officer or official of a police, fire, or animal control agency, the Town, the State of Colorado, or the United States, when such person is acting within the scope of his or her official duties.

(Ord. No. 2022-08, § 2, 11-15-2022)

Editor's note(s)—Ord. No 2022-08, § 2, adopted Nov., 15, 2022, renumbered the former § 10-8-50 as § 10-8-60 and enacted a new § 10-8-50 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 10-8-60. Selling weapons to intoxicated persons.

- (a) It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.
- (b) Such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the Town to such person.

(Ord. 06-01 §1, 2006)

(Ord. No. 2022-08, § 1, 11-15-2022)

Editor's note(s)—See editor's note at 10-8-50.

Sec. 10-8-70. Minimum penalty.

- (a) Each violation of this Article shall be subject to the following minimum penalty:
 - (1) For the first violation: Five hundred dollars (\$500.00);
 - (2) For the second violation: One thousand dollars (\$1,000); and
 - (3) For the third and each subsequent violation: Two thousand seven hundred dollars (\$2,700) or the maximum penalty authorized by Section 13-10-113, C.R.S., whichever is higher.
- (b) Such penalties shall be in addition to any other penalty authorized by Article IV of Chapter 1 of the Municipal Code including payment of court costs, expenses, and restitution, as deemed appropriate by Town policy or by the Municipal Court.

(Ord. No. 2022-05, § 4, 9-20-2022)

Editor's note(s)—Ord. No. 2022-05, § 4, adopted Sep., 20, 2022, set out provisions intended for use as § 10-8-60. Inasmuch as there were already provisions so designated, said section has been codified herein as § 10-8-70 at the discretion of the editor.

ARTICLE IX Miscellaneous Provisions

Sec. 10-9-10. Noise prohibited.

- (a) Prohibited act. The making and creating of an excessive or an unusually loud noise at any location within the Town heard and measured in a manner hereinafter set forth, shall be unlawful.
- (b) Definitions. An "excessive" or "unusually loud noise" shall be defined as follows:
 - (1) Noise of any duration which exceeds the allowable noise limit for the zone in which the noise source is located by fifteen (15) decibels.

- (2) A noise, one (1) minute or more in duration out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by ten (10) decibels.
- (3) A noise of five (5) minutes in duration and a total of five (5) minutes out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by three (3) decibels.
- (c) Sound measurement standard. For the purpose of determining and classifying any noise as excessive or unusually loud as declared to be unlawful and prohibited by this Section, the noise shall be measured on a decibel or sound level meter of standard design and quality operated on the A-weighting scale.
 - (1) If the noise source is located on private property, the noise shall be measured at or beyond the property line of the property on which the noise source is located.
 - (2) If the noise source is located on public property, the noise shall be measured no closer than ten (10) feet from the noise source.
- (d) Exceptions. The maximum permissible noise limits for the times and zones specified in Subsection (d) of this Section shall not apply to sound emitted from the following:
 - (1) Any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency;
 - (2) Any construction equipment operated upon a residential, commercial, industrial, or public premises during the time period between 7:00 a.m. and 7:00 p.m.; provided, however, that the operation of the construction equipment during the hours of 7:00 a.m. and 7:00 p.m. shall not exceed ninety (90) decibels.
- (e) Motor vehicle noise.
 - (1) No person shall operate nor shall the owner permit the operation of any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the following noise levels for the category of motor vehicle and for the designated time period specified in the table set forth below. The standards set forth in this table shall apply to all noise emitted from motor vehicles including any and all equipment thereon, under any conditions of acceleration, deceleration, idle, greater load, and whether or not in motion. Maximum allowable noise levels for motor vehicles shall be as follows:

Type of Vehicle	Time Period	Maximum Allowable Noise Levels	Measurement Distance From Vehicle
Vehicles weighing less than 10,000 pounds manufacturer's gross vehicle weight	Any time	80 decibels	25 feet
Vehicles weighing more than 10,000 pounds manufacturer's gross vehicle weight	Any time	90 decibels	25 feet

- (2) Exhaust muffler. It is unlawful for any person to drive or move or for the owner of any motor vehicle to permit to be driven or moved, any motor vehicle or combination of motor vehicles at any time which is not equipped with an exhaust muffler. It is unlawful for any person or for the owner of any motor vehicle to change or modify the exhaust muffler, air intake muffler, or any other sound-reducing device in such a manner that the noise emitted from the motor vehicle:
 - a. Exceeds the noise levels as established in the maximum allowable noise level table for motor vehicles; or
 - b. Is increased above the sound pressure level of the vehicle as originally manufactured.

(Ord. No. 17-05, § 1, 7-18-2017)

Editor's note(s)—Ord. No. 17-05, § 1, adopted July 18, 2017, was codified as 10-9-10 at the editor's discretion with the approval of the city, as it superceded the information published previously that derived from Ord. 06-01 § 1, adopted in 2006.

Sec. 10-9-20. Animals.

It is unlawful for any person to use, keep, have in his or her possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood; provided, however, that the provisions of this Section shall not apply to hospitals licensed for the treatment of small animals or to premises occupied or used by the Town animal shelter.

Sec. 10-9-30. Sirens, whistles, gongs and red lights.

It is unlawful for any person to carry or use upon a vehicle, other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the police and fire departments.

Sec. 10-9-40. Operation of aircraft.

Except in emergency situations, it is unlawful for any aircraft capable of carrying crew or passengers, including but not limited to helicopters and fixed-wing aircraft, to land, take off or refuel within the boundaries of the Town without the prior written approval of the Board of Trustees.