

CHAPTER 10

General Offenses

- Article I Offenses by or Against Public Officers and Government**
Sec. 10-1 Obstructing a peace officer or fireman
Sec. 10-2 Resisting arrest
Sec. 10-3 Duty of citizens to aid police officers
- Article II Offenses Against Public Peace, Order and Safety**
Sec. 10-21 Disorderly conduct
Sec. 10-22 Harassment
Sec. 10-23 Fraud by check
Sec. 10-24 Petty theft
Sec. 10-25 Obstructing highway or passageway
Sec. 10-26 Excreting in public
Sec. 10-27 Unlawful possession of marihuana
Sec. 10-28 Unlawful possession of drug paraphernalia
Sec. 10-29 Curfew
- Article III Offenses Relating to Alcoholic Beverages**
Sec. 10-41 Prohibited acts
Sec. 10-42 Nonapplicability
Sec. 10-43 Permit for public consumption
Sec. 10-44 Restrictions and exceptions in force after 9:30 p.m.
Sec. 10-45 Restrictions and exceptions in force before 9:30 p.m.
Sec. 10-46 Display of warning card
Sec. 10-47 Reserved
Sec. 10-48 Unlawful possession of alcoholic beverages by a minor
- Article IV Offenses Relating to Firearms**
Sec. 10-61 Unlawful discharge of firearms
Sec. 10-62 Unlawful carrying of concealed weapons

ARTICLE I

Offenses by or Against Public Officers and Government

Sec. 10-1. Obstructing a peace officer or fireman.

A person interferes with a peace officer if he or she knowingly prevents or attempts to prevent a peace officer, acting under the color of his or her official authority, from effecting an arrest or pursuing an investigation, by:

- (1) Using or threatening to use physical force or violence against the peace officer or another.
- (2) Refusing or disobeying a reasonable request by the peace officer to withdraw from the immediate area of the peace officer to a reasonable distance from the peace officer to allow him or her to effect an arrest or pursue an investigation.
- (3) Using any other means which create a risk of physical injury to the peace officer or another.
(Prior Code 24-3)

Sec. 10-2. Resisting arrest.

(a) A person resists 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 the actor's arrest by:

- (1) Using or threatening to use physical force or violence against the peace officer.
 - (2) Using any other means which creates a risk of physical injury to the peace officer or to the person of another.
- (b) It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest or pursue an investigation which in fact was unlawful, if he or she was acting under color of his or her official authority. A peace officer acts under color of his or her official authority when, in the regular course of his or her assigned duties, he or she is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest or investigation should be made by him or her.

(c) The term peace officer, as used in this Section, means an officer of the Police Department in uniform or, if out of uniform, one who has identified himself or herself by exhibiting his or her credentials as a police officer to the actor, or a police officer whom the actor knew as a Basalt police officer at the time of the alleged offense. The term *peace officer* also includes any employee of the Town granted police or enforcement powers by any ordinance of the Town, who has exhibited his or her credentials to the actor, and any reserve or deputy peace officer. (Prior code 24-3)

Sec. 10-3. Duty of citizens to aid police officers.

It is the duty of all persons, when called upon by any police officer, to promptly aid and assist such officers in the discharge of his or her duties. (Prior code 2-25)

Secs. 10-4—10-20. Reserved.

ARTICLE II

Offenses Against Public Peace, Order and Safety

Sec. 10-21. Disorderly conduct.

(a) 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) Abuses or threatens a person in a public place in an obviously offensive manner;

(3) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;

(4) Fights with another in a public place except in an amateur or professional contest of athletic skill;

(5) Not being a peace officer, discharges a firearm in a public place; or

(6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

(b) It is an affirmative defense to prosecution under Subsection (a)(2) of this Section that the actor had significant provocation for his or her abusive or threatening conduct.

(c) A violation of Subsection (a) above is a petty offense punishable under Chapter 1, Article IV, Section 1-82 or 1-83 of this Code. (Ord. 12, 1998)

Sec. 10-22. 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, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene;

(5) Makes a telephone call or causes a telephone to ring repeatedly, regardless of whether 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) Harassment is a petty offense punishable under Chapter 1, Article IV, Section 1-82 and/or 1-83 of this Code.

(d) Any act prohibited by this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received. (Ord. 12, 1998)

Sec. 10-23. Fraud by check.

(a) As used in this Section, unless the context otherwise requires, the following terms shall have the meanings indicated:

Check means a written, unconditional order to pay a sum certain in money drawn on a bank, payable on demand, and signed by the drawer.

Drawee means the bank or other savings institution upon which a check 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 the person or of a person authorized to draw a 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 with the drawee, or has funds in a checking 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 means 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.

(b) Any person, knowing he or she has insufficient funds with a drawee who, with intent to defraud, issued a check, in an amount less than four hundred dollars (\$400.00), for the payment of services, wages, salary, commissions, labor, rent, money, property or other thing of value, commits fraud by check, which is a misdemeanor.

(c) This Section does not relieve the prosecution from the necessity of establishing the required knowledge by evidence. However, for purposes of this Section, the issuer's knowledge of insufficient funds is presumed, except in the case of a post-dated 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 the issue.

(d) Notwithstanding any other provision of this Section, no violation of this Section occurs if:

(1) The check alleged to be fraudulent was for a sum in excess of an amount approved by the Town Council pursuant to Section 2-381 et seq., or more;

(2) The person issues two (2) or more checks within any thirty-day period in the State totaling an amount approved by the Town Council pursuant to Section 2-381 et seq., or more in the aggregate;

(3) The person issuing the check has been twice previously convicted under Section 18-5-205, C.R.S., or any former state statute of similar content and purpose; or

(4) The allegedly fraudulent check was drawn on an account which did not exist or which has been closed for a period of thirty (30) days or more prior to the issuance of said check.

(e) It shall be unlawful for any person to open a checking account using false identification or an assumed name for the purpose of issuing fraudulent checks.

(f) If deferred prosecution or sentencing is ordered, the court as a condition of such disposition 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 deferred period in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

(g) A bank or other savings institution shall not be civilly or criminally liable for releasing information relating to the drawer's account to a police officer, town attorney, assistant town attorney or authorized investigator for a town attorney investigating or prosecuting a charge under this Section.

(h) Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of this Section shall be guilty of a misdemeanor. (Prior code 38-1, 38-2; Ord. 17 §§1, 2, 1992; Ord. 12 §B30, 2003)

Sec. 10-24. Petty theft.

A person commits petty theft when he or she knowingly obtains or exercises control over anything of value of another, the value of which is less than an amount approved by the Town Council pursuant to Section 2-381 et seq., without authorization, or by threat or deception, and:

(1) Intends to deprive the other person permanently of the use 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 a thing of value to the other person. (Ord. 17 §3, 1992; Ord. 12 §B31, 2003)

Sec. 10-25. Obstructing highway or passageway.

(a) An individual or corporation commits an offense if without legal privilege such individual or corporation intentionally, knowingly or recklessly:

(1) Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or

(2) Disobeys a reasonable request or order to move issued by a person the individual or corporation knows to be a peace officer, a firefighter or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.

(b) For purposes of this Section, *obstruct* means to render impassable or to render passage unreasonably inconvenient or hazardous.

(c) Obstructing a highway or passageway is a petty offense punishable under Chapter 1, Article IV, Section 1-82 or 1-83 of this Code. (Ord. 12, 1998)

Sec. 10-26. Excreting in public.

(a) It shall be unlawful for any person to urinate or defecate on any public street, upon any public sidewalk, in any other public place, in any public vehicle or in any store, assembly hall, corridor or other place open to or used by the public except restrooms and toilets which are provided for this purpose.

(b) Any person found to be in violation of this Section shall be punished in accordance with Chapter I, Article IV, Sections 1-82 and 1-84 of this Code. (Ord. 11, 1998)

Sec. 10-27. Unlawful possession of marihuana.

(a) For the purpose of this Section and for Section 10-28 of this Code, key terms are defined as follows:

(1) *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 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 *marihuana* in this Subsection.

(b) Any person who possesses not more than one (1) ounce of marijuana commits a petty offense and, on conviction thereof, shall be punished by a fine in an amount approved by the Town Council pursuant to Section 2-381 et seq.

(c) Penalty; violation.

(1) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marihuana commits a petty offense and, upon conviction thereof, shall be punished in accordance with the penalty provisions of Chapter 1, Article IV, Sections 1-82 and 1-83 of this Code.

(2) Except as is otherwise provided in paragraph (1) of this Subsection (c), consumption or use of marihuana shall be deemed possession thereof, and violations shall be punished as provided for in Subsections (b) and (c) of this Section. (Ord. 14 §1, 1998; Ord. 12 §B32, 2003)

Sec. 10-28. Unlawful possession of drug paraphernalia.

(a) For the purposes of this Section, *drug paraphernalia* means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing marihuana into the human body, in violation of this Code. *Drug paraphernalia* includes, but is not limited to:

(1) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of marihuana under circumstances in violation of this Code;

(2) Scales and balances used, intended for use or designed for use in weighing or measuring marihuana;

(3) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana;

(4) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marihuana into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips, meaning objects used to hold burning material, such as a marihuana cigarette that has become too small or too short to be held in the hand;

f. Chamber pipes;

g. Carburetor pipes;

h. Electric pipes;

i. Air-driver pipes;

j. Chillums;

k. Bongs; or

l. Ice pipes or chillers.

(b) In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors, the following:

(1) Statements made by an owner or by anyone in control of the object concerning its use;

- (2) The proximity of the object to marijuana, as that term is defined Section 10-27;
- (3) The existence of any residue of controlled substances on the object;
- (4) Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person reasonably should know, that it will be delivered to persons whom he or she knows or reasonably should know, could use the object to facilitate a violation of this Section;
- (5) Instructions, oral or written, provided with the object concerning its use;
- (6) Descriptive materials accompanying the object which explain or depict its use;
- (7) National or local advertising concerning its use;
- (8) The manner in which the object is displayed for sale;
- (9) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
- (10) The existence and scope of legal uses for the object in the community;
- (11) Expert testimony concerning its use.

(c) In the event a case brought pursuant to this Section 10-28 is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this Section. Such hearing shall be conducted in camera.

(d) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of this Code. Any person who commits possession of drug paraphernalia commits a petty offense and, upon conviction thereof, shall be punished in accordance with Chapter 1, Article IV, Sections 1-82 and 1-83 of this Code. (Ord. 14 §1, 1998)

Sec. 10-29. Curfew.

(a) Child's responsibility. It is unlawful for any child under the age of eighteen (18) years to remain or loiter, including being in a vehicle that is moving or stationary, in or upon any street, alley or other public place subsequent to the hour of 12:01 a.m., or prior to the hour of 6:00 a.m., except for lawful employment or unless there exists a reasonable necessity thereof; or unless such child is accompanied by a parent, legal guardian or other person of the age of twenty-one (21) years having the permission of the parent or legal guardian to have the custody and care of such child.

(b) Parent's responsibility. It is unlawful for any parent, legal guardian or other person having the care or custody of any child under the age of eighteen (18) years, to allow or permit such child to remain or loiter, including being in a vehicle that is moving or stationary, in or upon any street, alley or other public place subsequent to the hour of 12:01 a.m., or prior to the hour of 6:00 a.m., except for lawful employment or unless there exists a reasonable necessity thereof; or unless such child is accompanied by a parent, legal guardian or other person of the age of twenty-one (21) years having permission of the parent or legal guardian to have the custody and care of such child.

(c) Penalty. Any person violating this Section shall be punished as set forth in Chapter 1, Article IV, Section 1-82 (adults) or 1-83 (minors) of this Code. (Ord. 15 §1, 1998)

Secs. 10-30—10-40. Reserved.

ARTICLE III

Offenses Relating to Alcoholic Beverages

Sec. 10-41. Prohibited acts.

It shall be unlawful for any person to:

(1) Drink or consume, or permit the drinking or consumption of, any alcoholic beverage as defined by Section 12-47-102, C.R.S., or any fermented malt beverage, as defined by Section 12-46-102, C.R.S., in or about any street, alley, road, highway, sidewalk, automobile parking lot, store or other public place that does not have a liquor license, or inside vehicles while upon streets, alleys, roads, highways or automobile parking lots.

(2) Have in his or her possession any open container containing any alcoholic beverage as defined by Section 12-47-102, C.R.S., or any fermented malt beverage, as defined by Section 12-46-102, C.R.S., in or about any street, alley, road, highway, sidewalk, automobile parking lot, store or other public place that does not have a liquor license or inside vehicles while upon streets, alleys, roads, highways or automobile parking lots. (Prior code 18-1)

Sec. 10-42. Nonapplicability.

The above provisions shall not apply to Town parks, and they shall not apply to the designated section of the Town and for the designated period of time as set forth in any permit issued by the Town Council pursuant to the provisions of Section 10-43 of this Code. (Prior code 18-2; Ord. 33 §B1, 2003)

Sec. 10-43. Permit for public consumption.

Upon application by any person, group or organization, the Town Council may issue a permit allowing the consumption of any beverage described in Section 10-41 of this Code and allowing the possession of any open container of any beverage described in Section 10-41 of this Code within a designated section of the Town and during a designated period of time. The Town Council may issue such a permit only if it finds that the applicant is qualified under state law, a responsible person, group or organization and is sponsoring a specific public event that will promote the Town or its business and commerce or that will contribute to the amusement and entertainment of its citizens and visitors. (Prior code 18-3; Ord. 33 §B1, 2003)

Sec. 10-44. Restrictions and exceptions in force after 9:30 p.m.

It shall be unlawful for any licensee or operator, or agent or employee of any licensee or operator, of any establishment selling alcoholic beverages for on-the-premises consumption to allow or permit any person under the age of twenty-one (21) to enter or remain in such establishment after 9:30 p.m., or for any person under the age of twenty-one (21) to enter or remain in such establishment after 9:30 p.m. except:

(1) Persons under twenty-one (21) may remain in a dining room where meals are served and sold, where not more than twenty-five percent (25%) of the gross income generated within such dining room results from the sale of alcoholic beverages, where the sale of alcoholic beverages is incidental to the sale and consumption of food and where such dining room is physically separated, by walls or other means, from the bar.

(2) Persons under twenty-one (21) may pass through a bar for purposes of obtaining access to a dining room or rest room.

(3) Persons over the age of eighteen (18) years may sell or dispense malt liquors or vinous liquors in a bar of an establishment licensed to sell or dispense malt liquors or vinous liquors but not licensed to sell spirituous liquors.

(4) Persons under the age of twenty-one (21) may enter or remain in a bar when the establishment is closed and alcoholic beverages are not being sold. (Prior code 18-5)

Sec. 10-45. Restrictions and exceptions in force before 9:30 p.m.

It shall be unlawful for any licensee or proprietor, or agent or employee of any licensee or operator, of any establishment selling alcoholic beverages for on-the-premises consumption to allow or permit any person under the age of twenty-one (21) to enter or remain in such establishment from the time the establishment opens for business until 9:30 p.m., or for any person under the age of twenty-one (21) to enter or remain in such establishment during such times, unless:

(1) The person under twenty-one (21) is accompanied and supervised by his or her parent, legal guardian or an adult over the age of twenty-one (21) who expressly assumes responsibility and liability for the acts of the person under twenty-one (21);

(2) The person under twenty-one (21) is lawfully engaged in selling or dispensing malt liquors or vinous liquors in a bar of an establishment licensed to sell or dispense malt liquors or vinous liquors, but not licensed to sell spirituous liquors; or

(3) The bar of the establishment is closed and alcoholic beverages are not being served. (Prior code 18-6)

Sec. 10-46. Display of warning card.

Every proprietor of an establishment selling alcoholic beverages for on-the-premises consumption shall display at all times in a prominent place a printed card with a minimum height of eighteen (18) inches and a minimum width of eleven (11) inches, with each letter a minimum of one-half ($\frac{1}{2}$) inch in height, giving notice of the prohibitions of this Article concerning persons under the age of twenty-one (21) years in said establishment. The failure to post such sign shall not be a defense in any prosecution against a person charged with being under the age of twenty-one (21) and unlawfully entering or remaining in an establishment selling alcoholic beverages for on-the-premises consumption. (Prior code 18-7)

Sec. 10-47. Reserved.

Sec. 10-48. Unlawful possession of alcoholic beverages by a minor.

(a) Definitions.

Alcoholic beverages or *alcoholic liquors* means malt, vinous or spirituous liquors; except that *alcoholic beverages* and *alcoholic liquors* shall not include confectionery containing alcohol within the limits prescribed by Section 25-5-410(1)(I)(II), C.R.S., which section is incorporated herein by this reference.

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 (.5%) and not more than three and two-tenths percent (3.2%) alcohol by weight; except that *fermented malt beverage* shall not include confectionery containing alcohol within the limits prescribed by Section 25-5-410(1)(I)(II), C.R.S., which section is incorporated herein by this reference.

Malt liquors 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%) alcohol by weight.

Spirituos liquors 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 (.5%) alcohol and which is fit for use for beverage purposes.

Vinous liquors means wine and fortified wines which contain not less than one-half of one percent (.5%) and not more than twenty-one percent (21%) 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.

(b) It shall be unlawful for any person under twenty-one (21) years of age to possess one (1) or more alcoholic beverages, malt liquors, vinous liquors and/or spirituous liquors, as such terms are defined herein or to possess fermented malt beverages as such term is defined herein, in a public place including public streets, alleys, roads or highways; upon property owned by a public or governmental entity, or any subdivision thereof, including the Town; or inside vehicles while upon the public streets, alleys, roads or highways. A person convicted of a violation of this Section shall be punished as set forth in Chapter 1, Article IV of this Code, Section 1-82 and 1-83. (Ord. 13 §1, 1998)

Secs. 10-49—10-60. Reserved.

ARTICLE IV

Offenses Relating to Firearms

Sec. 10-61. Unlawful discharge of firearms.

(a) For purposes of this Section, the term *firearm* shall include any gun, pistol, rifle, shotgun, fowling piece, cannon, spring-operated device or any other device designed or used to propel projectiles in a dangerous manner, including but not limited to BB and pellet guns of any description.

(b) It shall be unlawful for any person to discharge any firearm within the Town.

(c) This Section shall in no event be applied to the discharge of a firearm relating to:

- (1) The carrying out of the duty of any authorized peace officer.
- (2) The activities of any military exercise under the direction of an officer in any branch of the United States Armed Forces, active or reserve, or the activities of any recognized militia organized under and authorized by the laws of the United States or the State.
- (3) The recreational activities of any firing or target range validly operating under all appropriate federal, state and local laws, ordinances and regulations.
- (4) Any activity for which the Mayor has given written permission in behalf of the Town ten (10) days in advance, including but not limited to military parades and funerals.
- (5) The self-defense of any person or the defense of a person's home from attack.

(d) This Section is not intended in any way to disturb or prevent the operation of legitimate and duly licensed businesses dealing in firearms, including but not limited to sporting goods stores, gunsmiths and pawnbrokers. (Prior code 20-1)

Sec. 10-62. Unlawful carrying of concealed weapons.

(a) For purpose of this Article, the term *weapon* shall include any firearm as defined in Section 10-61(a) above and any knife, switchblade, stiletto or gravity knife, bowie knife, dirk, dagger, razor, axe, slingshot, stone, bludgeon, club, blackjack, billy, metal knuckles or any other device designed or used to inflict bodily harm.

(b) It shall be unlawful for any person to carry or have concealed upon or about his or her person any weapon or to exhibit any weapon in a rude, angry or threatening manner.

(c) This Section shall in no event be applied to weapons carried by:

- (1) A peace officer in the performance of official duty.
- (2) A person duly licensed to carry a weapon concealed on his or her person.
- (3) A person in his or her house, dwelling or other area or premises to which he or she is entitled to exclusive possession unless such premises are open to the public. (Prior code 20-2)

Secs. 10-63—10-80. Reserved.