

CHAPTER 10

General Offenses

- Article I General Provisions**
Sec. 10-1-10 Definitions
Sec. 10-1-20 Criminal attempt
Sec. 10-1-30 Conspiracy
Sec. 10-1-40 Complicity
Sec. 10-1-50 Accessory to crime
Sec. 10-1-60 Civil remedies for violations
- Article II Government and Public Officers**
Sec. 10-2-10 Obstructing government operations
Sec. 10-2-20 Impersonating a peace officer
Sec. 10-2-30 Impersonating a public servant
Sec. 10-2-40 Obstructing a peace officer
Sec. 10-2-50 Interference with firefighter
Sec. 10-2-60 Resisting arrest
Sec. 10-2-70 Inducing prisoners to absent selves
Sec. 10-2-80 Aiding escape
Sec. 10-2-90 Escaping
Sec. 10-2-100 False reporting to authorities
Sec. 10-2-110 Duty of citizens to aid police officers
- Article III Streets and Public Places**
Sec. 10-3-10 Unlawful conduct on public property
Sec. 10-3-20 Trespass or interference in public buildings
Sec. 10-3-30 Interfering with use of streets or sidewalks
Sec. 10-3-40 Damage or removal of street signs
- Article IV Public, Private and Personal Property**
Sec. 10-4-10 Criminal mischief
Sec. 10-4-20 Damaging or destroying public property
Sec. 10-4-30 Damaging or destroying private property
Sec. 10-4-40 Defacing property
Sec. 10-4-50 Defacing and destroying landmarks
Sec. 10-4-60 Desecration of venerated objects
Sec. 10-4-70 Defacing posted notice
Sec. 10-4-80 Window peeping
Sec. 10-4-90 Trespassing
Sec. 10-4-100 Littering
Sec. 10-4-110 Theft
Sec. 10-4-120 Shoplifting
Sec. 10-4-130 Theft of rental property
Sec. 10-4-140 Theft by receiving
Sec. 10-4-150 Concealment of goods
Sec. 10-4-160 Defacing or destruction of written instruments
Sec. 10-4-170 Criminal tampering
Sec. 10-4-180 Tampering and unauthorized connection
Sec. 10-4-190 Obstructing or diverting water flow
- Article V Public Peace, Order and Decency**
Sec. 10-5-10 Disorderly conduct

- Sec. 10-5-20 Disrupting lawful assembly
- Sec. 10-5-30 Interference with educational institutions
- Sec. 10-5-40 Harassment
- Sec. 10-5-50 Loitering
- Sec. 10-5-60 Criminal intimidation
- Sec. 10-5-70 Reckless endangerment
- Sec. 10-5-80 Assault
- Sec. 10-5-90 False alarms
- Sec. 10-5-100 Storage of flammable liquids
- Sec. 10-5-110 Explosives
- Sec. 10-5-120 Criminal use of noxious substance
- Sec. 10-5-130 Abandoned containers and appliances
- Sec. 10-5-140 Throwing stones or missiles
- Sec. 10-5-150 Fraud by check
- Sec. 10-5-160 Public indecency
- Sec. 10-5-170 Indecent exposure
- Sec. 10-5-180 Aiding and abetting

Article VI Minors

- Sec. 10-6-10 Parent or guardian aiding, abetting
- Sec. 10-6-20 Curfew
- Sec. 10-6-30 Encouraging delinquency
- Sec. 10-6-40 Appearance in Court by child and parent
- Sec. 10-6-50 False statement; false credentials
- Sec. 10-6-60 Services of others
- Sec. 10-6-70 Loitering and other acts around schools

Article VII Alcoholic Beverages and Drugs

- Sec. 10-7-10 Definitions
- Sec. 10-7-20 Alcohol-related violations
- Sec. 10-7-30 Illegal possession or consumption of alcoholic beverages by an underage person
- Sec. 10-7-40 Sales near schools
- Sec. 10-7-50 Open container
- Sec. 10-7-60 Parental responsibility
- Sec. 10-7-70 Evidentiary matters
- Sec. 10-7-80 Possession of drug paraphernalia
- Sec. 10-7-90 Unlawful drug-related acts
- Sec. 10-7-100 Possession of cannabis
- Sec. 10-7-110 Abusing toxic vapors

Article VIII Weapons

- Sec. 10-8-10 Possession, use or sale of prohibited weapons
- Sec. 10-8-20 Dangerous or deadly weapons
- Sec. 10-8-30 Discharging weapons prohibited
- Sec. 10-8-40 Concealed weapons
- Sec. 10-8-50 Authority to seize
- Sec. 10-8-60 Dangerous objects, missiles

Article IX Noise

- Sec. 10-9-10 Unreasonable noise
- Sec. 10-9-20 Unnecessary noise
- Sec. 10-9-30 Loudspeakers
- Sec. 10-9-40 Sirens, whistles, gongs and red lights

ARTICLE I

General Provisions

Sec. 10-1-10. Definitions.

As used in this Chapter, the following words shall have the definitions ascribed to them, unless otherwise provided:

Assist includes any activity characterized as rendering assistance in Section 10-1-50.

Curfew hours means:

a. From 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. the following day for any person under the age of eighteen (18).

b. From 12:01 a.m. on any Saturday or Sunday until 5:00 a.m. on the same day for any person under the age of eighteen (18).

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to: a fire, natural disaster, automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Escape is deemed to be a continuing activity commencing with the conception of the design to escape and continuing until the escapee is returned to custody or the attempt to escape is thwarted or abandoned.

Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

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.

Guardian means:

a. A person who, under court order, is the guardian of a minor;

b. A person who otherwise has legal custody of a minor; or

c. A public or private agency with whom a minor has been placed by a court.

Knowingly includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of the minor in that adult's custody or indifference to the activities, conduct or whereabouts of such minor.

Minor means any person under eighteen (18) years of age.

Parent means a person who is the natural parent, adoptive parent, step-parent or foster parent.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

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.

Remain means to:

- a. Linger or stay; or
- b. Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any body member or organ. (Prior code 7-2-8.1; Ord. 313 §2, 1994; Ord. 513 §1, 2004; Ord. 526 §1, 2005)

Sec. 10-1-20. 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. 526 §1, 2005)

Sec. 10-1-30. 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. 526 §1, 2005)

Sec. 10-1-40. 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. (Ord. 526 §1, 2005)

Sec. 10-1-50. Accessory to crime.

(a) It is unlawful for a person to be an accessory to a crime. For purposes of this Section, a person is an accessory to a 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, conviction 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 a person.

(c) In order to be an accessory to a crime, the offender must know that the person being arrested 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. (Prior code 7-2-4; Ord. 526 §1, 2005)

Sec. 10-1-60. Civil remedies for violations.

The Town may, in its discretion, proceed against any violation or violator of this Chapter by abatement, injunction or other civil action. (Prior code 7-2-1)

ARTICLE II

Government and Public Officers

Sec. 10-2-10. 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. 526 §1, 2005)

Sec. 10-2-20. Impersonating a peace officer.

It is unlawful for a person to falsely pretend to be a peace officer or any other officer of the Town by wearing a uniform or imitation of a uniform, star, badge or other emblem of office and perform an act in that pretended capacity. (Prior code 7-2-6; Ord. 526 §1, 2005)

Sec. 10-2-30. Impersonating a public servant.

It is unlawful for any person to impersonate a public servant. For purposes of this Section, a person commits impersonating a public servant if he or she falsely pretends to be a public servant other than a peace officer and performs any act in that pretended capacity. It is no defense to a

prosecution under this Section that the office the actor pretended to hold did not in fact exist. (Prior code 7-2-7; Ord. 526 §1, 2005)

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

(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 for any person to obstruct a peace officer.

(d) For purposes of this Section, a person commits obstruction of a peace officer when, by using or threatening to use violence, force or physical interference or obstacle, he or she intentionally 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.

(e) It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority as defined in Section 10-2-60(c) of this Code.

(f) This Section does not apply to obstruction, impairment or hindrance of the making of an arrest. (Prior code 7-2-3; Ord. 526 §1, 2005)

Sec. 10-2-50. Interference with firefighter.

(a) It is unlawful for any person to obstruct a firefighter.

(b) For purposes of this Section, a person commits interference with a firefighter when, by using or threatening to use violence, force or physical interference or obstacle, he or she intentionally obstructs, impairs or hinders the prevention, control or abatement of fire by a firefighter, acting under color of his or her official authority.

(c) No person shall willfully damage, deface or in any way interfere with the equipment, apparatus, buildings or property used by the Bennett Fire Protection District.

(d) No person shall interfere in any way with the Bennett Fire Protection District in the performance of its duties as herein provided.

(e) It is no defense to a prosecution under this Section that the firefighter was acting in an illegal manner, if he or she was acting under color of his or her official authority as defined in Section 10-2-60(c) of this Code.

(f) No person shall knowingly give a false alarm of a fire. (Prior code 2-9-5; Ord. 526 §1, 2005)

Sec. 10-2-60. Resisting arrest.

(a) It is unlawful for any person to resist arrest.

(b) For purposes of this Section, a person commits resisting arrest if he or she intentionally 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 he or she 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, 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 should be made by the peace officer.

(d) The term *peace officer*, as used in this Article, means a police 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. (Prior code 7-2-2; Ord. 526 §1, 2005)

Sec. 10-2-70. Inducing prisoners to absent selves.

It is unlawful for any person to invite, entice, solicit or induce any prisoner in custody or confinement to absent himself or herself from his or her work, or substantially delay or hinder such prisoner in his or her work. (Prior code 7-2-9; Ord. 526 §1, 2005)

Sec. 10-2-80. Aiding escape.

(a) It is unlawful for any person to aid in the escape of another person as provided in this Article. For purposes of this Section, any person who aids, abets or assists another person to escape or attempt to escape from custody or confinement commits the offense of aiding escape.

(b) It is unlawful for any person to aid, abet or assist the escape of a person in legal custody under civil process. (Prior code 7-2-8, 7-2-10; Ord. 526 §1, 2005)

Sec. 10-2-90. Escaping.

It is unlawful for any person, while being in custody or confinement under a sentence following conviction, to escape from said custody or confinement. (Prior code 7-2-11; Ord. 526 §1, 2005)

Sec. 10-2-100. False reporting to authorities.

(a) It is unlawful for any person to report the existence of a fire or other emergency to the police, fire department or any other agency empowered to deal with an emergency involving risk or injury to persons or property, when such person knows the report to be false. For the purposes of this Section, *police* shall include the Adams and Arapahoe County Sheriff's Departments and any other persons serving as police or peace officers for the Town; *Fire Department* means the Bennett Fire Protection

District or any firefighting agency of the State, Adams or Arapahoe Counties or any municipality, whether the employees or officers of such agency are volunteers or receive compensation for their services as firefighters or both.

(b) It is unlawful for any person to report or cause to be reported to the police or any police agency any information concerning the commission of any offense or other incident which would require police action, when:

(1) Such person knows that no such offense or other incident has occurred;

(2) Such person knows that the information is false or that he or she has no such information;
or

(3) Such person knows the information is false and the information is given for the purpose of implicating another.

(c) It is unlawful for any person to make telephone calls to the Town's police, fire or emergency telephone numbers, including 911, Adams County Communications (ADCOM) and Arapahoe County Law Enforcement (ACS) when such person makes the call knowingly but for no legitimate purpose. This Subsection shall apply regardless of whether the person who makes the call speaks or in any way communicates to the person answering the call.

(d) It is unlawful for a person knowingly to give false information, a false name or a false address to any police officer acting under color of official authority with the purpose of implicating another or with the intent to conceal or to hide one's own real name, address or age. (Ord. 360 §1, 1998; Ord. 526 §1, 2005)

Sec. 10-2-110. Duty of citizens to aid police officers.

It is unlawful for a person to refuse to aid a peace officer. For violation of this Section, a person must be eighteen (18) years of age or older, and upon command by a person known to him or her to be a peace officer, he or she unreasonably refuses or fails to aid such peace officer in effecting or securing an arrest, or preventing the commission by another of any offense. (Prior code 7-2-5; Ord. 526 §1, 2005)

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. 526 §1, 2005)

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 but is not limited to 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. 526 §1, 2005)

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

(a) It is unlawful for any person to obstruct a highway or other passageway, as provided in this Section. For purposes of this Section, a person commits this offense if, without legal privilege, he or she intentionally, knowingly or recklessly:

(1) Obstructs a highway, street, sidewalk, railway, waterway, building entrance, 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 he or she knows to be a peace officer 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, *obstructing* means to render impassable or to render passage unreasonably inconvenient or hazardous. (Prior code 7-2-12; Ord. 526 §1, 2005)

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. (Ord. 526 §1, 2005)

ARTICLE IV

Public, Private and Personal Property

Sec. 10-4-10. Criminal mischief.

It is unlawful for any person to intentionally 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 one thousand dollars (\$1,000.00). (Prior code 7-4-1; Ord. 526 §1, 2005; Ord. 571 §1, 2007)

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. (Ord. 526 §1, 2005)

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. (Ord. 526 §1, 2005)

Sec. 10-4-40. Defacing property.

It is unlawful for any person to deface or cause, aid in or permit the defacing of any public or private property without the consent of the owner of such property. (Prior code 7-4-6; Ord. 526 §1, 2005)

Sec. 10-4-50. Defacing and destroying landmarks.

Anyone who intentionally cuts, fells, alters or removes any certain boundary tree, monument or other allowed landmark, to the damage of any person; or anyone who intentionally defaces, removes, pulls down, injures or destroys any location stake, side post, corner post, landmark, monument or any other legal and boundary monument of the State, designating the location, boundary or name of any mining claim, lode or vein of mineral or the name of the discoverer or date of discovery thereof, shall be deemed guilty of an offense. (Prior code 7-4-5)

Sec. 10-4-60. Desecration of venerated objects.

It is unlawful for any person to intentionally desecrate any public monument, structure or place of worship or burial, or desecrate in a public place any other object of veneration by the public or a substantial segment thereof. (Prior code 7-4-9; Ord. 526 §1, 2005)

Sec. 10-4-70. Defacing posted notice.

Any person who intentionally mars, destroys or removes any posted notice authorized by law shall be deemed guilty of defacing a posted notice. (Prior code 7-4-7; Ord. 526 §1, 2005)

Sec. 10-4-80. Window peeping.

It is unlawful for any person to be upon the property of or occupied by another in the Town for the purpose of unauthorized looking or peeping into any window, door or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building. (Prior code 7-2-23)

Sec. 10-4-90. Trespassing.

It is unlawful for any person to commit the offense of criminal trespass, as provided in this Section. For purposes of this Section, a person commits the crime of criminal trespass if he or she unlawfully enters or remains in or upon the premises of another which are enclosed in a manner designed to exclude intruders or are fenced, or if such person knowingly and unlawfully enters or remains in or upon the common areas of a hotel, motel, condominium or apartment building, or if such person enters upon the property of another without the consent of the person having legal control thereof, or remains thereon when requested by such person to leave. (Prior code 7-4-2; Ord. 526 §1, 2005)

Sec. 10-4-100. Littering.

(a) It is unlawful to throw or deposit in any street, alley, sidewalk or public grounds in the Town any paper, rubbish, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, 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. 526 §1, 2005)

Sec. 10-4-110. 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 value of another without authorization or by threat or deception, when the value of the thing is less than one thousand dollars (\$1,000.00), 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. (Ord. 278 §1, 1989; Ord. 526 §1, 2005; Ord. 571 §2, 2007)

Sec. 10-4-120. Shoplifting.

(a) Any person who willfully and unlawfully takes possession of any goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, where the price of such goods, wares or merchandise is under the value of one thousand dollars (\$1,000.00) with the intent to unlawfully convert such goods, wares or merchandise to his or her own use, without paying the purchase price therefor, shall be guilty of the crime of shoplifting.

(b) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, where the price of such goods, wares or merchandise is under the value of one thousand dollars (\$1,000.00), whether such concealment is on his or her person or otherwise, and whether on or off the premises of said store

or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to convert the same to his or her own use without paying the purchase price therefor within the meaning of Subsection (a) above.

(c) If any person commits the offense of shoplifting, as defined in Subsection (a) above; or if any person willfully conceals upon his or her person or otherwise any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant, any employee thereof or any peace officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined in Subsection (a) above. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention. (Prior code 7-2-21; Ord. 526 §1, 2005; Ord. 571 §3, 2007)

Sec. 10-4-130. 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 one thousand dollars (\$1,000.00). (Ord. 526 §1, 2005; Ord. 571 §4, 2007)

Sec. 10-4-140. 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 one thousand dollars (\$1,000.00). (Ord. 526 §1, 2005; Ord. 571 §5, 2007)

Sec. 10-4-150. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than one thousand dollars (\$1,000.00) 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. (Ord. 526 §1, 2005; Ord. 571 §6, 2007)

Sec. 10-4-160. Defacing or destruction of written instruments.

Every person who defaces or destroys any written instruments evidencing a property right, whether vested or contingent, with the intent to defraud, shall be deemed guilty of an offense. (Prior code 7-4-4)

Sec. 10-4-170. Criminal tampering.

It is unlawful for any person to commit the offense of criminal tampering as provided in this Section. For purposes of this Section a person commits the offense of criminal tampering if, with intent to cause interruption or impairment of a service rendered to the public by a utility or by an institution providing health or safety protection, he or she tampers with property of such utility or institution. In addition, a person commits the offense of criminal tampering if he or she tampers with property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he or she makes unauthorized connections with property of a utility. (Prior code 7-4-3; Ord. 526 §1, 2005)

Sec. 10-4-180. 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, cable or electricity to any building without the knowledge and consent of the person supplying such gas, water, cable 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, cable 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 authorized use of utilities or any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards. (Ord. 526 §1, 2005)

Sec. 10-4-190. Obstructing or diverting water flow.

(a) It is unlawful for any person to obstruct or divert from its natural course any flow of water from a drain or a natural watercourse which will cause such water to flow across any public property or across the private property of another.

(b) Any person so obstructing or diverting the flow of water shall be subject to liability for any and all damage caused by such obstruction and diversions. (Prior code 7-4-10; Ord. 526 §1, 2005)

ARTICLE V

Public Peace, Order and Decency

Sec. 10-5-10. Disorderly conduct.

(a) It is unlawful for any person to commit the offense of disorderly conduct as provided in this Section. For purposes of this Section, 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 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 deadly weapon in a public place other than a shooting gallery or rifle range, or other than as may be excepted under Subsection 10-8-30(b); 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 Paragraph (a)(2) of this Section that the actor had significant provocation for his or her abusive or threatening conduct. (Prior code 7-2-17; Ord. 526 §1, 2005)

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. (Ord. 526 §1, 2005)

Sec. 10-5-30. Interference with educational institutions.

(a) It is unlawful for any person, other than an authorized school official, on or within one hundred (100) feet of the premises or facilities of any education institution, to willfully deny to students, school officials, employees and invitees:

(1) Lawful freedom of movement on the premises or facilities of such institution;

(2) Lawful use of the property or facilities of such institution; or

(3) The right of lawful ingress and egress to the institution's physical facilities.

(b) It is unlawful for any person on the premises of any educational institution, or on or within one hundred (100) feet of any building or other facility being used by any educational institution, to willfully impede the staff or faculty of such institution in the lawful performance of their duties or to willfully impede a student of such institution in the lawful pursuit of his or her educational activities through the use of restraint, coercion or intimidation or with force and/or violence or threatened violence.

(c) It is unlawful for any person to willfully refuse or fail to leave the property of, or any building or other facility used by, any educational institution upon being requested to do so by the superintendent of schools, dean, principal, assistant principal or designee charged with maintaining order on the school premises and in its facilities, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution.

(d) Nothing in this Section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor or any employee thereof.

(e) *Educational institution*, as used in this Section, means any organization whose purpose is to instruct or train people to develop and use their mental, moral and physical powers, whether governmentally funded or otherwise. (Ord. 361 §1, 1999)

Sec. 10-5-40. Harassment.

(a) It is unlawful to commit the offense of harassment. 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, telephone network, data network, text message, instant message, 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, telephone network, data network, text message, instant message, computer, computer network or computer system which is obscene;

(5) Makes a telephone call or causes the 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.

(8) Delivers or causes delivery of written, printed, photographic or graphic material or any object that in fact harasses another person or threatens bodily injury or property damage to or against another person.

(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 Paragraph (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. (Prior code 7-2-22; Ord. 526 §1, 2005; Ord. 613-11 §1)

Sec. 10-5-50. 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 the offense of loitering if he or she:

(1) Loiters for the purpose of begging;

(2) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;

(3) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;

(4) 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

(5) 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. 526 §1, 2005)

Sec. 10-5-60. Criminal intimidation.

It is unlawful for any person to commit the offense of criminal intimidation as provided in this Section. For purposes of this Section, whoever without legal authority threatens to confine, restrain or

cause bodily harm to the threatened person or another, or damage the property or reputation of the threatened person or another with intent thereby to induce the threatened person or another against his or her will to do an act or refrain from doing a lawful act, commits criminal intimidation. (Prior code 7-2-15; Ord. 526 §1, 2005)

Sec. 10-5-70. Reckless endangerment.

It is unlawful for any person to commit the offense of reckless endangerment as provided in this Section. For purposes of this Section, a person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment. (Prior code 7-2-16; Ord. 526 §1, 2005)

Sec. 10-5-80. Assault.

It is unlawful for any person to commit the offense of assault as provided in this Section. For purposes of this Section, a person commits the crime of assault if he or she knowingly or recklessly causes bodily injury to another person or if, with criminal negligence, he or she causes bodily injury to another person by the means of a deadly weapon. (Prior code 7-2-14; Ord. 526 §1, 2005)

Sec. 10-5-90. False alarms.

It is unlawful for any person to intentionally make or give a false alarm of fire. (Ord. 526 §1, 2005)

Sec. 10-5-100. 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. (Ord. 526 §1, 2005)

Sec. 10-5-110. 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. (Ord. 526 §1, 2005)

Sec. 10-5-120. Criminal use of noxious substance.

Any person who deposits on the land or in the building or vehicle of another, without his or her consent, any stink bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle, shall be deemed guilty of an offense. This Section shall not apply to the reasonable use of noxious substances by a peace officer in the performance of his or her duties. (Prior code 7-4-8)

Sec. 10-5-130. Abandoned containers and appliances.

It is unlawful for any person to abandon, 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 chest, closet, piece of furniture, refrigerator, icebox, 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. (Prior code 7-2-13; Ord. 526 §1, 2005)

Sec. 10-5-140. Throwing stones or missiles.

It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous object or missile at or against a person, animal, building, structure, personal property, fixture or vehicle; except that the provisions of this Section shall not apply to a person throwing, projecting or shooting any such dangerous object or missile at any animal in order to protect his or her person or property or the person or property of another from physical injury, or to a person using nondeadly force to protect his or her person or property or the person or property of another from physical injury. (Ord. 359 §1, 1999)

Sec. 10-5-150. 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 one thousand dollars (\$1,000.00) 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. 526 §1, 2005; Ord. 571 §7, 2007)

Sec. 10-5-160. 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 deviant 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. (Ord. 526 §1, 2005)

Sec. 10-5-170. 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. (Ord. 526 §1, 2005)

Sec. 10-5-180. 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. (Ord. 526 §1, 2005)

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. (Ord. 526 §1, 2005)

Sec. 10-6-20. Curfew.

(a) It is unlawful for any child under the age of eighteen (18) years to loiter or remain upon any street, alley or other public place or on the premises of any establishment during curfew hours, unless he or she is:

- (1) Accompanied by his or her parent or guardian;
- (2) In the custody of and accompanied by a person who has reached eighteen (18) years of age, but only if the person possesses the written consent of the minor's parent or guardian;
- (3) In a motor vehicle currently being used in interstate travel; or
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.

(b) It is unlawful for a parent, guardian or other person having care or custody of any child under the age of eighteen (18) years to knowingly permit or allow, or by insufficient control permit or allow, such child to loiter or remain upon any street, alley or other public place or on the premises of any establishment during curfew hours unless such child is:

- (1) Accompanied by the minor's parent or guardian;

(2) In the custody of and accompanied by a person who has reached eighteen (18) years of age, but only if the person possesses the written consent of the minor's parent or guardian;

(3) In a motor vehicle currently being used in interstate travel; or

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.

(c) It is an affirmative defense to charges under Subsections (a) and (b) above that the child was:

(1) Involved in an emergency;

(2) On the sidewalk abutting the child's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police about the child's presence;

(3) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the Town, a civic organization, religious organization or other similar entity;

(4) Going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the Town, a civic organization, religious organization or other similar entity; or

(5) On an errand at the direction, in writing and designating the purpose and destination, from his or her parent or guardian, without any detour or stop.

(d) It shall be an affirmative defense to charges under Subsection (b) above that the child has been determined by a court prior to the alleged violation to be beyond the control of the parent or guardian.

(e) The peace officer in the service of the Town is hereby authorized to arrest any person violating any of the provisions of Subsection (a) above, and the person so arrested shall, for the first violation, be taken to the Town Hall and released to his or her parent or guardian then notified. Upon a subsequent violation of Subsection (a) and upon any violation of Subsection (b) above, the person arrested shall be so charged. (Ord. 313 §§3-5, 1994; Ord. 526 §1, 2005)

Sec. 10-6-30. 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. (Ord. 526 §1, 2005)

Sec. 10-6-40. Appearance in Court by child and parent.

Whenever a summons and complaint for a violation of this Code or any ordinance of the Town is filed against a child, the Municipal Court shall serve a copy upon the parent or other legal guardian by mail as provided in the Colorado Municipal Court Rules, together with a copy of this Section. It shall be the duty of each such parent or other legal guardian to appear with the child at each and every court appearance. It is unlawful for a parent or other legal guardian to fail to appear at each and every required court appearance, or to fail to comply with any written promise to appear with the child

executed pursuant to any other Town ordinance, Code provision or state statute. (Ord. 252 §1, 1987; Ord. 526 §1, 2005)

Sec. 10-6-50. 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. (Ord. 526 §1, 2005)

Sec. 10-6-60. 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 minor is forbidden by law to purchase. (Ord. 526 §1, 2005)

Sec. 10-6-70. 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. (Ord. 526 §1, 2005)

ARTICLE VII

Alcoholic Beverages and Drugs

Sec. 10-7-10. Definitions.

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

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

Cannabis 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 such plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or the sterilized seed of such plant which is incapable of germination. The term *cannabis concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt, derivative, preparation, compound or mixture, whether natural or synthesized, or tetrahydrocannabinols.

Child or *juvenile* means any person under the age of eighteen (18) years.

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 *drug paraphernalia* as that term is defined in Section 18-18-426(1), C.R.S.

Establishment means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group or residence, and any real property, including buildings and improvements connected therewith, and shall also include any members, employees and occupants associated therewith.

Ethyl alcohol means any substance which is or contains ethyl alcohol, and includes fermented malt beverage, malt liquor, vinous liquor or spirituous liquor.

Fermented malt beverage means 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 not less than one-half of one percent (0.5%) of alcohol by volume and not more than three and two-tenths percent (3.2%) of 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 or four percent (4%) of alcohol by volume.

Minor means any person under the age of twenty-one (21) years.

Open container means any container of fermented malt beverage, malt liquor, vinous liquor or spirituous liquor which has been unsealed, undone or opened in any manner.

To *possess ethyl alcohol* means that a person has or holds any amount of ethyl alcohol anywhere on his or her person, or that a person owns or has custody of ethyl alcohol or has ethyl alcohol within his or her immediate presence and control.

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.

Spirituos liquor means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes, among other things, brandy, gin, rum, vodka, whiskey and every other liquid or solid, patented or not, containing at least one-half of one percent (.05%) of alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in this Section, shall not be construed to be *fermented malt* or *malt liquor* or *vinous liquor* but shall be construed to be *spirituous liquor*.

Vinous liquor means wine and fortified wines that 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 an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruit or other agricultural products containing sugar. (Ord. 348 §§1, 2, 1997; Ord. 406 §1, 2000; Ord. 526 §1, 2005)

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 to sell fermented malt beverage or malt, vinous or spirituous liquors to any person under the age of twenty-one (21) years, or to permit any fermented malt beverage, malt or vinous liquors to be sold or dispensed by a person under eighteen (18) years of age, or spirituous liquors to be sold or dispensed by a person under twenty-one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof.
- (c) 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.

(d) It is unlawful in any place of business where alcoholic beverages are sold and consumed upon the premises, for any person to beg or to solicit any patron or customer of or visitor in such premises to purchase any alcoholic beverage for the one (1) begging or soliciting. (Ord. 526 §1, 2005)

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

(a) It is unlawful for any minor to attempt to purchase, purchase or obtain, either directly or through an intermediary, any fermented malt beverage or any malt, vinous or spirituous liquor by misrepresentation of age, or by any other means whatsoever.

(b) It is unlawful for any minor to possess or consume ethyl alcohol anywhere in the Town. Illegal possession or consumption of ethyl alcohol by a minor is a strict liability offense.

(c) It is an affirmative defense to the offenses described in Subsection (b) above that the ethyl alcohol was possessed or consumed by a minor under the following circumstances:

(1) While such person was legally upon private property with the knowledge and the consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of the minor's parent or legal guardian who was present during such possession or consumption;

(2) The possession or consumption of ethyl alcohol takes place for religious purposes protected by the First Amendment to the United States Constitution; or

(3) 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.

(d) Prima facie evidence of a violation of Subsection (b) above shall consist of:

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol anywhere in the Town; or

(2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the Town.

(e) 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 (c)(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. 406 §1, 2000; Ord. 526 §1, 2005)

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 five hundred (500) 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. (Ord. 526 §1, 2005)

Sec. 10-7-50. Open container.

(a) It is unlawful for any person to possess any open container of or consume any fermented malt beverage, malt, vinous or spirituous liquor:

- (1) In any motor vehicle, whether moving or unmoving;
- (2) In any privately owned parking lot, street or sidewalk that is accessible by the public;
- (3) In or on the grounds or facilities of any private or public school; or
- (4) In any public place within the Town.

(b) Nothing in this Section shall prohibit having open containers of alcoholic beverages:

- (1) On any licensed premises permitted by law to sell such alcoholic beverages by the drink for consumption thereon, during such hours as the sale of such alcoholic beverage is permitted;
- (2) Pursuant to a permit issued by the Town; or
- (3) By owners, agents of owners of real property or their invitees, within the confines of said property.

(c) It is unlawful for any driver of a motor vehicle, whether moving or unmoving, to knowingly, or under conditions which an average person should have knowledge of, suffer or permit any person to violate the provisions of Subsection (a) above. (Ord. 406 §1, 2000; Ord. 526 §1, 2005)

Sec. 10-7-60. Parental responsibility.

It is unlawful for any parent, guardian or other person having the duty of care, custody or control of any child to permit such child to engage in conduct in the Town which violates the provisions of this Article, if such person:

- (1) Is present at the time and place of the offense: and
- (2) Has knowledge of the act or conduct in which such child is engaging. (Ord. 406 §1, 2000)

Sec. 10-7-70. Evidentiary matters.

During any trial for a violation of this Article, 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 judge or a jury, 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 ethyl alcohol. 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 ethyl alcohol. (Ord. 406 §1, 2000; Ord. 526 §1, 2005)

Sec. 10-7-80. 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 or this Code.

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

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object to controlled substances;
- (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 the object will be delivered to persons who 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 the object's 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; and

(11) Expert testimony concerning its use.

(c) In the event a case brought pursuant to this Section is tried before a jury, the Municipal Court shall hold an in camera evidentiary hearing on issues raised pursuant to this Section. (Ord. 348 §2, 1997; Ord. 526 §1, 2005)

Sec. 10-7-90. Unlawful drug-related acts.

(a) It is unlawful for any person to possess drug paraphernalia if such person knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of state statutes or this Code.

(b) It is unlawful for any person to sell or deliver, possess with intent to sell or deliver, or manufacture with intent to sell or deliver equipment, products or materials knowing, or under circumstances where one reasonably should know, that such equipment, products or materials could be used as drug paraphernalia.

(c) It is unlawful for any person to place an advertisement in any newspaper, magazine, handbill or other publication with the intent thereby to promote the sale in the Town of equipment, products or materials designed and intended for use as drug paraphernalia. (Ord. 348 §2, 1997; Ord. 526 §1, 2005)

Sec. 10-7-100. Possession of cannabis.

(a) It is unlawful for any person to possess, publicly display or consume one (1) ounce or less of cannabis or cannabis concentrate.

(b) The provisions of this Section shall not apply to any person who possesses, uses, prescribes, dispenses or administers cannabis or cannabis concentrate pursuant to the *Dangerous Drugs Therapeutic Research Act* of Article 5, Title 25, C.R.S., or any drug classified under Group C guidelines of the National Cancer Institute, as amended, approved by the Federal Food and Drug Administration. (Ord. 348 §1, 1997)

Sec. 10-7-110. 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; gasoline, diesel or other petroleum products.

(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. 526 §1, 2005)

ARTICLE VIII

Weapons

Sec. 10-8-10. Possession, use or sale of prohibited weapons.

(a) The following words shall have the meanings indicated and the items defined shall be considered prohibited weapons:

Artificial knuckles means a weapon held in the hand by the insertion of one (1) or more fingers which is designed to increase the impact of a blow from the fist or hand in which it is held, or a weapon held in the palm which is designed to increase the impact of a blow from the fist or hand in which it is held and which, in the manner it is used, is intended to produce bodily injury.

Blackjack means any billy club, 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, of a strap or springy shaft which increases the force of impact.

Booby trap means a concealed or camouflaged device designed to be triggered by an unsuspecting victim or remotely activated by a person other than the intended victim and which, in the manner it is used, is intended to produce bodily injury.

Concealed bladed weapon means any knife or blade, regardless of length, which by virtue of its design and manufacture is incorporated into another functioning or nonfunctioning object so that its function as a knife or blade is disguised or concealed by such design.

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

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

(b) It is unlawful for any person, firm, company, corporation, partnership, association, limited liability company or other entity whatsoever, including the owners, members, officers, agents or employees of any firm, company, corporation, partnership, association, limited liability company or

other entity to knowingly possess, use, display or sell any prohibited weapon, as defined in this Section, or any weapon, the possession of which is a misdemeanor under state or federal law.

(c) Subsection (b) above shall not apply to police officers, as defined in state statutes, the Colorado Municipal Court Rules or this Code, members of the Armed Forces of the United States or the Colorado National Guard acting within the lawful discharge of their duties, or to licensed dealers possessing the prohibited weapon for sale to police officers. (Ord. 463 §1, 2002; Ord. No. 526 §1, 2005)

Sec. 10-8-20. Dangerous or deadly weapons.

(a) The following words shall have the meanings indicated, and the items defined shall be considered dangerous or deadly weapons:

Air gun means any instrument, toy or weapon commonly known as an air gun, air rifle, pellet gun, BB gun, paint pellet gun, mechanical gun, blow gun or spring piston-operated gun, which requires air to propel a BB, pellet, dart or other projectile and which is intended to produce bodily injury, but excluding children's plastic toy guns which shoot or project plastic or rubber darts and excluding gas guns, as defined in Section 10-8-10 above.

Bow and arrow means a flexible strip of wood or other material bent by a string stretched between its ends for the purpose of shooting wooden or other projectiles that have pointed or sharp ends.

Crossbow means a stock-fired weapon that launches an arrow or other projectile via a trigger mechanism from a prod or string.

Firearm means any handgun, rifle, shotgun or other instrument or device capable of or intended to be capable of discharging bullets, cartridges or other explosive charges.

Knife means any instrument, dagger, dirk or stiletto with a blade 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 hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

Nunchaku means an instrument consisting of two (2) or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain.

Spikes means any device composed of leather or other material which has sharp metal points, regardless of length or width, protruding from the leather, is capable of being worn on or around any part of the human body, and which is intended to produce bodily injury; but does not include any item used in organized sports, such as golf shoes or cleated football or baseball shoes.

Throwing star means a metal disc having sharp radiating points or any disc-shaped bladed object which is designed to be thrown by hand.

(b) It is unlawful for any person to display or flourish a dangerous or deadly weapon, in a manner calculated to alarm another person. (Ord. 463 §1, 2002; Ord. 526 §1, 2005)

Sec. 10-8-30. Discharging weapons prohibited.

(a) It is unlawful for any person to fire, shoot or discharge any firearm, crossbow, bow and arrow, air gun, slingshot or prohibited weapon, as defined in Sections 10-8-10 and 10-8-20, within the Town.

(b) The prohibitions contained in Subsection (a) shall not apply to:

(1) Police officers, as defined in state statutes, the Colorado Municipal Court Rules or this Code, or United States law enforcement agents acting within the lawful discharge of their duties;

(2) Persons discharging firearms or weapons to defend themselves or others from imminent use of deadly force or as specifically authorized by state or federal statute;

(3) Persons using firearms or any dangerous or deadly weapons, as defined in Section 10-8-20, within the premises of any shooting gallery, rifle range or other shooting range, lawfully operating and in compliance with this Code, ordinances of the Town and state laws, and discharged so as not to endanger any person or property;

(4) Persons discharging firearms or any dangerous or deadly weapons, as defined in Section 10-8-20, in authorized classes at schools or universities and at all times under proper instruction and supervision;

(5) Members of the Armed Forces of the United States and members of the Colorado National Guard acting in the lawful discharge of their duties; and

(6) Representatives of service, fraternal or educational organizations/institutions firing blank cartridges at training sessions, ceremonial occasions of the nature of funeral rites, parades, starting guns at formal athletic meets, theatrical events or rehearsal for such occasions and similar events. (Ord. 463 §1, 2002)

Sec. 10-8-40. Concealed weapons.

(a) The following words shall have the meanings indicated:

Concealed, as it modifies the term *weapon*, means any weapon, as defined in this Article, which is worn underneath clothing or on or about a person in a manner intended to prevent discovery or which is obscured from ordinary observation.

Weapon means an instrument of offensive or defensive combat, or anything used or designed to be used in destroying, defeating or causing injury to a person or to property.

(b) It is unlawful for any person to conceal on or about his/her person: a firearm, whether loaded or unloaded; a prohibited weapon, as defined in Section 10-8-10, whether loaded or unloaded; or a dangerous or deadly weapon, as defined in Section 10-8-20; regardless of the manner in which the firearm or prohibited, dangerous or deadly weapon is used or intended to be used.

(c) Exceptions.

(1) Nothing in this Section shall be construed to prohibit police officers, as defined in state statutes, the Colorado Municipal Court Rules or this Code, United States law enforcement agents, sheriffs or their deputies from carrying such concealed weapons.

(2) It shall be an affirmative defense to a charge brought under this Section that the weapon is or was carried by a person after he or she was issued a valid written permit or license to carry a concealed weapon by the Chief of Police of a town or city, a Sheriff of a county or other state or federal government; and the carrying of such weapon is within the terms of such permit or license.

(d) Any person convicted of any violation of this Section shall forfeit to the Town any dangerous or deadly weapon or prohibited weapon. (Ord. 463 §1, 2002)

Sec. 10-8-50. Authority to seize.

Every police officer who investigates a violation of Section 10-8-10, 10-8-20, 10-8-30 or 10-8-40 is authorized to seize any prohibited weapon, dangerous or deadly weapon, concealed or other weapon used in any violation of such sections and remand the weapon to the custody of the Police Department or other appropriate law enforcement agency. Upon the motion of the prosecuting attorney of the Municipal Court, after the conviction of a defendant for a violation of Section 10-8-10, 10-8-20, 10-8-30 or 10-8-40, the Municipal Court may order the forfeiture of any weapons which were used by the defendant during the course of the criminal episode. If no prosecution is instituted, if the prosecution results in an acquittal or if the Municipal Court orders the seized weapon returned, the prosecuting attorney shall notify the Police Department of said disposition and authorize the release of the seized weapon. Any weapon impounded and not returned under this Section shall be destroyed or shall escheat to the Town. (Ord. 463 §1, 2002)

Sec. 10-8-60. Dangerous objects, missiles.

It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous object or missile at or against a person, animal, building, structure, personal property, fixture or vehicle; except that the provisions of this Section shall not apply to a person throwing, projecting or shooting any such dangerous object or missile at any animal in order to protect his or her person or property or the person or property of another from physical injury, or to a person using nondeadly force to protect his or her person or property or the person or property of another from physical injury. (Ord. 463 §1, 2002)

ARTICLE IX

Noise

Sec. 10-9-10. Unreasonable noise.

No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, peace officers in the service of the Town are empowered to make a prima facie determination as to whether a noise is unreasonable. (Ord. 526 §1, 2005)

Sec. 10-9-20. Unnecessary noise.

The making of unnecessary noises upon, near or adjacent to the streets, highways and other public places in the Town is hereby declared to be a public nuisance. The enumeration of the particular offenses particularly defined in this Section shall not be construed as limiting the generality of this Section or limiting the offenses hereunder to the particular offenses herein enumerated. It is unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise which either annoys, injures or endangers the comfort, repose, health or safety of others, whether in the operation of any machine or the exercise of any trade or calling or any other noise, unless the making and continuing of the same is necessary for the protection or preservation of property or health, safety, life or limb of a person. (Prior code 7-3-1; Ord. 526 §1, 2005)

Sec. 10-9-30. Loudspeakers.

It is unlawful to play, operate or use any device known as a sound track, loudspeaker, sound amplifier, radio or phonograph with loudspeaker, sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle upon public places unless such person in charge of such vehicle has first applied to and received permission from the Mayor or Chief of Police to operate any such vehicle so equipped. (Prior code 7-3-2; Ord. 526 §1, 2005)

Sec. 10-9-40. 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, emergency vehicles or vehicles used by volunteer firefighters for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Departments. (Ord. 526 §1, 2005; Ord. 559 §1, 2006)