

CHAPTER 10

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ARTICLE 1

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:

Property owner means a person owning, leasing, occupying or having control or possession of any property within the City.

Public places means any enclosed, indoor facility or area that is open to members of the public who enter such facility as invitees, including but not limited to mercantile establishments, restaurants, theaters, financial institutions, educational facilities, hospitals, health care facilities and institutions, libraries, auditoriums, arenas, assembly or meeting rooms, public conveyances, governmental buildings, office buildings, restrooms, elevators, child care centers and waiting rooms of professional persons.

Public property means any public street, right of way, road, highway, alley or other publicly owned and maintained property. (Ord. 2005-O-27 §1-4.3.202, 4.5.202, 4.6.202; Ord. 2007-O-14 §1)

Sec. 10-1-20. Minor offenses.

Unless otherwise indicated, all offenses under this Chapter shall be considered minor offenses, as defined in Section 2-3-20 of this Code. (Ord. 2005-O-27 §1-4.1.101)

Sec. 10-1-30. Applicability.

Unless otherwise indicated, all provisions of this Chapter shall apply to all portions of the City. (Ord. 2005-O-27 §1-4.1.102)

Sec. 10-1-40. Enforcement.

Unless otherwise indicated, all provisions of this Chapter shall be enforced by the Arapahoe County Sheriff, as the designated law enforcement agency for the City. (Ord. 2005-O-27 §1-4.1.103)

ARTICLE 2

Sheriff Lines

Sec. 10-2-10. Definitions.

As used in this Chapter the following words are defined as follows:

Sheriff means the Sheriff of Arapahoe County, Colorado or the Undersheriff in the absence of the Sheriff, acting on behalf of the City.

Sheriff line includes a row of uniformed Sheriff's deputies, an area marked by yellow tape, fencing or other physical barrier used for the purpose of blocking or limiting access to or from a particular area or used for the purpose of protecting a crime scene in order to preserve evidence which may be found. (Prior code 7.2.102; Ord. 2007-O-14 §1)

Sec. 10-2-20. Intent.

The City Council finds, determines and declares that a substantial danger to the preservation of public health and safety exists as a result of a parade, demonstration, counter-demonstration or planned or threatened parade, demonstration or counter-demonstration, and that a Sheriff line may be needed for the purpose of effecting a clearing; to separate parade participants or demonstrators, counter-demonstrators and passers-by; to allow for the movement of pedestrian and vehicular traffic; to exclude the public from the vicinity of a riot or disorderly gathering; to protect persons and property; or to preserve evidence at a crime scene. (Prior code 7.2.101)

Sec. 10-2-30. Regulations.

(a) When the circumstances require it, the Sheriff may establish a Sheriff Line or Sheriff Lines for the purpose of effecting a clearing; to separate parade participants or demonstrators, counter-demonstrators and passers-by; to allow for movement of pedestrian and vehicular traffic; to exclude the public from the vicinity of a riot or disorderly gathering; to protect persons and property; or to preserve a crime scene. Such sheriff line shall be set up in a manner that is necessary to cope with the danger posed, in the judgment of the Sheriff, and by any means which the Sheriff determines gives reasonable notice of the existence of the sheriff line.

(b) No person shall cross a sheriff line established by the Sheriff under this Article. (Prior code 7.2.104)

Sec. 10-2-40. Violation.

Any person who violates this Article commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S., may be followed by any arresting officer for any such violation. (Prior code 7.2.104)

Sec. 10-2-50. Enforcement.

The provisions of this Chapter shall be enforced by the Arapahoe County Sheriff, as agent for the City of Centennial. (Prior code 7.2.105)

Sec. 10-2-60. Disposition of fines.

All fines for violations of this Chapter shall be paid into the General Fund of the City upon conviction. (Prior code 7.2.106)

ARTICLE 3

Public, Private and Personal Property

Sec. 10-3-10. Declaration.

The City Council finds and declares that a substantial danger to the preservation of public health and safety exists as a result of the dumping of trash, construction materials, debris, landscape materials, snow, ice and other waste on public streets and sidewalks or other public property and as a result of items, articles, goods and objects on private property interfering with pedestrian and vehicular traffic on public rights-of-way. (Ord. 2005-O-27 §4.5.201; Ord. 2011-O-30 §2)

Sec. 10-3-20. Definitions.

As used in this Article, the following words are defined as follows:

Construction materials means any material intended for or used in the construction of structures or buildings such as, without limitation, concrete, concrete block, brick, cement, plaster, glass, asphalt, timber, lumber, wood, shingles, pipe, cable, wire, conduit, duct, insulation, drywall, tile, fixture or like materials.

Debris means any solid or liquid waste, including by way of illustration and not limited to, iron, brass, copper or other metal materials, ropes, rags, trash, garbage, cinders, fibers or fabrics, bottles or other glass, rubber materials, including without limitation tires, plastic materials, junk, paper, cardboard, machinery, motor parts, tools, equipment, appliances, household goods, furniture, firewood, cartons, boxes, pallets, barrels or other containers, animal carcasses, offal or manure, waste or discarded goods, rubbish, refuse or like materials.

Landscape materials means any material used in or derived from the landscape or improvements to the landscape of real property such as, without limitation, trees, tree branches, shrubs, plants, vegetation, brush, yard trimmings, leaves, sod, dead plant material, soil, earth, dirt, sand, gravel, rock, stone, boulders, mulch, fencing, paving materials or like materials.

Public property means any public street, right-of-way, road, highway, place, alley, sidewalk, easement, park, square, median, parkway, boulevard or plaza within the City limits that is dedicated to public use, owned or maintained by the City except for those rights-of-way established by law as a state highway.

Trash container means any container designed or intended to be used for the periodic collection of trash, refuse, garbage, yard debris, recyclables or other waste materials.

Vehicle means any device that qualifies as a vehicle under the Model Traffic Code as adopted in this Code. (Ord. 2011-O-30 §2)

Sec. 10-3-30. Dumping on or obstruction of public property.

(a) It shall be unlawful for any person to place, store or maintain on public property any item, article, good or object, including but not limited to any stockpile, pile, stack, stand, collection, assembly or other accumulation of construction materials, debris, landscape materials, snow or ice

unless such person is an employee, official or contractor of the City acting within the scope of his or her municipal functions. Nothing in this Article is intended to require any person to remove naturally occurring accumulations of snow or ice from private or public sidewalks or to remove snow or ice deposited on private or public sidewalks by the State, its political subdivisions, special districts or other governmental entities.

(b) It shall be unlawful for any person to place, store, maintain, allow to accumulate or to permit any other person to place, store, maintain or allow to accumulate on private property any item, article, good or object, including but not limited to any stockpile, pile, stack, stand, collection, assembly or other accumulation of construction materials, debris or landscape materials to the extent that such item, article, good or object encroaches:

(1) Within eight (8) vertical feet from the surface of all sidewalks and pedestrian walkways;
and

(2) Within fifteen (15) vertical feet from the surface of all public property dedicated to or used for vehicular traffic.

(c) This Section shall not apply to the State, its political subdivisions, special districts or other governmental entities or any employee, official or contractor of such entity acting within the scope of his or her official capacity, provided that such entity or person obtains written permission from the City to engage in any activity otherwise prohibited by this Section prior to engaging in such activity.

(d) This Section shall not apply to:

(1) Lawfully parked vehicles; or

(2) Trash containers, bagged trash, appliances and bundled materials that are temporarily placed on public property abutting private property within the City by the owner or lawful tenant of such private property to enable such containers to be emptied by a public or private entity charged with trash collection, provided that such temporary placement is not on a sidewalk or pedestrian way and does not exceed twenty-four (24) hours in duration. (Ord. 2005-O-27 §1-4.5.203; Ord. 2007-O-14 §1; Ord. 2011-O-30 §2)

Sec. 10-3-40. Violation.

Any person who violates this Article commits a minor offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. (Ord. 2005-O-27 §1, 4.5.204; Ord. 2011-O-30 §2)

ARTICLE 4

Price Gouging

Sec. 10-4-10. Definitions.

As used in this Division:

Commodity means any goods, services, materials, merchandise, supplies, equipment, resources or other article of commerce and includes, without limitation, food, water, ice, chemicals, petroleum products and lumber necessary for consumption or use as a direct result of the emergency.

Local disaster emergency means a temporary condition declared by the City's Principal Executive Officer or the City Council when, in the judgment of the Principal Executive Officer or the City Council, the threat or actual occurrence of a *local disaster emergency* is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship or suffering threatened or caused thereby.

Necessity means any materials and services related to, but not limited to, food, fuel, water, energy, medical treatment, construction, repair and transportation.

Overcharging means charging prices for goods, materials, services or housing which are substantially in excess of the customary charges, or in applicable cases, substantially in excess of the supplier's or provider's costs for such goods, materials, services or housing. The existence of overcharging shall be presumed from a substantial increase in the price at which the goods, materials, services or housing were offered in the usual course of business immediately prior to the onset of the emergency, but shall not include increases in costs to the supplier directly attributable to higher costs of materials, supplies and labor costs resulting from the emergency.

Subsequent recovery period means that period during which the local disaster emergency continues to cause disruptions in the disaster area, but shall not exceed six (6) months after the emergency declaration has been terminated by the Principal Executive Officer unless extended by official action of the City Council. (Ord. 2005-O-27 §1-4.5.101; Ord. 2007-O-14 §1)

Sec. 10-4-20. Prohibition on price gouging.

Upon declaration of a local disaster emergency by the Principal Executive Officer or the City Council, it is unlawful and a violation of this Division for a person or his or her agent or employee to overcharge for a commodity or necessity that is essential to sustain the life, health or safety of persons or their property, during such local disaster emergency and the subsequent recovery period. (Ord. 2005-O-27 §1-4.5.102)

Sec. 10-4-30. Government-approved price increases.

In the event the federal, state or local government approves a price increase for a specified commodity or necessity, any person or his or her agent or employee charging the established price for the specified commodity or necessity shall not be in violation of this Division. (Ord. 2005-O-27 §1-4.5.103)

Sec. 10-4-40. Exemptions.

This Article shall not apply to wholesalers or producers of raw materials used to produce commodities or necessities that are essential to sustain the life, health or safety of persons or their property, during such local disaster emergency and the subsequent recovery period. (Ord. 2005-O-27 §1-4.5.104)

Sec. 10-4-50. Remedies.

Nothing in this Article creates a private cause of action in favor of any person damaged by a violation of this Division. (Ord. 2005-O-27 §1-4.5.105)

Sec. 10-4-60. Violation.

Violation of this Article upon conviction shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation. (Ord. 2005-O-27 §1-4.5.106)

ARTICLE 5

Targeted Picketing

Sec. 10-5-10. Legislative declaration.

It is hereby declared that the protection and preservation of the home is of the highest importance; that the public health and welfare and the good order of the community require that citizens enjoy in their homes and neighborhoods a feeling of well-being, tranquility and privacy; that the practice of targeted picketing in residential areas causes emotional disturbance and distress to residents and has the potential to incite breaches of the peace; that full opportunity exists for individuals to exercise their important rights of free speech without resorting to targeted picketing; that the carrying of signs and placards on sidewalks and streets has the potential to block or inhibit the movement of individuals on such sidewalks and streets and can disturb the well-being of residents if not limited in size and number; that the provisions herein are enacted for the purpose of protecting the significant public interests stated above and not to suppress free speech rights or any particular viewpoint. (Ord. 2005-O-27 §1-4.3.101)

Sec. 10-5-20. Definitions.

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

One block of a street means six hundred sixty (660) linear feet, one-way, of a street or combination of streets (including the adjacent sidewalks), and shall be measured by reference to the centerline of the streets along the route being marched.

Residence means any single-family or multi-family dwelling unit that is not being used as a targeted occupant's sole place of business or as a place of public meeting.

Residential area means an area that consists predominantly of residences.

Targeted picketing means picketing, with or without signs, that is specifically directed towards a residence, or one (1) or more occupants of the residence, and which takes place on that portion of a sidewalk or street in front of the residence or in front of an adjoining residence, or which takes place on either side of the residence. (Ord. 2005-O-27 §1-4.3.102; Ord. 2007-O-14 §1)

Sec. 10-5-30. Unlawful conduct.

(a) It is unlawful for any person to engage in targeted picketing in a residential area, except when such person is engaging in targeted picketing while marching, without stopping in front of a residence, over a route that proceeds along the entire one-way length of at least one (1) block of a street.

(b) It is unlawful for any person to hold, carry or otherwise display on his or her person a sign or placard while on a street or sidewalk in a residential area, that does not comply with the following restrictions, except that such restrictions shall not apply to a person carrying a sign or placard temporarily while transporting it between such person's residence or business and a vehicle:

(1) All signs or placards must be no greater in width than two (2) feet and no larger in total size than three (3) square feet.

(2) Each person may carry, hold or otherwise display no more than one (1) sign or placard. (Ord. 2005-O-27 §1-4.3.103; Ord. 2007-O-14 §1)

Sec. 10-5-40. Penalty for violations.

(a) Before a person may be charged with a first offense of violating this Division, the person shall have been ordered by a Sheriff Deputy or other law enforcement official sometime prior thereto, to move, disperse or take other appropriate action to comply with this Article, and such person shall have failed to promptly comply with the warning. In order to assure that appropriate warning has been given, the Sheriff's Office shall maintain a written record indicating the name of each warned individual, the address of the targeted residence and the date and time of the warning.

(b) Any person who violates this Article commits a minor offense and, upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500.00) for a first offense, seven hundred fifty dollars (\$750.00) for a second offense, and one thousand dollars (\$1000.00) for a third and any subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed by the Sheriff's deputy or other officer for any violation of this Article, and the graduated fine schedule set forth herein shall be followed when issuing any penalty assessment notice in accordance with such procedure. (Ord. 2005-O-27 §1-4.3.104)

ARTICLE 6

Smoking in Public Places

Sec. 10-6-10. Intent and applicability.

The City Council finds, determines and declares that the smoking of tobacco or of any other plant or weed in certain areas is a form of air pollution that threatens the health, safety and welfare of the public. The City Council deems it necessary to prohibit smoking in common areas, public places and work places, except as otherwise permitted in designated smoking-permitted areas by this Article. The provisions of this Article shall be applicable throughout the City and to all common areas, public

places and work places within the City which are owned, operated or occupied by the City. This Article shall not apply to personal dwellings or residences. (Ord. 2005-O-27 §1-4.3.201)

Sec. 10-6-20. Definitions.

As used in this Article, the following words are defined as follows:

Common area means any lobby, mall or hallway open or accessible to members of the public who enter such common area as invitees.

Employee means any person who is paid a wage or salary by an employer and who works in the enclosed premises of an employer.

Employer means any person, partnership, corporation, association or other entity, and the owner, manager, person in charge or proprietor thereof, engaged in a business, occupation, profession or trade, whether or not such business, occupation, profession or trade is conducted for profit, and includes any public or governmental entity.

Enclosed premises means a fully enclosed building, structure, office or room comprised of a roof, four (4) walls and means of ingress and egress.

Smoke or *smoking* means the possession of a lighted cigarette, cigar or pipe containing tobacco or other organic burning matter, regardless of its composition, or the lighting of such cigarette, cigar or pipe by any person.

Work area means any enclosed premises occupied principally by employees. (Ord. 2005-O-27 §1-4.3.202)

Sec. 10-6-30. Smoking prohibited.

It is unlawful for any person to smoke in any common area, public place or work area, except as otherwise expressly permitted by this Article. (Ord. 2005-O-27 §1-4.3.203; Ord. 2007-O-14 §1)

Sec. 10-6-40. Smoking permitted in certain places.

Unrestricted smoking is permitted in the following places:

- (1) Smoke-permitted areas designated pursuant to Section 10-6-50 below.
- (2) The licensed premises of any establishment in which malt, vinous or spirituous liquors or fermented malt beverages, as those terms are defined by state statute, are sold for consumption on the premises pursuant to a license, except that for those areas within such establishments which are used primarily for restaurant purposes or recreational activities, a no-smoking area must be provided.
- (3) Retail stores primarily engaged in the sale of tobacco or tobacco accessories.
- (4) Restaurants with a seating capacity of thirty (30) or fewer patrons.

(5) Enclosed premises occupied exclusively by smokers, even though they may be visited by nonsmokers.

(6) Meetings or assemblies not open to members of the public; provided, however, that no such meeting or assembly is conducted in a public place. (Ord. 2005-O-27 §1-4.3.204)

Sec. 10-6-50. Designated smoking-permitted areas.

(a) A section of the following common areas, public places and work areas may be designated as smoking-permitted areas by the owner, lessee, principal manager, person in charge or employer:

(1) An area in common areas which, in the discretion of the owner, lessee, principal manager or person in charge, is of sufficient size to accommodate patrons, customers and employees who wish to smoke; provided that no more than fifty percent (50%) of the total common area may be designated as a smoking-permitted area. In no event shall the common areas in any nursing home, hospital or health care facility or public restroom be designated as a smoking-permitted area.

(2) Restaurants with a seating capacity of more than thirty (30) patrons; provided, however, that the owner, lessee, principal manager or person in charge shall provide a no-smoking area to accommodate patrons who request to be seated in such an area. All such patrons must be advised that no-smoking areas are available.

(3) Work areas; provided, however, that not more than fifty percent (50%) of the employer's total floor area may be designated as a smoking-permitted area.

(b) Ashtrays and/or receptacles relating to smoke or smoking discards, wastes or debris shall only be allowed in designated smoking permitted areas. (Ord. 2005-O-27 §1-4.3.205)

Sec. 10-6-60. Posting of signs.

To advise persons and employees of the existence of no-smoking or smoking-permitted areas, signs with letters no less than one (1) inch high or symbols of no less than three (3) inches high shall be posted as follows:

(1) No employer, owner, lessee, principal manager or person in charge of a common area, public place or work area where smoking is prohibited in an entire establishment shall fail to post a sign using the words "no smoking" or the international no-smoking symbol conspicuously either in all public entrances or in a position clearly visible upon entry into the public place.

(2) No employer, owner, lessee, principal manager or person in charge of a public place where certain areas are designated as smoking areas pursuant to this Article shall fail to post a sign using the words "no smoking except in designated areas" conspicuously either in all public entrances or in a position clearly visible upon entry into the public place.

(3) No employer, owner, lessee, principal manager or person in charge of a public place where smoking is permitted in the entire establishment shall fail to post a sign using the words "smoking permitted" or an international smoking symbol conspicuously either in all public entrances or in a position clearly visible upon entry into the public place.

(4) No employer in charge of a work area where smoking is permitted shall fail to post a sign using the words "no smoking except in designated areas" in a conspicuous place within the work area.

(5) No employer in charge of a work area where smoking is prohibited in the entire work area shall fail to post a sign using the words "no smoking" or the international no-smoking symbol in a conspicuous place within the work area. (Ord. 2005-O-27 §1-4.3.206)

Sec. 10-6-70. Penalty and enforcement.

Violation of any provision of this Article shall be a minor offense, and the penalty for violation shall be a fine of seventy-five dollars (\$75.00) for a first offense, one hundred twenty-five dollars (\$125.00) for a second offense and two hundred fifty dollars (\$250.00) for a third and any subsequent offense. Each day of continuing violation shall be deemed to be a separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed by the County Sheriffs Office, as agents for the City, in enforcing the provisions of this Article. (Ord. 2005-O-27 §1-4.3.207; Ord. 2007-O-14 §1)

ARTICLE 7

Curfew

Sec. 10-7-10. Curfew for minors.

(a) It is unlawful, and a strict liability offense, for any juvenile who has not reached his or her eighteenth birthday, to be or remain upon any street or alley, or to be or remain in any establishment open to the public, in the City after the hour of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday; after the hour of 12:00 a.m. on any Friday, Saturday or any day which immediately precedes an official state holiday; or before the hour of 5:00 a.m. on any day, except when such juvenile is:

(1) Accompanied by a parent, guardian or adult person who has reached his or her twenty-first birthday, who has the legal care or custody of such juvenile; or

(2) Accompanied by a person who has reached his or her eighteenth birthday, when such person has in his or her possession at the time of contact by a peace officer a prior written care or custody consent from the juvenile's parent, guardian or other person having legal care or custody of such juvenile.

(b) It is unlawful, and a strict liability offense, for any parent, guardian or other person having legal care or custody of any juvenile who has not reached his or her eighteenth birthday to fail to prevent such juvenile from being or remaining upon any street or alley, or from being or remaining in any establishment open to the public, in the City after the hour of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday; after the hour of 12:00 a.m. on any Friday, Saturday or any day which immediately precedes an official state holiday; or before the hour of 5:00 a.m. on any day, except when such juvenile is:

(1) Accompanied by a parent, guardian or adult person who has reached his or her twenty-first birthday, who has the legal care or custody of such juvenile; or

(2) Accompanied by a person who has reached his or her eighteenth birthday, when such person has in his or her possession at the time of contact by a peace officer a prior written care or custody consent from the juvenile's parent, guardian, or other person having legal care or custody of such juvenile. (Ord. 2005-O-27 §1-4.6.101)

Sec. 10-7-20. Affirmative defenses.

(a) The following affirmative defenses may be raised by the defendant by the presentation of some credible evidence supporting the defense claimed. The guilt of the defendant must then be established beyond a reasonable doubt as to the defense raised, as well as to all other elements of the offense. It is an affirmative defense if, at the time of violation, the juvenile was:

(1) Legally emancipated;

(2) Engaged in an activity necessary to lawful employment or traveling directly to or from the juvenile's home for a lawful employment purpose;

(3) Traveling directly to or from the juvenile's home for a school activity purpose, when such activity was authorized by school officials and when the juvenile had the consent to attend such activity from a parent or guardian who had the legal care or custody of such juvenile;

(4) Engaged in an activity necessary to assist in an emergency involving a person's illness, injury or death, or engaged in an activity necessary to prevent damage to property, when such property has a value of more than one hundred dollars (\$100.00);

(5) Traveling directly to or from the juvenile's home for a religious activity purpose, when the juvenile had the consent to attend such activity from a parent or guardian who had the legal care or custody of such juvenile;

(6) Traveling in a motor vehicle throughout the City while engaged in lawful intrastate or interstate travel with the consent of a parent or guardian who had the legal care or custody of such juvenile; or

(7) Prevented from complying with this Article by circumstances beyond the control of such juvenile.

(b) In addition to the foregoing affirmative defenses, any parent, guardian or other person having legal care or custody who is charged with violating this Article may raise the following affirmative defense: At the time of violation, the juvenile was reported as a missing person, runaway or juvenile out of control, when such report was made prior to the juvenile's violation by a parent, guardian or other person having legal care or custody of such juvenile. For the purposes of this Subsection, a juvenile qualifies as *out of control* only after diligent good faith efforts to prevent violations of this Article have been made by the reporting parent, guardian or other person having legal care or custody of such juvenile. (Ord. 2005-O-27 §1-4.6.101)

Sec. 10-7-30. Violations.

Any person who violates this Division commits a minor offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S., may be followed by any officer for any such violation. (Ord. 2005-O-27 §1-4.6.103)

ARTICLE 8

Gangs

Division 1

Gang-Related Activity

Sec. 10-8-10. Legislative declaration.

(a) The City Council finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age or handicap, to be secure and protected from intimidation and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Article to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The City Council hereby recognizes the constitutional right of every citizen to harbor and express beliefs of any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances and to participate in the electoral process.

(b) The City Council further finds that the citizens of the City are concerned as a result of violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. The City Council finds that the number of gang-related crimes is increasing. It is the intent of the City Council, in enacting this Article, to:

(1) Seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity, and upon the organized nature of street gangs which, together, are the chief source of terror created by street gangs; and

(2) Place responsibility upon the parents of minor children involved in the aforementioned activities to take constructive measures to prevent their children from committing acts of violence and/or other illegal activities. (Ord. 2005-O-27 §1-4.6.201)

Sec. 10-8-20. Definitions.

As used in this Article, the following words are defined as follows:

Criminal street gang means any ongoing organization, association or group of three (3) or more persons, whether formal or informal, which is involved in the commission of one (1) or more of the criminal acts enumerated in this Article or Title 18, C.R.S., which has a common name or

common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

Gang means any ongoing organization, association or group of three (3) or more persons, whether formal or informal, which is involved in the commission of one (1) or more of the criminal acts enumerated in this Article or Title 18 of the Colorado Revised Statutes, which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

Gang activity means any ongoing organization, association or group of three (3) or more persons, whether formal or informal, which is involved in the commission of one (1) or more of the criminal acts enumerated in this Article or Title 18, C.R.S., which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity. Parents of minor children belonging to gangs are subject to this Article.

Gang graffiti means defacing of public or private property by one (1) or more members of gangs by means of painting, drawing, writing, etching, carving with knives, carving with scribes or any similar method, without written permission of the property owner.

Graffiti means defacing of public or private property by means of painting, drawing, writing, etching, carving with knives, carving with scribes or any similar method, without written permission of the property owner.

Individual means one (1) or more persons acting alone or in concert to apply graffiti upon public or private property. Said individual may or may not be a gang member.

Parent means the natural parent of a minor child under the age of eighteen (18) years of age, who resides with said child, and/or a person who has legal custody of a minor child under the age of eighteen (18) years of age, who resides with said child.

Pattern of criminal gang activity means the commission, attempted commission or solicitation by a particular street gang of two (2) or more of the offenses listed in any provision found in Title 18, C.R.S., provided that at least one (1) of those offenses occurred after the effective date of the original ordinance codified herein, the last of those offenses occurred within three (3) years after the prior offense, and the offenses are committed on separate occasions.

Sheriff means the Sheriff of Arapahoe County, Colorado or the Undersheriff in the absence of the Sheriff.

Tag or tagging means graffiti placed upon public or private property by one (1) or more individuals. (Ord. 2005-O-27 §1-4.6.202, 1-4.6.302; Ord. 2007-O-14 §1)

Sec. 10-8-30. Gang activity.

(a) It is a violation of this Article for any person to actively participate in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang

activity, or to willfully promote, further or assist in any criminal conduct by members of that gang as defined by either this Article or state law.

(b) It is a violation of this Article for any person to engage in an illegal act which is committed for the benefit of, at the direction of or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct of gang members, as defined by either this Article or state law.

(c) It is a violation of this Article for a parent or legal guardian to knowingly fail to prevent his or her minor child from participating in gang activity. Prosecution under this Article shall be predicated upon proof beyond a reasonable doubt that the parent or legal guardian knew or should have known that his or her minor child's conduct was likely to result in his or her minor child coming within the purview of this Article.

(d) The parent or legal guardian shall have the affirmative defense of the inability to control his or her minor child despite reasonable efforts to do so. (Ord. 2005-O-27 §1-4.6.203; Ord. 2007-O-14 §1)

Sec. 10-8-40. Gang-related nuisances.

It is a violation of this Article for any building or place to be used by members of a criminal street gang for the purpose of the commission of the offenses listed in this Article or Title 18, C.R.S., and every building or place, wherein or upon which criminal conduct by gang members takes place, is declared a nuisance, and shall be enjoined, abated, prevented and damages recovered, whether it is a public or private nuisance. (Ord. 2005-O-27 §1-4.6.203; Ord. 2007-O-14 §1)

Sec. 10-8-50. Unlawful encouragement of gang activity.

It is a violation of this Article for any person to commit any act or omit the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of eighteen (18) years to come within the provisions of this Article, or which act or omission, or by threats, commands or persuasion, induces or endeavors to induce any person under the age of eighteen (18) years to fail or refuse to conform to a lawful order, to do or perform any act, or to follow any course of conduct as would cause or manifestly tend to cause any such person to become or remain a person within the provisions of this Article. (Ord. 2005-O-27 §1-4.6.203; Ord. 2007-O-14 §1)

Sec. 10-8-60. Gang-related threats.

It is a violation of this Article for any member of a street gang to willfully threaten to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution. (Ord. 2005-O-27 §1-4.6.203; Ord. 2007-O-14 §1)

Sec. 10-8-70. Violations.

(a) Any person who violates this Article commits a minor offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S., may be followed by any officer for any such violation.

(b) The court may suspend the fine against any parent or legal guardian, and the court may require the mandatory attendance of a parent or legal guardian at a parental responsibility training program administered through the Colorado Department of Social Services. If mandatory attendance of a parent or legal guardian is provided as a condition for suspension of the fine as herein provided, and the parent or legal guardian fails to successfully complete such training, the court may subject the parent or legal guardian to the monetary penalties as provided herein. (Ord. 2005-O-27 §1-4.6.204)

Sec. 10-8-80. Determination of prosecution.

In determining whether prosecution of a parent or legal guardian under the provisions of this Article is appropriate, the City Prosecutor or District Attorney's Office may consider the following criteria:

(1) Review of a detailed description and/or relevant police reports that state the acts or circumstances that have brought a minor child within the purview of this Article.

(2) The number and type of warnings given to the parent or legal guardian and by whom regarding said minor's activities.

(3) Whether any parenting programs have been completed by the parent or legal guardian in relation to said minor.

(4) The statements and attitudes of the parent or legal guardian and the minor child during the investigation.

(5) The parent's or legal guardian's present actual ability or inability to supervise and control the offending minor child.

(6) The experience and training of officers involved in the investigation regarding the minor's activities.

(7) Neighborhood complaints or other corroboration of the problem with the minor child and/or the parent or legal guardian. (Ord. 2005-O-27 §1-4.6.204)

*Division 2
Graffiti, Gang Graffiti and Tagging*

Sec. 10-8-110. Legislative declaration.

(a) The City Council finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age or handicap, to be secure and protected from

intimidation and physical harm caused by the activities associated with the application of graffiti and/or tagging and the property destruction done by said graffiti and/or tagging. It is not the intent of this Article to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The City Council hereby recognizes the constitutional right of every citizen to harbor and express beliefs of any subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances and to participate in the electoral process.

(b) The City Council further finds that the citizens of the City are concerned as a result of violent street gangs whose members threaten, terrorize and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. The City Council finds that the number of gang-related crimes is increasing.

(c) In conjunction with the aforementioned crimes, there has been a proliferation of graffiti done both by gang members and by individuals. It is the intent of the City Council in enacting this Article to:

(1) Prevent the destruction of public or private property by the application of graffiti, gang graffiti and/or tagging by individuals, and the cost associated with the cleanup thereof; and

(2) Place responsibility upon the parents and/or legal guardians to aid in the prevention of destruction of public or private property by the application of graffiti, gang graffiti and/or tagging by minors. (Ord. 2005-O-27 §1-4.6.301)

Sec. 10-8-120. Graffiti prohibited.

(a) It is a violation of this Article for any individual, person or gang member to paint, spray paint, draw, write, etch, tag, carve, or by any similar method whatsoever deface any public or private property except with the written permission of the owner of said property.

(b) It is a violation of this Article for a parent or legal guardian to knowingly fail to prevent their minor children from painting, spray painting, drawing, writing, etching, "Tagging," carving, or by any similar method whatsoever, defacing any public or private property except with the written permission of the owner of said property. (Ord. 2005-O-27 §1-4.6.303; Ord. 2007-O-14 §1)

Sec. 10-8-130. Violations.

(a) Any person who violates this Article commits a minor offense and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each separate violation. The penalty assessment procedure provided in Section 16-2-201, C.R.S., may be followed by any officer for any such violation.

(b) The Court may suspend the fine against any parent or legal guardian and the Court may require the mandatory attendance of a parent or legal guardian at a parental responsibility training program administered through the Colorado Department of Social Services. If mandatory attendance of a parent or legal guardian is provided as a condition for suspension of the fine as herein provided and the parent or legal guardian fails to successfully complete such training, the Court may subject

the parent or legal guardian to the monetary penalties as provided herein. (Ord. 2005-O-27 §1-4.6.304)

ARTICLE 9

Weapons

Sec. 10-9-10. Definition.

As utilized in this Article and pursuant to Section 18-1-901, C.R.S., unless the context otherwise requires, the following definition shall apply:

Firearm means and includes any pistol, revolver, rifle or other weapon of any description from which any shot, projectile or bullet may be discharged. (Ord. 2005-O-27 §1-4.4.101; Ord. 2007-O-14 §1)

Sec. 10-9-20. Prohibited use of weapons.

It is unlawful for any person, except a duly authorized law enforcement officer acting in the line of duty, to discharge any firearm in the City, except as provided in Section 10-9-30 below. (Ord. 2005-O-27 §1-4.4.102; Ord. 2007-O-14 §1)

Sec. 10-9-30. Exclusion.

Excluded from the aforementioned designated areas are those sections of land with less than an average population density of one hundred (100) persons per square mile. Nothing in this Article shall prevent the discharge of any firearm in shooting galleries, or in any private grounds or residence under circumstances when such firearm can be discharged in such manner as not to endanger persons or property, and also in such a manner as to prevent the projectile from any such firearms from traversing any grounds or space outside the limits of such shooting gallery, grounds or residence. Nothing contained in this Article shall be construed to restrict or otherwise affect any person's constitutional right to bear arms or his or her right to defense of his or her person, his or her family, or his or her property. (Ord. 2005-O-27 §1-4.4.103)

Sec. 10-9-40. Jurisdiction.

Any court of competent jurisdiction within the State, including the Municipal Court, shall have jurisdiction in prosecutions for any violation of this Article. It shall be the duty of the Sheriff and his or her undersheriffs and deputies, as agents for the City, to enforce the provisions of this Article. Any person charged with violation of this Article shall be issued a summons and complaint requiring a mandatory court appearance and, upon conviction thereof, shall be subject to a maximum penalty of a fine of one thousand dollars (\$1,000.00). (Ord. 2005-O-27 §1-4.4.104)

ARTICLE 10

Fireworks

Sec. 10-10-10. Purpose.

In the interest of protecting the health, safety and welfare of the citizens of the City of Centennial, the City Council has determined that a prohibition on the sale, use, and possession of fireworks is necessary, with the exception of professional outdoor fireworks displays, as defined by this Article. (Ord. 2004-O-17 §1-7.7.201; Ord. 2007-O-14 §1; Ord. 2007-O-08 §1)

Sec. 10-10-20. Definitions.

The following words, terms and phrases, when used in this Title, shall have the following meanings:

Firework means any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation which meets the definition of articles pyrotechnic, permissible fireworks or display fireworks found in § 12-28-101, C.R.S. The term fireworks shall not include:

- a. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen (16) milligrams of pyrotechnic composition per item and snappers that do not contain more than one (1) milligram of explosive composition per item;
- b. Highway flares, railroad fuses, ship distress signals, smoke candles and other emergency signal devices;
- c. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two (2) ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means;
- d. Fireworks which are used in testing or research by a licensed explosives laboratory.

Local authority means the fire protection district with jurisdiction over the property on which a professional outdoor fireworks display is proposed.

Professional outdoor fireworks display means an outdoor display of aerial firework shells and/or ground firework pieces or pyrotechnics conducted primarily for entertainment, whether or not associated with a commercial purpose or commercial in nature, and whether or not open to the public, provided that:

- a. The display is conducted under the direct on-site supervision and responsibility of a fireworks display operator and/or a pyrotechnic display operator certified by the Colorado Department of Public Safety/Division of Fire Safety; and

b. The display is authorized by a formal permit issued by the applicable local authority pursuant to the requirements of the authority and the requirements of the lawfully adopted fire code for the City. (Ord. 2004-O-17 §1-7.7.202; Ord. 2007-O-14 §1; Ord. 2007-O-08 §2)

Sec. 10-10-30. Sale, use and possession of fireworks.

The sale of all fireworks shall be prohibited within the corporate limits of the City, effective May 25, 2002. The use and possession of fireworks shall be prohibited within the corporate limits of the City with the exception of a professional outdoor fireworks display, as defined above.(Ord. 2004-O-17 §1-7.7.203; Ord. 2007-O-14 §1; Ord. 2007-O-08 §3)

Sec. 10-10-40. Parental responsibility.

Any parent, guardian or other person having legal care or custody of any juvenile who has not reached his or her eighteenth birthday shall prevent such juvenile from violating the provisions of this Article. It shall be an affirmative defense to any charges brought against such parent, guardian or other person having legal care or custody of such juvenile that the juvenile was legally emancipated or reported as a missing person, runaway or juvenile out of control, only if such report was filed by the parent, guardian or custodian prior to the juvenile committing the violation. (Ord. 2004-O-17 §1-7.7.204; Ord. 2007-O-14 §1)

Sec. 10-10-50. Enforcement.

The zoning enforcement officials, the law enforcement officials and the fire chief of any fire protection district operating within the boundaries of the City shall enforce the provisions of this Article. The authority of the fire chief is limited to areas within their respective boundaries. (Ord. 2004-O-17 §1-7.7.205; Ord. 2007-O-14 §1)

Sec. 10-10-60. Violation.

Any person who pleads guilty or no contest to or who, after trial, is found guilty of violating any provision of this Article, shall be subject to penalties for such violation as provided by Section 1-4-10 of this Municipal Code. (Ord. 2004-O-17 §1-7.7.206)

ARTICLE 11

Possession of Tobacco Products by Minors

Sec. 10-11-10. Definitions.

The following definitions shall apply to this Article:

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

Possess means that a person has or holds any amount of a tobacco product, or has a tobacco product within his or her immediate presence and control, including presence and control within a motor vehicle which is being driven by such person and includes the consumption, smoking, ingesting, absorbing, inhaling or chewing of any tobacco product.

Tobacco or tobacco product means cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine cut, other chewing tobacco, shorts, refuse scraps, clippings, cuttings, sweepings of tobacco, other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing or for smoking. (Ord. 2006-O-18)

Sec. 10-11-20. Unlawful acts.

It is unlawful for any minor to possess any tobacco or tobacco product at any place within the incorporated limits of the City. (Ord. 2006-O-18)

Sec. 10-11-30. Violations.

Any person convicted of violating the provisions of Section 10-11-20 above commits a minor offense and shall be fined a minimum of one hundred dollars (\$100.00) for the first offense. For the second and all subsequent offenses, the Court shall impose a fine of between one hundred dollars (\$100.00) and four hundred dollars (\$400.00) per offense. A mandatory court appearance is required any time a person is charged with violating this provision. All minors charged with violating this provision must appear in court accompanied by a parent or legal guardian. For a first offense, upon petition by the defendant, the Court may in its discretion consider a deferred sentence. The Court may also consider imposition of a tobacco education course, in addition to the fines listed above. If the Court imposes a tobacco education course in addition to a fine, the Court may determine the time period within which the defendant must complete the course. The Court may, upon the defendant's proof of successful completion of the course, suspend any portion of the fine. (Ord. 2006-O-18; Ord. 2008-O-10 §1)

ARTICLE 12

Noise Regulation

Sec. 10-12-10. Legislative declaration.

It is hereby declared that protection and preservation of the home is of the highest importance; that unnecessary and excessive noise is a significant source of environmental pollution that threatens the public health, welfare, tranquility and good order of the community; and that the prohibitions and other protections set forth in this Article are enacted to secure and promote public peace, welfare, comfort and health. (Ord. 2007-O-16 §1)

Sec. 10-12-20. General prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive or unusually loud noise which:

- (1) Disturbs, annoys or endangers the peace, repose, comfort, safety or health of others; or
- (2) Endangers or injures personal or real property. (Ord. 2007-O-16 §1)

Sec. 10-12-30. Exceptions.

The provisions of this Article shall not apply to:

- (1) Operation of emergency vehicles when acting in times of emergency.
- (2) Operation of trains, aircraft or other activities subject to federal law with respect to noise control.
- (3) Mechanical devices, apparatus or equipment used, related to or connected with any emergency machinery, vehicle or work when responding to an emergency.
- (4) Operation of snowplows.
- (5) Use of property by the State, any political subdivision thereof or any other not-for-profit entity, or any lessees, licensees or permittees of the same, for promotion, producing or holding of occasional public cultural, athletic, entertainment or patriotic events for which prior City consent or permit has been obtained in writing.
- (6) Noises emanating from any school property as a result of usual and customary uses of such school property during school or school-sponsored events, including but not limited to school band practices and performances.
- (7) Public utility operations regulated pursuant to state law.
- (8) Lawful professional outdoor fireworks displays permitted pursuant to Article 10, of this Chapter 10. (Ord. 2007-O-16 §1)

Sec. 10-12-40. Penalty for violations.

(a) Any penalty assessment or summons and complaint which issues for violation of this Article shall be signed by an officer witness, or by at least two (2) complaining witnesses from separate households who are willing to testify at trial, in addition to the signature of the serving officer, or by only one (1) complaining witness other than the serving officer if there exists other evidence admissible at trial to prove a prima facie case of a violation of this Section.

(b) Any person who violates this Article commits a minor offense, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), with a minimum fine of one hundred dollars (\$100.00) for a first offense, two hundred dollars (\$200.00) for a second offense and four hundred dollars (\$400.00) for a third and any subsequent offense. A mandatory court appearance shall be required for any third or subsequent offense. The penalty assessment procedure provided in Section 16-2-201, C.R.S., shall be followed by the arresting Sheriff's deputy or other officer for any violation of this Article, and the graduated fine schedule set forth herein shall be followed when issuing any penalty assessment or summons and complaint in accordance with such procedure. (Ord. 2007-O-16 §1)

Sec. 10-12-50. Other remedies.

Violations of this Article are also declared to be a public nuisance for which the City may, in addition to the remedy for violation set forth in Section 10-12-40 above, seek summary abatement or abatement by other means, including seeking a restraining order or injunction issued by a court of competent jurisdiction. This Article shall not be construed to conflict with the right of any person to maintain any private action for damages or to abate a noise nuisance as provided by law. (Ord. 2007-O-16 §1)