

**TABLE OF CONTENTS**  
**CHAPTER 17**  
**MISCELLANEOUS OFFENSES**

**Articles:**

**I. In General**

- Sec. 17-1 Definitions
- Sec. 17-2 Legislative intent
- Sec. 17-3 Failure to obey summons or notice

**II. Offenses Against the Person**

- Sec. 17-21 Assault

**III. Offenses Against Property**

- Sec. 17-36 Theft
- Sec. 17-37 Theft of rental property
- Sec. 17-38 Concealment of goods
- Sec. 17-39 Criminal mischief
- Sec. 17-40 Trespass; trespass on railroad property
- Sec. 17-41 Littering
- Sec. 17-42 Posting notices and handbills on premises
- Sec. 17-43 Tampering
- Sec. 17-44 Misuse of public waters
- Sec. 17-45 Damage to public property

**IV. Offenses Against Public Authority**

- Sec. 17-61 False alarm
- Sec. 17-62 False report of crime
- Sec. 17-63 Interference with public officers
- Sec. 17-64 Resisting arrest
- Sec. 17-65 Refusing to assist
- Sec. 17-66 Impersonating a public officer
- Sec. 17-67 Aiding or assisting escape
- Sec. 17-68 Escape
- Sec. 17-69 Violation of court orders

**V. Offenses Involving Children**

- Sec. 17-81 Abandoned refrigerators and similar items

**VI. Offenses Against Public Safety**

- Sec. 17-101 Discharging of weapons; permit
- Sec. 17-102 Throwing of missiles
- Sec. 17-103 Bodily waste

**VII. Offenses Against Public Peace**

- Sec. 17-121 Disturbing the peace
- Sec. 17-122 Staying on medians prohibited
- Sec. 17-123 Loitering about schools
- Sec. 17-124 Disorderly conduct
- Sec. 17-125 Use of parking areas
- Sec. 17-126 Harassment
- Sec. 17-127 Panhandling
- Sec. 17-128 Obstructing a highway or passageway
- Sec. 17-129 Unreasonable noise prohibited
- Sec. 17-130 Definitions
- Sec. 17-131 Nuisance gatherings
- Sec. 17-132 Prohibited; penalty
- Sec. 17-133 Payment of costs of abatement; assessment; appeal
- Sec. 17-134 Other remedies

- Sec. 17-135 Definitions
- Sec. 17-136 Possession of graffiti materials by minors prohibited
- Sec. 17-137 Possession of graffiti materials prohibited

**VIII. Offenses Against Decency**

- Sec. 17-141 Carrying or drinking liquor or fermented malt beverages in certain places
- Sec. 17-142 Public indecency
- Sec. 17-143 Window peeping
- Sec. 17-144 Reserved
- Sec. 17-145 Definitions; promoting certain materials or performances prohibited

**IX. Offenses Involving Substance Abuse**

- Sec. 17-161 Definition
- Sec. 17-162 Use or possession as narcotic prohibited
- Sec. 17-163 Sale of substances regulated
- Sec. 17-164 Sales restricted to bona fide commercial establishments
- Sec. 17-165 Sale for prohibited purposes unlawful
- Sec. 17-166 Exceptions to provisions of this Article

**X. Offenses Involving Camping**

- Sec. 17-181 Camping on public property restricted
- Sec. 17-182 Camping on private property restricted; exceptions

**ARTICLE I.  
IN GENERAL**

**Sec. 17-1. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

*Enter or remain unlawfully* shall mean:

- (1) To enter or remain in or upon privately owned property when not licensed, privileged or otherwise authorized to do so;
- (2) To enter or remain in or upon publicly owned property that is not open to the public;
- (3) To fail to leave property, whether privately or publicly owned, after being directed to do so by a person lawfully in control of the property; or
- (4) To conduct oneself in a public place in violation of any rule or regulation issued by any officer or agency having the power of control, management, or supervision thereof, which limits or prohibits the use, activities or conduct in such public place, provided that the rule or regulation is: (i) prominently posted at all public entrances to the property; (ii) posted in such a way as to be clearly visible from the site of the infraction; or (iii) actually known to the offender.

*Escape* shall mean 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.

*Public place* shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to highways including sidewalks, transportation facilities, schools, places of amusement, parks, playgrounds and the common areas of public and private buildings and facilities.

*Thing of value* shall include real property, tangible and intangible personal property, contract rights, choses in action, services, confidential information, medical records information and any other rights of use or enjoyment connected therewith.

(Code 1972, § 84-10; Ord. No. 127, 1993, 11-2-93; Ord. No. 37, 2003, § 1, 3-18-03)

**Cross-reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 17-2. Legislative intent.**

It is the intent and purpose of this Chapter to cover and include offenses occurring in the City. It is not the intent and purpose of this Chapter to cover and include those offenses which are classified as felonies under the C.R.S. This Chapter shall be so construed notwithstanding any language contained in this Chapter which might otherwise be construed to the contrary.

(Code 1972, § 84-9)

**Sec. 17-3. Failure to obey summons or notice.**

For the purposes of this Code, tender by a peace officer or other service of a summons or penalty assessment notice shall constitute notice to the defendant to appear in Municipal Court at the time specified on such summons or penalty assessment notice or pay the required fine within the time specified and to appear in court at any further time set by the court for arraignment, trial or other hearings. No person shall fail to appear at such times or pay the fine within the time specified.

(Code 1972, § 84-8)

**Cross-reference**—Municipal Court, Ch. 19.

**Secs. 17-4—17-20. Reserved.**

**ARTICLE II.  
OFFENSES AGAINST THE PERSON**

**Sec. 17-21. Assault.**

No person shall knowingly or recklessly cause bodily injury to another person or with criminal negligence cause bodily injury to another person by means of a deadly weapon. This provision does not apply in the event of serious bodily injury or if the assault is otherwise felonious.

(Code 1972, § 84-7)

**Secs. 17-22—17-35. Reserved.**

**ARTICLE III.  
OFFENSES AGAINST PROPERTY**

**Sec. 17-36. Theft.**

No person shall knowingly obtain or exercise control over anything of value of less than one thousand dollars (\$1,000.) of another without authorization or by threat or deception when such person:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value; or
- (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; or
- (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 or 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.

(Code 1972, § 84-3(E); Ord. No. 11, 1993, § 1, 2-16-93; Ord. No. 139, 1997, 10-21-97; Ord. No. 118, 2011, § 1, 9-20-11)

**Sec. 17-37. Theft of rental property.**

No person shall:

- (1) Obtain 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; or
- (2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fail to reveal the whereabouts of or to return the property to the owner thereof or a representative of the owner or to the person from whom the property was received within seventy-two (72) hours after the time at which the person agreed to return it where the value of the thing involved is less than one thousand dollars (\$1,000.).

(Code 1972, § 84-3(F); Ord. No. 11, 1993, § 2, 2-16-93; Ord. No. 112, 2003, 9-2-03 Ord. No. 118, 2011, § 2, 9-20-11)

**Sec. 17-38. Concealment of goods.**

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than one thousand dollars (\$1,000.) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be 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.

(Code 1972, § 84-3(G); Ord. No. 11, 1993, § 3, 2-16-93; Ord. No. 112, 2003, 9-2-03 Ord. No. 118, 2011, § 3, 9-20-11)

**Sec. 17-39. Criminal mischief.**

No person shall knowingly injure, damage or destroy 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.).

(Code 1972, § 84-3(A); Ord. No. 11, 1993, § 4, 2-16-93; Ord. No. 112, 2003, 9-2-03 Ord. No. 118, 2011, § 4, 9-20-11)

**Sec. 17-40. Trespass; trespass on railroad property.**

(a) No person shall enter or remain unlawfully in or upon property, whether publicly or privately owned. For the purposes of this Section, the term *property* shall include, but not be limited to, any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure.

(b) No person shall climb, sit or stand upon any sculpture, statue or other object situated on public or private property, without the express consent of the owner thereof, unless such object is designed, intended and made available to the general public for such use.

(c) More specifically with respect to railroad property, no person shall, without lawful authority or the railroad company's consent, enter or remain unlawfully upon railroad property; except that a person may cross railroad property at an authorized crossing so long as the person complies with any warning devices located at the crossing.

(1) The provisions of this Subsection shall apply even if the railroad company may be aware of the presence or likely presence of unauthorized persons on railroad property.

(2) For purposes of this Subsection, persons with lawful authority include only the following:

- a. Passengers on trains, or employees of a railroad company while engaged in the performance of their official duties;
- b. Police officers, firefighters, peace officers and emergency response personnel while engaged in the performance of their official duties;
- c. A person going upon railroad property in an emergency to rescue a person or animal, such as livestock, pets or wildlife, from harm's way, or to remove an object that the person reasonably believes to pose an imminent safety risk;
- d. Representatives of the Colorado Department of Transportation while engaged in the performance of their official duties;
- e. Representatives of the Federal Railroad Administration while engaged in the performance of their official duties; or
- f. Representatives of the National Transportation Safety Board while engaged in the performance of their official duties.

(3) For purposes of this Subsection, the following definitions apply:

- a. *Railroad property* means all real property owned, leased or operated by a railroad company including a right-of-way, track, bridge, yard, shop, viaduct, trestle, depot or any other structure, appurtenance or equipment owned, leased or used in the operation of any railroad company including a train, locomotive, engine, railroad car, work equipment, rolling stock or safety device. *Railroad property* does not include any portion of a public street running adjacent to a railroad track.
- b. *Yard* means a system of parallel tracks, crossovers and switches where railroad cars are switched and made up into trains and where railroad cars, locomotives and other rolling stock are kept when not in use or when awaiting repairs.

(Code 1972, § 84-1(E); Ord. No. 37, 2003, § 2, 3-18-03; Ord. 045, 2011, § 1, 5-3-11)

**Sec. 17-41. Littering.**

(a) No person shall throw, deposit, scatter or leave upon any sidewalk, alley, street or other public place or on any private property any loose paper, rags, rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, nor shall any person owning or occupying any lot or ground allow or permit any such material which may be liable to be blown or scattered by the wind or otherwise to remain upon such lot or grounds.

(b) For the purposes of this Section, the distribution of advertising circulars or handbills in such manner so that they are securely placed or deposited upon real property so as to prevent the same from being blown or scattered by the wind does not constitute littering.

(Code 1972, § 84-3(B))

**Sec. 17-42. Posting notices and handbills on premises.**

(a) The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection (a):

*Commercial or business sign* shall mean any sign, flier, notice or poster intended to advertise, direct or attract the attention of the public to a business, or intended to induce the purchase of goods, services, property or entertainment, or to promote business or employment opportunities.

*Noncommercial sign* shall mean any sign, flier, notice or poster which is not intended to advertise, direct or attract the attention of the public to a business, or intended to induce the purchase of goods, services, property or entertainment, or to promote business or employment opportunities, including but not limited to signs conveying a political, ideological or personal message.

*Public property* shall mean any portion of real property, pole, post, tree, barricade, bridge, fence, railing, utility box, curb, sidewalk, wall, bench, building or structure of any kind which is either publicly owned or located in the public right-of-way.

*Public right-of-way* shall mean the entire area between property boundaries which is owned by a government, dedicated to public use, or impressed with an easement for public use, which is primarily used for pedestrian or vehicular travel, and which is publicly maintained, in whole or in part, and includes, but is not limited to the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, median and any public way.

(b) Except as permitted in § 24-1 and Chapter 24, Article IV of this Code, no person, firm or corporation shall fasten or affix to public property, or place or install on or within a public right-of-way or other public property, any of the following, without the direct authorization of the owner of such property:

- (1) Any commercial or business sign.
- (2) Any noncommercial sign.

(c) Any signs authorized by the City for placement on City property within the meaning of this Section must comply with all other applicable provisions of the Code.

(d) No person, firm or corporation shall fasten or affix to private property, including motor vehicles and other personal property, in any way, any of the following, without the permission of the owner or occupants of such property:

- (1) Any commercial or business sign.
- (2) Any noncommercial sign.

(e) Permission to fasten or affix signs to the front door of private residences shall be implied from the presence of an improved walkway connecting such residence directly to a public right-of-way unless:

- (1) Access to such walkway is physically restricted by a fence, gate or other permanent structure, or

- (2) A "No Trespassing" or "No Solicitation" sign or a sign prohibiting posting is posted at or near the entrance to such residence; or
- (3) The owner or occupant of a particular residence has notified the person or entity intending to fasten or affix the sign that such sign may not be fastened or otherwise affixed to the residence.

(f) Except as provided in Subsection (g) below, if the City Engineer determines that a commercial or business sign or noncommercial sign has been fastened, affixed, placed or installed in or on public property in violation of this Section, the City shall attempt to contact, by any reasonable means, the person or entity whose business, interests or activities are advertised, furthered or promoted by such sign and notify said person or entity that the sign will be removed by the City and summarily destroyed if not previously removed by said person or entity within twenty-four (24) hours of the notice. If such person or entity cannot reasonably be ascertained or if the sign is not removed within twenty-four (24) hours after notice is given by the City, the City may remove and destroy the sign without further notice, notwithstanding the provisions of § 23-130 of this Code.

(g) Notwithstanding the foregoing, if the circumstances under which a sign has been fastened, affixed, placed or installed are such that, in the judgment of the City Engineer, the sign creates a safety hazard, or if the sign is discovered by the City within the twenty-four-hour period immediately preceding a Saturday, Sunday, City holiday or an election day to which the sign relates, the City need not attempt to contact the person or entity whose business, interests or activities are advertised, furthered or promoted by the sign before summarily removing and destroying the sign.

(h) If, within ten (10) days after the City has given or attempted to give the notice referenced in Subsection (f) above, any sign advertising the same business, interests or activities that were the subject of the previous notice is subsequently found in violation of this Section, the City may summarily remove and dispose of the sign without additional notice, notwithstanding the provisions of § 23-130 of this Code.

(i) Failure to remove a sign after notice has been given pursuant to Subsection (f) is a violation of this Section. (Code 1972, § 84-3(C); Ord. No. 41, 1994, § 2, 4-5-94; Ord. No. 134, 2002, 9-17-02; Ord. No. 141, 2002, 10-1-02; Ord. No. 201, 2004, § 1, 1-4-05; Ord. No. 018-2007, § 1, 2-6-07; Ord. No. 025, 2009, §1, 03-24-09)

#### **Sec. 17-43. Tampering.**

No person shall tamper with, injure, deface, destroy or remove any sign, notice, marker, fire-alarm box, fireplug, topographical survey monument or any other personal property directed to be placed or placed by the City. (Code 1972, § 84-3(D))

#### **Sec. 17-44. Misuse of public waters.**

No person shall swim in, bathe in, wash dishes in, or otherwise use the waters of any pool, fountain, or other man-made body of water in any public place or on property belonging to the City or under the possession and control of the City, unless such body of water is designed, intended and made available to the general public for such use. (Ord. No. 40, 2003, § 1, 3-18-03)

#### **Sec. 17-45. Damage to public property.**

No person shall damage, deface or destroy any street, sidewalk, curb, gutter, traffic control sign or signal, or any other public property or equipment located within a public right-of-way, unless authorized or permitted by law. Any person convicted of violating this Section shall be responsible to the City for all costs incurred by the City in repairing such damage. The terms *public property* and *public right-of-way* as used in this Section shall have the meanings ascribed to them in § 17-42 of this Code. (Ord. No. 002, 2004, 1-20-04)

#### **Secs. 17-46—17-60. Reserved.**

**ARTICLE IV.  
OFFENSES AGAINST PUBLIC AUTHORITY**

**Sec. 17-61. False alarm.**

No person shall intentionally make, turn in or give a false alarm of fire or make a false or needless request for police or ambulance assistance or for the assistance of any specially commissioned officer of the City appointed by the Chief of Police pursuant to Paragraph 2-503(b)(2) of this Code, nor shall any person aid or abet in the commission of such act.

(Code 1972, § 84-4(A); Ord. No. 018, 2006, § 1, 2-21-06; Ord. 005, 2007, § 1, 2-6-07)

**Sec. 17-62. False report of crime.**

No person shall make to or file with a member of Police Services, Poudre Fire Authority or the Colorado State University Police Department, or with any specially commissioned officer of the City appointed by the Chief of Police pursuant to Paragraph 2-503(b)(2) of this Code, any false or misleading statement or report concerning the commission or alleged commission of any crime occurring within the City.

(Code 1972, § 84-4(B); Ord. No. 130, 2002, § 7, 9-17-02; Ord. No. 018, 2006, § 2, 2-21-06; Ord. 005, 2007, § 1, 2-6-07)

**Sec. 17-63. Interference with public officers.**

(a) No person shall knowingly obstruct, impair or hinder any peace officer, firefighter, specially commissioned officer of the City, City employee or other public official acting under the color of his or her official authority to enforce the law or perform an official duty by the use or threat of violence, force, physical interference or obstacle, or by knowingly providing false or misleading information to any such officer, employee or official.

(b) When a peace officer or specially commissioned officer of the City, acting under the color of his or her official authority, is enforcing the law or performing an official duty, no person shall, after having been ordered by said officer to move on and away from the scene of the officer's activity, knowingly remain in the officer's presence or engage in conduct that disrupts, obstructs, impairs or hinders the officer's enforcement of the law or the performance of his or her official duty.

(c) To ensure that animals used in law enforcement or fire investigation activities are protected from harm, no person shall knowingly obstruct, impair or hinder any such animal in performing its law enforcement or fire investigation activities by using or threatening to use violence, force, physical interference or obstacle.

(d) It is no defense to a prosecution under this Section that a peace officer or specially commissioned officer of the City was acting in an illegal manner if the officer was acting under the color of his or her official authority. An officer acts *under the color of his or her official authority* when, in the regular course of assigned duties, such officer is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances.

(e) The terms *peace officer* and *firefighter* when used in this Section shall mean a peace officer or firefighter in uniform or, if out of uniform, one who has identified himself or herself by exhibiting peace officer or firefighter credentials to the person charged under this Section.

(f) The term *specially commissioned officer of the City* when used in this Section shall mean a specially commissioned officer of the City appointed by the Chief of Police pursuant to Paragraph 2-503(b)(2) of this Code who has identified himself or herself by exhibiting official credentials to the person charged under this Section.

(Code 1972, § 84-4(C)(1); Ord. No. 65, 1996, 6-4-96; Ord. No. 018, 2006, § 3, 2-21-06; Ord. 005, 2007, § 1, 2-6-07)

**Sec. 17-64. Resisting arrest.**

(a) No person shall prevent or attempt to prevent a peace officer, acting under color of official authority, from effecting an arrest of any person 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 substantial risk of causing bodily injury to the peace officer or another.

(b) A peace officer is acting under color of official authority when, in the course of his or her duties, the peace officer is called upon to make or does in fact make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is no defense to a prosecution under this Section that the arrest was unlawful if the peace officer was acting under color of official authority and did not use unreasonable or excessive force in effecting the arrest.

(Code 1972, § 84-4(C)(2))

**Sec. 17-65. Refusing to assist.**

No person eighteen (18) years of age or older shall refuse to assist any police officer in making any arrest or quelling any disturbance when requested to do so by such officer.

(Code 1972, § 84-4(C)(5))

**Sec. 17-66. Impersonating a public officer.**

No person other than a police officer of the City or firefighter with the Poudre Fire Authority shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of, that adopted or worn or carried by police officers or firefighters, respectively. No person shall in any other way falsely represent himself or herself to be a police officer, firefighter or other official of the City, nor shall any person not so authorized exercise any duty, power or function of a police officer, firefighter or other official of the City.

(Code 1972, § 84-4(C)(4))

**Sec. 17-67. Aiding or assisting escape.**

(a) No person shall make available to, present to or place within the reach of any person confined under authority of the City intoxicating or malt liquors or any tool, implement or other thing calculated to aid in the escape of such person so confined or any other person confined through the authority of the City.

(b) No person shall assist or aid or attempt to assist or aid any person in the custody or confinement of the City to escape or attempt to escape from such custody or place of confinement.

(Code 1972, § 84-4(D)(1), (2))

**Sec. 17-68. Escape.**

No person shall, while detained in any place where prisoners are confined or otherwise kept in custody by the City, escape or attempt to escape or assist others to escape or attempt to escape from such custody or confinement.

(Code 1972, § 84-4(D)(3))

**Sec. 17-69. Violation of court orders.**

(a) It shall be unlawful for any person to violate a valid written order issued by any court of record within the United States of America, including Indian tribal courts, which requires a person to refrain from entering or remaining on certain premises or within any specified area after such person has been personally served with such order or has otherwise acquired from the court actual knowledge of the contents of any such order.

(b) Nothing in this Section shall be construed to alter or diminish the inherent authority of the Municipal Court to enforce its orders through civil or criminal contempt proceedings.

(c) No person charged with violation of an order pursuant to this Section shall be permitted, in the criminal action resulting from such charges, to collaterally attack the validity of the order which such person is accused of violating.

(Ord. No. 113, 2011, 9-20-2011)

**Secs. 17-70—17-80. Reserved.**

**ARTICLE V.  
OFFENSES INVOLVING CHILDREN**

**Sec. 17-81. Abandoned refrigerators and similar items.**

No person shall leave outside of any building or dwelling place or in any uninhabited building or any place accessible to children any chest, closet, piece of furniture, refrigerator, icebox, motor vehicle or other article, having a compartment of a capacity of one and one-half (1½) cubic feet or more and having a door or lid which when closed cannot be opened easily from the inside, or who, being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition.

(Code 1972, § 84-6(C); Ord. No. 69, 1996, 6-4-96; Ord. No. 112, 2011, 9-20-2011)

**Secs. 17-82—17-100. Reserved.**

**ARTICLE VI.  
OFFENSES AGAINST PUBLIC SAFETY**

**Sec. 17-101. Discharging of weapons; permit.**

(a) No person shall discharge, fire or shoot any gun, pistol, crossbow, bow and arrow, slingshot or other firearm or weapon whatsoever, including BB guns or pellet guns, except as otherwise provided in this Section.

(b) The discharge of firearms or weapons by any member of any law enforcement office in the course of such member's law enforcement training exercises or official duty shall not be deemed a violation of Subsection (a) above, and any firing range or training facility operated and maintained by Fort Collins Police Services or the County Sheriff's Office is exempt from the permit requirements specified in Subsection (c) below.

(c) The Police Chief may issue a revocable permit allowing the discharge of firearms or weapons to any person discharging such firearms or weapons at a specific location to test-fire firearms cleaned or repaired at a licensed firearms dealer's business location only in areas of the City zoned for such firearms business use and only those established and operating as such businesses at the specific location prior to October 31, 2006, or to any public or private entity allowing the discharge of such weapons as part of an educational program or class of the City's Recreation Division, any school or university or at an established firing or archery range, provided that:

- (1) The test-firing, program, class or range is conducted in accordance with the terms of any permit granted by the Chief of Police. In addition to the required terms set forth below, the Chief, in his or her sole discretion, may impose any other terms the Chief deems necessary to preserve and protect the public and law enforcement safety and welfare.
- (2) In the case of an applicant for a permit to test-fire weapons hereunder, said applicant shall pay an application fee, submit fingerprints and a photograph, provide a diagram of the location and premises upon which the firearms will be discharged and proof of rightful possession of the proposed location or premises for which the permit is to be issued, provide a complying liability insurance policy, and clear a criminal history background check. A test-fire permit may only be granted for a validly licensed firearms dealer's business location and only in areas of the City zoned for such use and only to those firearms dealer's businesses that were established and operating as such businesses at the same location prior to October 31, 2006. The permit shall specify, and be valid only for, the person named thereon and only at the location and during the times set forth in the permit. The permit shall be prominently posted at the location.
- (3) In the case of an educational program or class conducted by the City's Recreation Division, by any school or university, or at an established firing or archery range, the permit applicant shall submit a diagram of the location or premises on which firearms or weapons will be discharged, provide proof of rightful possession of the proposed location or premises for which the permit is to be issued and provide proof of a complying liability insurance policy. The permit shall specify and be valid only at the location and times set forth therein and must be prominently posted upon the premises.

(4) The application fee for a permit shall be one hundred dollars (\$100.) and the permit fee shall be one hundred dollars (\$100.), both of which must be submitted upon application for a permit. Said fees shall be nonrefundable, except that the permit fee may be refunded if the application is denied. The Chief may waive the fee for governmental entities or agencies.

(5) Any permit issued hereunder is nontransferable.

(d) No person shall violate the terms of any permit granted hereunder. Any violation shall, in addition to criminal penalties, result in the revocation of the permit.  
(Ord. No. 145, 2006, 10-3-06)

**Sec. 17-102. Throwing of missiles.**

No person shall throw any stones, snowballs or other objects or missiles upon or at any vehicle, building or other public or private property or upon or at any person in any public place.  
(Code 1972, § 84-5(B))

**Sec. 17-103. Bodily waste.**

No person shall deposit, or permit to be deposited, on publicly or privately owned property, any human excrement, vomit, spittle or other human bodily waste unless such waste is deposited in a toilet, urinal, or other receptacle designed, intended and made available for such use.  
(Ord. No. 39, 2003, § 2, 3-18-03)

**Secs. 17-104—17-120. Reserved.**

**ARTICLE VII.  
OFFENSES AGAINST PUBLIC PEACE**

**Sec. 17-121. Disturbing the peace.**

No person shall disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive, disorderly or obstreperous conduct and no person shall knowingly permit such conduct upon any premises owned or possessed by that person or under that person's control.  
(Code 1972, § 84-1(A))

**Sec. 17-122. Staying on medians prohibited.**

(a) No person shall stand or be upon a median of any street for longer than is reasonably necessary to cross the street.

(b) For the purposes of this Section, *median* shall mean:

(1) The area of a street, generally in the middle, which separates traffic traveling in one direction from traffic traveling in another direction, or which, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by curbing, landscaping or other physical obstacles to the area's use by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings, or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, which are wider than a double yellow line); or

(2) The area of a street at an intersections between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping or other physical obstacles to the area's use by motor vehicles (also known as a right turn island).

(c) This Section does not apply to medians which are thirty (30) or more feet wide or to persons maintaining or working on the median for the government which owns the underlying right-of-way or for a public utility.  
(Ord. No. 117, 2011, 9-20-11)

**Sec. 17-123. Loitering about schools.**

No person shall, with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, loiter, idle, wander, stroll or play in a school building or on school grounds or within one hundred (100) feet of school grounds, either on foot or in or on any vehicle, when persons under the age of eighteen (18) years are present in the building or on the grounds, when such person has no reason or relationship involving custody of, or responsibility for a pupil or any other specific, legitimate reason for being there, and has been asked to leave by a school administrator or representative or by a peace officer.  
(Code 1972, § 84-1(D))

**Sec. 17-124. Disorderly conduct.**

It is unlawful for any person to intentionally, knowingly or recklessly:

- (1) Make a coarse and obviously offensive utterance, gesture or display in a public place when such utterance, gesture or display tends to incite an immediate breach of the peace; or
  - (2) Fight with another in a public place except in an amateur or professional contest of athletic skill; or
  - (3) Not being a peace officer, display a deadly weapon in a public place in a manner calculated to alarm.
- (Code 1972, § 84-1(F); Ord. No. 66, 1996, 6-4-96; Ord. No. 114, 2011, §1, 9-20-11)

**Sec. 17-125. Use of parking areas.**

Those portions of College Avenue (between Magnolia Street and Maple Street) and Mountain Avenue (between Howes Street and Peterson Street) designated for parking between the curbs of said avenues shall only be used for parking purposes. Any person not remaining inside a vehicle in such parking area shall immediately leave the parking area by the safest direct route. No person shall remain outside a vehicle in such parking area.  
(Code 1972, § 84-1 (G); Ord. No. 68, 1996, 6-4-96)

**Sec. 17-126. Harassment.**

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
- (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact; or
  - (2) In a public place directs obscene language or makes an obscene gesture to or at another person; or
  - (3) Follows a person in or about a public place; or
  - (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, computer, computer network or computer system which is obscene; or
  - (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
  - (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 or challenges another in a manner likely to provoke a violent or disorderly response.

(b) As used in this Section, unless the context otherwise requires, *obscene* means a blatantly 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) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.  
(Ord. No. 78, 1990, § 1, 7-17-90; Ord. No. 70, 1995, § 1, 6-6-95; Ord. No. 114, 2011, § 2, 9-20-11)

### **Sec. 17-127. Panhandling.**

(a) When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this Subsection (a):

- (1) *At-risk person* shall mean a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability. A *person with a disability* shall mean, for purposes of this Paragraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairments. A *substantial physical or mental impairment* shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's ability to function physically or that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.
  - (2) *Knowingly* shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.
  - (3) *Obscene* shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
  - (4) *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.
  - (5) *Panhandle* shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.
- (b) It shall be unlawful for any person to panhandle if such panhandling occurs:
- (1) Any time from one-half (½) hour after sunset to one-half (½) hour before sunrise;
  - (2) In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
  - (3) In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;
  - (4) In a manner that involves the person panhandling knowingly touching or grabbing the person solicited;
  - (5) In a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;
  - (6) In a manner that involves the person panhandling knowingly soliciting an at-risk person;

- (7) On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
  - (8) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
  - (9) On a public bus;
  - (10) In a parking garage, parking lot or other parking facility; or
  - (11) When the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink.
- (Ord. No. 70, 1995, § 2, 6-6-95)

**Sec. 17-128. Obstructing a highway or passageway.**

- (a) No person acting without legal privilege shall:
  - (1) Obstruct a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, hallway or any other place used for the passage of persons, vehicles or conveyances to which the public or a substantial group of the public has access, whether the obstruction arises from that person's acts alone or from that person's acts and the acts of others; or
  - (2) Disobey a reasonable request or order to move issued by one whom the person knows to be a peace officer, a firefighter, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.
- (b) For purposes of this Section, the term *obstruct* shall mean to render impassable or to render passage unreasonably inconvenient or hazardous. The term *unreasonably inconvenient or hazardous* shall include, but not be limited to, sitting or lying within twenty (20) feet of the entrance to any business establishment during the business hours of that establishment, except on a bench, seat or other structure made available for such purpose by the property owner or the City.
- (c) The foregoing prohibition against sitting or lying within twenty (20) feet of the entrance to a business establishment during business hours shall not apply to any person:
  - (1) Who, as a result of a disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;
  - (2) Sitting or lying down due to a medical emergency;
  - (3) Participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted pursuant to a street use or other applicable permit;
  - (4) Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

(Ord. 38, 2003, 3-18-03)

**Sec. 17-129. Unreasonable noise prohibited.**

- (a) 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 or in or upon any vehicle owned or possessed by such person or under such person's control or operation.
- (b) For purposes of this Section, *unreasonable noise* shall mean any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within

the confines of a place of employment. Members of Police Services are empowered to make a prima facie determination as to whether a noise is unreasonable, which determination may be based upon, but need not be limited to, a consideration of the following factors:

- (1) The time of day;
- (2) The size of any gathering of persons creating or contributing to the noise;
- (3) The presence or absence of noise amplification equipment; and
- (4) Any other factors tending to show the magnitude and/or disruptive effect of the noise.

(c) In any prosecution charging a violation of this Section, proof that the owner or tenant of the premises upon which the unreasonable noise occurred was present at the time of the violation shall constitute prima facie evidence that such person was in control of the premises and knowingly permitted the violation to occur.

(d) With regard to the operation of motor vehicles, and without limiting the generality of Subsection (a) above, unreasonable noise shall include, but not be limited to:

- (1) The continuous or repeated sounding of any horn or signal device of a motor vehicle, except as a danger signal. For the purposes of this Subsection, *continuous* shall mean continuing for an unnecessary or unreasonable period of time.
- (2) The operation of any motor vehicle in a manner which causes excessive noise as a result of an unlawful, defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

(Code 1972, § 78-1; Ord. No. 65, 1987, 5-5-87; Ord. No. 67, 1996, 6-4-96; Ord. No. 154, 2001, 11-6-01; Ord. No. 130, 2002, § 6, 9-17-02; Ord. No. 033, 2004, 3-2-04; Ord. No. 071, 2004, § 2, 5-18-04; Ord. No. 105, 2004, 7-20-04; Ord. No. 084, 2008, § 1, 8-19-08)

### **Sec. 17-130. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

*Cost of abatement* shall mean the costs incurred by the City or the Poudre Fire Authority to respond to and/or abate the nuisance gathering defined in § 17-131. Such costs of abatement may include, without limitation, the cost of paying police officers or any other City or Poudre Fire Authority employees; any equipment expense incurred by the City or the Poudre Fire Authority; any appropriate overhead; the cost of any medical treatment to injured police officers or other personnel dispatched to the scene of the nuisance; any loss or damage incurred by any City department or the Poudre Fire Authority; and the cost of repairing any damaged equipment or property. If the responsible person cleans up any trash and litter from the social gathering on any public or private property within twelve (12) hours of contact by police, the cost of abatement will not include any City clean-up costs.

*Offending property owner* shall mean the record owner of the property where the social gathering or party which has been determined to be a nuisance gathering under § 17-131 took place.

*Responsible person* shall mean any person convicted of a violation of Subsection 17-132(a). If such a person is under the age of eighteen (18) years, the term *responsible person* includes, in addition, the person's parent or guardian.

*Social gathering* shall mean a party, gathering or event of five (5) or more persons who have assembled or are assembling for a social activity or for a special occasion.  
(Ord. No. 19, 2005, § 2, 3-1-05; Ord. No. 084, 2008, § 2, 8-19-08)

**Sec. 17-131. Nuisance gatherings.**

A social gathering or party which is conducted on residential premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of any one (1) or more of the following conditions or events on neighboring public or private property: rioting; the unlawful carrying or possessing of an open container of alcohol or fermented malt beverage in public; public urination or defecation; the unlawful sale, furnishing, possession or consumption of alcohol or fermented malt beverages; the deposit of trash or litter; the destruction of property; the generation of pedestrian or vehicular traffic, standing or parking which obstructs the flow of traffic or interferes with the ability to render emergency services; excessive, unnecessary or unreasonable noise which disturbs the comfort, quiet or repose of the neighborhood, including public disturbances, brawls, fights or quarrels; or conduct or condition which injures or endangers the safety or health of the neighborhood, or results in any indecent or obscene conduct, or results in any indecent exposure by persons attending the social gathering or party, is hereby declared to be unlawful. (Ord. No. 19, 2005, § 3, 3-1-05; Ord. No. 084, 2008, § 2, 8-19-08)

**Sec. 17-132. Prohibited; penalty.**

(a) Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any premises who either sponsors, conducts or hosts a social gathering or party and knowingly permits such social gathering or party to become a nuisance gathering as defined by § 17-131 is hereby deemed to have committed a misdemeanor and, upon conviction, shall be subject to the penalties as provided by § 1-15 of this Code, and may further be ordered, as a condition of any sentence, to pay the costs of abatement pursuant to § 17-133. In any prosecution for a violation of this Section, proof that the owner or tenant of the premises upon which the nuisance party occurred was present at the time of the violation shall constitute prima facie evidence that such person was in control of the premises and sponsored, conducted or hosted the social gathering or party and knowingly permitted the violation to occur.

(b) All participants in any party or social gathering declared to be a nuisance gathering by a police officer shall cease participating and immediately disperse upon order of a police officer, and all persons not domiciled at the site of such social gathering or party shall leave the property immediately. Any person failing or refusing to obey and abide by such order commits a misdemeanor criminal offense, and any person convicted of a violation of this Section shall be subject to the penalties provided by § 1-15 of this Code.

(c) Proof that a person convicted of a violation of this Section had attempted to disperse the participants at the social gathering or party, together with written verification that such person had initiated contact with Fort Collins Police Services or Colorado State University Police Department for assistance, shall be a mitigating factor in determining an appropriate penalty and apportionment of the cost of abatement. (Ord. No. 19, 2005, § 4, 3-1-05; Ord. No. 084, 2008, § 2, 8-19-08)

**Sec. 17-133. Payment of costs of abatement; assessment; appeal.**

(a) The cost of abating a nuisance gathering defined by § 17-131 shall be assessed against the responsible person(s) according to such apportionment as the Municipal Judge may deem appropriate. Any unpaid costs assessed against an offending property owner shall be a lien upon the property until such assessment is paid.

(b) The City Manager shall cause the Financial Officer to bill the responsible persons for the cost of abatement, which bill shall include the name and address of the responsible persons, the date and time of the incident and the expenses incurred by specific City departments in responding to or abating the nuisance gathering.

(c) Any responsible person who wishes to dispute the determination that he or she is liable for the cost of abatement may do so by submitting a request to the City Manager for an administrative review hearing in writing no more than ten (10) days after the assessment of the cost of abatement. The City and the responsible person disputing the fee shall be given notice of the hearing and an opportunity to be heard.

(d) If any such assessment against an offending property owner is not paid within thirty (30) days after billed by the Financial Officer to the owner by deposit in the United States mail addressed to the owner of record at the address

as shown on the tax rolls or such other, more recent address as may be available to the City, and any agents, representatives or other responsible persons as may be known, or after administrative review, the Financial Officer is authorized to certify to the County Treasurer the delinquent assessment, giving the name of the owner as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification is to be the same in substance and in form as required for the certification of other taxes. The County Treasurer, upon receipt of such certification, is authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected, together with any charges as may by law be made by the County Treasurer and all laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes, and the redemption thereof shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the Financial Officer may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law. (Ord. No. 19, 2005, § 5, 3-1-05; Ord. No. 084, 2008, § 2, 8-19-08)

**Sec. 17-134. Other remedies.**

Nothing in this Article shall be construed as affecting the ability of the City to initiate or continue concurrent or subsequent criminal prosecution or civil proceeding for any violation of the provisions of the City Code or state law arising out of the circumstances necessitating the application of this Article. (Ord. No. 19, 2005, § 6, 3-1-05; Ord. No. 084, 2008, § 2, 8-19-08)

**Sec. 17-135. Definitions.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Subsection:

*Broad tipped marker pen* shall mean a felt-tip marker, or similar implement containing a fluid which is not water soluble, with a tip that exceeds one-quarter (1/4) inch in width.

*Glass etching tool or instrument* shall mean any device or product used for engraving or creating a frosted effect on any surface or delivering a solution to any surface in order to create an image, or any container of such solution, including, but not limited to, glass etching creams or solutions.

*Paint pen* shall mean a tube, marker or other pen-like instrument with a tip of one-quarter (1/4) inch in diameter or less that contains paint or a similar fluid and an internal paint agitator.

*Prohibited graffiti material* shall mean any can of spray paint, spray paint nozzle, broad tipped marker pen, paint pen, glass cutting tool, or glass etching tool or instrument.

*Spray paint* shall mean any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

*Spray paint nozzle* shall mean a nozzle designed to deliver a spray of paint of a particular width or flow from a can of spray paint. (Ord. No. 115, 2011, 9-20-11)

**Sec. 17-136. Possession of graffiti materials by minors prohibited.**

(a) It shall be unlawful for any minor, except a minor under the direct supervision of the minor's parent, legal guardian, school teacher or a law enforcement officer in the performance of duty, to purchase, procure or possess, or attempt to purchase, procure or possess, any prohibited graffiti material.

(b) It shall be an affirmative defense to charges under this Section that the minor possessing the material was:

- (1) within his or her home;
- (2) at his or her place of employment; or

(3) upon real property with permission from the owner, occupant or person having lawful control of such property, to possess such materials.  
(Ord. No. 115, 2011, 9-20-11)

**Sec. 17-137. Possession of graffiti materials prohibited.**

(a) It shall be unlawful for any person to possess graffiti materials.

(b) A person possesses graffiti materials when he or she possesses any paint, marking pen, materials, instrument or other article adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing or destroying public or private property and intends to use the thing possessed in the commission of such offense, or knows that some other person intends to use the thing possessed in the commission of such an offense.

(c) *Defacing* as used in Subsection (b) above shall include, but not be limited to, the writing, painting, inscribing, drawing, scratching or scribbling upon any wall or surface owned, operated or maintained by any person or the City unless the City or the property owner grants written permission for such writing, painting, inscribing, drawing, scratching or scribbling.  
(Ord. No. 115, 2011, 9-20-11)

**Secs. 17-138—17-140. Reserved.**

**ARTICLE VIII.  
OFFENSES AGAINST DECENCY**

**Sec. 17-141. Carrying or drinking liquor or fermented malt beverages in certain places.**

(a) No person shall carry or have any opened container of liquor or fermented malt beverage on any street, sidewalk, alley or other public place, in any automobile or on the grounds or in the facilities of any public or private school, college or university except where authorized by the governing authority of such institution.

(b) No person shall drink any liquor or fermented malt beverages in or on any of the above enumerated places.

(c) The foregoing prohibitions shall not apply to any place duly licensed for the sale of liquor or fermented malt beverages.

(d) As used in this Section, the phrase *opened container* shall mean any container other than the original, closed container as sealed or closed for sale to the public by the manufacturer or the bottler of the liquor, vinous liquor or fermented malt beverage. If an original container has been unsealed, undone or opened in any manner, it shall be considered an *opened container* for purposes of this Section, except, with regard to vinous liquors only, where the container has been opened and resealed in compliance with Section 12-47-411(3.5), C.R.S., and such resealed container remains sealed and is not present in the front driver or passenger compartment of an automobile. Also, if any liquor or fermented malt beverage has been transferred from its original container into another container, whether that other container is closed or sealed in any way, the container into which the liquor or fermented malt beverage has been transferred shall be deemed to be an *opened container* under this definition.

(Code 1972, § 84-2(A); Ord. No. 75, 1995, 6-20-95; Ord. No. 110, 2004, 7-20-04)

**Cross-reference**—Alcoholic beverages, Ch. 3.

**Sec. 17-142. Public indecency.**

No person shall knowingly appear in any public place in a nude state or state of undress such that the genitals or buttocks of either sex or the breast or breasts of a female are exposed.

(Code 1972, § 84-2(C); Ord. No. 114, 2011, § 3, 9-20-11)

**Sec. 17-143. Window peeping.**

No person shall be upon any property owned or occupied by another for the purpose of looking or peeping into any window, door, skylight or other opening in any house, room or other building occupied as a residence or loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupant of such house or other building or place occupied as a residence.

(Code 1972, § 84-2(F); Ord. No. 70, 1996, 6-4-96)

**Sec. 17-144. Reserved.**

**Editor's note**—§ 17-144, prohibiting urinating in public, derived from Code 1972 § 84-2(G), was repealed by Ord. No. 39, 2003, adopted 3-18-03.

**Sec. 17-145. Definitions; promoting certain materials or performances prohibited.**

(a) The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection:

*Adult* shall mean a person who has reached the eighteenth birthday.

*Commercial purposes* shall mean any purposes connected with the commercial sale of a product or type of product, the commercial offering of a service or the commercial exhibition of any form of entertainment.

*Displays publicly* shall mean the exposure, placement, posting, exhibition or display, in any fashion, of an item, in any location, public or private, in such a manner that it may readily be seen and its contents or character distinguished by normal unaided vision from a public thoroughfare, the property of another or a vehicle on a public thoroughfare.

*Hard-core sexual conduct* shall mean patently offensive acts, exhibitions, representations, depictions or descriptions of:

- (1) Intrusion, however slight, actual or simulated, by any object, any part of an animal's body or any part of a person's body into the genital or anal openings of any person's body; or
- (2) Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory functions, actual or simulated.

*Live sexual performance* shall mean any live performance by one (1) or more persons or a person and an animal, which:

- (1) Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards.
- (2) Presents or shows hard-core sexual conduct.
- (3) Taken as a whole, lacks serious literary, artistic, political or scientific value.

*Material* shall mean any physical object, facsimile, recording, transcription, pictorial representation, motion picture or reproduction, whether mechanical, electrical or chemical, which is used as a means of communicating sensation or emotion to human beings to or through the visual, aural or tactile senses, but does not include the printed or written word.

*Minor* shall mean a person who has not reached the eighteenth birthday.

*Obscene material* shall mean that material, as defined in this Section, which:

- (1) Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards.
- (2) Depicts or describes hard-core sexual conduct.

- (3) Taken as a whole, lacks serious literary, artistic, political or scientific value.

*Obscene performance* shall mean:

- (1) That performance, as defined in this Subsection, which:
  - a. Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards.
  - b. Presents or shows hard-core sexual conduct.
  - c. Taken as a whole, lacks serious literary, artistic, political or scientific value.
- (2) Includes a live sexual performance, as defined in this Subsection.

*Owner* includes any person who has a financial interest in an activity or thing entitling him or her to participate in the promotion, management or proceeds of the activity or thing. It does not include a person whose connection with the activity or thing entitles that person only to reasonable salary or wages for services actually rendered.

*Performance* shall mean a presentation or exhibition, whether live or recorded, in a public place or place open to the public.

*Promote* shall mean to produce, direct, perform in, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit or advertise, whether or not for consideration, or to offer or agree to do any of these things, whether or not for consideration.

*Sadomasochistic material* or *sadomasochistic performance* shall mean that material, as defined in this Subsection, or performance, as defined in this Subsection, which:

- (1) Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards.
- (2) Depicts, presents, shows or describes flagellation, mutilation or torture, actual or simulated, in a sexual context.
- (3) Taken as a whole, lacks serious literary, artistic, political or scientific value.
- (b) Promoting certain materials or performances prohibited.

- (1) *Promoting sadomasochistic material or a sadomasochistic performance.* No person shall promote sadomasochistic material or a sadomasochistic performance to any person. A person violates this Subsection if that person knowingly:

- a. Promotes, or possesses with intent to promote, any sadomasochistic material to any person; or
- b. As owner, producer, director, manager or performer, promotes any sadomasochistic performance to any person.

- (2) *Promoting obscenity to a minor.* No person shall promote obscenity to a minor. A person violates this Subsection if that person knowingly:

- a. Promotes, or possesses with intent to promote, any obscene material to a minor; or
- b. As owner, producer, director, manager or performer, promotes any obscene performance to a minor.

- (3) *Publicly displaying obscene material.* No person shall publicly display obscene material. A person violates this Subsection if that person knowingly:

- a. Displays publicly, or causes to be displayed publicly, obscene material; or
- b. Permits any public display of obscene material on premises owned, rented or operated by that person.

(Code 1972, § 84-2(H)—(K); Ord. No. 70, 1996, 6-4-96)

**Secs. 17-146—17-160. Reserved.**

**ARTICLE IX.**  
**OFFENSES INVOLVING SUBSTANCE ABUSE**

**Sec. 17-161. Definition.**

For the purposes of this Article, the following phrase shall have the meaning indicated:

*Substances releasing toxic vapors* shall mean plastic (styrene) cements containing toluene, acetone, benzene, aliphatic acetates (such as ethyl acetate and methyl Cellosolve acetate), hexane or cyclohexane; model cements containing acetone, toluene or naphtha of petroleum origin; household cements containing toluene, acetone, isopropanol, methyl ethyl ketone or methyl isobutyl ketone; fingernail polish removers containing acetone, aliphatic acetates, benzene or alcohol; lacquer thinners containing toluene, aliphatic acetates, or methyl, ethyl or propyl alcohol; lighter fluids or cleaning fluids containing naphtha of petroleum origin, perchlorethylene, trichlorethane or carbon tetrachloride.

(Code 1972, § 84-14)

**Sec. 17-162. Use or possession as narcotic prohibited.**

No person shall intentionally smell or inhale the fumes of any substance releasing toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses or nervous system, nor possess, buy or use any such substance for the purpose of violating or aiding another to violate this Section.

(Code 1972, § 84-15)

**Sec. 17-163. Sale of substances regulated.**

No person shall sell, give or furnish any substance releasing toxic vapors to any person under the age of eighteen (18) years without the personal or written consent of a parent or guardian of such minor. However, this Section shall not prohibit the sale of one (1) tube of glue simultaneously with or as a part of the sale, purchase or delivery of a hobby or model kit or the sale of one (1) bottle of lacquer thinner simultaneously with or as a part of the sale, purchase or delivery of model or hobby paints.

(Code 1972, § 84-16)

**Sec. 17-164. Sales restricted to bona fide commercial establishments.**

No person, except a person who is at the time of such sale actually employed by or engaged in operating a bona fide commercial establishment at a fixed location, shall sell to any other person any substance releasing toxic vapors.

(Code 1972, § 84-17)

**Sec. 17-165. Sale for prohibited purposes unlawful.**

No person shall knowingly sell or offer for sale, deliver or give away to any other person any substance 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 or nervous system.

(Code 1972, § 84-18)

**Sec. 17-166. Exceptions to provisions of this Article.**

This Article shall not apply to the inhalation of anesthesia for medical or dental purposes.

(Code 1972, § 84-19)

**Secs. 17-167—17-180. Reserved.**

**ARTICLE X.**  
**OFFENSES INVOLVING CAMPING**

**Sec. 17-181. Camping on public property restricted.**

It shall be unlawful for any person to camp or pitch a tent, or knowingly permit any person to camp or pitch a tent, on public property within the City. *Camping*, for the purposes of this Section, shall mean to sleep, spend the night, reside or dwell temporarily with or without bedding or other camping gear and with or without shelter, or to conduct activities of daily living such as eating or sleeping, in such place unless such person is camping in compliance with Chapter 23 in a natural or recreation area. *Camping* shall not include incidental napping or picnicking.  
(Code 1972, § 60-22; Ord. No. 28, 1999, § 2, 3-2-99; Ord. No. 199, 2006 § 1, 1-16-07)

**Cross-reference**—Police Services, § 2-504, et seq.

**Sec. 17-182. Camping on private property restricted; exceptions.**

(a) It is unlawful for any person to camp or to knowingly permit any person to camp, as defined in § 17-181, on private property within the City, except on the premises of a residential dwelling with the permission of the property owner. Any such camping must be temporary in nature and must not exceed a period of seven (7) consecutive days or a total of fourteen (14) days in a calendar year; provided, however, that an extension of these time limits may be granted by the Director of Neighborhood and Building Services or his or her designee upon written application of a person claiming extraordinary circumstances or undue hardship. The Director's decision whether to grant an extension shall be based upon all attendant circumstances, including, without limitation, any objections posed by occupants of premises located on the same block face of the applicant. In no event shall an extension exceed seven (7) additional consecutive days or fourteen (14) additional days in a calendar year.

(b) It is unlawful for any person to occupy any motor vehicle, recreational vehicle or trailer or knowingly permit any person to occupy any motor vehicle or recreational vehicle or trailer, as defined in § 20-104 of the Code, on private property for living or sleeping purposes unless:

- (1) such vehicle or trailer is located in a manufactured home park or RV park or campground where vehicle spaces are provided and where such occupancy does not violate any other City, state or federal regulation; or
- (2) such vehicle or trailer is located on the premises of a residential dwelling in compliance with § 20-105 and the occupancy thereof is with the permission of the property owner and does not exceed seven (7) consecutive days or a total of fourteen (14) days in a calendar year.

(Code 1972, § 60-23; Ord. No. 28, 1999, § 4, 3-2-99; Ord. No. 199, 2006 § 1, 1-16-07)