

## CHAPTER 10

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## ARTICLE I

### Offenses and Miscellaneous Provisions

#### **Sec. 10-1. Definitions generally.**

The terms used in this Chapter shall be defined in the Colorado Criminal Code, or if not defined in said code, as used in their ordinary, usual and accepted sense and meaning. In this Chapter, *public place* shall be taken to include any place commonly or usually open to the general public, or accessible to members of the general public, whether it is privately or publicly owned. By way of illustration, *public places* include, but are not limited to, public ways, streets, buildings, sidewalks, alleys, parking lots, shopping centers, shopping center malls, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places; but shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments. (Ord. 96-O-4 §1, 1996)

#### **Sec. 10-2. Legislative intent.**

It is the intent and purpose of this Chapter not to cover and include those offenses which are felonies under state statute, and this Chapter shall be so construed, notwithstanding any language contained in the Chapter which might otherwise be construed to the contrary. (Ord. 96-O-4 §1, 1996)

#### **Sec. 10-3. Affirmative defenses.**

The affirmative defenses available in Sections 18-1-701 to 18-1-710 and 18-2-101, C.R.S., shall be available as affirmative defenses to prosecutions in the Municipal Court under those provisions covered by this Chapter. (Ord. 96-O-4 §1, 1996)

#### **Sec. 10-4. Penalty.**

Failure to comply with the terms of this Chapter shall constitute a criminal violation. Any person who is found guilty of, or pleads nolo contendere to the violation of, a criminal violation shall be subject to the criminal penalties set forth in Section 1-72 of this Code. (Ord. 96-O-4 §1, 1996; Ord. 97-O-1 §1, 1997)

#### **Sec. 10-5. Parental responsibility for acts of minor children.**

(a) It is hereby made the duty of parents, guardians or persons having the charge, custody or control of minor children to actively prevent all minor children law-fully under their direction, control or custody from violating any section of this Chapter.

(b) Any parent, guardian or person issued a citation under Section 10-142 shall not be issued a citation under this Section for the same offense. (Ord. 96-O-4 §1, 1996)

#### **Sec. 10-6. Attempts; aiding, abetting or advising.**

(a) It is unlawful for any person to knowingly engage in conduct constituting a substantial step toward the commission of an offense which would constitute a violation of any section of this

Chapter. A substantial step is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

(b) It is unlawful for any person to knowingly aid another in a commission of an offense which would constitute a violation of this Chapter. A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the person aids, abets or advises the other person in planning or committing the offense, even if the other person is not guilty of committing or attempting the offense. (Ord. 96-O-4 §1, 1996)

**Sec. 10-7. Accessory to crime.**

It is unlawful for any person to knowingly hinder, delay or prevent the discovery, detention, apprehension, prosecution, conviction or punishment of another for the commission of a violation of any section of this Chapter by:

- (1) Harboring or concealing the other;
- (2) Warning such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law;
- (3) Providing such person with money, transportation, weapon, disguise or other thing to be used in avoiding discovery or apprehension;
- (4) Force, intimidation or deception, obstructing anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such person; or
- (5) Concealing, destroying or altering any physical evidence that might aid in discovery, detection, apprehension, prosecution, conviction or punishment of such person. (Ord. 96-O-4 §1, 1996)

**Secs. 10-8—10-20. Reserved.**

**ARTICLE II**

**Property**

**Sec. 10-21. Trespass.**

It is unlawful for any person without legal privilege to enter or to remain upon the premises of another or to fail or refuse to remove himself or herself from such premises when requested to leave by the owner, occupant or person having lawful control thereof. (Ord. 96-O-4 §1, 1996)

**Sec. 10-22. Obstructing streets and sidewalks.**

It is unlawful for any person to intentionally, knowingly, negligently or recklessly place in any doorway or driveway not owned by him or her or under his or her lawful control or on any sidewalk,

public highway, street or alley in the Town, any object which causes or tends to cause the obstruction of such doorway or driveway or public sidewalk, street or alley or of any part thereof. (Ord. 96-O-4 §1, 1996; Ord. 99-O-2 §1, 1999; Ord. O-12 §19, 2000)

**Sec. 10-23. Parking on private premises.**

It is unlawful for any person to park or stand a vehicle, whether or not such vehicle is occupied, unless temporarily for the purpose of and while actually engaged in loading or unloading the vehicle, in a private driveway or on private property without the express or implied consent of the owner or person in lawful control of such driveway or property. (Ord. 96-O-4 §1, 1996)

**Sec. 10-24. Operation of business or sale of property on public property.**

It is unlawful for any person without a permit therefor to park or stand a vehicle, cart, tent or other structure, whether or not occupied, on any public property, park, open space, recreation area, street, sidewalk or other public way, (1) which vehicle or structure is used for the operation of any business, or (2) which vehicle or structure is placed in order to sell or lease the vehicle or structure. It shall be an affirmative defense to a violation of this Section that the person was:

(1) Under the age of sixteen (16) and operating a refreshment stand; or

(2) Operating a mobile food vending business, approved by the Health Department or other applicable agency, that does not park in one (1) location for more than fifteen (15) minutes. (Ord. 99-O-2 §2, 1998)

**Sec. 10-25. Leaflets on vehicles prohibited.**

It is unlawful to place any handbill, placard, leaflet, literature or any painted or printed matter upon any public or private vehicle parked in any public or private parking lot or street right-of-way. (Ord. O-15 §1, 2001)

**Sec. 10-26. Parking of unlicensed or inoperable vehicles on public streets, alleys and rights-of-way.**

(a) It is unlawful to park on any public street, alley or right-of-way within the Town any motor vehicle that is inoperable or not properly licensed and registered.

(b) For purposes of this Section, a vehicle shall be deemed inoperable if any of the following circumstances exist.

(1) The vehicle does not display current, valid license plates.

(2) The vehicle lacks any part necessary for legal operation on a public street.

(3) The vehicle lacks glazing, lights or indicators, or body sheet metal on any part of the vehicle. (Ord. O-7 §1, 2006)

**Sec. 10-27. Parking of detached trailers on public streets, alleys and rights-of-way.**

(a) It is unlawful to continuously park for more than seven (7) days on any public street, alley or right-of-way within the Town any trailer, semi-trailer or utility trailer that is not attached to an operable and properly licensed and registered motor vehicle, regardless of whether such trailer, semi-trailer or utility trailer is properly licensed or registered. Trailers, semi-trailers or utility trailers that are moved from a parking spot and then reparked on the same street block within twenty-four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this Section. *Street block* means both sides of the street where the vehicle was parked between two (2) intersecting streets or an intersecting street and a dead end. The total number of days a trailer, semi-trailer or utility trailer may be parked on a public street shall not exceed fourteen (14) days per month.

(b) Permitted construction activity exception. The prohibition set forth in Subsection (a) above shall not apply if the trailer, semi-trailer or utility trailer is parked on a public street, alley or right-of-way for the purpose of construction activity occurring on the immediately adjacent property, provided that all the required permits and approvals for the construction activity have been issued by the Town and all other necessary authorities. (Ord. O-5 §1, 2006)

**Secs. 10-28—10-40. Reserved.**

**ARTICLE III**

**Damage or Destruction**

**Sec. 10-41. Public property generally.**

(a) It is unlawful for any person to intentionally, knowingly, recklessly or negligently destroy public real property or improvements thereto, or movable or personal public property which the Town or any other public agency owns or maintains.

(b) It is unlawful for any unauthorized person to intentionally, knowingly, recklessly, negligently or willfully remove, deface, injure, damage or destroy any street sign or traffic control or warning sign or device erected or placed in or adjacent to any street.

(c) It is unlawful for any vehicles equipped with treads or lug wheels which are injurious to pavement to be operated or caused to be operated by any person upon public streets unless the operator of such vehicle first planks and protects such streets from damage. Nothing in this Section shall be construed to prohibit the use of studded snow tires.

(d) This Section shall not apply when the aggregate value of the property damaged in any one (1) criminal episode is valued at one thousand dollars (\$1,000.00) or more. (Ord. 96-O-4 §1, 1996; Ord. O-15 §2, 2001; Ord. O-11 §1, 2007)

**Sec. 10-42. Criminal mischief.**

(a) It is unlawful for any person to intentionally, knowingly, recklessly or negligently injure, damage or destroy the real or personal property of another; provided that this Section shall not apply to any person showing a legal right or authority to injure, damage or destroy such property.

(b) This Section shall not apply when the damage is effected by means of fire or explosives or with the intent to defraud.

(c) This Section shall not apply when the aggregate value of the property damaged in any one (1) criminal episode is valued at one thousand dollars (\$1,000.00) or more. (Ord. 96-O-4 §1, 1996; Ord. O-15 §3, 2001; Ord. O-11 §2, 2007)

**Sec. 10-43. Posters.**

It is unlawful for any person intentionally, knowingly, recklessly or negligently to tear down, deface or cover up any lawfully posted advertisement or bill of any person; provided that this Section shall not apply to any person having the lawful right to tear down, deface or cover up any such advertisement or bill. (Ord. 96-O-4 §1, 1996)

**Secs. 10-44—10-60. Reserved.**

**ARTICLE IV**

**Theft and Related Offenses**

**Sec. 10-61. Theft generally.**

(a) It is unlawful for any person knowingly to obtain or exercise possession of or control over anything of value of another without authorization, or by threat or deception, and if such person:

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

(b) This Section shall not apply when the aggregate value of the item taken in any one (1) criminal episode is valued at one thousand dollars (\$1,000.00) or more, nor where the item taken is a motor vehicle, trade secret or credit device. (Ord. 96-O-4 §1, 1996; Ord. O-10 §1, 2000; Ord. O-11 §3, 2007)

**Sec. 10-62. Bad checks.**

(a) It is unlawful for any person, knowing he or she has insufficient funds with the drawee, and with intent to defraud, to issue a check for a sum less than one thousand dollars (\$1,000.00) for the payment of services, wages, salary, commission, labor, rent, money, property or other thing of value.

(b) As used in this Section:

*Check* means a written, unconditional order to pay a sum certain in money, drawn on a bank or other financial institution, payable on demand and signed by the drawer, and also includes a negotiable order of withdrawal and a share draft.

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

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

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

*Issue* means making, drawing, delivering or passing a check or causing it to be made, drawn, delivered or passed.

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

*Negotiable order of withdrawal account* means an account in a bank, savings and loan association or industrial bank.

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

(c) Any person having acquired rights with respect to a check which is not paid because the drawer has insufficient funds shall have standing to file a complaint under this Section, whether or not he or she is the payee, holder or bearer of the check.

(d) It is unlawful for any person to open a checking account, negotiable order of withdrawal account or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks.

(e) If deferred prosecution is ordered for a violation of this Section, the Court, as a condition of supervision, may require the defendant to make restitution on all checks issued by the defendant which are unpaid as of the date of commencement of the supervision in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

(f) A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to a peace officer or authorized investigator for the law enforcement agency investigating or prosecuting a charge under this Section.

(g) This Section does not relieve the prosecution from the necessity of establishing the required culpable mental state. However, for purposes of this Section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order, if:

(1) He or she has no account upon which the check or order is drawn with the bank or other drawee at the time he or she issues the check or order; or

(2) He or she has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue. (Ord. 96-O-4 §1, 1996; Ord. O-10 §2, 2000; Ord. O-11 §8, 2007)

#### **Sec. 10-63. Theft of rental property.**

It is unlawful for any person knowingly to obtain or exercise temporary or permanent control over the personal property of another, which is available only for hire, by means of threat or deception, or knowing that such use is without consent of the person providing the personal property or having obtained possession for temporary use of the personal property of another which is available only for hire, or by means of knowingly failing to reveal the whereabouts of or to return said property to the owner thereof or his or her representatives or to the person from whom he or she received it within seventy-two (72) hours after the time at which he or she agreed to return it. This Section shall not apply where the aggregate value of the items taken in any one (1) criminal episode is valued at one thousand dollars (\$1,000.00) or more. (Ord. 96-O-4 §1, 1996; Ord. O-10 §3, 2000; Ord. O-11 §4, 2007)

#### **Sec. 10-64. Joyriding.**

It is unlawful for any person knowingly to obtain or exercise control over the motor vehicle of another without authorization or by threat or deception for the purpose of temporarily depriving that person of possession or control of the motor vehicle. (Ord. 96-O-4 §1, 1996)

#### **Sec. 10-65. Shoplifting.**

(a) It is unlawful for any person to knowingly obtain or exercise control over any goods, wares or merchandise having a total value of less than one thousand dollars (\$1,000.00), held for sale by a

store or mercantile establishment with the intention of depriving the store permanently of the use or benefit of such goods, wares or merchandise.

(b) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his or her person or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of shoplifting. (Ord. 96-O-4 §1, 1996; Ord. O-10 §4, 2000; Ord. O-11 §5, 2007)

**Sec. 10-66. Price switching.**

It is unlawful for any person willfully to alter, remove or switch the indicated price of any unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment; provided, however, that this Section shall not apply to goods, wares or merchandise valuing one thousand dollars (\$1,000.00) or more. (Ord. 96-O-4 §1, 1996; Ord. O-10 §5, 2000; Ord. O-11 §6, 2007)

**Sec. 10-67. Theft by receiving.**

It is unlawful for any person knowingly to receive, retain or loan money by pawn or pledge on, or dispose of anything having a value of less than one thousand dollars (\$1,000.00), belonging to another, knowing or believing that said thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value. (Ord. 96-O-4 §1, 1996; Ord. O-10 §6, 2000; Ord. O-11 §7, 2007)

**Sec. 10-68. Questioning of person suspected of theft without liability.**

If any person conceals upon his or her person or otherwise carries away any unpurchased goods, wares or merchandise held or owned by any mercantile establishment, the merchant or any employee thereof or the police officers, acting in good faith and upon probable cause based upon reasonable grounds therefor, may detain and question such person in a reasonable manner for the purpose of ascertaining whether the person is guilty of theft. Such questioning of a person by a merchant, merchant's employee or the police officer does not render the merchant, merchant's employee or the police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution or unlawful detention. (Ord. 96-O-4 §1, 1996)

**Secs. 10-69—10-80. Reserved.**

**ARTICLE V**

**Public Health and Safety**

**Sec. 10-81. Abandoned iceboxes and containers.**

(a) It is unlawful for any person to discard, abandon or leave in any place accessible to children any refrigerator, icebox, deep-freeze locker, stove, oven, trunk or any self-latching container having a capacity of one and one-half (1½) cubic feet or more, which is no longer in use, and which has not

had the door removed or the hinges and such portion of the latch mechanism removed so as to prevent latching or locking of the door; or for any owner, lessee or manager knowingly to permit such a refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container to remain on premises under his or her control without having the door removed or the hinges and such portion of the latch mechanism removed so as to prevent latching or locking of the door.

(b) The provisions of this Section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, trunks or self-latching containers, who keeps or stores them for sale purposes in a showroom or saleroom ordinarily watched or attended by sales personnel during business hours and locked to prevent entry when not open for business; or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, trunk or self-latching container so as to prevent entrance by children small enough to fit therein. (Ord. 96-O-4 §1, 1996)

**Sec. 10-82. Storage of flammable liquids in vehicles.**

It is unlawful to store or cause to be stored or parked, except for unloading, any vehicle used for the purpose of storing of flammable liquids, gases, explosives or toxicants, upon any streets, ways or avenues of the Town or any other part of the Town, except those areas zoned for such uses. (Ord. 96-O-4 §1, 1996)

**Sec. 10-83. Storage of construction materials.**

No person shall keep or store any construction materials unless such materials are covered or secured or in some manner protected so as to prevent such materials from being blown, scattered about or otherwise moved by wind, water or other natural causes. (Ord. 96-O-4 §1, 1996)

**Sec. 10-84. Storage of explosives.**

It is unlawful for any person to store within the Town limits or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosive in excess of one (1) fifty-pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives. (Ord. 96-O-4 §1, 1996)

**Sec. 10-85. Contamination of water.**

It is unlawful for any person to throw or deposit or cause or permit to be thrown or deposited in any stream, storm or sanitary sewer, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near thereto as to be liable to pollute the water thereof, any offal composed of animal or vegetable substance or both, any dead animal, sewage, excrement or garbage, trash or debris, any water, fuel, oil or other petroleum-based product, paint, chemical, whether liquid or solid, scrap construction material or any other materials that may cause the water to become contaminated. (Ord. 96-O-4 §1, 1996)

**Sec. 10-86. Poisonous substances.**

(a) It is unlawful for any person to put out, spread or distribute poison or any poisonous substance or material of any kind or nature whatsoever, for any purpose whatsoever, at any place or

places outside of an occupied building within the Town, except as hereinafter provided in this Section.

(b) A permit is not required to poison insects or destructive animals such as wasps, grasshoppers, Norway rats or common house mice. A permit is required for all other domestic or wild animals, including but not limited to prairie dogs, rattlesnakes, birds, wild animals and wild birds.

(c) Upon application made in writing and signed by the applicant setting out the reason for such application and the purpose thereof, the Town Manager may grant to any person who is the owner, lessee or tenant of property in the Town a permit to put out, spread or distribute poison on such property of which he or she is the owner, tenant or lessee, for such purposes as may be necessary, under the following conditions:

(1) The poison is applied in compliance with applicable local, state and federal laws;

(2) The application of the poison shall not be contrary to any policy or program of the Town;

(3) The poison is applied in such a way that it is not attractive to domestic or wild animals and application of the poison will not harm any domestic or wild animals other than those for which the poison is intended;

(4) The poison is not attractive to humans; and

(5) The poisoning is to appropriately eliminate animals that are destructive of private or public property or a danger to humans or other animals.

(d) Such permit shall state the name of the person to whom granted, the purpose of the same, the reason given for the necessity of the same, the description of the premises covered by the permit, the kind and nature of the poison to be spread and the manner of spreading and distributing the same, which shall be in compliance with applicable state and federal laws, rules and regulations, together with the period of the permit in which to do so.

(e) The applicant may appeal denial by the Town Manager of any permit to the Board of Trustees. Such appeal shall include a description of the grounds upon which the applicant believes the denial does not comply with the terms of this Section.

(f) This Section shall not apply to any person, business or other entity regulated by the Colorado Department of Agriculture under the Pesticide Applicator's Act, §§ 35-10-101—35-10-128, C.R.S., and engaged in activities regulated by that Act. (Ord. 96-O-4 §1, 1996; Ord. O-15 §1, 2002; Ord. O-5 §1, 2003)

#### **Sec. 10-87. Cruelty to animals.**

(a) It is unlawful for any person to shoot, capture, harass, injure or destroy any animal or attempt to shoot, capture, harass, injure or destroy any animal anywhere within the Town.

(b) No person shall willfully destroy, rob or disturb the nest, nesting place, burrow, eggs or young of any wild bird or wild animal anywhere within this Town.

(c) *Wild bird* includes all undomesticated birds native to North America and undomesticated game birds implanted in North America by governmental agencies and any domestic duck or goose released by any private person or recreational authority upon any recreational area within this Town.

(d) *Wild animal* includes any animal native to the State, but does not include rattlesnakes, grasshoppers, prairie dogs, wasps, fish or any species of amphibians, Norway rats or common house mice.

(e) The provisions of this Section do not apply to the personnel of any police, fire or animal control agency or to the State Division of Wildlife or Department of Public Health and Environment or other state or federal agency, when such persons are acting within the scope of their official duties as employees of such agencies.

(f) The provisions of this Section are not intended to allow the destruction of any bird or animal protected by state or federal law.

(g) It shall be an affirmative defense to Subsection (a) above if the capture or destruction is done (i) in compliance with applicable local, state and federal law; and (ii) with the consent of the person in control of the property upon which the poison is placed.

(h) This Section shall not apply to any person, business or other entity regulated by the Colorado Department of Agriculture under the Pesticide Applicator's Act, §§ 35-10-101—35-10-128, C.R.S., and engaged in activities regulated by that Act. (Ord. 96-O-4 §1, 1996; Ord. O-11 §6, 2000; Ord. O-15 §2, 2002; Ord. O-5 §2, 2003)

**Sec. 10-88. Littering.**

(a) It is unlawful to recklessly deposit, throw or leave any litter on any public or private property or in any waters.

(b) It is an affirmative defense that:

(1) The defendant deposited, threw or left the litter on property designated by law for the disposal of such material and had authority from the proper public authority to so use the property; or

(2) The defendant owned or lawfully possessed the property, or first obtained consent or acted under the personal direction of the owner or other person lawfully possessing the property. (Ord. O-15 §4, 2001)

**Sec. 10-89. Camping prohibited.**

It is unlawful for any person to camp or lodge within any park, parkway, recreation area, open space or other public or private property. For purposes of this Section, *camp* means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living, such as eating or sleeping, in such place. The term shall not include napping during the day or picnicking. The term *shelter* includes, without limitation, any cover or protection from the elements other than clothing. (Ord. O-15 §5, 2001)

**Sec. 10-90. Campfires prohibited.**

It is unlawful for any person to build a fire at any location other than Town-installed pits or grills, to leave any fire unattended or to fail to completely extinguish any fire. (Ord. O-15 §6, 2001)

**Sec. 10-91. Maximum occupancy for dwellings within the Town.**

For the purposes of this provision, *related* includes those who are related by blood, marriage or adoption, and any minors for which one (1) of the occupants serves as the minor's legal guardian.

(1) It is unlawful for more than three (3) persons who are not related to occupy any dwelling within the Town. *To occupy a dwelling*, for the purposes of this Section, shall be defined as an individual being present overnight within a dwelling for more than fourteen (14) days, whether or not those days are consecutive, in any given month.

(2) It is unlawful for a landlord to permit more than three (3) persons, not related, to occupy any dwelling owned and rented by the landlord within the Town. *Landlord* shall be defined as any person or entity who rents, leases or otherwise contracts residential real property for occupancy.

(3) It shall be an affirmative defense to Paragraph (2) above if the landlord:

a. Includes the provisions of this Section in the lease agreement between the landlord and the occupants of the dwelling by prohibiting occupancy of more than three (3) unrelated persons, not related by blood, marriage or adoption; or

b. Upon receipt of information that the occupants are in violation of this Section, the landlord timely notifies in writing the occupants of the dwelling that they are in violation of this Section.

(4) *Dwelling* means "dwelling" as defined by Chapter 16 of this Code. (Ord. O-8 §1, 2004)

**Secs. 10-92—10-100. Reserved.**

**ARTICLE VI**

**Morals**

**Sec. 10-101. Public indecency.**

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

(1) An act of sexual intercourse;

(2) An act of deviate sexual intercourse;

(3) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or

(4) A lewd fondling or caressing of the body of another person.

(b) It is unlawful for any person to urinate or defecate in a public place, or at any other location where such conduct is observed by another person who has a legal right to be present at the location for which the conduct was observed.

(c) Nothing in this Section shall be construed to prohibit the normal use of public facilities specifically designed and intended for the use of voiding human bodily wastes. (Ord. 96-O-4 §1, 1996)

**Sec. 10-102. Indecent exposure.**

It is unlawful for a person to expose his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person. (Ord. 96-O-4 §1, 1996)

**Sec. 10-103. Window peeping.**

It is unlawful for any person to look, peer or peep into, or to loiter around or within view of, any window of a building occupied as the residence of another with the intent of observing any person undressed or in the act of dressing or undressing. (Ord. O-15 §7, 2001)

**Secs. 10-104—10-120. Reserved.**

## ARTICLE VII

### Public Peace

**Sec. 10-121. Disturbing the peace.**

Any person who disturbs the peace of others by violent, tumultuous or offensive conduct, by loud or unusual noises, by unseemly, profane, obscene or offensive languages (and the language by its very utterance tends to incite an immediate breach of the peace) or by assaulting, striking, fighting or challenging another to fight, shall be deemed guilty of a misdemeanor. (Ord. 96-O-4 §1, 1996)

**Sec. 10-122. Disrupting lawful assembly.**

It is unlawful for any person to disrupt a lawful assembly if, with the intent to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterances or by any other means. (Ord. 96-O-4 §1, 1996)

**Sec. 10-123. Loitering.**

(a) In this Section, *to loiter* means to be dilatory, to stand idly, to linger, to lie or wander about, or to remain, abide or tarry in a public place.

(b) It is unlawful for any person to loiter in a school building or on the grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having reason or relationship involving custody of or responsibility for a pupil or other specific, legitimate reason for being there and not having written permission from a school administrator.

(c) It is unlawful for any person to loiter for the purpose of soliciting employment, business, contributions, or sales of any kind, or to collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a road, street or highway;

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(d) It shall be unlawful for any person to loiter for the purpose of soliciting employment, business, contributions or sales of any kind, or to collect monies for the same, from the occupant of any vehicle on any highway included in the interstate system or federal highways, including any entrance to or exit from any highway.

(e) Lawful acts in the course of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes, or otherwise, shall not be held to be in violation of this Section. (Ord. 96-O-4 §1, 1996; Ord. O-14 §1, 2002; Ord. O-18 §1, 2002)

**Sec. 10-124. Unlawful assembly.**

It is unlawful for any two (2) or more persons to assemble together with an intent to do an unlawful act; or, being assembled, mutually to agree to act in concert, or to do an unlawful act with force or violence against the property of the Town, or the person or property of another or against the peace and to the terror of others; or to make any move or preparation therefor. (Ord. 96-O-4 §1, 1996)

**Sec. 10-125. Unlawful interference; educational institutions.**

(a) It is unlawful for any person on or near the premises or facilities of any educational institution to willfully deny to students, school officials, employees and invitees:

(1) Lawful freedom of movement on the premises;

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

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

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

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

(d) Nothing in this Section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, or any contractor or subcontractor of any employee thereof. (Ord. 96-O-4 §1, 1996)

**Sec. 10-126. Unlawful interference; public buildings and proceedings.**

It is unlawful for any person to so conduct himself or herself at or in any public building owned, operated or controlled by the Town, the State or any of its political subdivisions, as to willfully deny to any public official, public employee or any invitee on such premises, the lawful rights of such official, employee or invitee to enter, use the facilities of or leave any such public building. (Ord. 96-O-4 §1, 1996)

**Sec. 10-127. Harassment.**

(a) It is unlawful for any person, with intent to harass, annoy or alarm another person, to:

(1) Strike, shove, kick or otherwise touch a person or subject him or her to physical contact;

(2) In a public place, direct obscene language or make an obscene gesture to or at another person where such language or gesture causes injury or tends to invite an immediate breach of the peace;

(3) Follow a person in or about a public place or places;

(4) Initiate communication with another, anonymously or otherwise, either in person or by telephone, in a manner intended to harass or threaten bodily injury or property damage, or which includes any comment, request, suggestion or proposal which is obscene;

(5) Make a telephone call or cause a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(6) Repeatedly insult, taunt or challenge another in a manner likely to provoke a violent or disorderly response.

(b) As used in this Section, unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

(c) Any act prohibited by Subparagraph (a)(4) above may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

(d) In addition to the circumstances described in Subsection (a) above, a person commits harassment by stalking if such person:

(1) Makes a credible threat to another person and, in connection with such threat, repeatedly follows that person; or

(2) Makes a credible threat to another person and, in connection with such threat, repeatedly makes any form of communication with that person, whether or not a conversation ensues.

(e) For the purposes of Subsection (d), credible threat means a threat that would cause a reasonable person to be in fear for the person's life or safety, and repeatedly means on more than one (1) occasion.

(f) If a person is convicted of stalking more than once within a seven-year period, there shall be a mandatory sentence of thirty (30) days' imprisonment. (Ord. 96-O-4 §1, 1996)

**Sec. 10-128. Fighting by agreement.**

(a) It is unlawful for two (2) or more persons to fight by agreement in a public place except in a sporting event authorized by law.

(b) This Section shall not apply to persons who by agreement engage in a fight with deadly weapons, whether public or private. (Ord. 96-O-4 §1, 1996)

**Sec. 10-129. Excessive sound levels.**

(a) It shall be unlawful for any person to:

(1) Operate any type of vehicle, machine or device;

(2) Carry on any activity; or

(3) Promote or facilitate the carrying on of any activity which makes sound in excess of the level specified in this Section.

(b) Sound from a moving vehicular source located within the public right-of-way shall not exceed eighty (80) decibels on the "A" weighting scale (dBA), except that sound from a vehicle with

a manufacturer's gross weight rating of ten thousand (10,000) pounds and above operated on a prescribed truck route at all times or elsewhere within the Town during the hours of 7:00 a.m. to 6:00 p.m. on Monday through Saturday may exceed eighty (80) dBA but shall not exceed eighty-eight (88) dBA. Such sound shall be measured at a distance of at least twenty-five (25) feet from a vehicle located within the public right-of-way.

(c) Sound from any source, other than a moving vehicular source located within the public right-of-way, shall not exceed any of the following limits for the applicable zone:

Zoning Designation of the property on which the sound is received (all zoning designations include suffixes)	Maximum number of decibels permitted from 7:00 a.m. until 11:00 p.m. of the same day	Maximum number of decibels permitted from 11:00 p.m. until 7:00 a.m. of the following weekday and until 8:00 a.m. of the following weekend (Saturday & Sunday) day
R-E, R-VL, R-L, R-M, R-MH	55 dBA	50 dBA
B-C, B-TC, B-R, B-O, M-U	65 dBA	60 dBA
I-L, I-H	80 dBA	76 dBA

(d) Sound from construction work for which a building permit has been issued shall be deemed to be received in an industrial zoning district during the hours of 7:00 a.m. to 7:00 p.m. for work of any type, and until 9:00 p.m. for light construction work that uses only hand tools and power tools (but not including nail guns) of no more than five (5) horsepower. Under no circumstances shall amplified sound be considered as construction work activity. On Saturdays and Sundays, sound from construction work shall not commence until 8:00 a.m.

(e) Sound from a source on private property shall be measured at or inside the property line of property other than that on which the sound source is located; or

(f) Sound from a source on public property may be measured on that property so long as the measurement is taken at least twenty-five (25) feet from the source, or it may be measured at or inside the property line of property other than the public property on which the sound source is located; and

(g) For the purposes of this Section, a leasehold shall be deemed a property, and its boundary shall be deemed a property line.

(h) All sound measurements shall be made on a sound level meter that meets ANSI specification S1.4-1974 for Type I and Type II equipment. The manufacturer's published indication of compliance with such specifications is prima facie evidence of compliance with this Subsection.

(i) It is a specific defense to a charge of violating this Section 10-129 that:

(1) The sound was made by an authorized emergency vehicle when responding to an emergency call or acting in the time of emergency;

(2) The sound was made within the terms of a parade, fireworks display or temporary street closure permit issued by the Town;

(3) The sound was made by the sounding of a horn of any vehicle as a danger warning signal or by the sounding of any warning device as required by law;

(4) The sound was made on property belonging to or leased or managed by a federal, state or county governmental body and was made by an activity of the governmental body or by others pursuant to a contract, lease or permit granted by such governmental body; or

(5) The sound was made within the terms and conditions of the sound level variance granted by the Town. A variance shall be granted after application is made if the Zoning Administrator finds that compliance will cause an undue hardship and further finds that:

a. Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this Section; or

b. The activity, operation or sound source will be of temporary duration, and even with the application of the best available control technology cannot be done in a manner that would comply with this Section. In either case, the Zoning Administrator must also find that no reasonable alternative is available to the applicant. If the Zoning Administrator grants a variance, the Zoning Administrator shall prescribe such reasonable conditions or requirements as are necessary to minimize adverse effects upon the community or the surrounding neighborhood. (Ord. O-14 §2, 2000)

**Sec. 10-130. Abatement remedy.**

Section 10-129 shall not be construed to conflict with the right of the Town or any person to maintain an action in equity to abate a noise nuisance under the laws of the State. (Ord. O-14 §2, 2000)

**Sec. 10-131. Separate violation.**

Each offense of violation of this Article constitutes a separate and distinct violation. (Ord. O-14 §2, 2000)

**Sec. 10-132. Habitual offender.**

Three (3) or more violations of Section 10-129 on different dates shall be grounds for revocation of any special use review permit or liquor license after a notice and hearing. (Ord. O-14 §2, 2000)

**Sec. 10-133. Disorderly conduct; noise.**

It is unlawful for any person to commit disorderly conduct by intentionally, knowingly or recklessly making unreasonable noise which is so loud that it materially interferes with or disrupts another individual in a public place or in the individual's private residence that the offending person in control of such noise has no right to occupy. (Ord. O-14 §2, 2000)

**Sec. 10-134. Interpretation of Article.**

The provisions of Sections 10-129 and 10-133 are separate offenses. Nothing in this Article shall be interpreted to impose any of the requirements of Section 10-129 for conviction of a violation of Section 10-133. (Ord. O-14 §2, 2000)

**Secs. 10-135—10-140. Reserved.**

**ARTICLE VIII**

**Alcohol and Drugs**

**Sec. 10-141. Definitions.**

For purposes of this Article, all words shall be defined according to the Colorado Liquor Code. (Ord. 96-O-4 §1, 1996)

**Sec. 10-142. Alcohol-related violations.**

(a) It is unlawful for any person under the age of twenty-one (21) years to represent himself or herself to be over the age of twenty-one (21) years for the purpose of purchasing within the Town any fermented malt beverage, vinous or spirituous liquors.

(b) It is unlawful for any person under the age of twenty-one (21) years to attempt to purchase, purchase or obtain, either directly or through an intermediary, any fermented malt beverage, malt, vinous or spirituous liquors by misrepresentation or any other means.

(c) It is unlawful for any person under the age of twenty-one (21) years to possess or consume, whether actual or constructive, fermented malt beverage or malt, vinous or spirituous liquors.

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

(e) It is unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any fermented malt beverage or malt, vinous or spirituous liquors.

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

(g) During any trial for a violation of this Section, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in

part of alcoholic beverages. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of alcoholic beverages. (Ord. 96-O-4 §1, 1996)

**Sec. 10-143. Illegal possession or consumption of alcoholic beverages by an underage person.**

Prima facie evidence of a violation of Subsection 10-142(c) above shall consist of:

- (1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed alcoholic beverages anywhere in this State; or
- (2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with alcoholic beverages intoxication or impairment while present anywhere in this State. (Ord. 96-O-4 §1, 1996)

**Sec. 10-144. Alcohol in public places.**

It is unlawful for any person to possess an open container of or to consume any fermented malt beverage, or any malt, vinous or spirituous liquor, in any public place or upon property owned, operated, leased or maintained by the State, any political subdivision or agency thereof or the Town; provided, however, that it shall not be a violation of this Section to possess an open container of or to consume any fermented malt beverages or malt, vinous or spirituous liquor in conformance with a special event permit issued pursuant to Section 12-41-108 et seq., C.R.S., or a permit issued by the Town pursuant to Section 10-145 below. (Ord. 96-O-4 §1, 1996; Ord. O-6 §1, 2007)

**Sec. 10-145. Permit for possession and consumption of alcoholic beverages in public places.**

(a) Upon approval by the Liquor Licensing Authority, the Town Clerk may issue a permit for the possession of open containers of and the consumption of fermented malt beverages, malt, vinous or spirituous liquors in the following public places within the Town: Community Park; Purple Park; Town 9; North Pool and South Pool; provided that the applicant can demonstrate to the satisfaction of the Liquor Licensing Authority that:

- (1) The application is filed at least thirty (30) days prior to the date of the event;
- (2) The applicant is twenty-one (21) years of age or older;
- (3) The alcoholic beverages will remain in the general area of the event;
- (4) The alcoholic beverages will not be provided to or served to members of the general public or any persons who are not invitees of the event;
- (5) The time, location and duration of the event will not interfere with public services;

(6) The number and concentration of participants at the event are not likely to result in crowds exceeding limitations in the Town's fire code, or other significant inconvenience to the residents of the surrounding neighborhoods;

(7) Underage persons and persons under the influence of alcohol will not obtain alcoholic beverages served at the event, and the precautions proposed are likely to secure and supervise the area and the participants during the event;

(8) The applicant agrees to be personally responsible for cleaning, trash disposal and any necessary repairs;

(9) The applicant agrees to indemnify and hold harmless the Town, its employees and agents for all liability claims arising out of the event;

(10) The applicant has an insurance policy currently in effect with coverage of not less than the maximum limits established by the Colorado Governmental Immunity Act, Title 24, Article 10, C.R.S., and the Town is named as an additional insured;

(11) The event is a wedding, corporate or club picnic or similar special occasion of a social, fraternal, patriotic, political or athletic nature; and

(12) No alcoholic beverages will be sold.

(b) No permit shall be issued to any person who is not of good moral character as that term is used in Section 12-47-307, C.R.S.

(c) No applicant shall be eligible to receive more than four (4) permits under this Section in any twelve-month period.

(d) The Liquor Licensing Authority may place reasonable conditions on any permit issued under this Section, including but not limited to location restrictions, time restrictions and requirements for the provision of private security at the applicant's expense.

(e) The Liquor Licensing Authority may deny the application on the following grounds:

(1) That approval would be detrimental to the public safety, health, morals, order or welfare by reason of the nature of the event, the likelihood that the event would create a public nuisance or result in the consumption of alcoholic beverages by minors or the failure of the applicant to conduct a past event in compliance with applicable laws and regulations;

(2) That another event has previously been scheduled for that location on the same day;

(3) That the event would unreasonably interfere with normal activities and customary and general use and enjoyment of the location; or

(4) That the applicant has failed to satisfy any of the requirements of Subsection (a) above. (Ord. 96-O-4 §1, 1996; Ord. O-6 §2, 2007)

**Sec. 10-146. Possession of cannabis.**

(a) For the purposes of this Section, the term *cannabis* shall include all parts of the plant *Cannabis sativa L.*, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake, or the sterilized seed of such plant, which is incapable of germination. The term *cannabis concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, or tetrahydrocannabinols.

(b) It is unlawful to possess one (1) ounce or less of cannabis or cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It is unlawful openly and publicly to display or consume one (1) ounce or less of cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall be by a fine of one hundred dollars (\$100.00), and by imprisonment not exceeding fifteen (15) days.

(d) The provisions of this Section shall not apply to any person who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §17, 1996)

**Sec. 10-147. Possession of drug paraphernalia.**

(a) It is unlawful to possess drug paraphernalia. A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of the State or the Town.

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

(c) *Controlled substance* means a *controlled substance* as that term is defined by Section 18-18-102(5), C.R.S.

(d) *Drug paraphernalia* means *drug paraphernalia* as that term is defined by Section 18-18-426, C.R.S.

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

- (1) Statement by an owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object to controlled substances;
- (3) The existence of any residue of controlled substances on the object;

(4) Direct or circumstantial evidence of the knowledge of any owner, or of anyone in control of the object, or evidence that such person reasonably knew, that it will be delivered to persons whom he or she knows or reasonably should know could use the object to facilitate a violation of this Section;

(5) Instructions, oral or written, provided with the object concerning its use;

(6) Descriptive materials accompanying the object which explain or depict its use;

(7) Advertising concerning the object's use;

(8) The manner in which the object is displayed for sale;

(9) Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;

(10) The existence and scope of legal uses for the object in the community; and

(11) Expert testimony concerning its use.

(f) In the event a case brought pursuant to this Section is tried before a jury, the court shall hold an *in camera* evidentiary hearing on issues raised pursuant to this Section. (Ord. O-10 §1, 2003)

**Secs. 10-148—10-160. Reserved.**

## **ARTICLE IX**

### **Weapons**

#### **Sec. 10-161. Definitions.**

For the purposes of this Article and except as is provided herein, all defined words shall be interpreted according to the Colorado Criminal Code. (Ord. 96-O-4 §1, 1996)

#### **Sec. 10-162. Carrying concealed weapons.**

(a) It is unlawful for any person knowingly to carry a knife or firearm concealed on or about his or her person; provided that this Section shall not apply to persons in their own domiciles or places of business or on property owned by or under their control at the time of the act of carrying; to persons in private automobiles or other private means of conveyance who are carrying a weapon for the lawful protection of their or another's person or property while traveling; a person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to Section 18-12-105.1, C.R.S.; to a peace officer, Level I or Ia as defined in Section 18-1-901(3)(I)(I) or (3)(I)(II)(A) or a peace officer, Level II as defined in Section 18-1-901(3)(I)(III) while on duty; or for any other legal purposes.

(b) It is unlawful for any person to knowingly carry, conceal or cause to be concealed in any vehicle or to use any blackjack, gravity knife, multi-fixed blade, stiletto, throwing knife, switchblade knife or brass or metallic knuckles. Nothing in this Section shall apply to any police officers or members of the armed forces of the United States or the Colorado National Guard acting in the lawful discharge of their duties. (Ord. 96-O-4 §1, 1996)

**Sec. 10-163. Prohibited use of weapons.**

(a) Except as provided in Subsection (b) of this Section, it is unlawful for any person other than a police officer or a member of the armed forces of the United States or the Colorado National Guard acting in lawful discharge of his or her duties, to discharge or cause to be discharged any firearm within or into the limits of the Town; provided that this Section shall not apply to persons discharging firearms in shooting galleries or at shooting ranges, where such firearms may be discharged so as not to endanger persons or property and the projectile or projectiles from such firearms are prevented from traversing any grounds or space outside the limits of such gallery or range, or to the discharge of a firearm in lawful defense of persons or property.

(b) The police officers may grant written permission to persons within the Town to permit the discharge of weapons at a certain locality within the Town at a fixed time or times.

(c) Except as provided in Subsection (b) of this Section, it is unlawful for any parent, guardian or other person having the care and custody of any minor child under the age of eighteen (18) years to allow or permit any such minor to fire or discharge any cannon, anvil, gun, pistol, rifle, shotgun or other firearm of any kind or nature, or to fire, explode or set off any other such device manufactured or contrived for the purpose of throwing or propelling lead, pellets or other hard substances, powered by compressed air, springs or otherwise, or to fire, set off or explode anything containing powder, gasoline or other combustible or explosive material within the Town.

(d) It is unlawful to knowingly and unlawfully aim a firearm at another person; to recklessly or with criminal negligence discharge a firearm or shoot a bow and arrow; to knowingly set a loaded gun, trap or device designed to cause an explosion upon being tripped or approached and leave it unattended by a competent person immediately present; to possess a firearm while under the influence of intoxicating liquor or of a controlled substance (possession of a permit issued under Section 18-12-105.1, C.R.S., is no defense); or to carry, conceal or display any dangerous or illegal weapon, when such person is on the premises where alcoholic beverages are sold.

(e) It is unlawful to knowingly and unlawfully aim, swing or throw a throwing star or nunchaku as defined in this Subsection at another person, or knowingly possess a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, nonaccessible container. For purposes of this Subsection, *nunchaku* means an instrument consisting of two (2) sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense, and *throwing star* means a disk having sharp radiating points or any disk-shaped bladed object which is handheld and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §18, 1996)

**Sec. 10-164. Furnishing to certain persons prohibited.**

It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or controlled substance to any person in a condition of agitation and excitability, or to any minor person under the age of eighteen (18) years. (Ord. 96-O-4 §1, 1996)

**Sec. 10-165. Missiles.**

It is unlawful for any person willfully, maliciously or recklessly to throw, shoot or project any stone, arrow, pellet, dart, ball bearing or other dangerous missile at or against the person, animal, building, structure, personal property, fixture or vehicle of another; except that the provisions of this Section shall not apply to a person throwing, projecting or shooting any such dangerous missile at any animal in order to protect his or her person or property or the person or property of another from physical injury. (Ord. 96-O-4 §1, 1996)

**Sec. 10-166. Confiscation and disposition.**

It shall be the duty of the police officers, upon making any arrest and seizing a weapon carried or used in violation of any section of this Article, to keep and place such weapon in such place of safekeeping as may be directed by the police officers, until the final determination of the prosecution for any offense in the prosecution of which such weapon may be evidence. Upon entry of a final plea of guilty or nolo contendere or judgment of guilt, the person so pleading or found guilty shall forfeit to the Town any weapon carried or used in violation of any section of this Article. Upon entry of a final plea of guilty or nolo contendere or judgment of guilt, it shall then be the duty of the Municipal Judge to deliver said weapon forthwith to the police officers who shall make disposition of the weapon. (Ord. 96-O-4 §1, 1996)

**Sec. 10-167. Carrying weapons in Town buildings and parks prohibited.**

(a) It is unlawful to openly carry weapons in the following Town buildings:

- (1) Town Hall buildings;
- (2) Parks and Open Space offices;
- (3) Water Treatment Plant;
- (4) Wastewater Treatment Plant; and
- (5) All fire and police department facilities.

(b) It is unlawful to openly carry weapons in the following specific areas:

- (1) Town parks, including, but not limited to, Children's, Purple, Community, Grasso and Sagamore; and
- (2) North and South Swimming Pools.

(c) Signs which notify the public that the carrying of weapons is prohibited shall be placed in the public entrances to the buildings and specific areas specified in this Section.

(d) This Section does not affect provisions in this Code or state statute regarding carrying concealed weapons. (Ord. O-6 §1, 2003)

**Secs. 10-168—10-180. Reserved.**

## **ARTICLE X**

### **Offenses Against the Person**

**Sec. 10-181. Assault.**

It is unlawful for any person intentionally, recklessly or with criminal negligence to cause bodily injury to another person; provided that this Section shall not apply to injury caused by means of a deadly weapon, nor shall it apply in the event of serious bodily injury. (Ord. 96-O-4 §1, 1996)

**Sec. 10-182. Menacing.**

It is unlawful for any person knowingly to place or attempt to place another person in fear of imminent serious bodily injury by any threat or physical action; provided that if such menacing is with the use of a deadly weapon, this Section shall not apply. (Ord. 96-O-4 §1, 1996)

**Sec. 10-183. Reckless endangerment.**

It is unlawful for any person recklessly to engage in conduct which creates substantial risk of serious bodily injury to another person. (Ord. 96-O-4 §1, 1996)

**Secs. 10-184—10-200. Reserved.**

## **ARTICLE XI**

### **Minors**

**Sec. 10-201. Harboring prohibited; exceptions.**

(a) It is unlawful for any person knowingly to harbor, keep secreted, cohabit with or provide shelter for any unmarried minor without the consent of the parent, legal guardian or other person having legal custody of such minor.

(b) It is unlawful for any person to harbor, keep secreted, cohabit with or provide shelter for any unmarried minor when said person knows such minor to be a parole violator or a fugitive from legal process.

(c) The provisions of this Section shall not apply to persons working in their official capacities as employees or members of the staffs or agencies licensed by the State and financed by the United States to harbor minors, nor shall said provisions apply to such agencies; provided that such agencies shall at all times provide specific information concerning minors so harbored and shall release such minors to their parents, legal guardians or any law enforcement agency upon request; and provided, further, that such agencies harboring minors shall, within twenty-four (24) hours after the arrival of a minor, notify the police officers, and within seventy-two (72) hours, if possible, notify the parents, legal guardians or other persons having legal custody of such minors. (Ord. 96-O-4 §1, 1996)

**Sec. 10-202. Curfew.**

(a) It is unlawful for any parent, guardian or other person having legal care or custody of any minor who has not reached his or her sixteenth birthday, to allow or permit any such minor to loiter upon any streets or alleys or any public places, or to loiter in any establishment open to the public generally after the hour of 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, or after the hour of 11:30 p.m. on any Friday or Saturday, or before the hour of 5:00 a.m. on any day except:

(1) When accompanied by a parent, guardian or other person having legal care or custody of such minor;

(2) For lawful employment;

(3) When such minor is in the custody of and accompanied by a person who has reached his or her eighteenth birthday and who has, in his or her possession, the written consent of such parent, guardian or other person having legal care or custody of such minor.

(b) It is unlawful for any parent, guardian or other person having legal care or custody of any minor who has reached his or her sixteenth birthday, but not his or her eighteenth birthday, to allow or permit any such minor to loiter upon any streets or alleys or any public places or to loiter in any establishment open to the public generally after the hour of 12:00 midnight or before the hour of 5:00 a.m. on any day except as provided in Subsections (a)(1), (2) or (3) of this Section.

(c) It is unlawful for any minor who has not reached his or her sixteenth birthday to loiter upon any street or alley or any public places or to loiter in any establishment open to the public generally after the hour of 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, or after the hour of 11:30 p.m. on any Friday or Saturday, or before the hour of 5:00 a.m. on any day, except as provided in Subsections (a)(1), (2) or (3) of this Section.

(d) It is unlawful for any minor who has reached his or her sixteenth birthday but not his or her eighteenth birthday to loiter upon any street or alley or any public places or to loiter in any establishment open to the public generally after the hour of 12:00 midnight or before the hour of 5:00 a.m. on any day, except as provided in Subsections (a)(1), (2) or (3) of this Section. (Ord. 96-O-4 §1, 1996)

**Sec. 10-203. Distribution of cigarettes and tobacco products to minors.**

(a) It is unlawful for any person eighteen (18) years of age or older to furnish to any person who is under eighteen (18) years of age, by gift, sale or other means any cigarettes or tobacco products as defined by Section 39-28.5-101(5), C.R.S.

(b) It is unlawful for any person under the age of eighteen (18) years to attempt to purchase or obtain, either directly or through an intermediary, any cigarette or tobacco products as defined by Section 39-28.5-101(5), C.R.S.

(c) It is unlawful for any person to sell or offer to sell any smokeless tobacco product as defined by Section 18-13-121 (4)(a) C.R.S., by use of a vending machine or other coin-operated machine.

(d) It is unlawful for any person to sell or offer to sell any cigarette or tobacco products as defined by Section 39-28.5-101(5) C.R.S., other than a smokeless tobacco product as defined by Section 18-13-121(4)(a), C.R.S., by use of a vending machine or any coin-operated machine, that does not display a warning sign placed in a prominent place on such machine. The warning sign shall have a minimum height of three (3) inches and a width of six (6) inches, and shall read as follows:

**WARNING**  
**IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN (18) YEARS OF AGE**  
**TO PURCHASE CIGARETTES AND TOBACCO PRODUCTS AND,**  
**UPON CONVICTION, A FIFTY DOLLAR (\$50.00) FINE MAY BE IMPOSED.**

(e) Any person who is convicted of, or pleads guilty or nolo contendere to, a violation of Subsections (a), (b) or (d) shall be punished by a fine of two hundred dollars (\$200.00). Any person who is convicted of, or pleads guilty or nolo contendere to, a violation of Subsection (c) shall be punished by a fine of fifty dollars (\$50.00). (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §19, 1996)

**Secs. 10-204—10-220. Reserved.**

**ARTICLE XII**

**Government**

**Sec. 10-221. Law enforcement officer defined.**

*Law enforcement officer or law enforcement officers*, as used in this Article, means any person defined as a peace officer by Section 18-1-901, C.R.S., who is in uniform or who has displayed his or her credentials to the person whose arrest is attempted. (Ord. 96-O-4 §1, 1996)

**Sec. 10-222. Prohibition of false emergency alarms.**

It is unlawful to knowingly or intentionally make or give a false alarm of a fire or other emergency. (Ord. 96-O-4 §1, 1996)

**Sec. 10-223. False alarms to agencies of public safety by alarm devices.**

(a) An alarm device is a device which is designed to cause police, fire or another emergency response, investigation and safeguarding of property at the location of an event reported:

(1) By a signal transmitted, telephoned, radioed or otherwise relayed to any organization, official or volunteer, for dealing with emergencies involving danger to life or property, by an alarm device or by any person acting in response to a signal activated by such device; or

(2) By an audible or visible signal designed to notify a person within audible or visible range of the signal.

(b) It is unlawful for any person other than qualified and licensed installers and maintenance persons to install, work on or maintain an alarm device or the components thereof.

(c) The owner or occupant of property that maintains an alarm device shall designate a person or company to be responsible for the monitoring and maintenance of the alarm device.

(d) It is unlawful for any person or company doing business in the Town for the purpose of installing or maintaining alarm devices to:

(1) Fail to notify the communications center used by the Town of alarm systems that are temporarily out of service.

(2) Fail to notify the communications center used by the Town of a false alarm.

(3) Fail to correct problems within an alarm system that prohibit the system from operating properly within ten (10) working days. Extensions may be granted in writing by the Fire Chief or the Marshal.

(4) Fail to install an alarm system properly or according to code.

(5) Fail to respond within a reasonable time (usually one [1] hour) to restore an alarm system to proper working order or remove it from service temporarily.

(e) When the Police or Fire Department, or any other Town organization or agency responsible for emergency responses, responds to a signal activated by an alarm device, as defined above, and it appears after proper investigation that a false alarm did occur, then the owner or occupant of the premises to which the response is made, the designated person or company responsible for monitoring and the person or company responsible for the installation and maintenance of the alarm device, shall each be subject to a false alarm service warning or fee.

(1) False alarms during the first thirty (30) days after the installation of a new alarm device shall result in a warning.

(2) The first three (3) false alarms at a particular location in each calendar year shall result in a warning. The owner, occupant, person or company found responsible for said premises shall each be subject to a service fee of fifty dollars (\$50.00) for the fourth, fifth and sixth occurrence

thereafter, and a fee of one hundred dollars (\$100.00) for each occurrence thereafter. This fee shall be payable to the Finance Director, and the Town may maintain an action for said fee and all costs of collection. The notice of assessment of the service fee shall state that the fee may be appealed to the Board of Trustees within ten (10) days of the date of the assessment pursuant to this Subsection (e), provided that the fee is first paid to the Town Clerk.

(3) Upon receipt of a written notice that a service fee is due, the owner, occupant, person or company found responsible for the premises or the false alarm may appeal the assessment of the service fee to the Board of Appeals. Such appeal shall be written and shall be filed with the Town Clerk within ten (10) days of the date of the assessment. The appeal shall state:

- a. The name of the appellant;
- b. The location of the premises where the false alarm occurred;
- c. The dates and circumstances of all false alarms occurring on the same premises within the previous twelve (12) months;
- d. The name of the agency within the Town assessing the service fee; and
- e. The appellant's grounds for believing that the service fee is not due under this Section.

(4) If the service fee is not paid within ten (10) days of the assessment, any appeal shall be denied. If the appeal is upheld by the Board of Appeals, the service fee shall be refunded.

(5) The Board of Appeals shall have no jurisdiction to review an appeal unless it is timely filed and the service fee timely paid. If an appeal is not timely filed, the Board of Appeals shall deny it, stating the reason therein.

(6) The decision of the Board of Appeals to deny or grant the relief requested in an appeal shall be final.

(7) Upon a finding of unusual hardship, the Board of Appeals may grant a waiver of the future application of this Section to an owner or occupant of the premises or a person or company doing business within the Town. Such a waiver shall not be applied retroactively.

(8) All service fees and costs of collecting such fees shall be a debt due and owing the Town, which shall be collected in any manner permitted by state law or local ordinance.

(f) It is unlawful for a person knowingly to cause a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996; Ord. 99-O-5 §1, 1999; Ord. O-11 §1, 2003)

**Sec. 10-224. False reports, generally.**

(a) It is unlawful for any person to report the existence of a fire or other emergency to the Police Department, Fire Department or any other agency empowered to deal with an emergency involving

risk or injury to persons or property, when such person knows the report to be false. *Fire department* means any fire protection district or fire-fighting agency, whether the employees or officers of such agency are volunteers or receive compensation for their services.

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

- (1) Such person knows that no such offense or other incident has occurred; or
- (2) Such person knows the information is false or that he or she has no such information.

(c) It is unlawful for any person to make telephone calls to the Police Department, Fire Department and emergency telephone numbers, including 911, when such person makes the call knowingly and for no legitimate purpose. This Subsection shall apply regardless of whether the person who makes the call speaks or in any way communicates to the Town employee answering the call.

(d) This Section does not apply to reports of the existence or placement of a bomb or other explosive in any public or private place or vehicle designed for transportation of persons or property. (Ord. 96-O-4 §1, 1996)

**Sec. 10-225. False information to law enforcement authorities.**

(a) Falsely incriminating another. It is unlawful for a person knowingly to give false information to any law enforcement officer with the purpose of implicating another.

(b) Fictitious reports. It is unlawful for a person to:

- (1) Report to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or
- (2) Pretend to furnish such authorities with information relating to an offense or incident when he or she knows he or she has no information relating to such offense or incident.

(c) Fictitious names and addresses. It is unlawful for a person to give a false name or address to a law enforcement officer with the intent of concealing or hiding one's own real name and/or address and/or age. (Ord. 96-O-4 §1, 1996)

**Sec. 10-226. Impersonation of Town employees.**

(a) It is unlawful for any person who is not a law enforcement officer to impersonate or represent to others that he or she is a law enforcement officer.

(b) It is unlawful for any person not a Town officer or Town employee to willfully or fraudulently represent himself or herself to be a Town officer or an employee of the Town.

(c) It is unlawful for any person to purport to perform the duties of any Town officer or employee if he or she is not an authorized officer or employee of the Town. (Ord. 96-O-4 §1, 1996)

**Sec. 10-227. Interfering with or obstructing public officers or employees.**

(a) It is unlawful for any person to willfully and without authority interfere with a law enforcement officer in the discharge of his or her duty or to fail or refuse to comply with the order of the law enforcement officer.

(b) It is unlawful for any person to drive a vehicle to or close by the scene of a fire, explosion, traffic accident, riot or impending riot, other disaster or investigation so as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or any other emergency vehicle, or to fail to move a vehicle from the scene of such disaster when ordered to do so by a law enforcement officer in the performance of his or her duties in coping with such fire, explosion, traffic accident, riot or impending riot, other disaster or investigation.

(c) It is unlawful for any person to knowingly resist, interfere with, impede or obstruct any law enforcement officer, Town employee or other public official who is attempting to discharge or is in the course of discharging an official duty.

(d) It is unlawful for any person to threaten violence, reprisal or any other injurious act to any law enforcement officer, Town employee or other public official who is engaged in the performance of his or her official duties, or to make such a threat by reason of such officer's performance or attempted performance of his or her official duties. (Ord. 96-O-4 §1, 1996)

**Sec. 10-228. Resisting arrest; escaping custody; rescuing prisoner.**

(a) It is unlawful for any person to prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting the arrest of any person, by the use of threatened use of force or physical violence or any other means which creates a substantial risk of causing bodily injury to such law enforcement officer.

(b) It is unlawful for any person to escape or attempt to escape, or in any manner aid another to escape, or attempt to rescue or rescue a person, from the custody of a law enforcement officer or from the custody of any person aiding such law enforcement officer after being commanded by such law enforcement officer to so take such person into custody; provided that the provisions of this Section shall not apply when the escapee is being held for a felony or charged with any felony.

(c) It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if the peace officer was acting under color of his or her official authority, and in attempting to make the arrest, the peace officer was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts under color of his or her official authority when, in the regular course of assigned duties, the peace officer is called upon to make and does make a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by the peace officer. (Ord. 96-O-4 §1, 1996)

**Sec. 10-229. Disobeying officer.**

It is unlawful for any person over the age of eighteen (18) years knowingly to disobey the lawful or reasonable order of law enforcement officers given incident to the discharge of the official duties of such law enforcement officers when coping with an emergency explosion or other disaster. (Ord. 96-O-4 §1, 1996)

**Secs. 10-230—10-240. Reserved.**

**ARTICLE XIII**

**Disposition of Lost, Abandoned or Recovered Stolen Personal Property**

**Sec. 10-241. Custody of property.**

The Marshal shall have custody of all lost, abandoned and recovered stolen personal property coming into the possession of the Town and property ordered confiscated by the Municipal Court. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-242. Storage of abandoned vehicles and other property.**

Whenever a motor vehicle or other personal property is found abandoned upon the streets or public places of the Town or whenever personal property shall for any reason come into the possession of the Marshal without a claimant, the Marshal shall, pending the disposal of said property, cause such property to be stored on Town property or with a private person engaged in the business of storing personal property. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-243. Investigation regarding ownership.**

Upon coming into possession of lost, abandoned and stolen personal property, the Marshal shall cause an investigation to be made into the ownership of such property. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-244. Disposition of motor vehicles.**

The Marshal shall dispose of lost, abandoned or recovered stolen motor vehicles coming into his or her possession in accordance with the procedures provided therefor by state statutes or, in the absence of such statutes, in accordance with a procedure approved by the department or agency of the State responsible for the issuance of certificates of title for motor vehicles. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-245. Notification of owner of other property if known.**

If the Marshal determines who owns lost, abandoned or recovered stolen personal property, except motor vehicles and property ordered confiscated by the Municipal Court, he or she shall give notice in writing to such owner that his or her property is in the possession of the Marshal and that it will be sold or otherwise disposed of by the Town unless such owner reclaims the property in the manner

provided for by law within twenty (20) days after the effective date of the notice. The notice shall be sent to the owner at his or her last known address by regular first class United States mail, postage prepaid, and the notice shall be effective when mailed. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-246. Advertising for owner if not known.**

(a) If the owner of such lost, abandoned or recovered stolen personal property, motor vehicles excepted, cannot be determined by the Marshal, he or she shall periodically, and not less than once a year, cause notice to be published in a newspaper of general circulation in the Town, which notice shall be published on three (3) different days, which may be consecutive days, and shall contain the following information:

(1) A description of the lost, abandoned or recovered stolen personal property then in the possession of the Marshal; and

(2) A statement that such property will be disposed of by the Town unless the owner thereof reclaims such property in the manner provided for by law within ten (10) days after the publication of the notice.

(b) If, at any time prior to the Town's disposition of such lost, abandoned or recovered stolen personal property, a person claims such property as the owner thereof, the Marshal shall return the property to such claimant, provided that the claimant submits evidence of his or her ownership which is sufficient to satisfy the Marshal that the claim is rightful, and provided that the claimant tenders to the Marshal the cost incurred by the Town in obtaining possession of such property, in the storage of such property and in the publication of notice or mailing of notice relating to such property.

(c) In the event that such lost, abandoned or recovered stolen personal property, motor vehicles excepted, has been in the possession and custody of the Marshal for at least thirty (30) days, and in the event that such property remains unclaimed after the giving of notice and the expiration of time following the notice as provided for in Sections 10-245 and 10-246 of this Article, the Marshal shall make recommendations to the Board of Trustees as to the disposition of such property and the Board of Trustees shall, by motion, provide for the disposition of such property. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-247. Procedure for sale.**

In the event the Board of Trustees directs that the property be disposed of by sale, the following sale procedure shall be followed:

(1) The Town Clerk shall cause a notice of the sale to be published in a newspaper of general circulation in the Town. Such notice shall be published on three (3) different days, which days may be consecutive days, and shall set forth the date, time and place of the sale (which date, time and place shall be at least ten [10] days after the last publication of notice of sale), a description of the property to be sold, and a statement that the property will be sold at public auction to the highest bidder for cash.

(2) At the date, time and place designated for the sale of the lost, abandoned or recovered stolen personal property or property ordered confiscated by the Municipal Court as set forth and provided for in the notice of sale, the Marshal shall cause such property to be sold at public auction to the highest bidder for cash. No money or negotiable instruments shall be sold at the sale, but shall become the property of the Town if unclaimed by the owner thereof. In the event that a bid is not made for an article of personal property offered at the sale, such article of personal property shall become the property of the Town.

(3) Upon consummation of the sale of the property, the Town Clerk shall issue a receipt to the successful bidder, which receipt shall indicate thereon the article of personal property sold and the amount paid therefor. Upon exhibiting the receipt to the Marshal, the purchaser shall be entitled to possession of the article so purchased.

(4) The proceeds of the sale of such property shall be first applied upon storage bills, towing bills, publication fees and other costs of the keeping and sale of such property, and the balance of such proceeds shall be placed in the general fund of the Town.

(5) The sale and conveyance of the property shall be without redemption.

(6) No license shall be required of the person or persons conducting the auction provided for herein. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Sec. 10-248. Holding as evidence.**

In the event the Town Attorney, or other person charged with the duty of prosecuting violations of the Town, state or federal laws, requests that any of the lost, abandoned or recovered stolen property be held, the Marshal shall retain custody of such property and shall not sell the same until such property is no longer needed in the prosecution noted. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996)

**Secs. 10-249—10-260. Reserved.**