

CHAPTER 10

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ARTICLE I

Offenses and Miscellaneous Provisions

Sec. 10-1-10. Definitions.

(a) The terms used in this Chapter shall be defined as such terms are defined in the Colorado Criminal Code, or, if not defined in said code, as used in their ordinary, usual and accepted sense and meaning.

(b) For purposes of this Chapter, the term *public place* means 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 place* shall include 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. *Public place* shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-1-20. Penalty.

Failure to comply with this Chapter shall constitute a criminal violation. Any person who is found guilty of, or pleads nolo contendere to a criminal violation shall be subject to the penalties set forth in Section 1-72 of this Code. (Ord. 96-O-4 §1, 1996; Ord. 97-O-1 §1, 1997; Ord. O-4 §1, 2009)

Sec. 10-1-30. Attempts; aiding, abetting or advising.

(a) It is unlawful for a person to knowingly engage in conduct constituting a substantial step toward the commission of an offense which would constitute a violation 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 a person to knowingly aid another in the commission of any act declared to be a violation of this Code. A person who engages in conduct intending to aid another in the commission of an act prohibited under this Code 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-O4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-1-40. Accessory to crime.

It is unlawful for a person to knowingly hinder, delay or prevent the discovery, detention, apprehension, prosecution, conviction or punishment of another person for the commission of a violation 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; Ord. O-4 §1, 2009)

ARTICLE II

Property

Sec. 10-2-10. Trespass.

It is unlawful for a person to unlawfully enter or remain upon the premises of another. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-2-20. Obstructing streets and sidewalks.

(a) It is unlawful to obstruct, in any manner, any sidewalk, public highway, street or alley in the Town, or to place any object which causes or tends to cause the obstruction of any doorway, driveway or public sidewalk, street or alley or of any part thereof.

(b) All trash receptacles placed on any sidewalk, public highway, street or alley shall be placed out for collection no earlier than the day before collection and removed no later than 8:00 a.m. the day after collection. (Ord. 96-O-4 §1, 1996; Ord. 99-O-2 §1, 1999; Ord. O-12 §19, 2000; Ord. O-4 §1, 2009)

Sec. 10-2-30. Parking on private premises.

It is unlawful to park or stand a vehicle in a private driveway or on private property, regardless of whether such vehicle is occupied, 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; Ord. O-4 §1, 2009)

Sec. 10-2-40. Sales on public property.

(a) It is unlawful for a person to park or stand a vehicle, cart, tent or other structure without a permit, regardless of whether such vehicle is occupied, on any public property, park, open space, recreation area, street, sidewalk or other public way, when such vehicle or structure is used for the operation of any business.

(b) 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 Boulder County Health Department or other applicable agency and is not parked in any one (1) location for more than fifteen (15) minutes. (Ord. 99-O-2 §2, 1998; Ord. O-4 §1, 2009)

Sec. 10-2-50. 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 right-of-way. (Ord. O-15 §1, 2001; Ord. O-4 §1, 2009)

Sec. 10-2-60. Parking of unlicensed or inoperable vehicles.

(a) It is unlawful to park any inoperable vehicle on any public street, alley or right-of-way within the Town.

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

- (1) The vehicle is not properly licensed and registered;
- (2) The vehicle does not display current and valid license plates;
- (3) The vehicle lacks any part necessary for legal operation on a public street; or
- (4) The vehicle lacks glazing, lights, indicators or body sheet metal. (Ord. O-7 §1, 2006; Ord. O-4 §1, 2009)

Sec. 10-2-70. Parking of detached trailers and recreational vehicles.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Recreational vehicle means a vehicular or portable unit mounted on a chassis and wheels, which either has its own motive power or is mounted on or drawn by another vehicle, such as travel trailers, truck campers, camping trailers or motor homes. A recreational vehicle is not designed or intended for use as a permanent dwelling or sleeping place, but is to provide temporary living quarters for recreational, camping or travel use.

Street block means both sides of the street between two (2) intersecting streets or an intersecting street and a dead end.

(b) Trailers. It is unlawful to continuously park any trailer, semi-trailer or utility trailer for more than five (5) days on any public street, alley or right-of-way, regardless of whether such trailer, semi-trailer or utility trailer is properly licensed or registered. A trailer, semi-trailer or utility trailer that is moved from a parking space on any street block and reparked on the same- street block within any twenty-four-hour period shall be deemed to have been continuously parked. This prohibition 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.

(c) Recreational vehicles. It is unlawful to continuously park any recreational vehicle for more than five (5) days on any public street, alley or right-of-way. A recreational vehicle that is moved from a parking space on any street block and reparked on the same street block within any twenty-four-hour period shall be deemed to have been continuously parked. (Ord. O-10 §1, 2008; Ord. O-4 §1, 2009)

ARTICLE III

Damage or Destruction

Sec. 10-3-10. Public property generally.

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

(c) It is unlawful for vehicles equipped with treads or lug wheels which are injurious to pavement to be operated or caused to be operated by a 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; Ord. O-4 §1, 2009)

Sec. 10-3-20. Criminal mischief.

(a) It is unlawful for a person to intentionally, knowingly, recklessly or negligently deface, injure, damage or destroy the real or personal property of another, provided that this Section shall not apply to a person showing a legal right or authority to deface, 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; Ord. O-4 §1, 2009)

ARTICLE IV

Theft and Related Offenses

Sec. 10-4-10. Theft generally.

(a) It is unlawful for a person to knowingly obtain or exercise possession of or control over anything of value of another without authorization, or by threat or deception, 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, or 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; Ord. O-4 §1, 2009)

Sec. 10-4-20. Bad checks.

(a) It is unlawful for a 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) For purposes of this Section, the following terms shall have the following meanings:

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 means 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 a 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 a 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, 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; Ord. O-4 §1, 2009)

Sec. 10-4-30. Theft of rental property.

(a) It is unlawful for a person to knowingly obtain or exercise temporary or permanent control over the personal property of another which is available only for hire.

(b) A person exercises temporary or permanent control over personal property of another when such person:

(1) Obtains the property by means of threat or deception;

(2) Obtains the property from a third party, when such person knows that the third party did not obtain permission from the property owner to use or possess the personal property;

(3) Knowingly fails to reveal the whereabouts of or return said property to the owner thereof, his or her representatives, or to the person from whom he or she received the property within seventy-two (72) hours after the time at which the property was to be returned.

(4) 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; Ord. O-4 §1, 2009)

Sec. 10-4-40. Joyriding.

It is unlawful for a person to knowingly 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; Ord. O-4 §1, 2009)

Sec. 10-4-50. Shoplifting.

(a) It is unlawful for a person to knowingly obtain or exercise control over 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 a 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; Ord. O-4 §1, 2009)

Sec. 10-4-60. Price switching.

It is unlawful for a person to willfully 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; Ord. O-4 §1, 2009)

Sec. 10-4-70. Theft by receiving.

It is unlawful for a person to knowingly 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; Ord. O-4 §1, 2009)

ARTICLE V

Public Health and Safety

Sec. 10-5-10. Abandoned iceboxes and containers.

(a) It is unlawful for a person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned dwelling, building or structure, in a place accessible to children, any abandoned, unattended or discarded refrigerator, icebox, deep-freeze locker, stove, oven, trunk or other container which has a door or lid, snap lock or other locking device, which may not be released from the inside, without first removing such door or lid, snap lock or other locking device.

(b) This Section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, trunks or other containers which have a door or lid, snap lock or other locking device who keeps or stores such items 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. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-5-20. Storage of flammable liquids.

It is unlawful to store or park or cause to be stored or parked, except for unloading, any vehicle used for the purpose of storing flammable liquids, gases, explosives or toxicants, upon any streets or rights-of-way except those areas zoned for such uses. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-5-30. Storage of construction materials.

No person shall 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; Ord. O-4 §1, 2009)

Sec. 10-5-40. Contamination of water.

It is unlawful for a 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; Ord. O-4 §1, 2009)

Sec. 10-5-50. Poisonous substances.

(a) It is unlawful for a person to put out, spread or distribute poison or a poisonous substance or material of any kind or nature whatsoever at any place or places outside of an occupied building within the Town, except as 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; however, a permit is required to poison all other domestic or wild animals, including but not limited to prairie dogs, rattlesnakes, birds, wild animals and wild birds.

(c) Permit application.

(1) Applications for a permit to use poisonous substances shall be made in writing to the Town Manager and shall set forth the reasons for such use.

(2) The Town Manager may grant a poisonous substance permit to any applicant who is the owner, lessee or tenant of property in the Town for use on such property under the following conditions:

a. The poison shall be applied in compliance with applicable local, state and federal laws;

b. Application of the poison shall not be contrary to any policy or program of the Town;

c. The poison shall be applied in such a way that it is not attractive to domestic or wild animals, and application of the poison shall not harm any domestic or wild animals other than those for which the poison is intended;

d. The poison shall not be attractive to humans; and

e. The purpose of the poisoning is to appropriately eliminate animals that are destructive to private or public property or a danger to humans or other animals.

(3) Such permit shall state the name of the applicant, the purpose of the permit, the reason given for the necessity of the permit, 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, together with the period of the permit in which to do so.

(4) An applicant may appeal denial 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.

(d) This Section shall not apply to any person, business or other entity regulated by the Colorado Department of Agriculture and engaged in activities regulated under the Pesticide Applicator's Act, Section 35-10-101, et seq., C.R.S. (Ord. 96-O-4 §1, 1996; Ord. O-15 §1, 2002; Ord. O-5 §1, 2003; Ord. O-4 §1, 2009)

Sec. 10-5-60. Cruelty to animals.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Wild animal means 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.

Wild bird means 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.

(b) Prohibitions.

(1) It is unlawful for a 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 unless such capture or destruction is done:

- a. In compliance with applicable local, state and federal law; and
- b. With the consent of the person in control of the property upon which the capture or destruction takes place.

(2) 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 the Town.

(c) Exceptions. This Section shall not apply to any police, fire or animal control agency personnel or to the Colorado 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.

(d) Intent. This Section is not intended to allow the destruction of any bird or animal protected by state or federal law. (Ord. 96-O-4 §1, 1996; Ord. O-11 §6, 2000; Ord. O-15 §2, 2002; Ord. O-5 §2, 2003; Ord. O-4 §1, 2009)

Sec. 10-5-70. Littering.

(a) It is unlawful to 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; Ord. O-4 §1, 2009)

Sec. 10-5-80. Camping prohibited.

It is unlawful for a person to camp 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, but does 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; Ord. O-4 §1, 2009)

Sec. 10-5-90. Open fires prohibited.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Chiminea means a freestanding front-loading fireplace or oven with a bulbous body and usually a vertical smoke vent or chimney.

Open fire means any outdoor fire, including but not limited to campfires, warming fires, bonfires or the burning of fields, trash or debris.

(b) It is unlawful for a person to set, maintain or allow the setting or maintenance of an open fire unless the open fire is contained:

- (1) In a Town-installed fire pit or grill; or
- (2) In a fire pit, grill or chiminea on private property.

(c) Any person who lawfully sets, maintains or allows the setting or maintaining of an open fire under this Section shall ensure that:

- (1) The open fire is under constant supervision; and
- (2) The open fire is immediately extinguished upon notification by a peace officer, code enforcement officer or fire official that, in his or her opinion, such fire constitutes a hazardous condition. (Ord. O-15 §6, 2001; Ord. O-4 §1, 2009)

Sec. 10-5-100. Maximum occupancy.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Domestic partnership means two (2) unmarried persons over the age of eighteen (18) years who are unrelated by blood and who have an exclusive committed relationship, maintain a mutual residence and share basic living expenses.

Dwelling means a building that contains one (1) or two (2) dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Landlord means any person or entity who rents, leases or otherwise contracts residential real property for occupancy.

Occupying a dwelling means being present overnight within a dwelling for more than fourteen (14) days, whether or not those days are consecutive, in any given month.

Related means those who are related by blood, marriage, domestic partnership or adoption, and any minors for which one (1) of the occupants serves as the minor's legal guardian.

(b) It is unlawful for more than three (3) persons who are not related to occupy any dwelling within the Town.

(c) 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, unless:

(1) The lease agreement between the landlord and the occupants of the dwelling expressly prohibits occupancy of more than three (3) unrelated persons, and the landlord has no knowledge that such provision is being violated; or

(2) Upon receipt of information that the occupants are in violation of this Section, the landlord timely notifies the occupants, in writing, that their occupancy is in violation of this Section. (Ord. O-8 §1, 2004; Ord. O-4 §1, 2009)

ARTICLE VI

Morals

Sec. 10-6-10. Public indecency.

(a) It is unlawful to commit an act of public indecency. A 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 a 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 where 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; Ord. O-4 §1, 2009)

Sec. 10-6-20. 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; Ord. O-4 §1, 2009)

Sec. 10-6-30. Window peeping.

It is unlawful for a 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; Ord. O-4 §1, 2009)

ARTICLE VII

Public Peace

Sec. 10-7-10. Disturbing the peace.

A 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; Ord. O-4 §1, 2009)

Sec. 10-7-20. Disrupting lawful assembly.

It is unlawful for a 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; Ord. O-4 §1, 2009)

Sec. 10-7-30. Loitering.

(a) For purposes of this Section, *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 a person to loiter in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on school grounds, unless such person has a legitimate reason for his or her presence or written permission from a school administrator.

(c) It is unlawful for a 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 is unlawful for a 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) Nothing in this Section shall be construed to prevent lawful assembly as a part of peaceful and orderly petition for the redress of grievances. (Ord. 96-O-4 §1, 1996; Ord. O-14 §1, 2002; Ord. O-18 §1, 2002; Ord. O-4 §1, 2009)

Sec. 10-7-40. Unlawful assembly.

It is unlawful for two (2) or more persons to assemble together with the intent to do an unlawful act, or to mutually 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; Ord. O-4 §1, 2009)

Sec. 10-7-50. Unlawful interference; educational institutions.

(a) It is unlawful for a 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 from and egress to the institution's physical facilities.

(b) It is unlawful for a person on the premises of an educational institution, or in any building or other facility being used by an 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 by threatening force or violence.

(c) It is unlawful for a person to willfully refuse or fail to leave the property of, or any building or other facility used by, an educational institution after 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. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-7-60. Harassment.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Credible threat means a threat that would cause a reasonable person to be in fear for the person's life or safety

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.

Repeatedly means more than one (1) occasion.

(b) It is unlawful for a 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.

(c) An act prohibited by Paragraph (a)(4) hereof 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) hereof, 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) 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; Ord. O-4 §1, 2009)

Sec. 10-7-70. 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; Ord. O-4 §1, 2009)

Sec. 10-7-80. Excessive sound levels.

(a) It is unlawful for a person to operate any vehicle, machine or device, carry on any activity or promote or facilitate the carrying on of any activity which makes sound in excess of the levels specified herein.

(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 at or above ten thousand (10,000) pounds may exceed eighty (80) dBA but shall not exceed eighty-eight (88) dBA during the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. 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 district:

<i>Zoning of the property on which the sound is received</i>	<i>Maximum number of decibels permitted from 7:00 a.m. until 11:00 p.m. of the same day</i>	<i>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</i>
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) 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.

(f) Sound from a source on public property may be measured:

(1) On that property on which the sound source is located if the measurement is taken at least twenty-five (25) feet from the source; or

(2) At or inside the property line of property other than the property on which the sound source is located.

(g) 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 Section.

(i) It is an affirmative defense to a charge of violating this Section 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 of a the sound level variance granted by the Town.

(j) Variances.

(1) An applicant may submit an application for a sound level variance to the Town Manager. Such application shall include:

a. The location where the sound source will be located;

b. The time period for which the sound level variance is sought;

c. The purpose for which the sound level variance is sought; and

d. Whatever additional information the Town Manager deems necessary.

(2) A sound level variance shall be granted after application is made if the Town Manager finds that:

a. Compliance with this Section will cause an undue hardship and no reasonable alternative is available to the applicant; and

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

c. 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.

(3) If the Town Manager grants a variance, the Town Manager shall prescribe such reasonable conditions or requirements as are necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(k) This Section 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.

(l) Three (3) or more violations of this Section occurring on different dates shall be grounds for revocation of any special use review permit or liquor license, after proper notice and hearing. (Ord. O-14 §2, 2000; Ord. O-4 §1, 2009)

Sec. 10-7-90. Separate offense.

Each violation of this Article constitutes a separate and distinct offense. (Ord. O-14 §2, 2000; Ord. O-4 §1, 2009)

Sec. 10-7-100. Disorderly conduct; noise.

It is unlawful for a 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 disrupted individual's private residence, if the person in control of such noise has no right to occupy the private residence. (Ord. O-14 §2, 2000; Ord. O-4 §1, 2009)

ARTICLE VIII

Alcohol and Drugs

Sec. 10-8-10. Definitions.

For purposes of this Article, all terms shall be defined as such terms are defined by the Colorado Liquor Code, Section 12-47-101, et seq., C.R.S. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-8-20. Alcohol-related violations.

(a) It is unlawful for a 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 any fermented malt beverage, vinous or spirituous liquors.

(b) It is unlawful for a person under the age of twenty-one (21) years to attempt to purchase, to purchase or to 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 a person under the age of twenty-one (21) years to possess or consume, whether actual or constructive, fermented malt beverages or malt, vinous or spirituous liquors. Prima facie evidence of a violation of this Subsection shall consist of:

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed an alcoholic beverage; 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 beverage intoxication or impairment.

(d) It is unlawful to sell fermented malt beverages or malt, vinous or spirituous liquors to any person under the age of twenty-one (21) years, 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 a 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 for any person to beg or solicit any patron or customer of any place of business where alcoholic beverages are sold and consumed to purchase any alcoholic beverage for the person begging or soliciting.

(g) During any trial for a violation of this Section, a 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 such label 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; Ord. O-4 §1, 2009)

Sec. 10-8-30. Alcohol in public places.

It is unlawful for a 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 Town, the State or any political subdivision or agency thereof; 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 10-8-40 below. (Ord. 96-O-4 §1, 1996; Ord. O-6 §1, 2007; Ord. O-4 §1, 2009)

Sec. 10-8-40. 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 and consumption of fermented malt beverages, malt, vinous or spirituous liquors in the following public places: Community Park; Purple Park; Town 9; North Pool and South Pool.

(b) Prior to issuance of a permit, the applicant shall 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.

(c) 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.

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

(e) 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.

(f) 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 the requested 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 described in Subsection (b) hereof. (Ord. 96-O-4 §1, 1996; Ord. O-6 §2, 2007; Ord. O-4 §1, 2009)

Sec. 10-8-50. Possession of cannabis.

(a) For 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 to openly and publicly 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) 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; Ord. O-4 §1, 2009)

Sec. 10-8-60. Possession of drug paraphernalia.

(a) For purposes of this Section, the following terms shall have the following meanings:

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

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

(b) 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.

(c) It is unlawful to sell, deliver, possess with the intent to sell or deliver or manufacture with the 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.

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

(2) The proximity of the object to controlled substances;

(3) The existence of any residue of controlled substances on the object;

(4) Direct or circumstantial evidence of the knowledge of any owner, or of anyone in control of the object, or evidence that such person reasonably knew, that the object would be delivered to persons whom he or she knew or reasonably should have known could be used 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 explains or depicts 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.

(e) If 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; Ord. O-4 §1, 2009)

ARTICLE IX

Weapons

Sec. 10-9-10. Definitions.

For purposes of this Article, all terms shall be defined as they appear in the Colorado Criminal Code, Section 18-1-101, et. seq., C.R.S. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-9-20. Carrying concealed weapons.

(a) It is unlawful for a person knowingly to carry a knife or firearm concealed on or about his or her person, except as authorized by this Article, the Colorado Constitution or the Colorado Revised Statutes.

(b) This Section shall not apply to persons carrying or concealing weapons:

(1) In their own domiciles or places of business or on property owned by or under their control;

(2) In private automobiles or other private means of conveyance who are carrying a weapon for hunting or the lawful protection of themselves or another person or property while traveling;

(3) Who, prior to the time of carrying a concealed weapon, has been issued a written permit to carry such weapon and is in compliance with such permit.

(4) Who is a peace officer, as described in Section 16-2.5-101, C.R.S., when such weapon is carried in conformance with the policy of the peace officer's employing agency.

(5) Who is a United States probation officer or United States pretrial services officer while on duty and serving in the State under the authority of rules and regulations promulgated by the judicial conference of the United States.

(c) It is unlawful for a 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 peace 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; Ord. O-4 §1, 2009)

Sec. 10-9-30. Prohibited use.

(a) Except as provided in Subsection (b) hereof, it is unlawful for a 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 a firearm within or into the limits of the Town.

(b) Provided that any and all discharged projectiles do not leave such premises and do not endanger other premises or persons, this Section shall not apply to persons discharging firearms in shooting galleries or at shooting ranges.

(c) It is unlawful for a parent, guardian or other person having the care and custody of a minor child under the age of eighteen (18) years to allow or permit 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 or other hard substances, or to fire, set off or explode anything containing powder, gasoline or other combustible or explosive material within the Town.

(d) It is unlawful for any minor child under the age of eighteen (18) years to knowingly possess any pellet gun or BB gun in the Town, unless such minor child is under the direct supervision of a parent, guardian or other person having care and custody of the minor child.

(e) It is unlawful to:

(1) Knowingly and unlawfully aim a firearm at another person;

(2) Recklessly or with criminal negligence discharge a firearm or shoot a bow and arrow;

(3) Knowingly set a loaded gun, trap or device designed to cause an explosion upon being tripped or approached and leave it unattended;

(4) Possess a firearm while under the influence of intoxicating liquor or of a controlled substance; or

(5) Carry, conceal or display any dangerous or illegal weapon, when such person is on the premises where alcoholic beverages are sold.

(f) It is unlawful to knowingly and unlawfully aim, swing or throw a throwing star or nunchaku at another person, or to 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.

(g) For purposes of this Section, the following terms shall have the following meanings:

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.

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; Ord. O-4 §1, 2009)

Sec. 10-9-40. Furnishing to certain persons prohibited.

It is unlawful for a person to purchase, sell, loan or furnish a gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to a person under the influence of alcohol or

controlled substance, to a person in a condition of agitation and excitability or to a minor person under the age of eighteen (18) years. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-9-50. Missiles.

It is unlawful for a person willfully, maliciously or recklessly to throw, shoot or project a 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; Ord. O-4 §1, 2009)

Sec. 10-9-60. Confiscation and disposition.

It is the duty of the police, upon making any arrest and seizing a weapon carried or used in violation 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 who shall dispose of the weapon. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-9-70. Carrying weapons in Town buildings and parks prohibited.

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

- (1) Town Hall;
- (2) Parks and Open Space offices;
- (3) Water Treatment Plant;
- (4) Wastewater Treatment Plant;
- (5) All fire and police department facilities;
- (6) Town parks; and
- (7) 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 statutes regarding carrying concealed weapons. (Ord. O-6 §1, 2003; Ord. O-4 §1, 2009)

ARTICLE X

Offenses Against the Person

Sec. 10-10-10. Assault.

It is unlawful for a 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; Ord. O-4 §1, 2009)

Sec. 10-10-20. Menacing.

It is unlawful for a person to knowingly 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; Ord. O-4 §1, 2009)

Sec. 10-10-30. Reckless endangerment.

It is unlawful for a person to recklessly engage in conduct which creates substantial risk of serious bodily injury to another person. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

ARTICLE XI

Minors

Sec. 10-11-10. Harboring prohibited; exceptions.

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

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

(c) 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:

(1) 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

(2) 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; Ord. O-4 §1, 2009)

Sec. 10-11-20. Curfew.

(a) It is unlawful for a minor who has not reached the age of sixteen (16) to loiter upon a street or alley or any public place, or to loiter in an 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; or

(3) When such minor is in the custody of and accompanied by a person who has reached the age of eighteen (18) 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 a minor who has reached the age of sixteen (16), but not yet reached the age of eighteen (18), to loiter upon any street or alley or any public places, or to loiter in an 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 Subsection (a) hereof. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-11-30. Distribution of cigarettes and tobacco products to minors.

(a) For purposes of this Section, the term *tobacco products* means cigars, cheroots, stogies, periques, granulated, plug-cut, crimp-cut, ready-rubbed, any other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing and smoking.

(b) It is unlawful for a person eighteen (18) years of age or older to furnish to a person who is under eighteen (18) years of age, by gift, sale or other means, cigarettes or tobacco products.

(c) It is unlawful for a 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.

(d) It is unlawful for a person to sell or offer to sell cigarettes or tobacco products 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) A person convicted of, or pleading guilty or nolo contendere to, a violation of this Section shall be punished by a fine of two hundred dollars (\$200.00). (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §19, 1996; Ord. O-4 §1, 2009)

ARTICLE XII

Government

Sec. 10-12-10. Definition.

For purposes of this Article, the term *law enforcement officer* means a person defined as a peace officer by Section 16-2.5-101, 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; Ord. O-4 §1, 2009)

Sec. 10-12-20. False alarms.

(a) Definitions. For purposes of this Section, the following terms shall have the following meanings:

Alarm means any device that is designed to cause a Police Department response, which is reported by notification, transmitted, telephoned, radioed or otherwise relayed to the Police Department by such device or by any person acting in response to a signal activated by such device, or by an audible or visual signal designed to notify persons within audible or visual range of the signal.

False alarm means an alarm resulting in a response by the Police Department to the property on which the alarm is located where no evidence or information exists that criminal activity or an emergency has occurred prior to or during the activation of the alarm. *False alarm* does not include alarms activated by violent conditions of nature, such as blizzards, tornadoes, earthquakes or any other similar cause beyond the control of the owner.

Owner means the fee owner of the property on which an alarm is located. It shall be presumed that the fee owner of the property on which an alarm is located is the person whose name is indicated as the owner of the property in the records of the Boulder County Assessor. This presumption may be rebutted by a preponderance of the evidence.

(b) It is unlawful for an owner to activate or permit the activation of a false alarm.

(c) Penalties. Violations of this Section shall be punishable as follows:

(1) There shall be no penalty for the first three (3) violations of this Section in any twelve-month period.

(2) For subsequent violations in any twelve-month period, the following penalties shall be imposed by the Municipal Court upon conviction or guilty plea:

a. Fourth violation: Fine of fifty dollars (\$50.00).

b. Fifth violation: Fine of one hundred dollars (\$100.00).

c. Sixth and subsequent violations: A minimum fine of two hundred dollars (\$200.00) up to a maximum fine of nine hundred ninety-nine dollars (\$999.00) per violation. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996; Ord. 99-O-5 §1, 1999; Ord. O-11 §1, 2003; Ord. O-4 §1, 2009)

Sec. 10-12-30. False reports.

(a) It is unlawful for a 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 a person to report or cause to be reported to the Police Department information concerning the commission of an 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 a 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; Ord. O-4 §1, 2009)

Sec. 10-12-40. False information.

(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 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, address or age. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

Sec. 10-12-50. Impersonation.

(a) It is unlawful for a 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 a 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 a 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; Ord. O-4 §1, 2009)

Sec. 10-12-60. Interfering with or obstructing public officers or employees.

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

(c) It is unlawful for a person to threaten violence, reprisal or any other injurious act to a 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; Ord. O-4 §1, 2009)

Sec. 10-12-70. Resisting arrest; escape.

(a) It is unlawful for a person to prevent or attempt to prevent a law enforcement officer, acting within his or her official authority, from effecting the arrest of a person, by threatening 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 a 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. This Section shall not apply when the escapee is being held for a felony or is charged with a felony.

(c) It is not a defense to this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if the peace officer did not resort to unreasonable or excessive force.

(d) A peace officer acts within 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; Ord. O-4 §1, 2009)

Sec. 10-12-80. Disobeying officer.

It is unlawful for a person over the age of eighteen (18) years to knowingly disobey the lawful or reasonable order of a law enforcement officer given incident to the discharge of the official duties of such law enforcement officer. (Ord. 96-O-4 §1, 1996; Ord. O-4 §1, 2009)

ARTICLE XIII

Disposition of Personal Property

Sec. 10-13-10. 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; Ord. O-4 §1, 2009)

Sec. 10-13-20. Storage of abandoned property.

When a motor vehicle or other personal property is found abandoned upon Town property or public property or when personal property comes 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; Ord. O-4 §1, 2009)

Sec. 10-13-30. 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; Ord. O-4 §1, 2009)

Sec. 10-13-40. 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; Ord. O-4 §1, 2009)

Sec. 10-13-50. Notification to owner.

If the Marshal determines who owns lost, abandoned or recovered stolen personal property, 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. This Section shall not apply to abandoned motor vehicles or property ordered confiscated by the Municipal Court. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996; Ord. O-4 §1, 2009)

Sec. 10-13-60. Advertising for owner.

(a) If the owner of 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, publish in a newspaper of general circulation in the Town, on three (3) different days, notice containing the following information:

(1) A description of the 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 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, storing and publishing notice for such property.

(c) If such personal property, motor vehicles excepted, has been in the possession and custody of the Marshal for thirty (30) or more days, and if such property remains unclaimed after the giving of notice and the expiration of time following the notice as provided for herein, the Marshal shall make recommendations to the Board of Trustees as to the disposition of such property, and the Board of Trustees may, by motion, provide for the disposition of such property. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996; Ord. O-4 §1, 2009)

Sec. 10-13-70. Procedure for sale.

If the Board of Trustees directs that the property be disposed of by sale, the following procedures 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 on three (3) different days, which 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 property 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. If 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, the Town Clerk shall issue a receipt to the successful bidder, which receipt shall indicate thereon the property sold and the amount paid therefor. Upon exhibiting the receipt to the Marshal, the purchaser shall be entitled to possession of the purchased property.

(4) The proceeds of the sale 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 of the property shall be without redemption.

(6) No license shall be required of the person conducting the auction provided for herein. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996; Ord. O-4 §1, 2009)

Sec. 10-13-80. Holding as evidence.

If the Town Attorney, or other person charged with the duty of prosecuting violations of this Code, state or federal laws, requests that any 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 for the prosecution. (Ord. 96-O-4 §1, 1996; Ord. 96-O-12 §20, 1996; Ord. O-4 §1, 2009)