

CHAPTER 10

General Offenses

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ARTICLE I

Offenses and Miscellaneous Provisions

Sec. 10-1. Definitions.

As used in this Chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings:

(1) *Alcoholic beverages* or *alcoholic liquors* means fermented malt beverage, malt, vinous or spirituous liquors.

(2) *Deface* means to add to, cover up, mark on, break or vandalize property.

(3) *Fermented malt beverage* means any beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or any similar product or any combination thereof in water containing not less than one-half of one percent (0.5%) and not more than three and two-tenths percent (3.2%) alcohol by weight.

(4) *Government* includes any branch, subdivision, institution or agency of the government of this Town.

(5) *Governmental function* includes any activity which a public servant is legally authorized to undertake on behalf of a government.

(6) *Injure* means to physically harm or alter in any way.

(7) *Malt liquor* includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof, in water containing more than three and two-tenths percent (3.2%) of alcohol by weight.

(8) *Motorized vehicle* means and includes, without limitation, an automobile, truck, motorcycle, motor bike, motorscooter, snowmobile, dune buggy, go-kart or other self-propelled vehicle.

(9) *Person* means any natural person, any natural or governmental entity, and includes Bow Mar Owners, Inc.

(10) *Private property* shall refer to all real and personal property and improvements thereto within the Town, other than public property, and it shall include all property and improvements owned or regulated by Bow Mar Owners, Inc.

(11) *Public property* shall refer to real or personal property or improvements thereon belonging to the Town.

(12) *Public servant* means any officer or employee of the government, whether elected or appointed, and any person participating as an advisor or consultant, engaged in the service of process or otherwise performing a governmental function, but the term does not include witnesses.

(13) *Spirituous liquor* means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin and every liquid or solid, patented or not, containing at least one-half of one percent (0.5%) alcohol and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor except malt liquors and vinous liquors shall be construed to be spirituous liquor.

(14) *Vinous liquor* means wine and fortified wines which contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar. (Prior code VI-2-1; Ord. 194 §1, 1995)

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. 194 §1, 1995)

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. 194 §1, 1995)

Sec. 10-4. Penalty.

Failure to comply with the terms of this Chapter shall constitute a violation. Any person who is found guilty of, or pleads nolo contendere to the violation of, this Code shall be subject to the penalties set forth in Section 1-72 of this Code. (Ord. 194 §1, 1995)

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 lawfully under their direction, control or custody from violating any section of this Chapter.

(b) Any parent, guardian or person issued a citation under Section 10-151 shall not be issued a citation under this Section for the same offense. (Ord. 194 §1, 1995)

Sec. 10-6. Aiding and abetting.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be in violation of the ordinances of the Town, whether individually or in connection with one (1) or more persons, as a principal, agent or accessory, shall be guilty of such offense, and every person who fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any ordinance of the Town is likewise guilty of such offense. (Ord. 194 §1, 1995)

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. 194 §1, 1995)

Secs. 10-8--10-20. Reserved.

ARTICLE II

**Offenses By or Against
Public Officers and Government**

Sec. 10-21. Impersonating police or other officers.

No person shall impersonate a police officer or any other officer of the Town by wearing any star, badge or other emblem of office or in any other manner. (Ord. 194 §1, 1995)

Sec. 10-22. Obstructing a peace officer or fireman.

(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. 194 §1, 1995)

Sec. 10-23. Resisting an officer.

It is unlawful for any person to resist a police officer or any other person duly empowered with police authority while in the discharge or apparent discharge of his or her duty or in any way to interfere with or hinder him or her in the discharge of his or her duty. (Prior code VI-10-1; Ord. 194 §1, 1995)

Sec. 10-24. Resisting arrest; escaping; rescuing a 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 physical 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. (Ord. 194 §1, 1995)

Sec. 10-25. 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 other 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 dan-

ger 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 or 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) 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, sixth, seventh, eighth, ninth and tenth occurrence thereafter within one (1) year, and a fee of one hundred dollars (\$100.00) for each occurrence thereafter. This fee shall be payable to the Town Treasurer 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 Trustees. 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 Trustees, the service fee shall be refunded.

(5) The Board of Trustees 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 Trustees shall deny it, stating the reason therein.

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

(7) Upon a finding of unusual hardship, the Board of Trustees may grant a waiver of the future application of this Section to an owner or occupant of a 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.

(e) 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. 194 §1, 1995)

Sec. 10-26. 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. For the purposes of this Subsection, fire department means any fire protection district or fire fighting agency of the State, County or City; whether the employees or officers of such agency are volunteers or receive compensation for their services as firemen, or both.

(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. 194 §1, 1995)

Sec. 10-27. 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. 194 §1, 1995)

Sec. 10-28. Interfering with, obstructing, etc., 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. 194 §1, 1995)

Sec. 10-29. Disobeying; refusing to aid.

(a) It is unlawful for any person 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.

(b) A person commits an unlawful act when, upon command by a person known to him or her as a law enforcement officer, he or she unreasonably refuses to aid such law enforcement officer in coping with an emergency situation. (Ord. 194 §1, 1995)

Sec. 10-30. Obstructing government operations.

(a) It is unlawful to obstruct government operations.

(b) A person commits obstructing government operations if he or she intentionally obstructs, impairs or hinders the performance of a governmental function by a public official, employee or servant, by using or threatening to use violence, force or physical interference or obstacle.

(c) It is an affirmative defense that:

(1) The obstruction, impairment or hindrance was of unlawful action by a public servant;

(2) The obstruction, impairment or hindrance was of the making of an arrest; or

(3) The obstruction, impairment or hindrance was by lawful activities in connection with a labor dispute with the government. (Ord. 194 §1, 1995)

Secs. 10-31--10-50. Reserved.

ARTICLE III

Offenses Against Public Decency

Sec. 10-51. 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. (Ord. 194 §1, 1995)

Sec. 10-52. Indecent exposure.

(a) A person commits indecent exposure if he or she knowingly exposes 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.

(b) Indecent exposure is unlawful. (Ord. 194 §1, 1995)

Sec. 10-53. Lewd display.

It is unlawful for any person to make a public display of nudity or any indecent exposure of the buttocks, genitalia or female breasts. (Prior code VI-11-2)

Sec. 10-54. Indecent acts with minors.

It is unlawful for any person to assault any child under the age of eighteen (18) years of age; to take or attempt to take indecent or improper sexual liberties with such child; to make indecent exposure of the buttocks, genitalia or female breasts to such child; to engage or attempt to engage such child in sexual intercourse, masturbation or touching or fondling the genitals of such child; or to entice or attempt to entice such child to engage in any other sexually lewd or indecent act. (Prior code VI-11-3)

Sec. 10-55. Pornography.

(a) It is unlawful for any person to exhibit to another, to sell or offer for sale, to circulate or distribute any indecent, lewd and obscene book, picture or exhibit, or to perform or present any indecent, lewd and obscene play, motion picture, video or other tape, lecture, demonstration or other representation. *Obscene* means that which appeals to the prurient interest in nudity, sex, sexual excitement, sadism, masochism or sadomasochistic abuse, which is patently offensive in describing or dealing with such matters and which, taken as a whole, lacks serious literary, artistic, political or scientific value.

(b) In all cases of arrest under this Section, the arresting officers are hereby authorized to confiscate the property involved and to deliver the same to the Municipal Judge to be held by him or her until final determination of the prosecution of said offense and, upon a finding of guilt, the Municipal Judge may order forfeiture of such property and deliver the same to the Police Department for destruction or for the account of the Town. (Prior code VI-11-4; Ord. 194 §1, 1995)

Secs. 10-56–10-70. Reserved.

ARTICLE IV

Offenses Against Property

Sec. 10-71. Criminal mischief.

It is unlawful for any person to knowingly damage the real or personal property of one (1) or more other persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than four hundred dollars (\$400.00). (Ord. 194 §1, 1995)

Sec. 10-72. Trespassing on privately owned property.

It is unlawful for any person (except an authorized peace officer, fireman, health or safety officer, or other person while lawfully performing official duties for the United States, the State, Arapahoe or Jefferson Counties, the Town or any subdivision of any of the above) willfully or knowingly to be on or go upon the private property of any person without said person's consent or permission or willfully or knowingly to

remain upon the private property of any other person after said person or his or her agent or servant withdraws consent previously given or directs the person on his or her private property. (Prior code VI-2-5; Ord. 194 §1, 1995)

Sec. 10-73. Trespassing with motorized vehicles.

It is unlawful for any person (except an authorized peace officer, fireman, health or safety officer or other person while lawfully performing his or her official duties for the United States, the State, Arapahoe or Jefferson Counties, the Town or any subdivision of any of the above) willfully or knowingly to ride, drive or otherwise propel or permit to be propelled any motorized vehicle upon private property except upon roads, streets, driveways and parking areas approved by the Town for such vehicular traffic. (Prior code VI-2-6)

Sec. 10-74. Parking in private driveways or on private property.

It shall be unlawful for any person willfully or knowingly to park or stand a motorized vehicle in a private driveway or on private property without the express or implied consent of the owner of such driveway or property. (Prior code VI-2-7)

Sec. 10-75. Parking on public property.

It is unlawful for any person willfully or knowingly to park or leave a motorized vehicle on any public property within the Town, including the streets, rights-of-way, borrow ditches, bridle paths, greenbelts, traffic circles or traffic triangles within the Town. (Prior code VI-2-8)

Sec. 10-76. Theft.

It is unlawful for a person to commit theft. A person commits theft when he or she knowingly obtains or exercises control over anything of another without authorization or by threat or deception when the value of the thing is less than four hundred dollars (\$400.00), and:

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

(2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;

(3) Uses, conceals or abandons the thing of value, intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or

(4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person. (Ord. 194 §1, 1995)

Sec. 10-77. Theft of rental property.

It is unlawful for a person to commit theft of rental property. A person commits theft of rental property if he or she:

(1) Obtains the temporary use of personal property of another, which is available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the personal property;

(2) Having lawfully obtained possession for temporary use of the personal property of another which is available only for hire, knowingly fails to reveal the whereabouts of or to return the property to the owner thereof or his or her representative or to the person from whom he or she has received it within seventy-two (72) hours after the time at which he or she agreed to return it; and

(3) The value of the property involved is less than four hundred dollars (\$400.00). (Ord. 194 §1, 1995)

Sec. 10-78. Theft by receiving.

It is unlawful to commit theft by receiving. A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on or disposes of anything of value of another, knowing or believing that the thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value, where the value of the thing of value is less than four hundred dollars (\$400.00). (Ord. 194 §1, 1995)

Sec. 10-79. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than four hundred dollars (\$400.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on his or her own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft. (Ord. 194 §1, 1995)

Sec. 10-80. Tampering and unauthorized connection.

(a) Any person who connects any pipe, tube, stopcock, wire, cord, socket, motor or other instrument or contrivance with any main, service pipe or other medium conducting or supplying gas, water or electricity to any building without the knowledge and consent of the person supplying such gas, water or electricity commits tampering and unauthorized connection, which is unlawful.

(b) Any person who in any manner alters, obstructs or interferes with any meter pit, meter or metering device provided for measuring or registering the quantity of gas, water or electricity passing through said meter without the knowledge and consent of the person owning said meter commits tampering and unauthorized connection, which is unlawful.

(c) A person who tampers with property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he or she knowingly makes unauthorized connection with property of a utility, commits tampering and unauthorized connection, which is unlawful.

(d) Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards. (Ord. 194 §1, 1995)

Sec. 10-81. Injuring or destroying private property.

It is unlawful for any person willfully, negligently or wantonly to injure or destroy private property. (Prior code VI-2-3)

Sec. 10-82. Evasion of admission fees.

It is unlawful for any person willfully or knowingly to gain or attempt to gain admittance or entrance onto, or to use, the private property owned or operated by Bow Mar Owners, Inc., or any other private club or association unless such person can establish that he or she is doing so pursuant to the express authorization or authorized invitation of Bow Mar Owners, Inc., or other private club or association or their authorized representatives. (Prior code VI-2-4)

Secs. 10-83--10-100. Reserved.

ARTICLE V

Offenses Relating to Streets and Public Places

Sec. 10-101. Unlawful conduct on public property.

(a) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on them in violation of any order, rule or regulation concerning any matter prescribed in this Section, limiting or prohibiting the use, activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such public buildings and property, specifically, orders, rules and regulations upon the following matters:

(1) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings, grounds and other structures, and any object of scientific, historical or scenic interest;

(2) Restriction or limitation of the use of such public buildings or property as to time, manner or permitted activities;

(3) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance;

(4) Camping and picnicking, public meetings and assemblages and other individual or group usages, including the place, time and manner in which such activities may be permitted;

(5) Use of all vehicles as to place, time and manner of use;

(6) Control and limitations of fires and designation of places where fires are permitted.

(b) No conviction may be obtained under this Section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the office or agency, including any agent thereof or by any law enforcement officer having jurisdiction or authority to enforce this Section.

(c) Any person who violates this Section is guilty of unlawful conduct on public property. (Ord. 194 §1, 1995)

Sec. 10-102. Public buildings; trespass; interference.

(a) No person shall so conduct himself or herself at or in any public building owned, operated or controlled by the Town as to willfully deny to any public official, public employee or invitee on such premises the lawful rights of such official, employee or invitee to enter, to use the facilities of or to leave any such public building.

(b) No person shall, at or in any public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof.

(c) No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer or his or her designee charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in the public building.

(d) No person shall, at any meeting or session conducted by any judicial, legislative or administrative body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

(e) No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such body or official.

(f) The term *public building*, as used in this Section, includes any premises being temporarily used by a public officer or employee in the discharge of his or her official duties.

(g) Any person who violates any of the provisions of this Section commits an unlawful act. (Ord. 194 §1, 1995)

Sec. 10-103. Interfering with use of streets or sidewalks.

It is unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregating on any public highway, street, alley or sidewalk in the Town shall obstruct, interfere with or prevent the free, unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the Town or other authorized peace officer. (Ord. 194 §1, 1995)

Sec. 10-104. Injuring or destroying Town property.

It is unlawful for any person to either willfully, maliciously, wantonly, negligently or in any other manner injure or destroy any

public property or any real property, improvements thereto or moveable or personal property belonging to the Town. (Prior code VI-2-2; Ord. 194 §1, 1995)

Sec. 10-105. Injury or removal of street signs.

It is unlawful for any person without proper authorization to remove, deface, injure or destroy any street sign or sign erected or placed in or adjacent to any street indicating the name of such street. (Ord. 194 §1, 1995)

Sec. 10-106. Littering of public property.

(a) It is unlawful to throw or deposit in any street, alley, sidewalk or public grounds in the Town any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw, hay, trash or any other thing on public streets or alleys, except in public receptacles and authorized private receptacles.

(b) It is unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town or upon private property. (Ord. 194 §1, 1995)

Sec. 10-107. Organized activity on streets.

It is determined that large groups of people conducting parades, races or other organized activities on the streets may interfere with traffic and jeopardize the health, safety and welfare of those using the streets. Therefore, it is unlawful for anyone to organize, promote or participate in any parade, race or other organized activity using the streets of the Town involving the

presence of ten (10) or more people on such streets without first obtaining a permit from the Town Clerk. The Town Clerk may refuse to issue a permit if he or she determines that such activity may unreasonably interfere with the flow of traffic on the streets or create a health or safety hazard. (Prior code VI-16-1; Ord. 194 §1, 1995)

Secs. 10-108–10-120. Reserved.

ARTICLE VI

**Offenses Against Public Peace,
Order and Safety**

Sec. 10-121. Penalties for false burglar alarms.

(a) *Alarm system* means any device designated for the detection of unauthorized entry into any building or premises, which produces an audio or visual signal to which law enforcement officers would reasonably be expected to respond.

(b) *False alarm* means the activation of an alarm system necessitating a response by the Police Department where criminal activity does not exist. A *false alarm* shall be a violation of this Code and shall be punishable by a fine of fifty dollars (\$50.00).

(c) All owners of alarm systems are required to operate those systems in such a manner as to prevent false alarms. Each owner shall be given three (3) warnings per year for a false alarm before a fine shall be imposed. (Ord. 163, 1988)

Sec. 10-122. Assault.

(a) An assault is an unlawful attempt of a person, coupled with a present ability, to commit a bodily injury on another person.

(b) It is unlawful to assault, beat, strike, wound, imprison or inflict violence on another. (Ord. 194 §1, 1995)

Sec. 10-123. 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. (Ord. 194 §1, 1995)

Sec. 10-124. Loitering.

It is unlawful for a person to loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that such person takes flight upon appearance of a police officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or conceal or dispose of any object. Unless flight by the person or other circumstance makes it impracticable, a peace officer shall, prior to any arrest for an offense under this Section, first afford such person a reasonable opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. (Prior code VI-8-1)

Sec. 10-125. Littering prohibited.

It is unlawful to throw or deposit any paper, clothes, junk cars, trash, garbage or refuse of any other kind upon any street, sidewalk or other public property within the Town, upon or in Bowles Lake or any beach or lakefront property owned by Bow Mar Owners, Inc., or upon any other private property where such litter is visible to the public or may be blown onto or in any of the above-described premises. (Prior code VI-9-1)

Sec. 10-126. Disturbing the peace; definitions.

The following noises, activities and objects are defined as *disturbances of the peace*:

(1) Any loud or unusual noises, tumultuous or disorderly conduct, threatening, quarreling, challenging to fight, fighting or yelling in public places or such that it disturbs others within the Town or the public peace and quiet.

(2) Fighting or threatening to fight wherein physical injury to a person is either caused, threatened or likely to result.

(3) Use of amplifiers, radios, televisions, record players or other mechanical sound devices outside so as to be heard at a range of at least five hundred (500) feet at a volume and at times that are disturbing to the public peace and quiet.

(4) Playing musical instruments or generating live music outside so as to be heard at a range of at least five hundred (500) feet at a volume and at time that are disturbing to the public peace and quiet.

(5) Discharging fireworks other than on the 4th of July.

(6) Causing or permitting telephone rings to be heard outside at a range of at least five hundred (500) feet at a volume and at times that are disturbing to the public peace and quiet.

(7) Loud or persistent honking of automobile horns.

(8) Any other noise, activity or object that unreasonably disturbs the public peace and quiet. (Prior code VI-7-1)

Sec. 10-127. Committing disturbance.

It is unlawful for any person to cause, create, permit or allow any disturbance of the peace as defined in Section 10-126 above. (Prior code VI-7-2; Ord. 194 §1, 1995)

Sec. 10-128. Disturbing lawful assemblies.

No person shall disquiet or disturb any congregation or assembly met for religious worship or for any other lawful purpose, by making a noise or by rude and indecent behavior or profane discourse within the place of meeting or so near the same as to disturb the order or solemnity of the occasion; nor shall he or she disturb it in any other manner. (Ord. 194 §1, 1995)

Sec. 10-129. Storage of flammable liquids.

It is unlawful to store or cause to be stored or parked, except for delivery, any tank vehicle carrying flammable liquids or gases upon any streets, ways or avenues of the Town or in any other part of the Town, except those areas zoned for such uses. (Ord. 194 §1, 1995)

Sec. 10-130. 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. 194 §1, 1995)

Sec. 10-131. Throwing of stones or 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. 194 §1, 1995)

Sec. 10-132. Fraud by check.

(a) As used in this Section, unless the context otherwise requires:

(1) *Check* means a written, unconditional order to pay a certain sum in money, drawn on a bank, payable on demand, and signed by the drawer. *Check*, for the purposes of this Section only, also includes a negotiable order of withdrawal and a share draft.

(2) *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.

(3) *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.

(4) *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.

(5) *Issue*. A person issues a check when he or she makes, draws, delivers or passes it or causes it to be made, drawn, delivered or passed.

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

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

(b) Any person, knowing he or she has insufficient funds with the drawee who, with intent to defraud, issues a check for a sum less than four hundred dollars (\$400.00) for the payment of services, wages, salary, commissions, labor, rent, money, property or other thing of value, commits fraud by check, which is unlawful.

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

(d) Any person who opens a checking account, negotiable order of withdrawal account or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks commits fraud by check, which is unlawful.

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

(f) A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawer's account to a sheriff, deputy sheriff, undersheriff, police officer, district attorney, assistant district attorney, deputy district attorney or authorized investigator for a district attorney investigating or prosecuting a charge under this Section.

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

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

(2) He or she has insufficient funds upon deposit with the bank or other drawee to pay the check or order, on presentation within thirty (30) days after issue. (Ord. 194 §1, 1995)

Sec. 10-133. 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. 194 §1, 1995)

Sec. 10-134. Unlawful interference.

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. 194 §1, 1995)

Sec. 10-135. Urination and defecation in public.

(a) 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.

(b) 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. 194 §1, 1995)

Sec. 10-136. 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. 194 §1, 1995)

Sec. 10-137. Solicitations prohibited.

Going in and upon private residences or property in the Town by solicitors, door-to-door salespeople, people taking surveys or public opinion polls or others of like occupation not having been expressly requested or invited so to do by the owner or owners, occupant or occupants of said private residences for the purpose of selling goods, wares, merchandise, magazines or services is unlawful. (Prior code VI-14-1; Ord. 194 §1, 1995)

Sec. 10-138. Begging prohibited.

It is unlawful for any person to go door-to-door or to place himself or herself in or

upon any public way or public place to beg or to receive alms for himself, herself or others. (Prior code VI-14-2)

Secs. 10-139--10-150. Reserved.

ARTICLE VII

Offenses Relating to Alcohol and Drugs

Sec. 10-151. 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, malt, 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, 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. (Ord. 194 §1, 1995)

Sec. 10-152. Illegal possession or consumption of alcoholic beverages by an underage person.

(a) As used in this Section, unless the context otherwise requires:

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

(2) *Private property* means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public, and privately owned real property which is not open to the public. *Private property* shall not include:

a. Any establishment which has or is required to have a license pursuant to Article 46, 47 or 48 of Title 12, C.R.S.;

b. Any establishment which sells alcoholic beverages or upon which alcoholic beverages is sold; or

c. Any establishment which leases, rents or provides accommodations to members of the public generally.

(b) Any person under twenty-one (21) years of age who possesses or consumes

alcoholic beverages anywhere in the Town commits illegal possession or consumption of alcoholic beverages by an underage person. Illegal possession or consumption of alcoholic beverages by an underage person is a strict liability offense.

(c) It is an affirmative defense to the offense described in Subsection (b) of this Section that the alcoholic beverages were possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

(1) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the alcoholic beverages were possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption; or

(2) When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes or solely from the ingestion of a beverage which contained less than one-half of one percent (0.5%) of ethyl alcohol by weight.

(d) The possession or consumption of alcoholic beverages shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.

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

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed 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.

(f) During any trial for a violation of Subsection (b) above, 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.

(g) A parent or legal guardian of a person under twenty-one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption

of, alcoholic beverages to or by a person under the age of twenty-one (21) years under the conditions described in Subsection (c)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Article 46, 47 or 48 of Title 12, C.R.S., or any members, employees or occupants of any such establishment to give, provide, make available or sell alcoholic beverages to a person under twenty-one (21) years of age. (Ord. 194 §1, 1995)

Sec. 10-153. Open container.

It is unlawful for any person to possess or consume by open container any fermented malt beverage or any malt, vinous or spirituous liquor, whether such possession is actual or constructive, in any public place as defined in Section 10-1 of this Chapter, or upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town. (Ord. 194 §1, 1995)

Sec. 10-154. Possession of cannabis.

(a) For the purposes of this Section, the terms *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 a plea of guilty or no contest thereto, shall be punished as set out in Section 1-72 of this Code.

(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. 194 §1, 1995)

Secs. 10-155–10-170. Reserved.

ARTICLE VIII

Offenses Relating to Weapons

Sec. 10-171. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(1) *Blackjack* means any billy, sand-club, sandbag, sap or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the hand end, a strap or spring shaft which increases the force of impact; or any device or article consisting of two (2) or

more separate portions, linked together by a chin strap or other fastener, which configuration is designed to increase the striking force or impact of the device or article.

(2) *Concealment* means the deliberate hiding of a weapon upon or near the person with the intent to avoid the lawful detection thereof. It is evidence of concealment that the weapon is hidden so as to make it immediately available for use in the fashion in which the weapon is designed to be used.

(3) *Crossbow* means any device resembling a rifle or handgun in configuration, having a bow or similar device mounted perpendicularly to a stock, grip or frame, and usually equipped with a winch or similar device which draws back the bowstring and cocks the weapon and which fires an arrow, bolt, quarrel, stone or similar shaft from a groove or depression in the stock, grip or frame by the manipulation of a trigger or similar mechanism.

(4) *Firearm* means any pistol, revolver, self-loading pistol, rifle, shotgun or any other device designed to shoot, project, throw or hurl a projectile or projectiles by means of the explosion of gunpowder or other explosive substance.

(5) *Gravity knife* means any knife the blade of which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which blade, upon release, becomes locked in place by means of a button, spring, plate, lever or other device.

(6) *Knife* means any dagger, knife, bayonet, straight razor, dirk, machete, stiletto, sword or swordcane with a blade over three and one-half (3½) inches in length, or any other dangerous instrument designed to inflict cutting, stabbing or tearing wounds; but as used in this Section, does not include a knife or hatchet of the type customarily used in hunting, fishing or camping when such is being carried for sporting use; and does not include any instruments being used in pursuance of a lawful home use, trade, occupation or profession or otherwise being lawful under federal or state statutes, or being used as an item of display or a collector's item in any home.

(7) *Switchblade knife* means any knife the blade of which opens automatically by manual pressure applied to a button, spring or other device in its handle. (Ord. 194 §1, 1995)

Sec. 10-172. Carrying 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 on property owned by or under their control at the time of the act of carrying, or to persons in private automobiles or other private means of conveyance who are carrying such a weapon for the lawful protection of their or another's person or property or for any other legal purposes.

(1) Nothing in this Subsection (a) shall apply to the Police Department, any police officer or members of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of their duties.

(2) Nothing in this Subsection (a) shall apply to persons who possess a valid permit or license to conceal such weapon or weapons, which license or permit was duly issued pursuant to applicable state or federal law.

(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 bladed stellate 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. 194 §1, 1995)

Sec. 10-173. Unlawful to discharge firearms.

It is unlawful for any person within the Town to discharge any firearms, including any gun, pistol, air gun, gas-operated gun, spring gun or firearm of any description without written permission from the Police Department, which permission shall limit the time and place of the discharge of such firearm and shall be subject to revocation by the Police Department at any time after the same has been granted. (Prior code VI-5-1; Ord. 194 §1, 1995)

Sec. 10-174. Unlawful to carry concealed weapons or to threaten with weapons.

It is unlawful for any person to wear under his or her clothes or concealed about his or her person, or to display in a threatening manner any dangerous or deadly weapon, including but not by way of limitation any pistol, revolver, short-barreled rifle, shotgun, air gun, gas-operated gun or spring gun, slingshot, black jack, club, billy, brass knuckles or knuckles of any material whatsoever, any bowie knife, dirk, star, numchuck, dagger, switchblade, knife with a blade longer than four (4) inches, sword, spear or any other dangerous or deadly weapon. (Prior code VI-5-2)

Sec. 10-175. 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 any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability, or to any minor person under the age of eighteen (18) years. (Ord. 194 §1, 1995)

Sec. 10-176. Brandishing deadly weapons.

(a) It is unlawful for any person to display, brandish or flourish a deadly weapon in a public place or for any person to intentionally and without lawful excuse, justification or purpose, aim or point a firearm at another person; provided that the provisions of this Section shall not apply to any situation that constitutes a felony under state law.

(b) As used herein, *deadly weapon* includes but is not necessarily limited to firearms, knives, hatchets and dangerous clubs.

(c) Nothing herein shall apply to any police officers, or members of the Colorado National Guard or armed forces of the United States acting in lawful discharge of their duties. (Ord. 194 §1, 1995)

Sec. 10-177. Confiscation.

In all cases of arrest under the terms of this Chapter, the arresting officers are hereby authorized to confiscate the weapons involved and to deliver the same to the Municipal Judge to be held by him or her until final determination of guilt or innocence and, upon a final finding of guilt, the Court may order forfeiture of such property and deliver the same to the Police Department for destruction. (Prior code VI-5-4; Ord. 194 §1, 1995)

Sec. 10-178. Carrying, involving intoxicants.

(a) It is unlawful for any person to carry, conceal or display any dangerous or deadly weapon while such person is on the premises of any establishment where malt, vinous or spirituous liquors are sold for consumption on the premises.

(b) The provisions of Subsection (a) shall not apply to any police officer or any other person duly licensed or authorized under applicable state or federal law to carry such weapon concealed.

(c) No person shall have or carry any deadly or dangerous weapon on or about his or her person when drunk, in a state of intoxication or under the influence of drugs. (Ord. 194 §1, 1995)

Sec. 10-179. Police officers exempt.

Nothing in this Chapter shall be construed to forbid any duly appointed or elected enforcement officer of the Town or of the various law enforcement agencies of the United States government, or of the State or any subdivision thereof, from carrying, wearing or using such weapons, concealed or exposed, as shall be reasonably necessary while on duty in the proper discharge of their duties. (Prior code VI-5-3; Ord. 194 §1, 1995)

Secs. 10-180–10-200. Reserved.**ARTICLE IX****Offenses Relating to Minors****Sec. 10-201. Wrongs to children.**

It is unlawful for any person having the care, custody, control or confidence of or influence over any child to willfully cause or permit the life of such child to be endangered, the health of such child to be injured or the morals of such child to be impaired, or to willfully cause or permit such child to be placed in such a situation, business or occupation that such child's life, health or morals shall be endangered; to willfully abandon such child; or to torture, torment, cruelly punish or willfully or negligently deprive such child of necessary food, clothing or shelter or in any other manner injure such child unnecessarily. (Ord. 194 §1, 1995)

Sec. 10-202. Parent or guardian aiding, abetting.

It is unlawful for any person to knowingly permit any minor child or children to aid, abet or encourage in or to approve, encourage, allow, permit, tolerate or consent

to the violation by any minor child or children, of any provision of this Article or any ordinances of the Town. (Ord. 194 §1, 1995)

Sec. 10-203. Encouraging delinquency.

It is unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities, and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. (Ord. 194 §1, 1995)

Sec. 10-204. Services of others.

It is unlawful for any person under the age of twenty-one (21) years to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the minor is forbidden by law to purchase. (Ord. 194 §1, 1995)

Secs. 10-205–10-220. Reserved.**ARTICLE X****Noise****Sec. 10-221. Unreasonable noise.**

It is unlawful for any person to make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, members of the Police Department are empowered to make a prima facie determination as to whether a noise is unreasonable. (Ord. 194 §1, 1995)

Sec. 10-222. Animals.

It is unlawful for any person to use, keep, have in his or her possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood; provided, however, that the provisions of this Section shall not apply to hospitals conducted for the treatment of small animals which are approved by the Health Department or to premises occupied or used by the Town pound. (Ord. 194 §1, 1995)

Sec. 10-223. Sirens, whistles, gongs and red lights.

It is unlawful for any person to carry or use upon a vehicle, other than Police or Fire Department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Departments. (Ord. 194 §1, 1995)

Secs. 10-224–10-240. Reserved.

ARTICLE XI

Fireworks

Sec. 10-241. Definitions.

For the purposes of this Article, the following words, terms and phrases carry the following definition or include the following:

(1) *Fireworks* includes:

a. Any article, device or substance prepared for the primary purpose of

producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: blank cartridges, toy pistols, toy cannons, toy canes, toy guns, in which explosives are used; fire balloons (balloons of the type which have a burning material of any kind attached thereto or which require fire underneath to propel them); fire-crackers, torpedoes, skyrockets, rockets, Roman candles, Day-Glo bombs, torches or other fireworks of like construction and any fireworks containing any explosive or flammable compound, any tablets or other device containing any explosive substance.

b. The term *fireworks* does not include toy pistols, toy cannons or toy guns in which paper caps containing not more than twenty-five one-hundredths (.25) of a grain of explosive compound per cap are used whether such caps are of single roll or tape type; nor shall the term fireworks be construed to include sparklers, trick matches, cigarette loads, trick noise makers, toy smoke devices, novelty auto alarms, highway flares, railway fuses, ship distress signals, smoke candles or other emergency signal devices.

(2) *Pyrotechnic display* refers to a public display of fireworks by persons, organizations or governmental entities permitted to make such displays under applicable state law and under the terms of this Article. (Ord. 194 §1, 1995)

Sec. 10-242. Unlawful to sell certain types of fireworks.

Except as provided herein, it shall be unlawful in the Town for any person to offer for sale, expose for sale, sell or have in his or her possession with intent to offer for sale, sell, use or explode any fireworks. (Ord. 194 §1, 1995)

containing less than two (2) ounces of propellant when such engine or model cartridge is designed to be ignited by electrical means. (Ord. 194 §1, 1995)

Secs. 10-244–10-260. Reserved.

Sec. 10-243. Applicability of Article.

The provisions of this Article apply to the possession, sale or use by any person of any fireworks or pyrotechnic displays as those terms are defined in Section 10-242 within the Town limits; provided, however, that none of the provisions of this Article shall be construed to apply to or to prohibit any of the following:

(1) The possession of fireworks for the sole purpose of immediate shipment or removal of the same by the person, partnership, association or corporation possessing the same to a location outside the Town;

(2) The sale, possession, storage or use of flashlight composition by photographers or dealers in photographic supplies;

(3) The sale to, use by or possession of any person, association, partnership or corporation duly licensed by the Town in accordance with this Article to put on a supervised public display within the Town;

(4) The manufacture, sale, use or possession of educational rockets and toy propellant device type engines used in such rockets, when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges