

Title 9PUBLIC PEACE, MORALS AND WELFAREChapters:

<u>9.04</u>	<u>Offenses Against Property</u>
<u>9.08</u>	<u>Offenses Relating to Public Morals</u>
<u>9.12</u>	<u>Offenses Relating to Public Order and Safety</u>
<u>9.16</u>	<u>Offenses By or Against Public Officers and Government</u>
<u>9.17</u>	<u>Curfew</u>
<u>9.20</u>	<u>Violation--Penalty</u>

Chapter 9.04OFFENSES AGAINST PROPERTYSections:

9.04.010	Injuring or destroying public property.
9.04.020	Injuring or destroying private property.
9.04.030	Trespassing.
9.04.040	Injury or removal of street signs.
9.04.050	Destroying posters.
9.04.060	Streets, streams and water supply.
9.04.070	Littering of public property.
9.04.080	Truck loads causing litter.
9.04.090	Lug wheels prohibited.
9.04.100	Advertising litter.
9.04.110	Shoplifting.
9.04.120	Petty theft.
9.04.130	Vandalism.
9.04.140	Possession of burglary tools.

9.04.010 Injuring or destroying public property. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to the town, where the aggregate damage to the real or personal property is less than fifty dollars but no more than three hundred dollars. (Ord. 3-1990 §1(part), 1990: prior code §10-3-1)

9.04.020 Injuring or destroying private property. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to any person, persons, corpo-

ration, partnership, or association, where the aggregate damage to the real or personal property is less than fifty

dollars and no more than three hundred dollars. (Ord. 3-1990 §1(part), 1990: prior code §10-3-2)

9.04.030 Trespassing. It is unlawful for any person to enter upon the property, real or personal, of another without the consent of the owner or occupant of the property; and it is unlawful for a person to fail or refuse to remove himself immediately from the property of another when requested to leave by the owner or occupant of the property, or the agent or servant of the owner or occupant. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-4)

9.04.040 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. (Prior code §10-3-4)

9.04.050 Destroying posters. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently, or in any other manner tear down, deface, or cover up any posted advertisement or bill of any person, firm or corporation when the same is posted or put in harmony with the provisions of this ordinance and ordinances of the town. (Prior code §10-3-5)

9.04.060 Streets, streams and water supply. It is unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal vegetable substance, or both, any dead animal, excrement, garbage, or other offensive matter whatever, upon any street, avenue, alley, sidewalk or public grounds. No person shall in the town throw or deposit or cause or permit to be thrown or deposited, anything specified in any foregoing part of this section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough, or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (Ord. 3-1990 §1(part), 1990: prior code §10-3-6)

9.04.070 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 or 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. (Prior code §10-3-7)

9.04.080 Truck loads causing litter. A. No person shall drive or move any truck or other vehicle within the town unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the town, the wheels or tires of which carry onto or deposit in any street, or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind.

B. Garbage Transport Vehicles. Every cart or vehicle used to transport manure, garbage, swill, or offal, on any highway in this town, shall be fitted with a substantial tight box thereon, so that no portion of such filth will be scattered or thrown onto such highway. (Prior code §10-3-8)

9.04.090 Lug wheels prohibited. It is unlawful for any vehicles injurious to pavement to be permitted upon public thoroughfares unless the operator of such vehicles shall first plank and protect such streets from damage. (Prior code §10-3-9)

9.04.100 Advertising litter. It is unlawful for any person to throw any posters, dodgers, circulars, bills, letters, envelopes, samples, or devices upon any of the streets, alleys, parks or public grounds of the town. (Prior code §10-3-10)

9.04.110 Shoplifting. It is unlawful for any person to commit shoplifting. A person commits shoplifting if he knowingly or intentionally conceals or carries away with the intent to permanently deprive the owner of its use or benefit, any item or items of merchandise offered for sale or display within a retail store where the aggregate retail of the item or items does not exceed five hundred dollars. (Ord. 9-1998 §1(part), 1998; Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-9)

9.04.120 Petty theft. It is unlawful for any person to commit a petty theft. A person commits petty theft when he knowingly obtains or exercises control over anything of another when the aggregate value is less than five hundred dollars without authorization or by threat or deception, and:

A. Intends to deprive the other person permanently of the use or benefit of the thing of value;

B. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use and benefit;

C. 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

D. Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person. (Ord. 9-1998 §1(part), 1998; Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-2)

9.04.130 Vandalism. It is unlawful for any person to knowingly or recklessly damage the real or personal property, whether public or private, of one or more persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than five hundred dollars. (Ord. 9-1998 §1(part), 1998; Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-1)

9.04.140 Possession of burglary tools. It is unlawful for any person, firm or corporation to possess any nippers known as burglar's nippers, any pick lock, skeleton key, key to be used with bit or bits, jimmy, or any other burglar's instruments or tools of whatever kind or description, unless it be shown that such possession is innocent or for lawful purposes. (Prior code §10-7-3)

Chapter 9.08

OFFENSES RELATING TO PUBLIC MORALS

Sections:

- 9.08.010 Window peeping.
- 9.08.020 Possession or consumption of cannabis.
- 9.08.030 Possession or consumption of intoxicating beverages.
- 9.08.040 Possession of drug paraphernalia.
- 9.08.050 Possession or consumption of ethyl alcohol by an underaged person.
- 9.08.060 Drug surcharge.
- 9.08.070 Lotteries.
- 9.08.080 Court costs.

9.08.010 Window peeping. It is unlawful for any person to trespass upon the property owned or occupied by another in the town for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building. (Prior code §10-4-4)

9.08.020 Possession or consumption of cannabis. A.
It is unlawful for any person to possess or to openly and
publicly display or consume one ounce or less of cannabis
or cannabis concentrate.

B. For the purpose of this section, the term "cannabis" shall include all parts of the plant *cannabis sativa* L., whether growing or not; the seeds 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 made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of its mature stalks, except the resin extracted therefrom, fiber, 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 tetrahydrocannabinol.

C. The provisions of this section shall not apply to any minor who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act (CRS Part 9 of Article 5 of Title 25, 1973). (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-11)

9.08.030 Possession or consumption of intoxicating beverages. It is unlawful for any person:

A. To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any malt, vinuous, or spirituous liquor to or for any person under the age of twenty-one years;

B. To obtain or attempt to obtain malt, vinuous, or spirituous liquor by misrepresentation or age or by any other method in any place where malt, vinuous, or spirituous liquor is sold when such person is under twenty-one years of age;

C. To have in his possession malt, vinuous or spirituous liquor anywhere in the town, when such person is under twenty-one years of age;

D. To consume malt, vinuous, or spirituous liquor anywhere in the town when such person is under twenty-one years of age. (Ord. 4-1990 §1, 1990: prior code §10-6-12)

9.08.040 Possession of drug paraphernalia. A. It is unlawful for any person to possess drug paraphernalia. A person commits possession of drug paraphernalia if he possess drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the law, including but not limited to, municipal, state and federal law.

B. As used in this section, unless the context otherwise requires:

1. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for

use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this municipality. "Drug paraphernalia" includes, but is not limited to:

a. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this state;

b. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

c. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana;

d. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

e. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

f. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

g. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

i. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

ii. Water pipes;

iii. Carburetion tubes and devices;

iv. Smoking and carburetion masks;

v. Roach clips, meaning objects used to hold burning material, such as a marihuana cigarette that has become too small or too short to be held in the hand;

vi. Miniature cocaine spoons and cocaine vials;

vii. Chamber pipes;

viii. Carburetor pipes;

ix. Electric pipes;

x. Air-driven pipes;

xi. Chillurns;

xii. Bongs; or

xiii. Ice pipes or chillers.

C. In determining whether an object is drug paraphernalia, a 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 an owner, or of anyone in control of the object, or evidence that such person reasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this section;
 5. Instructions, oral or written, provided with the object concerning its use;
 6. Descriptive materials accompanying the object which explain or depict its use;
 7. National or local advertising concerning its 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;
 11. Expert testimony concerning its use.
- D. In the event a case brought pursuant to this section is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera. (Ord. 3-1996 §1, 1996)

9.08.050 Possession or consumption of ethyl alcohol by an underaged person. A. It is unlawful for any person under twenty-one years of age to possess or consume ethyl alcohol anywhere in the town of Columbine Valley.

B. "Ethyl alcohol" means any substance which is or contains ethyl alcohol.

C. "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate possession and control.

D. "Private property" means any dwelling and its curtilage which is being used by a natural or 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:

1. Any establishment which has or is required to have a license pursuant to Articles 46, 47 or 48 of Title 12 of the Colorado Revised Statutes;

2. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold;

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

E. It shall be an affirmative defense to the offense described in subsection A of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one 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 ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or

2. When the existence of the 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 of ethyl alcohol by weight.

F. The possession or consumption of ethyl alcohol 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.

G. Prima facie evidence of a violation of subsection A of this section shall consist of:

1. Evidence that the defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in this municipality; or

2. Evidence that the defendant was under the age of twenty-one years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in this municipality.

H. During any trial for a violation of subsection A of this section, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall be admissible into evidence and 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 ethyl alcohol. 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," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.

I. A parent or legal guardian of a person under twenty-one 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 ethyl alcohol to or by a person under the age of twenty-one years under the conditions described in subsection (E)(1) of this section. This subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Articles 46, 47, 48 of Title 12, C. R. S., or any members, employees or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under twenty-one years of age.

J. Nothing in this section shall be construed to prohibit any statutory or home rule municipality from enacting any ordinance which prohibits persons under the age of twenty-one years from possessing or consuming ethyl alcohol, which is at least as restrictive or more restrictive than this section.

K. Nothing in this section shall be construed to limit or preclude prosecution for any offense pursuant to Articles 46, 47 or 48 of Title 12, C.R.S., except as provided in such articles.

L. Upon the expiration of one year from the date of a conviction for a violation of subsection A of this section, any person convicted of such violation may petition the court in which the conviction was entered for an order sealing the record of such conviction. The court shall grant such petition if the petitioner has not been arrested for, charged with, or convicted of any felony, misdemeanor, or petty offense during the period of one year following the date of such petitioner's conviction for a violation of subsection A of this section.

M. The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of subsection A of this section upon a showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting alcohol by the executive director of the department of public health and environment.

N. Official records of the department of public health and environment relating to the certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records of the state. Copies of such records, attested by the executive director of the department of public health and environment or his deputy

and accompanied by a certificate bearing the official seal for said department, which state that the executive director of the department has custody of such records, shall be admissible in all courts of record and shall constitute prima facie evidence of the information contained in such records. The official seal of the department described in this subsection may consist of a rubber stamp producing a facsimile of the seal stamped upon the document.

O. In any judicial proceeding in any court of this state concerning a charge under subsection A of this section, the court shall take judicial notice of methods of testing a person's blood, breath, saliva or urine for the presence of alcohol and of the design and operation of devices certified by the department of public health and environment for testing a person's blood, breath, saliva or urine for the presence of alcohol. This subsection shall not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this subsection shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

P. No law enforcement officer shall enter upon any private property to investigate any violation of this section without probable cause. (Ord. 4-1996 §1, 1996)

9.08.060 Drug surcharge. Every person who, regardless of age at the time of commission of the offense, is convicted or pleads guilty or no contest to, or pleads guilty subject to a deferred judgment, to any drug offense or drug paraphernalia offense under the municipal code, shall be assessed a surcharge in the amount of fifty dollars and such surcharge shall not be suspended or waived by the municipal court, unless the court first finds that the drug offender is financially unable to pay any portion of such surcharge. The drug offender shall have the burden of providing clear and convincing evidence that he is financially unable to pay any portion of the surcharge. The court shall waive only that portion of the surcharge which the court has found the drug offender is financially unable to pay. (Ord. 7-1999 §1, 1999; Ord. 8-1997 §1, 1997)

9.08.070 Lotteries. It is unlawful for any person or persons to set up, maintain, or carry on in any place occupied by him or them, or under his or their control, any lottery or chance gift distribution except as provided by law. (Ord. 7-1997 §1, 1997; Ord. 2-1996 §1, 1996)

9.08.080 Court costs. Every person who, regardless of age at the time of the commission of the offense, is convicted or pleads guilty or no contest to, or pleads guilty subject to a deferred judgment, to any violation of

an ordinance of the town of Columbine Valley shall be assessed court costs in the amount of ten dollars and such court costs shall not be suspended or waived by the municipal court, unless the court finds that the offender is financially unable to pay any portion of such court costs. The offender shall have the burden of providing clear and convincing evidence that he is financially unable to pay any portion of such court costs. The court shall waive only that portion of the court costs when the court has found that the offender is financially unable to pay any portion of such court costs. (Ord. 3-1999 §1, 1999)

Chapter 9.12

OFFENSES RELATING TO PUBLIC ORDER AND SAFETY

Sections:

- 9.12.010 Assault.
- 9.12.020 Vagrancy.
- 9.12.030 Loitering.
- 9.12.040 Concealed weapons--Forfeiture.
- 9.12.050 Concealed weapons--Confiscation--Disposition.
- 9.12.060 Possession of illegal weapons.
- 9.12.070 Throwing missiles.
- 9.12.080 Harassment.
- 9.12.090 Disorderly conduct.
- 9.12.100 Disturbing the peace.

9.12.010 Assault. A. An assault is an unlawful attempt coupled with a present ability to commit a bodily injury on or striking of the person of another.

B. A person commits the crime of assault if he knowingly or recklessly causes bodily injury to another person or with criminal negligence causes bodily injury to another person by means of a deadly weapon. (Ord. 3-1990 §1(part), 1990; prior code §10-5-6)

9.12.020 Vagrancy. It is unlawful for any person to commit the act of vagrancy in the town. The following acts shall constitute vagrancy:

A. Any person found loitering or strolling in, about, or upon any street, lane, avenue, alley or any other public way or public place, or at any public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior;

B. Any person upon whose person or in whose possession is found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred is designed to be employed in the commission of any felony, misdemeanor or in the violation of any ordinance;

C. Any person wandering out and occupying, lodging, or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness;

D. Any person wandering out and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself;

E. Any person who asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry, or clairvoyance;

F. Any person who knowingly keeps a place where lost or stolen property is concealed;

G. Any person who is the keeper, proprietor, exhibitor or user of any gambling table or device, or who assists or attends at any gambling table or device, or, any person who, for the purposes of gambling or gaming, travels about from place to place or frequents places where alcoholic beverages are sold, railroad cars, trains or depots, or buildings or structures, whether occupied or vacant;

H. Any person who is found trespassing in the night time upon the private premises of others. (Ord. 3-1990 \$1(part), 1990; prior code \$10-5-10)

9.12.030 Loitering. A. It is unlawful for any person to loiter or prowl upon the private property of another without lawful business with the owner or occupant thereof.

B. Among the circumstances which may be considered in determining whether or not a person who loiters or prowls on the private property of another has lawful business with the owner or occupant thereof is the fact that such person takes flight upon the appearance of a police officer or endeavors

to conceal himself or any object.

C. It is unlawful for any person to sleep in the doorway of any otherwise unoccupied building, without the permission of the owner or other person who is entitled to the possession or control thereof. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-6)

9.12.040 Concealed weapons--Forfeiture. A. It is unlawful for a person to knowingly carry a knife or firearm concealed on or about his person.

B. "Knife" as used in this section means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting, cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

C. It shall be an affirmative defense that the defendant is:

1. A person in his own dwelling or place of business or on property owned or under his control at the time of carrying; or

2. A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property while traveling; or

3. A person who, prior to the time of carrying a concealed weapon, has been issued a valid written permit to carry the weapon; or

4. A peace officer acting in the lawful discharge of his duties.

D. Any such knife as defined in subsection B of this section, shall be subject to forfeiture to the town as provided in subsection E of this section. Every such person convicted of any violation of this section shall forfeit to the town such knife or firearm so concealed or displayed.

E. Every person convicted of any violation of this section shall forfeit to the town such dangerous or deadly weapon so concealed or displayed. (Ord. 3-1990 §1(part), 1990: prior code §10-5-12)

9.12.050 Concealed weapons--Confiscation--Disposition. It shall be the duty of every police officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the same to the municipal judge, to be held by him until the final determination of the prosecution for the offense; and upon the finding of guilt, it shall then be the duty of the municipal judge to deliver the weapon forthwith to the chief of police who shall make disposition of the weapon. (Prior code §10-5-13)

9.12.060 Possession of illegal weapons. A. It is unlawful to knowingly possess an illegal weapon. An "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, bomb, firearm silencer, machine gun, short rifle, short shotgun, or switchblade knife as defined by CRS 18-12-101.

B. It shall be an affirmative defense of the charge of possession of an illegal weapon that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or that such person has a valid license for possession of such weapon.

C. Every person convicted of any violation of this section shall forfeit to the town such illegal weapon. (Ord. 3-1990 §1(part), 1990: prior code §10-5-14)

9.12.070 Throwing missiles. It is unlawful for any person to throw any stone, snowball or other missile at or upon any person without that person's consent or at or upon any vehicle, building or other property without the consent of the owner of such property. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §2(part), 1986: prior code §10-6-10)

9.12.080 Harassment. A. It is unlawful for any person to commit harassment as defined below. Those provisions, or parts thereof, which declare the mere use of language to be harassment, are limited to those words which should tend to provoke a reasonable person to respond by acts of violence. A person commits harassment if, with the intent to harass, annoy or alarm another person he:

1. Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact; or
2. In a public place directs obscene language or makes an obscene gesture to or at another person; or
3. Follows a person in or about the public place; or
4. Initiates communication with a person anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request or suggestion or proposal which is obscene; or
5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
6. Makes repeated communications at inconvenient hours or in offensively coarse language; or
7. Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit

ultimate sexual acts, whether or not the ultimate sexual acts are normal or perverted, actual or simulated. Any act prohibited by subsections (A)(4) and (A)(5) of this section may be deemed to have occurred or have been committed at the place at which the telephone call was either made or received. (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-3)

9.12.090 Disorderly conduct. A. It is unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if he intentionally, knowingly or recklessly:

1. Makes a coarse and obviously offensive utterance, gesture or display in a public place which tends to incite others to unlawful conduct or provoke retaliatory actions amounting to a breach of the peace; or
2. Abuses or threatens a person in a public place in an obviously offensive manner; or
3. Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
4. Fights with another in a public place; or
5. Discharges a firearm in a public place; or
6. Displays a deadly weapon in a public place in a manner calculated to alarm.

B. It is an affirmative defense to prosecution under subsection (A)(2) of this section that the actor had significant provocation for his abusive or threatening conduct. (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-8)

9.12.100 Disturbing the peace. It is unlawful for any person to wilfully disturb the peace of another person or persons by:

A. Making, causing or permitting to be made or caused unreasonably loud or offensive noises; or

B. In any manner, encouraging or permitting, by verbal or physical action, another person to engage in a fight or physical combat or by engaging in a fight or physical combat. (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-5)

Chapter 9.16OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENTSections:

- 9.16.010 False alarms.
- 9.16.020 Resisting the duties of police officials.
- 9.16.030 Resisting an officer--Escape--Rescuing a prisoner.
- 9.16.040 Aiding a police officer.
- 9.16.050 Impersonating a police officer.
- 9.16.060 Impersonating a town officer.

9.16.010 False alarms. Any person who shall, in this town intentionally make or give a false alarm of fire, shall be deemed guilty of a misdemeanor. (Prior code §10-5-5)

9.16.020 Resisting the duties of police officials. It is unlawful for any person to resist any police officer or any person duly empowered with police authority while in the discharge or apparent discharge of his duty. "Resist" means any act or conduct which opposes, obstructs, prevents or attempts to prevent, interferes with, hinders or impedes the actions of another. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-7)

9.16.030 Resisting an officer--Escape--Rescuing a prisoner. A. It is unlawful for any person to resist any police officer, any member of the police department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty.

B. It is unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority to escape or to attempt to escape from such authority.

C. It is unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority. (Prior code §10-7-4)

9.16.040 Aiding a police officer. It shall be the duty of all persons when called upon by any police officer or any other member of the police department to promptly aid and assist such officer or member in the discharge of his duties. (Prior code §10-7-5)

9.16.050 Impersonating an officer. A. It is unlawful for any person other than an official police officer of the town to wear the uniform, apparel or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn by the official police officers.

B. It is unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated or colorably imitated, the uniform, apparel or insignia of office used by the police department of the town. (Prior code §10-7-6)

9.16.060 Impersonating town officers and employees. It is unlawful for any person to wilfully, unlawfully or fraudulently represent himself to be a town officer or an employee of the city and purporting to perform the duties of any such officer or employee when he is not an authorized officer or employee of the city. (Prior code §10-7-7)

Chapter 9.17

CURFEW

Sections:

- 9.17.010 Violations by minors.
- 9.17.020 Violation by parents, guardians or other persons.
- 9.17.030 Penalty.

9.17.010 Violations by minors. It is unlawful for any minor who has not reached his or her eighteenth birthday to be or remain upon any street or alley or to be or remain in any establishment open to the public in the town, after the hour of eleven p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday or after the hour of twelve a.m. on any Friday or Saturday or before the hour of five a.m. on any day except:

- A. When accompanied by a parent, guardian or other person having legal care or custody of such minor;
- B. For lawful employment;
- C. When such minor is in the custody of and accompanied by a person who has reached his or her eighteenth birthday and has in his or her possession the written consent of such parent, guardian or other person having legal care or custody of such minor. (Ord. 10-1994 §1(part), 1994)

9.17.020 Violation by parents, guardians or other persons. It is unlawful for any parent, guardian or other person having legal care or custody of any minor child who has not reached his or her eighteenth birthday to allow or permit any such minor to be or remain upon any street or alley or to remain in any establishment open to the public in the town, after the hour of eleven p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday or after the hour of twelve a.m. on any Friday or Saturday or before the hour of five a.m. on any day except:

A. When accompanied by a parent, guardian or other person having legal care or custody of such minor;

B. For lawful employment;

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

D. An emancipated minor. (Ord. 10-1994 §1(part), 1994)

9.17.030 Penalty. Any violation of the provisions of this chapter by an individual shall be punishable as set forth in Chapter 9.20 of the Municipal Code. (Ord. 10-1994 §1(part), 1994)

Chapter 9.20

VIOLATION--PENALTY

Sections:

9.20.010 Violation--Penalty.

9.20.010 Violation--Penalty. A. Any person eighteen years of age or older who shall be convicted of a violation of any section of this title shall, for each offense, be fined in a sum of not more than one thousand dollars or imprisoned not to exceed one year or both so fined and imprisoned, and/or ordered to pay restitution.

B. Any minor who is ten years of age or older and under the age of eighteen years who violates any section of this chapter shall, for each offense, be fined in a sum not exceeding one thousand dollars or be subject to probation not exceeding one year or both such fine and probation, and/or ordered to pay restitution. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 5-1990 §1, 1990; Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-13)