

CHAPTER 10 General Offenses

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ARTICLE I Government and Public Officers

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Sec. 10-1-10. Definitions.

For purposes of this Chapter, the following words shall have the meanings ascribed hereafter:

- (1) *Government* includes any branch, subdivision, institution or agency of the government of the Town.
- (2) *Governmental function* includes any activity which a public servant is legally authorized to undertake on behalf of a government.
- (3) *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.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-1-20. 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 an 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. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-1-30. Impersonating a peace officer.

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. 1-98, 1998, §1)

Sec. 10-1-40. Obstructing a peace officer or firefighter.

- (a) No person shall willfully fail or refuse to comply with any lawful order, signal or direction of a police officer made or given in the discharge of the police officer's duties.
- (b) No person shall, in any way, interfere with or hinder any police officer who is discharging or apparently discharging the duties of the position.
- (c) It is unlawful to obstruct a peace officer or firefighter.
- (d) A person commits obstructing a peace officer or firefighter when, by using or threatening to use violence, force or physical interference or obstacle, such person knowingly obstructs, impairs or hinders the enforcement of the law or the preservation of the peace by a peace officer, acting under color of his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of fire by a firefighter, acting under color of his or her official authority.
- (e) It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if the peace officer was acting under color of his or her official authority as defined in Section 10-1-50(c) of this Code.
- (f) This Section does not apply to obstruction, impairment or hindrance of the making of an arrest.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-1-50. Resisting arrest.

- (a) It is unlawful to resist arrest.
- (b) A person commits resisting arrest if he or she knowingly prevents or attempts to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest of the actor or another by:

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- (1) Using or threatening to use physical force or violence against the peace officer or another; or
 - (2) Using any other means which creates a substantial risk of causing physical injury to the peace officer or another.
- (c) It is no defense to a prosecution under this Section that the peace officer was attempting to make an arrest which in fact was unlawful, if the peace officer was acting under color of his or her official authority, and in attempting to make the arrest, the peace officer was not resorting to unreasonable or excessive force giving rise to the right of self-defense. A peace officer acts under color of his or her official authority when, in the regular course of assigned duties, the peace officer is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by the peace officer.
- (d) The term *peace officer* as used in this Section means a peace officer in uniform or, if out of uniform, who has identified himself or herself by exhibiting his or her credentials as such peace officer to the person whose arrest is attempted.

(Ord. 2-95, 1995, §1)

Sec. 10-1-60. False reporting to authorities.

It is unlawful for a person to falsely report to authorities. A person commits false reporting to authorities if he or she:

- (1) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service or any other government agency which deals with emergencies involving danger to life or property;
- (2) Makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur;
- (3) Makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false;
- (4) Knowingly gives false information to any law enforcement officer with the purpose of implicating another; or
- (5) Gives a false name or address to a law enforcement officer with the intent of concealing or hiding one's own real name, address and/or age.

(Ord. 2-95, 1995, §1)

Sec. 10-1-70. Duty of citizens to aid police officers.

It shall be the duty of all persons when called upon by a police officer or any other member of the Police Department to promptly aid and assist such officer or member in the discharge of his or her duties.

(Ord. 1-98, 1998, §1)

ARTICLE II Streets and Public Places

[Sec. 10-2-10. Unlawful conduct on public property.](#)

[Sec. 10-2-20. Trespass or interference in public buildings.](#)

[Sec. 10-2-30. Interfering with use of streets or sidewalks.](#)

[Sec. 10-2-40. Damage or removal of street signs.](#)

Sec. 10-2-10. 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; and
 - (6) Control and limitation of fires and designation of places where fires are permitted.
- (b) No conviction may be obtained under this Section unless notice of such limitation or prohibition 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. 2-95, 1995, §1)

Sec. 10-2-20. Trespass or interference in public buildings.

- (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 Town officer 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.

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- (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. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-2-30. 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. 1-98, 1998, §1)

Sec. 10-2-40. Damage or removal of street signs.

It is unlawful for any person without proper authorization to remove, deface, damage or destroy any street sign or sign erected or placed in or adjacent to any street indicating the name of such street.

(Ord. 1-98, 1998, §1)

ARTICLE III Public, Private and Personal Property

[Sec. 10-3-10. Criminal mischief.](#)

[Sec. 10-3-20. Damaging or destroying public property.](#)

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[Sec. 10-3-40. Trespassing on privately owned property.](#)

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[Sec. 10-3-110. Graffiti defined.](#)

[Sec. 10-3-120. Unlawful to apply graffiti.](#)

Sec. 10-3-10. 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. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-3-20. Damaging or destroying public property.

It is unlawful for any person to either willfully, maliciously, wantonly, negligently or in any other manner damage or destroy real property, improvements thereto or moveable or personal property belonging to the Town.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-3-30. Damaging or destroying private property.

It is unlawful for any person to either willfully, maliciously or wantonly damage or destroy real property or improvements thereto, or moveable or personal property, belonging to any person.

(Ord. 1-98, 1998, §1)

Sec. 10-3-40. Trespassing on privately owned property.

It is unlawful for any person to knowingly occupy, use or remain on or in any privately owned property, real or personal, without the permission of the owner or person entitled to the possession thereof.

(Ord. 2-95, 1995, §1)

Sec. 10-3-50. Littering of public and private property.

- (a) Any person who deposits, throws or leaves any litter on any public or private property or in any waters commits littering.
- (b) The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.
- (c) It shall be an affirmative defense that:
 - (1) Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property;
 - (2) The litter is placed in a receptacle or container installed on such property for that purpose; or
 - (3) Such person is the owner or tenant in lawful possession of such property, or he or she has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.

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- (d) The phrase *public or private property* as used in this Section includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties or timberlands.
- (e) It is in the discretion of the Court, upon the conviction of any person and the imposition of a fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person gather and remove from specified public property any litter found thereon, or upon the condition that the convicted person pick up litter at the time prescribed by and at a place within the jurisdiction of the Court for not less than eight (8) hours upon a second or subsequent conviction.
- (f) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this Section, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped or dumped therefrom.

(Ord. 1-98, 1998, §1)

Sec. 10-3-60. 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. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-3-70. Theft of rental property.

It is unlawful for a person to commit theft of rental property. A person commits theft of rental property when 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. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-3-80. 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 such thing is less than four hundred dollars (\$400.00).

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-3-90. 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. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-3-100. 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. 1-98, 1998, §1)

Sec. 10-3-110. Graffiti defined.

Graffiti means any marking, symbol, slogan, logo, wording, phrase, name or other extraneous drawing applied to buildings, fences, sidewalks, vehicles or other similar objects, but is not commercial or political advertising.

(Ord. 1-98, 1998, §1)

Sec. 10-3-120. Unlawful to apply graffiti.

It shall be unlawful for any person to apply graffiti to the property of another within the Town. It shall be unlawful for any person to cause, assist or participate with any other person in the application of graffiti to the property of another.

(Ord. 1-98, 1998, §1)

ARTICLE IV Public Peace, Order and Decency

[Sec. 10-4-10. Disorderly conduct.](#)

[Sec. 10-4-20. Disrupting lawful assembly.](#)

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[Sec. 10-4-130. Indecent exposure.](#)

[Sec. 10-4-140. Public urination.](#)

[Sec. 10-4-150. Aiding and abetting.](#)

Sec. 10-4-10. Disorderly conduct.

- (a) A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:
- (1) Makes a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to incite an immediate breach of the peace;
 - (2) Abuses or threatens a person in a public place in an obviously offensive manner;
 - (3) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy;
 - (4) Fights with another in a public place except in an amateur or professional contest of athletic skill;
 - (5) Not being a peace officer, displays a deadly weapon in a public place except when engaged in lawful target practice or hunting; or
 - (6) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm a member of the public.
- (b) It is an affirmative defense to prosecution under Subsection (a)(2) of this Section that the actor had significant provocation for his or her abusive or threatening conduct.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-4-20. Disrupting lawful assembly.

It is unlawful to disrupt a lawful assembly. A person commits disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance or any other means.

(Ord. 2-95, 1995, §1)

Sec. 10-4-30. Harassment.

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
 - (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact;
 - (2) In a public place directs obscene language or makes an obscene gesture to or at another person;
 - (3) Follows a person in or about a public place;
 - (4) Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene;
 - (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
 - (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
 - (7) Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to 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.

(Ord. 1-98, 1998, §1)

Sec. 10-4-40. Loitering.

- (a) The word *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place.
- (b) A person commits a Class 1 petty offense if he or she:
 - (1) Loiters for the purpose of begging;
 - (2) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;
 - (3) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;

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- (4) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific legitimate reason for being there, and having been asked to leave by a school administrator or his or her representative or by a peace officer; or
 - (5) Loiters with one (1) or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-6-10(2) of this Chapter.
- (c) It shall be an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as part of a peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

(Ord. 1-98, 1998, §1)

Sec. 10-4-50. 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. 1-98, 1998, §1)

Sec. 10-4-60. False alarms.

Any person who shall intentionally make or give a false alarm of fire shall be deemed guilty of a misdemeanor.

(Ord. 1-98, 1998, §1)

Sec. 10-4-70. 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. 1-98, 1998, §1)

Sec. 10-4-80. 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. 1-98, 1998, §1)

Sec. 10-4-90. Abandoned containers, wells or cisterns.

It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, structure or dwelling under his or her control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has a door, lid, snap lock or other locking device which may not be released from the inside, without first removing said door, lid, snap lock or other locking device.

(Ord. 1-98, 1998, §1)

Sec. 10-4-100. Throwing missiles.

It is unlawful for any person to knowingly throw or shoot any stone, snowball or other missile at or upon any person, animal, motor vehicle, public property, building, structure, tree, shrub or other private property not belonging to that person.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-4-110. 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,

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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. 1-98, 1998, §1)

Sec. 10-4-120. Public indecency.

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

- (1) An act of sexual intercourse or deviate sexual intercourse;
- (2) A lewd exposure of the body done with intent to arouse or satisfy the sexual desire of any person; or
- (3) A lewd fondling or caress of the body of another person.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-4-130. Indecent exposure.

It is unlawful for a person to knowingly expose his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.

(Ord. 2-95, 1995, §1)

Sec. 10-4-140. Public urination.

No person shall urinate or defecate when in any park within the Town limits, or on any property zoned for residential uses without the express permission of the owner, or within any portion of the Town zoned for business, industrial or public uses, unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the wastes in a sanitary manner and that is enclosed from the view of the general public.

(Ord. 1-98, 1998, §1)

Sec. 10-4-150. Aiding and abetting.

Every person who commits, attempts to commit, conspires to commit, 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. 1-98, 1998, §1)

ARTICLE V Minors

[Sec. 10-5-10. Curfew.](#)

[Sec. 10-5-20. Parent or guardian aiding, abetting.](#)

[Sec. 10-5-30. Encouraging delinquency.](#)

[Sec. 10-5-40. False statement; false credentials.](#)

[Sec. 10-5-50. Services of others.](#)

[Sec. 10-5-60. Loitering and other acts around schools.](#)

Sec. 10-5-10. Curfew.

- (a) Responsibility of minor. It shall be unlawful for a minor person under the age of seventeen (17) years to loiter, wander or play in or upon the public streets, highways, roads, alleys or other public grounds, public places and public buildings, vacant lots or other unsupervised places in the Town between the hours of 11:00 p.m. and 5:00 a.m.; provided, however, that the provisions of this Section do not apply to a minor who is accompanied by his or her parent, guardian or other person having legal care and custody of the minor, or where the minor is upon any emergency errand or legitimate business directed by his or her parent, guardian or other adult person having legal care and custody of the minor.
- (b) Responsibility of adults. It shall be unlawful for any parent, guardian or other person having the legal care and custody of any such minor person under the age of seventeen (17) years knowingly to permit such minor to loiter, idle, wander or play in or upon the public streets, highways, roads, alleys or other public grounds, public places and buildings, vacant lots or other unsupervised places in the Town after the hour of 11:00 p.m.; provided, however, that the provisions of this Section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the legal care and custody of the minor, or where the minor is upon an emergency or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

(Ord. 2-95, 1995, §§1, 7; Ord. 1-02, 2002)

Sec. 10-5-20. Parent or guardian aiding, abetting.

It is unlawful for any person to knowingly permit any minor child, or to aid, abet, approve, encourage, allow, permit, tolerate or consent to the violation by any minor child of any provision of this Article or any ordinances of the Town.

(Ord. 1-98, 1998, §1)

Sec. 10-5-30. 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 or revoked.

(Ord. 1-98, 1998, §1)

Sec. 10-5-40. False statement; false credentials.

It is unlawful for any person under twenty-one (21) years of age to make false statements, to furnish, present or exhibit any fictitious or false registration card, identification card, note or other document for any unlawful purpose, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited places for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor, wine or fermented malt beverages as defined in this Chapter.

(Ord. 1-98, 1998, §1)

Sec. 10-5-50. 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. 1-98, 1998, §1)

Sec. 10-5-60. Loitering and other acts around schools.

It is unlawful for any person to loiter, idle, wander, stroll or play in, about or on any public, private or parochial school, college or seminary grounds or buildings, either on foot or in or on any vehicle, without having some lawful business therein or thereabout or in connection with such school or the employees thereof, or for any person to:

- (1) Annoy, disturb or otherwise prevent the orderly conduct of classes and activities of any such school;
- (2) Annoy, disturb, assault or molest any student or employee of any such school, college or seminary while in any such school building or on any school grounds;

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- (3) Conduct himself or herself in a lewd, wanton or lascivious manner in speech or behavior in or about any school building or school grounds; or
- (4) Park or move a vehicle in the immediate vicinity of or on the grounds of any such school, college or seminary for the purpose of annoying or molesting the students or employees thereof or in an effort to induce, entice or invite students into such vehicles for immoral purposes.

(Ord. 1-98, 1998, §1)

ARTICLE VI Alcoholic Beverages and Drugs

[Sec. 10-6-10. Definitions.](#)

[Sec. 10-6-20. Alcohol-related violations.](#)

[Sec. 10-6-30. Illegal possession or consumption of alcoholic beverages by an underage person.](#)

[Sec. 10-6-40. Sales near schools.](#)

[Sec. 10-6-50. Alcoholic beverages in certain places.](#)

[Sec. 10-6-60. Possession of drug paraphernalia.](#)

[Sec. 10-6-70. Marijuana offenses.](#)

[Sec. 10-6-80. Abusing toxic vapors.](#)

Sec. 10-6-10. Definitions.

For purposes of this Article, the following words shall have the meanings ascribed hereafter:

- (1) *Alcoholic beverage* or *alcoholic liquor* means fermented malt beverage or malt, vinous or spirituous liquors.
- (2) *Controlled substance* means a drug or other substance or an immediate precursor which is declared to be a controlled substance under this Article, and also includes marijuana, marijuana concentrate and cocaine.
- (3) *Drug paraphernalia* means any machine, instrument, tool, equipment or device which is primarily designed and intended for one (1) or more of the following:
 - a. To introduce into the human body any controlled substance under circumstances in violation of state law;
 - b. To enhance the effect on the human body of any controlled substance under circumstances in violation of state law;
 - c. To conceal any quantity of any controlled substance under circumstances in violation of state law; or
 - d. To test the strength, effectiveness or purity of any controlled substance under circumstances in violation of state law.
- (4) *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.
- (5) *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

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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.

- (6) *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.
- (7) *Private property* means any dwelling and its curtilage which is being used by a natural person 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 are sold; or
 - c. Any establishment which leases, rents or provides accommodations to members of the public generally.
- (8) *Public place* means any place commonly or usually open to the general public or to which members of the general public may resort, or accessible to members of the general public. By way of illustration, such public places include but are not limited to public ways, streets, buildings, sidewalks, alleys, parking lots, shopping centers, shopping center malls, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place but shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments.
- (9) *Spirituos 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.
- (10) *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.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-6-20. 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 or 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 or malt, vinous or spirituous liquors by misrepresentation or any other means.
- (c) It is unlawful for any person under the age of twenty-one (21) years to possess or consume, whether actual or constructive, fermented malt beverage or malt, vinous or spirituous liquors.
- (d) It is unlawful to sell fermented malt beverage or malt, vinous or spirituous liquors to any person under the age of twenty-one (21) years, or to permit any fermented malt beverage, malt or vinous liquors to be sold or dispensed by a person under eighteen (18) years of age, or spirituous liquors to be sold or

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dispensed by a person under twenty-one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof.

- (e) It is unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any fermented malt beverage or malt, vinous or spirituous liquors.
- (f) It is unlawful in any place of business where alcoholic beverages are sold and consumed upon the premises, for any person to beg or to solicit any patron or customer of or visitor in such premises to purchase any alcoholic beverage for the one begging or soliciting.

(Ord. 1-98, 1998, §1)

Sec. 10-6-30. Illegal possession or consumption of alcoholic beverages by an underage person.

- (a) 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.
- (b) It shall be an affirmative defense to the offense described in Subsection (a) above 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 alcoholic beverages in a person's body was due solely to the ingestion of a confectionery which contained alcoholic beverages 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 percent (0.5%) of alcoholic beverages by weight.
- (c) 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.
- (d) 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 (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 beverage intoxication or impairment while present anywhere in this State.
- (e) During any trial for a violation of Subsection (a) above, any bottle, can or 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 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

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constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of alcoholic beverages.

- (f) 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 (b)(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.
- (g) Nothing in this Section shall be construed to limit or preclude prosecution for any offense pursuant to any other applicable law or ordinance.
- (h) The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of Subsection (b) 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 Health.
- (i) During any trial for a violation of Subsection (b) 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 Health 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 the trial that the testing devices were properly operated. Nothing in this Subsection shall preclude a defendant from offering evidence concerning the accuracy of testing devices.
- (j) Illegal furnishing of alcoholic beverages to an underage person.
 - (1) Any person who sells or otherwise furnishes alcoholic beverages to any person under twenty-one (21) years of age commits illegal furnishing of alcoholic beverages to an underage person. Illegal furnishing of alcoholic beverages to any underage person is a strict liability offense.
 - (2) Illegal furnishing of alcoholic beverages to any underage person is a petty offense.
 - (3) It shall be an affirmative defense to the offense described in Subparagraph (1) above that the alcoholic beverages was furnished to a person under twenty-one (21) years of age under the circumstances described in Subparagraphs (c)(1) or (c)(2) or in Subsection (d) or (g) above.
- (k) The Court Clerk shall notify the Department of Motor Vehicles or other appropriate state agency of any person under twenty-one (21) years of age who is convicted of violating this Article, for mandatory revocation of license as provided by Section 42-2-122, C.R.S., unless such person has successfully completed twenty-four (24) hours of useful public service and has submitted to and completed an alcohol evaluation or assessment, an alcohol education program or an alcohol treatment, at such person's own expense.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-6-40. Sales near schools.

It is unlawful for any person to sell, offer or expose for sale or gift any fermented malt beverage or any vinous, spirituous or malt liquors within a distance of two hundred fifty (250) feet from any private, public or parochial school, said distance to be computed by direct measurement from the nearest property lines. However, this prohibition shall not affect the rights of any person holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal, upon the expiration thereof, of any license in effect at such time authorizing such business within the restricted area hereby established. The distance requirement between the location of the building where alcoholic liquor is to be sold under hotel and restaurant licenses hereafter issued and the location of any public or parochial school or the principal campus of any college, university or seminary is eliminated.

(Ord. 115, 1986, §1; Ord. 1-98, 1998, §1)

Sec. 10-6-50. Alcoholic beverages in certain places.

- (a) No person shall carry or have any open containers of alcoholic beverages or consume any alcoholic beverage on any street, sidewalk and alley or in any automobile or upon the grounds or in the facilities of any public or private school.
- (b) The foregoing prohibitions shall not apply to any place duly licensed for the sale of alcoholic beverage, any fairgrounds or a Town-owned park.

(Ord. 1-98, 1998, §1; Ord. 1-02, 2002)

Sec. 10-6-60. Possession of drug paraphernalia.

- (a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and intends to use the drug paraphernalia under circumstances in violation of state law.
- (b) A person who commits possession of drug paraphernalia commits a Class 2 petty offense.

(Ord. 1-98, 1998, §1)

Sec. 10-6-70. Marijuana offenses.

- (a) Definitions. As used in this Section, the following words and phrases shall have the following meanings:
 - (1) *Marijuana* shall have the same meaning as set forth in Article XVIII, § 16(2)(f) of the Colorado Constitution.
 - (2) *Marijuana product* shall have the same meaning as set forth in Article XVIII, § 16(2)(k) of the Colorado Constitution.
 - (3) *Minor* shall mean any person under the age of twenty-one (21).
 - (4) *Registry identification card* shall have the same meaning as set forth in Article XVIII, § 14(1)(g) of the Colorado Constitution, or as may be more fully defined in any applicable State law or regulation.
- (b) Possession and consumption of marijuana by minors.
 - (1) It shall be unlawful for any minor to consume, possess, display or have under that person's control any marijuana or marijuana product.
 - (2) It shall be an affirmative defense to a charged violation under this Section that the minor: (1) on the date of the alleged offense, lawfully possessed a current registry identification card issued by the State of Colorado; and (2) possessed no more marijuana than the amount permitted by Article XVIII, § 14 of the Colorado Constitution. Such evidence shall be presented at an arraignment or at a pre-trial conference on the offense. Any minor who raises this defense waives doctor-patient privilege and confidentiality with respect to the patient registry information.
- (c) Public consumption of marijuana prohibited.
 - (1) It shall be unlawful for any person to consume or use marijuana in any place that is commonly or usually open to the general public, being either public or private property, and including, but not limited to, parks, open space, trails, sidewalks, streets, public rights-of-way, common areas and places of business to which the public is invited in or in which the public is permitted.

(Ord. 2016-03, 2016, §3)

Sec. 10-6-80. Abusing toxic vapors.

- (a) As used in this Section, the term *toxic vapors* means the following substances or products containing such substances: alcohols, including methyl, isopropyl, propyl or butyl; aliphatic acetates, including ethyl, methyl, propyl or methyl cellosolve acetate; acetone; benzene; carbon tetrachloride; cyclohexane; Freons, including Freon 11 and Freon 12; hexane; methyl ethyl ketone; methyl isobutyl ketone; naphtha; perchlorethylene; toluene; trichloroethane or xylene.
- (b) No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system. No person shall knowingly possess, buy or use any such substance for the purposes described in this Section. This Subsection shall not apply to the inhalation of anesthesia for medical or dental purposes.
- (c) It is unlawful for any person knowingly to sell, offer for sale, deliver or give away to any other person any substance or product releasing toxic vapors, where the seller, offerer or deliverer knows or has reason to believe that such substance will be used for the purpose of inducing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses of the nervous system.
- (d) In a prosecution for a violation of this Section, evidence that a container lists one (1) or more of the substances described in Subsection (a) above as one (1) of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

(Ord. 1-98, 1998, §1)

ARTICLE VII Weapons

[Sec. 10-7-10. Definitions.](#)

[Sec. 10-7-20. Carrying concealed weapon; forfeiture.](#)

[Sec. 10-7-30. Disposition of confiscated concealed weapons.](#)

[Sec. 10-7-40. Prohibited use of weapons.](#)

[Sec. 10-7-50. Selling weapons to intoxicated persons.](#)

Sec. 10-7-10. Definitions.

- (a) As used in this Article, unless the context otherwise requires, the following definitions shall apply:
 - (1) *Ballistic knife* means any knife that has a blade which is forcefully projected from the handle by means of a spring-loaded device or explosive charge.
 - (2) *Blackjack* includes any billy, sand club, sandbag or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact.
 - (3) *Bomb* means any explosive or incendiary device or Molotov cocktail as defined in Section 9-7-103, C.R.S., or any chemical device which causes or can cause an explosion, which is not specifically designed for lawful and legitimate use in the hands of its possessor.
 - (4) *Firearm silencer* means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

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- (5) *Gas gun* means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such device.
 - (6) *Gravity knife* means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force that, when released, is locked in place by means of a button, spring, lever or other device.
 - (7) *Handgun* means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, does not exceed twelve (12) inches.
 - (8) *Knife* means any dagger, dirk, knife or stiletto with a blade over three and one-half (3½) 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.
 - (9) *Machine gun* means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.
 - (10) *Nunchaku* means an instrument consisting of two (2) sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire or chain which is in the design of a weapon used in connection with the practice of a system of self-defense.
 - (11) *Short rifle* means a rifle having a barrel less than sixteen (16) inches long or an overall length of less than twenty-six (26) inches.
 - (12) *Short shotgun* means a shotgun having a barrel or barrels less than eighteen (18) inches long or an overall length of less than twenty-six (26) inches.
 - (13) *Stun gun* means a device capable of temporarily immobilizing a person by the infliction of an electrical charge.
 - (14) *Switchblade knife* means any knife the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle.
 - (15) *Throwing star* means a disk having sharp radiating points or any disk-shaped bladed object which is handheld and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.
- (b) It is an affirmative defense to any provision of this Article that the act was committed by a peace officer in the lawful discharge of his or her duties.

(Ord. 1-98, 1998, §1)

Sec. 10-7-20. Carrying concealed weapon; forfeiture.

- (a) 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 limited to any pistol, revolver, cross-knuckles of lead, brass or other metal, Bowie knife, dirk, dagger or knife resembling a Bowie knife, or any other dangerous or deadly weapon.
- (b) It is unlawful for any person to sell, offer to sell, display, use, possess or carry any knife or knives having the appearance of a pocket knife the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of Subsection (a) above, and shall be subject to forfeiture to the Town as provided in Subsection (c) below.
- (c) Every person convicted of any violation of this Section shall forfeit to the Town such dangerous or deadly weapon so concealed or displayed.

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- (d) Nothing in this Section shall be construed to forbid United States Marshals, sheriffs, constables and their deputies and any regular, special or ex officio police officer or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.

(Ord. 1-98, 1998, §1)

Sec. 10-7-30. Disposition of confiscated concealed weapons.

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 or her until the final determination of the prosecution for said offense, and upon the finding of guilt, it shall then be the duty of the Municipal Judge to deliver said weapon forthwith to the designated Town official, who shall make disposition of the weapon.

(Ord. 1-98, 1998, §1)

Sec. 10-7-40. Prohibited use of weapons.

- (a) A person commits a misdemeanor if he or she:
 - (1) Knowingly and unlawfully aims a firearm at another person;
 - (2) Recklessly or with criminal negligence discharges a firearm or shoots a bow and arrow;
 - (3) Knowingly sets a loaded gun, trap or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;
 - (4) Has in his or her possession a firearm while he or she is under the influence of intoxicating liquor or of a controlled substance. Possession of a permit issued under Section 18-12-105.1, C.R.S., is no defense to a violation of this Section; or
 - (5) Knowingly aims, swings or throws a throwing star or nunchaku at another person, or knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, nonaccessible container.
- (b) Nothing contained in this Section shall prevent the use of any such instruments in shooting galleries or in any private grounds or residences under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence; and further provided that nothing herein contained shall be construed to prevent the carrying of any type of gun whatsoever, when unloaded and properly cased, to or from any range or gallery.
- (c) Nothing contained in this Section shall prevent the use of any such instruments by any peace officer as shall be necessary in the proper discharge of his or her duties.

(Ord. 1-98, 1998, §1)

Sec. 10-7-50. Selling weapons to intoxicated persons.

- (a) It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol 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 under the age of eighteen (18) years.

- (b) Such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the Town to such person.

(Ord. 1-98, 1998, §1)

ARTICLE VIII Fireworks

[Sec. 10-8-10. Definitions.](#)

[Sec. 10-8-20. Restrictions.](#)

[Sec. 10-8-30. Permits for display.](#)

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Sec. 10-8-10. Definitions.

As used in this Article, unless the context otherwise requires:

- (1) *Fireworks* means 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: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath it to propel it, firecrackers, torpedoes, skyrockets, rockets, Roman candles, Day-Glo bombs and torches, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. *Fireworks* does not include:
 - a. Toy caps which do not contain more than twenty-five hundredths (.25) of a grain of explosive compound per cap;
 - b. Sparklers, trick matches, cigarette loads, trick noisemakers, toy smoke devices and novelty auto alarms; or
 - c. Highway flares, railway fuses, ship distress signals, smoke candles and other emergency signal devices.
 - d. 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 containing less than two (2) ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.
- (2) *Manufacturer* means any person who manufactures, makes, constructs or produces fireworks.
- (3) *Retailer* includes any person who sells, delivers, consigns or furnishes fireworks to another person not for resale.
- (4) *Wholesaler* includes any person, including a manufacturer, who is licensed as a wholesaler under state law and who sells, delivers, consigns, gives or otherwise furnishes fireworks to a retailer for resale.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-8-20. Restrictions.

It is unlawful for any person to offer for sale, expose for sale, sell, lend, give away, set fire to, discharge, use, explode or have in his or her possession with intent to offer for sale or use or to explode, any fireworks within the Town, except as provided for in this Code.

(Ord. 2-95, 1995, §1)

Sec. 10-8-30. Permits for display.

- (a) The Board of Trustees may grant permits, within the Town, for supervised public displays of fireworks by the Town, fair associations, amusement parks and other organizations and groups and may adopt reasonable rules and regulations for the granting of such permits.
- (b) Such organizations or groups desiring such a permit shall file with the Town Clerk a written application for a permit. The application shall contain at least the following information:
 - (1) The name and address of the organization or group sponsoring the display, together with the names and addresses of the persons who will actually be in charge of the display;
 - (2) The date and time of day at which the display is to be held;
 - (3) The address and detailed description of the exact location planned for the display, including a diagram of the location and surrounding area;
 - (4) The names and addresses of the competent fireworks operators who are to supervise the discharge of the fireworks, and written evidence regarding their competency as fireworks operators;
 - (5) The type and class of fireworks to be discharged;
 - (6) The manner and place of storage of such fireworks prior to and during the display;
 - (7) Proof that satisfactory compensation insurance is carried by the applicant for all of the applicant's employees who will be working at the display; and
 - (8) Proof that the applicant has public liability insurance with the limits and coverage as set forth in Section 10-9-50, protecting the Town, fire district, applicant, manufacturer, wholesaler, seller, supplier, property owner and operators of the display from any liability or claims of damages arising out of or as a result of or related to the fireworks.

The application shall be signed by the president or other principal officer of the organization or group making the application. The application must be filed at least fifteen (15) days in advance of the meeting of the Board of Trustees at which it is to be considered.

- (c) Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator, location and handling of the display shall be approved, after investigation, by the Fire Chief. No permit shall be transferable or assignable.
- (d) No person displaying fireworks under this Section shall fail to dispose of any unfired fireworks in a safe manner after the display is concluded.
- (e) No permit shall be required for such public display of fireworks by any county or district fair duly organized under the laws of the State.

(Ord. 2-95, 1995, §1; Ord. 1-98, 1998, §1)

Sec. 10-8-40. Insurance.

The Board of Trustees shall require a certificate of insurance to protect persons and property from death or injury as a result of any fireworks display for which a permit is issued, in an amount not less than one hundred fifty thousand dollars (\$150,000.00) per person injured and four hundred thousand dollars (\$400,000.00) per incident. The insurance shall cover any liability of the Town or any employee or agent thereof arising out of or connected with the permit and the fireworks display permitted thereunder.

(Ord. 1-98, 1998, §1)

Sec. 10-8-50. Bond.

Any permittee shall be required to obtain a performance bond in a sum not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of this Article; except that the Town shall not be required to file such bond.

(Ord. 1-98, 1998, §1)

Sec. 10-8-60. Interpretation.

This Article shall not be construed to prohibit:

- (1) Any person from using or exploding fireworks in accordance with the provisions of any display permit issued by the Town as provided in this Article or as part of a supervised public display at any county or district fair duly organized under the laws of the State;
- (2) Any person from offering for sale, exposing for sale, selling, having in his or her possession with intent to offer for sale or sell, or using or firing toy pistols, toy guns, sparklers or other devices in which caps manufactured in accordance with this Article are used;
- (3) Any person from offering for sale, exposing for sale, selling, having in his or her possession with intent to offer for sale or sell blank cartridges for a show or theater, or for a signal or ceremonial purposes in organized athletics or sports;
- (4) Any resident manufacturer from manufacturing and selling, or any resident wholesaler, dealer or jobber from selling at wholesale, such fireworks as are not prohibited under this Article, provided that the proper licenses for export have been issued by the Secretary of State pursuant to the provisions of Section 12-28-106, C.R.S.;
- (5) Any resident manufacturer from selling any kind of fireworks, provided that the same are to be shipped directly out of state in accordance with regulations of the United States Interstate Commerce Commission covering the transportation of explosives and other dangerous articles by motor, rail and water, and provided that such manufacturing activities have been licensed by the Secretary of State pursuant to the provisions of Section 12-28-106, C.R.S.;
- (6) The use of fireworks by railroads or other transportation agencies for signal purposes or illumination;
- (7) The importation, purchase, sale or possession of fireworks which are used or to be used solely to prevent damage to crops by animals or birds, by the Board of Trustees with the assistance of other appropriate state departments and in accordance with Article 4 of Title 24, C.R.S.; or
- (8) The sale, delivery, consignment, gift of furnishing of fireworks among display retailers, wholesalers or exporters licensed under state law.

(Ord. 1-98, 1998, §1)

Sec. 10-8-70. Seizure of fireworks.

The Police Department may, for preservation of evidence or for destruction, seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Article.

(Ord. 1-98, 1998, §1)

ARTICLE IX Noise

[Sec. 10-9-10. Unreasonable noise.](#)

[Sec. 10-9-20. Animals.](#)

[Sec. 10-9-30. Sirens, whistles, gongs and red lights.](#)

Sec. 10-9-10. Unreasonable noise.

No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises 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. 2-95, 1995, §1)

Sec. 10-9-20. 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 licensed for the treatment of small animals or to premises occupied or used by the Town animal shelter.

(Ord. 1-98, 1998, §1)

Sec. 10-9-30. 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. 1-98, 1998, §1)