

CHAPTER 10

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ARTICLE 1

General Provisions

Sec. 10-1-10. Criminal attempt.

(a) Defined: A person commits *criminal attempt* if, acting with the kind of culpability otherwise required for commission of an offense, he or she engages in conduct

constituting a substantial step toward the commission of the offense. A *substantial step* is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

(b) Aiding in Criminal Attempt: A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his or her complicity under Section 10-1-40 of this Chapter were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

(c) Defense: It is an affirmative defense to a charge under this Section that the defendant abandoned his or her effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of his or her criminal intent. (Prior code 4-9-15; Ord. 956 §1, 2014)

Sec. 10-1-20. Conspiracy.

(a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agrees with another person that they, or one (1) or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he or she agrees to aid the other person in the planning or commission of a crime or of an attempt to commit such crime.

(b) No person may be convicted of conspiracy to commit a crime unless an overt act in pursuance of that conspiracy is proved to have been done by him or her or by a person with whom he or she conspired.

(c) If a person knows that the person with whom he or she conspires to commit a crime has conspired with another person to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person, whether or not he or she knows the other person's identity.

(d) If a person conspires to commit a number of crimes, he or she is guilty of only one (1) conspiracy so long as such multiple crimes are part of a single criminal episode. (Prior code 4-9-16; Ord. 956 §1, 2014)

Sec. 10-1-30. Complicity.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if,

with the intent to promote or facilitate the commission of the offense, he or she aids, abets or advises the other person in planning or committing the offense. (Prior code 4-9-17; Ord. 956 §1, 2014)

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

A person is an accessory to crime if, with intent to hinder, delay or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he or she renders assistance to such person. *Render assistance* means to:

(1) Harbor or conceal the perpetrator of the crime.

(2) Warn such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law.

(3) Provide such person with money, transportation, weapon, disguise or other thing to be used in avoiding discovery or apprehension.

(4) By force, intimidation or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution or punishment of such person.

(5) Conceal, destroy or alter any physical or testimonial evidence that might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such person. (Prior code 4-9-18; Ord. 956 §1, 2014)

ARTICLE 2

Government and Public Officials

Sec. 10-2-10. Obstructing government operations.

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

(b) It shall be an affirmative defense that:

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

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

(3) The obstruction, impairment or hindrance of a governmental function was by lawful activities in

connection with a labor dispute with the government.
(Prior code 4-6-1; Ord. 956 §1, 2014)

Sec. 10-2-20. Obstructing peace officer or firefighter.

(a) It is unlawful for any person, by using or threatening to use violence, force, physical interference, or an obstacle, to knowingly:

(1) Obstruct, impair or hinder the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his or her official authority;

(2) Obstruct, impair or hinder the prevention, control or abatement of fire by a firefighter, acting under color of his or her official authority;

(3) Obstruct, impair or hinder the administration of medical treatment or emergency assistance by an emergency medical service provider or rescue specialist, acting under color of his or her official authority; or

(4) Obstruct, impair or hinder the administration of emergency care or emergency assistance by a volunteer, acting in good faith to render such care or assistance without compensation at the place of an emergency or accident.

(b) To assure that animals used in law enforcement or fire prevention activities are protected from harm, a person commits obstructing a peace officer or firefighter when, by using or threatening to use violence, force, physical interference or an obstacle, he or she knowingly obstructs, impairs or hinders any such animal.

(c) It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority as defined in Subsection 10-2-50(c) of this Article.

(d) For purposes of this Section, unless the context otherwise requires:

Emergency medical service provider means a member of a public or private emergency medical service agency, whether that person is a volunteer or receives compensation for services rendered as such emergency medical service provider.

Rescue specialist means a member of a public or private rescue agency, whether that person is a volunteer or receives compensation for services rendered as such rescue specialist. (Prior code 4-6-3; Ord. 956 §1, 2014)

Sec. 10-2-30. Impersonating Town officers and employees.

(a) A person commits impersonating a public servant if he or she falsely pretends to be a public servant other

than a peace officer and performs any act in that pretended capacity.

(b) It is no defense to a prosecution under this Section that the office the actor pretended to hold did not in fact exist. (Prior code 4-6-6; Ord. 956 §1, 2014)

Sec. 10-2-40. Refusal to permit inspection.

A person commits the offense of refusal to permit inspection if, knowing that a public servant is legally authorized to inspect property:

(1) He or she refuses to produce or make available the property for inspection at a reasonable hour; or

(2) The property is available for inspection and he or she refuses to permit the inspection at a reasonable hour. (Prior code 4-6-7; Ord. 956 §1, 2014)

Sec. 10-2-50. False reporting to authorities.

(a) 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, including the Town, 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) Knowingly provides false identifying information to law enforcement authorities.

(b) For purposes of this Section, *identifying information* means a person's name, address, date of birth, social security number, driver's license or Colorado identification number. (Prior code 4-5-4; Ord. 956 §1, 2014)

Sec. 10-2-60. Resisting arrest.

(a) 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:

(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 bodily injury to the peace officer or another.

(b) 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 he or she was acting under color of his or her official authority and, in attempting to make the arrest, he or she was not resorting to unreasonable or excessive force giving rise to the right of self defense.

(c) A peace officer acts *under color of his or her official authority* when, in the regular course of assigned duties, he or she is called upon to make and does make a judgment in good faith, based upon surrounding facts and circumstances, whether an arrest should be made by him.

(d) The term *peace officer*, as used in this Section, means a police officer in uniform or, if out of uniform, one who has identified himself or herself by exhibiting his or her credentials as such peace officer to the person whose arrest is attempted. (Prior code 4-6-2; Ord. 956 §1, 2014)

Sec. 10-2-70. Refusing to aid police officer.

A person eighteen (18) years of age or older commits the offense of refusing to aid a peace officer when, and upon command by a person known to him or her to be a peace officer, he or she unreasonably refuses or fails to aid such peace officer in effecting or securing an arrest or preventing the commission by another of any offense. (Prior code 4-6-4; Ord. 956 §1, 2014)

Sec. 10-2-80. Disobedience to police officer.

It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer, which order is given incident to the discharge of the official duties of such police officer. (Prior code 4-6-9; Ord. 956 §1, 2014)

ARTICLE 3

Streets and Public Places

Sec. 10-3-10. 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 any 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 such 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 such 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, professions, procedures or functions being carried on in such public building.

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

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

(f) The term *public building*, as used in this Section, includes any premises being temporarily used by a public officer or employee in the discharge of his or her official duties. (Prior code 4-7-1; Ord. 956 §1, 2014)

Sec. 10-3-20. Obstructing highway or other passageway.

(a) A person commits an offense if, without legal privilege, he or she intentionally, knowingly or recklessly:

(1) Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the

public has access or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or

(2) Disobeys a reasonable request or order to move issued by a person he or she knows to be a peace officer, a firefighter or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.

(b) For the purposes of this Section, *obstruct* means to render impassable or to render passage unreasonably inconvenient or hazardous. (Prior code 4-7-2; Ord. 956 §1, 2014)

Sec. 10-3-30. Permit for parade or procession.

No funeral processions or parades, except the forces of the United States Armed Services, military forces of the State and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street or roadway, except in accordance with a permit issued by the Boulder County Sheriff and such other regulations as set forth herein which may apply. (Prior code 4-7-3; Ord. 956 §1, 2014)

ARTICLE 4

Public and Private Property

Sec. 10-4-10. Injuring or defacing property.

(a) Injuring Property Belonging to Town: It shall be unlawful for any person to either willfully, 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.

(b) Defacing Property: It shall be unlawful for any person to deface or cause, aid in, or permit the defacing of public or private property without the consent of the owner by any method of defacement, including but not limited to painting, drawing, writing or otherwise marring the surface of the property, by use of paint, spray paint, ink or any other substance or object. Any person convicted of violating this Subsection shall be ordered by the Court to personally make repairs to any property damaged, or properties similarly damaged, if possible. In addition, upon each conviction for defacing property pursuant to this Subsection, the offender's driver's license shall be revoked as provided in Section 42-2-125, C.R.S.

(c) Defacing Posted Notice: It is unlawful for any person to knowingly mar, destroy or remove any posted

notice authorized by law. (Prior code 4-8-1; Ord. 956 §1, 2014)

Sec. 10-4-20. Littering of property.

(a) Any person who deposits, throws or leaves any litter on any public or private property or in any water commits littering unless:

(1) Such property is in an area designated by law for the disposal of such material, and such person is authorized by the proper public authority to so use such property;

(2) The litter is placed in a receptacle or container installed on such property for such purposes; or

(3) Such person is the owner or tenant in lawful possession of such property or has first obtained written consent of the owner or tenant in lawful possession unless the act is done under the personal direction of said owner or tenant.

(b) The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substance, solid or liquid, of any form, size, kind and description.

(c) 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 and 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 timberland.

(d) 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 such litter to have been thrown, deposited, dropped or dumped there from. (Prior code 4-8-2; Ord. 956 §1, 2014)

Sec. 10-4-30. Garbage transport vehicles.

Every cart or vehicle used to transport manure, garbage, swill or offal on any highway or street in the 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 or street. (Prior code 4-8-3; Ord. 956 §1, 2014)

Sec. 10-4-40. Throwing advertisements.

It shall be 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 4-8-4; Ord. 956 §1, 2014)

Sec. 10-4-50. Posting signs on property.

(a) No person shall post a sign in the public right-of-way or on any other public property, except in a public area meant solely for posting signs, as designated by the Town Administer. No beneficiary of any such sign shall knowingly fail to prevent the violation of this Section. This prohibition does not extend to persons employed or authorized by the public property's owner and acting within the scope of their employment or authority.

(b) No person shall post a sign on private property without the express permission of the owner thereof. This prohibition does not extend to communications intended solely for the owner or occupant of the private property whose posting does not damage that property or require a trespass.

(c) For purposes of this Section: *Beneficiary of a sign* means a person who is the intended recipient of the benefit brought about by the posting of a sign.

Post means to affix in any manner, including, without limitation, mailing, tacking, taping, tying, gluing, pasting, painting, staking, marking or writing. (Prior code 4-8-5; Ord. 956 §1, 2014)

Sec. 10-4-60. Interference with streets.

It shall be unlawful for any person to dig any hole, drain or ditch in any street, avenue or alley without first obtaining the written permission to do so from the Board of Trustees. It shall be unlawful for any person, without first having obtained written permission from the Board of Trustees, to dig, remove, carry away or cause or procure the same to be done, any sod, stone, earth, sand or gravel from any street, avenue, alley or public grounds. (Prior code 4-8-6; Ord. 956 §1, 2014)

Sec. 10-4-70. Abandonment of motor vehicle.

(a) It is unlawful for any person to abandon any motor vehicle upon a street, highway, right-of-way or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property.

(b) To *abandon* means to leave a thing with the intention not to retain possession of or to assert ownership over it. The intent need not coincide with the act of leaving.

(c) It is prima facie evidence of the necessary intent that:

(1) The motor vehicle has been left for more than seven (7) days unattended and unmoved;

(2) License plates or other identifying marks have been removed from the motor vehicle;

(3) The motor vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or

(4) The owner has been notified by a law enforcement agency to remove the motor vehicle and it has not been removed within three (3) days after notification. (Prior code 4-8-8; Ord. 956 §1, 2014)

Sec. 10-4-80. Criminal use of noxious substances.

Any person who deposits on the land or in the building or vehicle of another without his or her consent any stink bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle, commits the offense of criminal use of a noxious substance. (Prior code 4-8-9; Ord. 956 §1, 2014)

Sec. 10-4-90. Trespass.

It is unlawful to:

(1) Enter, remain upon or refuse to leave any property of another.

(2) Enter, remain upon or refuse to leave property of another which is enclosed in a manner designed to exclude intruders or is fenced.

(3) Enter or remain in or upon the common areas of a hotel, motel, condominium or apartment building without the permission of the owner or person entitled to the possession thereof.

(4) Enter or remain upon or refuse to leave or disperse from any public place after being lawfully ordered to disperse, leave or not enter by any police officer or firefighter.

(5) Enter or remain in or upon any property owned, leased or otherwise under the control of the Town during any period where such property is closed to public use. (Prior code 4-8-11; Ord. 956 §1, 2014)

Sec. 10-4-100. Theft.

(a) A person commits theft when he or she knowingly obtains or exercises control over anything of value less than five hundred dollars (\$500.00) of another without authorization, or by threat or deception, 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 a 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 is not legally entitled as a condition of restoring the thing of value to the other person.

(b) For purposes of this Section, a *thing of value* is that of another if anyone other than the defendant has a possessory or proprietary interest therein. (Prior code 4-8-13; Ord. 956 §1, 2014)

Sec. 10-4-110. Criminal mischief.

(a) It is unlawful for any person to knowingly damage the real or personal property of one (1) or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode, where the aggregate damage to the real or personal property is less than five hundred dollars (\$500.00).

(b) If the Court determines on the record that the underlying factual basis for any conviction of criminal mischief pursuant to this Section involves defacing property, as described in Section 4-8-1(B) of this Code Subsection 10-4-10(b) of this Article, the offender's driver's license shall be revoked as provided in Section 42-2-125, C.R.S. (Prior code 4-8-14; Ord. 956 §1, 2014)

ARTICLE 5

Public Peace and Order

Sec. 10-5-10. Assault.

A person commits assault if he or she intentionally, 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. As used in this Section, *bodily injury* means physical pain, illness or any impairment of physical or mental condition. (Prior code 4-5-1; Ord. 956 §1, 2014)

Sec. 10-5-20. Disorderly conduct.

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) Makes unreasonable noise in a public place or near a private residence that he has no right to occupy.

(3) Fights with another person in a public place except in an amateur or professional contest of athletic skill.

(4) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting.

(5) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon, or represents verbally or otherwise that he or she is armed with a deadly weapon in a public place in a manner calculated to alarm. (Prior code 4-5-2; Ord. 956 §1, 2014)

Sec. 10-5-30. Harassment.

(a) A person commits harassment if, with the 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, telephone network, data network, text message, instant message, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone, computer, computer network or computer system that 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) Repeatedly insults, taunts, challenges, or makes communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response; or

(7) 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.

(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 Paragraph (a)(4) above may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail or other electronic communication was either made or received. (Prior code 4-5-3; Ord. 956 §1, 2014)

Sec. 10-5-40. Disrupting 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 other means. (Prior code 4-5-6; Ord. 956 §1, 2014)

Sec. 10-5-50. Loitering.

(a) The term *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) It shall be unlawful to, with intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiter in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on 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.

(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. (Prior code 4-5-7; Ord. 956 §1, 2014)

Sec. 10-5-60. Desecration of venerated objects.

(a) A person commits desecration of venerated objects if he or she intentionally desecrates any public monument, structure or place of worship or burial, or desecrates in a public place any object of veneration by the public or substantial segment thereof.

(b) The term *desecrate* means defacing, damaging, polluting or otherwise physically mistreating in any way that the defendant knows will outrage the sensibilities of persons likely to observe or discover his or her action or its result. (Prior code 4-5-8; Ord. 956 §1, 2014)

Sec. 10-5-70. Throwing missiles.

Any person who intentionally projects any missiles at or against any vehicle or equipment designed for transportation, at or against any building, tree or other private or public property or at any person in any public way or place shall be guilty of throwing missiles. (Prior code 4-5-11; Ord. 956 §1, 2014)

Sec. 10-5-80. Hindering transportation.

It is unlawful to knowingly and without lawful authority forcibly stop and hinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association or corporation. (Prior code 4-5-12; Ord. 956 §1, 2014)

Sec. 10-5-90. Menacing.

It is unlawful to, by threat or physical action, knowingly place or attempt to place another person in fear of imminent serious bodily injury. (Prior code 4-5-19; Ord. 956 §1, 2014)

Sec. 10-5-100. Reckless endangerment.

It is unlawful to recklessly engage in conduct which creates a risk of serious bodily injury to another person. (Prior code 4-5-20; Ord. 956 §1, 2014)

Sec. 10-5-110. Interference at educational institutions.

(a) No person shall, on or near the premises or facilities of any educational institution, willfully deny to students, school officials, employees and invitees:

- (1) Lawful freedom of movement on the premises.
- (2) Lawful use of the property or facilities of the institution.
- (3) The right of lawful ingress and egress to and from the institution's physical facilities.

(b) No person shall, on the premises of any educational institution or at or in any building or other facility being used by any educational institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of the institution in the lawful pursuit of his or her educational activities, through the use of restraint, abduction, coercion, intimidation or interference or when force or violence is present or threatened.

(c) No person shall willfully refuse or fail to leave the property of, or any building or other facility used by, any educational institution upon being requested to do so by the chief administrative officer, his or her designee or a police officer, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution. (Prior code 4-5-21; Ord. 956 §1, 2014)

ARTICLE 6

Minors

Sec. 10-6-10. Curfew.

It shall be unlawful for any person under the age of eighteen (18) years to be or remain in or upon any street, alley, park, playground, schoolyard or other public area subsequent to the hour of 11:00 p.m., or prior to the hour of 5:00 a.m., Sunday through Thursday of each week, or subsequent to the hours of 12:00 a.m. (midnight) on Friday and Saturday and prior to 5:00 a.m., of the following day; provided, however, that the provisions of this Section do not apply to a minor who is:

(1) Engaged in lawful employment;

(2) Accompanied by the parent, guardian or other person of the age of twenty-one (21) years, having permission of the parent or guardian to have the custody and care of such minor;

(3) Accompanied by any person between the ages of eighteen (18) years and twenty-one (21) years having in his or her possession written permission from the parent or guardian to have the care or custody of such child; or

(4) Upon an emergency errand or legitimate business directed by the parent, guardian or other adult person having the care and custody of the minor. (Prior code 4-10-1; Ord. 956 §1, 2014)

Sec. 10-6-20. Duty of parent, guardian or other person.

It shall be unlawful for any parent, guardian or other person having care or custody of any person under the age of eighteen (18) years to knowingly allow or permit any such person to violate any provisions of this Article. (Prior code 4-10-2; Ord. 956 §1, 2014)

Sec. 10-6-30. Wrongs to children.

It shall be unlawful for any person having the care, custody, control or confidence of or influence over any child to willfully cause or commit the life of such child to be in danger or the health of such child to be injured

or the morals of such child to be impaired; to willfully cause or permit such child to be placed in such a situation, business or occupation that his or her life, health or morals shall be in danger; to willfully abandon such child; or to torture, torment cruelly punish or willfully or negligently deprive of necessary food, clothing or shelter or in any other manner injure such child unnecessary. (Prior code 4-10-3; Ord. 956 §1, 2014)

Sec. 10-6-40. Aiding and abetting.

It shall be unlawful for any person to knowingly permit any minor child to aid, abet or encourage in, or to approve, encourage, allow, permit, tolerate or consent to violations by any minor child, of any provisions of this Section or any ordinance of the Town. (Prior code 4-10-3; Ord. 956 §1, 2014)

Sec. 10-6-50. Encouraging delinquency.

It shall be 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. It shall likewise be unlawful for any person, when the license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such child's driver's license is suspended. (Prior code 4-10-3; Ord. 956 §1, 2014)

Sec. 10-6-60. Loitering and other acts in or about schools.

It shall be 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 thereabouts, or in connection with such school or the employment 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 and student or employee of such school, college or seminary while in any such school building.

(3) Conduct himself or herself in a lewd, wanton or lascivious manner, speech or behavior, in or about any school building or school grounds.

(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 the students into such vehicle for immoral purposes. (Prior code 4-10-3; Ord. 956 §1, 2014)

Sec. 10-6-70. Cigarettes and tobacco products.

(a) It is unlawful for any person to knowingly furnish to any person who is under eighteen (18) years of age, by gift, sale or any other means, any cigarettes or tobacco products. It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a document which identified the person receiving the cigarettes and/or tobacco products as being eighteen (18) years of age or older.

(b) It is unlawful for any person who is under eighteen (18) years of age to purchase or attempt to purchase any cigarettes or tobacco products.

(c) It is unlawful for any person who is under eighteen (18) years of age to possess any cigarettes or tobacco products.

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

(e) The provisions of Subsections (a), (b) and (c) of this Section are designated as noncriminal violations. (Prior code 4-10-4; Ord. 956 §1, 2014)

ARTICLE 7

Alcoholic Beverages

Sec. 10-7-10. Definitions.

As used in this Article, unless the context otherwise requires, the following words shall have the meanings ascribed hereafter:

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.

Ethyl alcohol means a substance which is or contains ethyl alcohol.

Possession of ethyl alcohol means a person that 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 presence and control.

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 ethyl alcohol or upon which ethyl alcohol is sold; or

c. Any establishment which leases, rents or provides accommodations to members of the public generally. (Prior code 4-4-4; Ord. 956 §1, 2014)

Sec. 10-7-20. Drinking in streets or other public places.

It shall be unlawful for any person to drink any fermented malt beverages or malt, vinous or spirituous liquors or to possess an open container of such fermented malt beverages or malt, vinous or spirituous liquors while such person is upon any street, alley, sidewalk, park or other public place within the Town; however, this Section shall not pertain to:

(1) Any person within an establishment licensed to sell any such fermented malt beverages or malt, vinous or spirituous liquors.

(2) Any use for which the Board of Trustees for the Town has issued a special permit. The Board of Trustees may issue such a permit for the consumption and possession of fermented malt beverages or malt, vinous or spirituous liquors with such limitations as to time and area as are appropriate. Such permit may require compliance with all applicable state fermented malt beverage, malt, vinous or spirituous liquor laws and local ordinances; and performance of conditions, including but not limited to proper liability insurance coverage naming the Town as an insured; removal of litter, trash and debris. A failure to comply with any attendant conditions shall constitute a violation of this Section. (Prior code 4-4-3; Ord. 956 §1, 2014)

Sec. 10-7-30. Illegal possession or consumption of ethyl alcohol by underage person.

(a) It is unlawful for any person under the age of twenty-one (21) years of age to possess or consume ethyl alcohol anywhere in the Town. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

(b) It shall be an affirmative defense to the charge that the ethyl alcohol was 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 ethyl alcohol was possessed or consumed with the consent of his or her parent or legal guardian who was present the entire time the ethyl alcohol was possessed or consumed by him or her. Nothing in this Paragraph shall 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 ethyl alcohol to a person under twenty-one (21) years of age.

(2) Where the possession or consumption of ethyl alcohol takes place for religious purposes protected by the First Amendment to the United States Constitution.

(c) An underage person and one (1) or two (2) other persons shall be immune from criminal prosecution under this Section if they establish the following:

(1) One (1) of the underage persons called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(2) The underage person who called 911 and, if applicable, one (1) or two (2) other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;

(3) The underage person was the first person to make the report; and

(4) The underage person and, if applicable, one (1) or two (2) other persons acting in concert with the underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(d) Prima fade evidence of a violation of Subsection (a) above shall consist of:

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol anywhere in the 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 ethyl alcohol intoxication or impairment while present anywhere in the State.

(e) During any trial for a violation of Subsection (a) above, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. The Municipal Judge may consider 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," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. (Prior code 4-4-4; Ord. 956 §1, 2014)

Sec. 10-7-40. Disturbances upon licensed premises.

(a) It is unlawful for any licensee or employee or agent of such licensee to permit any unlawful disturbance or act of disorderly conduct by any person at the licensed premises.

(b) Any licensee or any employee or agent of such licensee shall, upon learning of any unlawful disturbance or act of disorderly conduct that occurs at the licensed premises, immediately report such acts to law enforcement.

(c) It shall not be a defense that the licensee was not personally present at the licensed premises at the time of any violation of this Section; provided, however, that an employee or agent of the licensee shall not be liable under this Section when not on duty at the licensed premises.

(d) As used in this Section, *licensee* shall mean any person or entity that holds a liquor or beer license pursuant to Article 46, 47 or 48 of Title 12, C.R.S. (Prior code 4-5-13; Ord. 956 §1, 2014)

ARTICLE 8

Drugs

Sec. 10-8-10. Definitions.

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

Colorado Medical Marijuana Code means Section 12-43.3-101, et seq., C.R.S.

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 the State.

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 the 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:

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

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. 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;

6. Miniature cocaine spoons and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bongs; or

13. Ice pipes or chillers.

Marihuana or *marijuana* means all parts of the plant *Cannabis sativa L.*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin. It does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination, if these items exist apart from any other item defined as *marihuana* in this Paragraph. *Marihuana* does not include marihuana concentrate as defined in Section 18-18-102(19), C.R.S.

Medical marijuana patient means a person who meets the definition of *patient* under Article XVIII, Section 14(1)(d) of the Colorado Constitution. *Primary care-giver* means a person who meets the definition of *primary care-giver* under Article XVIII, Section 14(1)(d) of the Colorado Constitution.

Primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail delivery, vehicle and voter registration or credit, water and utility billing. A person shall be deemed to have only one (1) primary residence. (Prior code 4-9-12, 4-9-13; Ord. 895 §1, 2011; Ord. 956 §1, 2014)

Sec. 10-8-20. Possession of marihuana.

(a) It is unlawful for any person to possess not more than one (1) ounce of marihuana.

(b) It shall be unlawful to openly and publicly display, consume or use not more than one (1) ounce of marihuana.

(c) Consumption or use of marihuana shall be deemed possession thereof.

(d) Violation of this Section is a noncriminal offense, subject to the penalties set forth in Section 1-4-40 of this Code. (Prior code 4-9-12; Ord. 956 §1, 2014)

Sec. 10-8-30. Determination of drug paraphernalia.

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

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

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

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

(4) Direct or circumstantial evidence of the knowledge of 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 or she knows or reasonably should know, could use the object to facilitate a violation of the laws of the Town or the State.

(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 Town 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. (Prior code 4-9-13; Ord. 956 §1, 2014)

Sec. 10-8-40. Possession of drug paraphernalia.

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

(b) Violation of this Section is a noncriminal offense, subject to the penalties set forth in Section 1-4-40 of this Code. (Prior code 4-9-13; Ord. 956 §1, 2014)

Sec. 10-8-50. Inhaling toxic vapors.

(a) 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, or possess, buy or use any such substance for the purpose of violating or aiding another to violate this Section. This Section does not apply to the inhalation of anesthesia for medical or dental purposes.

(b) As used in this Section, the term *toxic vapors* means the following substances or products containing such substances: alcohols (methyl, isopropyl, propyl or butyl), aliphatic acetates (ethyl, methyl, propyl or methyl cellosolve acetate), acetone, allyl isothiocyanate, nitrous oxide, benzene, carbon tetrachloride, cyclohexane, Freons (Freon 11 and Freon 12), hexane, methyl ethyl ketone, methyl isobutyl ketone, naphtha, perchlorethylene, toluene, trichloromethane or xylene. Evidence that a container, or similar container, if the label is missing, lists one (1) or more of these substances is prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof. (Prior code 4-9-8; Ord. 956 §1, 2014)

Sec. 10-8-60. Sale or other provision for intended illegal use.

It is unlawful for any person knowingly to sell or offer for sale, deliver or give away to any other person any substance 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. (Prior code 4-9-10; Ord. 956 §1, 2014)

Sec. 10-8-70. Cultivation of medical marijuana.

(a) It shall be unlawful for any person to cultivate, produce or process medical marijuana plants within any residential area in the Town, except for a lawful patient or primary care-giver, as those terms are defined under state law, and provided that:

(1) The cultivation, production and processing occurs at the primary residence of the patient or the primary care-giver;

(2) The cultivation, production and processing fully comply with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, all implementing regulations, all applicable Town building and safety codes and this Section;

(3) Medical marijuana is not cultivated, produced or processed within any common area of any multi-family or single-family attached residential property without the written permission of all residents of the property;

(4) Medical marijuana is not cultivated, produced or processed in the yard, lot or other area or structure located outside of the primary residence, including but not limited to outdoor gardens, ancillary or accessory buildings, greenhouses, sheds or storage units, unless reasonable security measures are implemented to prevent theft or vandalism, including but not limited to the use of fences, locks, alarms and other security measures as appropriate for the particular location, and to shield the plants from view anywhere outside of the property; and

(5) Medical marijuana is not produced or processed with the use of hazardous chemicals.

(b) It shall be unlawful for patients or primary care-givers to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed, more than the following maximum number of medical marijuana plants within the patient's or primary care-giver's primary residence:

(1) A patient or primary care-giver may cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed within the patient's or primary care-giver's primary residence, six (6) medical marijuana plants with three (3) or fewer being mature, flowering plants that are producing a useable form of marijuana for each patient residing in the primary residence. Except as provided herein, the maximum number of medical marijuana plants within a patient's or primary care-giver's primary residence shall not exceed twelve (12) medical marijuana plants, regardless of size or stage of growth or the number of patients residing at the primary residence.

(2) If a patient is authorized by law to grow, cultivate and process medical marijuana in excess of the amounts stated herein, such patient must act in full compliance with all applicable laws, and:

(a) May grow, cultivate and process medical marijuana at his or her primary residence in the amount deemed medically necessary to address the patient's debilitating medical condition; and

(b) May also grow, cultivate and process medical marijuana plants in excess of the limits established herein in those locations within the Town where a medical marijuana center or optional premises cultivation operation may be licensed in accordance with Chapter 6, Article 4 of this Code.

(3) In accordance with Section 25-1.5-106(7)(b), C.R.S., the limits on the number of plants set forth in Paragraphs (1) and

(2) above shall apply regardless of the number of primary care-givers and patients residing in any primary residence.

(c) It shall be unlawful for the cultivation, production, possession or processing of medical marijuana plants within a primary residence to be perceptible to a person of normal sensitivity from the exterior of the primary residence by means including, but not limited to:

(1) Common visual observation, including any form of signage.

(2) Odors, smells, fragrances or other olfactory stimuli generated by the cultivation, production, possession or processing of medical marijuana plants.

(3) Light pollution, glare or brightness of artificial illumination associated with the cultivation, production, possession or processing of medical marijuana plants. (Ord. 895 §2, 2011; Ord. 956 §1, 2014)

Sec. 10-8-80. Cultivation of noncommercial marijuana in residential areas.

(a) It is unlawful for any person to cultivate, produce or process marijuana plants within any residential area within the Town except as provided herein and in Section 10-8-70 above. Marijuana plants may only be cultivated, produced or processed within any residential area if:

(1) The cultivation, production and processing fully complies with all applicable provisions of Article XVIII, Section 14 and Section 16 of the Colorado Constitution, the Colorado Medical Marijuana Code, all implementing regulations, all applicable Town building and safety codes and this Section;

(2) Marijuana is not cultivated, produced or processed within any common areas of any multi-family or single-family attached residential property without the written permission of all residents of the property;

(3) Marijuana is not cultivated, produced or processed in any location on any rental property without the written permission of the property owner;

(4) Marijuana is not cultivated, produced or processed in the yard, lot, garden or other area located outside of a residence. Accessory or ancillary buildings, including but not limited to garages, greenhouses, sheds and storage units, may be used only if reasonable security measures are implemented to prevent theft or vandalism, including but not limited to the use of fences, locks, alarms and other security measures as appropriate for the particular location, and to shield the plants from view anywhere outside of the property;

(5) Marijuana is not produced or processed with the use of hazardous chemicals; and

(6) Marijuana grown for personal use is not made available for sale in any manner.

(b) It is unlawful for any person to cultivate, produce, possess or process or permit to be cultivated, produced, possessed or processed, more than six (6) marijuana plants, with no more than three (3) being mature, flowering plants. In no event shall the maximum number of marijuana plants within a residence exceed twelve (12) marijuana plants, regardless of size or stage of growth or the number of residents otherwise allowed to possess and grow marijuana for personal use living at the residence.

(c) It is unlawful for the cultivation, production, possession or processing of marijuana plants within a residence to be perceptible from the exterior of the residence by a person of normal sensitivity and by means, including but not limited to:

(1) Common visual observation, including any form of signage;

(2) Odors, smells, fragrances or other olfactory stimuli generated by the cultivation, production, possession or processing of marijuana plants; or

(3) Light pollution, glare or brightness of artificial illumination associated with the cultivation production, possession or processing.

(d) This Section is not intended to impair and does not supersede or override provisions of any lawful

privately imposed contracts, covenants, conditions or restrictions that are more restrictive regarding the use of a residence for the cultivation, production, possession or processing of marijuana plants. Nothing in this Section is intended to defer to or to permit privately imposed contracts, covenants, conditions or restrictions that would authorize any activity or action prohibited or regulated by this Section. The Town does not and shall not enforce private covenants, except to the extent specifically provided by law. (Ord. 929 §1, 2013; Ord. 956 §1, 2014)

ARTICLE 9

Peddlers, Vendors and Solicitors

Sec. 10-9-10. Invitation by owner or occupant.

It shall be unlawful for any person to go in, to or upon private residences or commercial establishments in the Town without having been requested or invited so to do by the owner or occupant of said private residence or commercial establishment for the purpose of soliciting orders for the sale of goods, wares and merchandise, including books, pictures, magazines or periodicals, or for the purpose of disposing of, peddling or hawking the same. This Section shall not apply to recognized social or nonprofit organizations. (Prior code 2-3-1; Ord. 956 §1, 2014)

Sec. 10-9-20. Soliciting business on streets.

It shall be unlawful for any person to solicit or in any manner try to obtain any business of any kind while upon the streets, alleys, sidewalks or other public ways or places within the corporate limits of the Town. For the purposes of this Section, *soliciting* means attempting to obtain tenants or patronage for cottages, hotels, restaurants or other places of business of any kind or nature, and also attempting to sell any article or obtain customers for any business of any kind; however, this Section shall not apply to the use of vehicles with the name written or printed thereon of any hotel or resort, to signs attached to licensed vehicles used for transportation, or to signs attached to buildings where said signs may project into the streets or sidewalks but are not in conflict with other sections of this Code. (Prior code 2-3-2; Ord. 956 §1, 2014)

Sec. 10-9-30. Garage, yard and rummage sales.

It shall be unlawful to operate a garage, yard or rummage sale more than twice in any one (1) calendar year, at the same address, unless there has been compliance with Chapter 6, Article 1 of this Code. This Section shall not apply to recognized social, civic or nonprofit organizations. (Prior code 2-3-3; Ord. 956 §1, 2014)

ARTICLE 10

Weapons

Sec. 10-10-10. Concealed weapons.

(a) It is unlawful for any person to knowingly:

(1) Carry a knife concealed on or about his or her person; or

(2) Carry a firearm concealed on or about his or her person.

(b) It shall not be an offense if the defendant was:

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

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

(3) A person who, at the time of carrying a concealed weapon, held a properly issued permit to carry a concealed weapon under the authority granted them by the State.

(4) A peace officer, as described in Section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency.

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

(c) As used in this Section, the term *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. (Prior code 4-5-10; Ord. 956 §1, 2014)

Sec. 10-10-20. Discharging of bows and other weapons.

(a) It is unlawful to:

(1) Discharge a projectile from a firearm or gas-operated or mechanically operated gun, except at a target range designated by the Town for the specific type of weapon involved.

(2) Discharge any projectile from or possess any bow, slingshot or crossbow in any Town park or open space.

(3) Discharge any projectile from a bow, crossbow or slingshot in a negligent manner.

(b) This Section shall not apply to the discharge of a bow at a Town-sanctioned event, at the premises and specific location officially designated for the discharge of a bow. (Prior code 4-5-15; Ord. 956 §1, 2014)

Sec. 10-10-30. Open carrying of firearms on public property.

(a) A person commits the offense of unlawful open carrying of a firearm on public property if he or she intentionally, knowingly or recklessly carries a firearm, other than a concealed handgun carried pursuant to a valid permit, on public property.

(b) For purposes of this Section, the term *public property* means all buildings, facilities and portions thereof and all real property:

(1) Owned in whole or in part by the Town or in which the Town has a leasehold interest, whether as lessor or lessee; and

(2) Posted by the Town with a sign at each public entrance notifying the public that the open carrying of firearms is prohibited on the property. (Prior code 4-5-17; Ord. 956 §1, 2014)

Sec. 10-10-40. Unlawful use of weapons.

It is unlawful to:

(1) Knowingly and unlawfully point a loaded or unloaded firearm or gas-operated or mechanically operated gun in the direction of another person.

(2) Knowingly display or flourish a deadly weapon in a manner calculated to alarm another person.

(3) Knowingly set a loaded gun, trap or device designed to cause an explosion upon being tripped or approached, and leave it unattended by an immediately present competent person.

(4) Have in one's possession a firearm while the person is under the influence of intoxicating liquor or of a controlled substance. Possession of a permit or a temporary emergency permit issued pursuant to state statutes is no defense to a violation of this Paragraph. (Prior code 4-5-18; Ord. 956 §1, 2014)

ARTICLE 11

Noise

Sec. 10-11-10. Unreasonable noise.

(a) It is unlawful to intentionally, knowingly or recklessly make, permit or assist another to make unreasonable noise in a public place or near a private residence that the person has no right to occupy, which, under all of the circumstances presented, would cause a person of ordinary sensitivities significant annoyance and irritation.

(b) The following noises and circumstances shall be deemed as prima facie unreasonable in the context, however, of the above standards:

(1) Electrically amplified sound audible twenty-five (25) feet from the source of said sound or within a private residence that the person has no right to occupy.

(2) Nonlicensed motor vehicle gasoline engines, nonvehicular gasoline engines and electric tools operated between 10:00 p.m. and 8:00 a.m. and audible twenty-five (25) feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.

(3) Repair or adjustment of a motor vehicle between 10:00 p.m. and 8:00 a.m. which is audible twenty-five (25) feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.

(4) A gathering of persons engaged in loud and continuing activities continuing for a minimum of fifteen (15) minutes between 10:00 p.m. and 8:00 a.m. and audible twenty-five (25) feet from the source of the sound or within a private residence that the person responsible for the sound has no right to occupy.

(c) The provisions of this Section shall not apply to:

(1) Noise generated during a Town-sanctioned event, to include, but not be limited to, Good Old Days.

(2) Noise from emergency signaling devices.

(3) Noise generated by tools or equipment during emergency operations or activities that are reasonably necessary for the public health, safety or welfare. (Prior code 4-5-22; Ord. 956 §1, 2014)

Sec. 10-11-20. Use of loudspeakers.

It shall be unlawful for any person to use any radio, loudspeaker, musical instrument or any noise-making

group or device within the Town for the purpose of vending, advertising or soliciting the sale of any merchandise or tickets of admission to any show or event or for the purpose of attracting attention to any signs or exhibits which are displayed in connection therewith. (Prior code 4-9-4; Ord. 956 §1, 2014)

Sec. 10-11-30. Dynamic braking systems.

(a) It shall be unlawful for any person to engage, activate or otherwise use a dynamic braking system in the operation of a motor vehicle within the Town.

(b) As used in this Section, the term *dynamic braking system* means a device used in the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes or as a means of assisting the operation or efficiency of wheel brakes. (Prior code 4-5-16; Ord. 956 §1, 2014)

ARTICLE 12

Miscellaneous Offenses

Sec. 10-12-10. Using slugs.

(a) It is unlawful to use slugs, if:

(1) With intent to defraud the vendor of property or a service sold by means of a coin machine, a person knowingly inserts, deposits or uses a slug in such machine or causes the machine to be operated by any other unauthorized means; or

(2) A person makes, possesses or disposes of a slug with intent to enable him or her to use the slug fraudulently in a coin machine.

(b) For the purposes of this Section, the following definitions shall apply:

Coin machine means a coin box, turnstile, vending machine or other mechanical or electronic device or receptacle designed to receive a coin or bill or a certain denomination or token made for the purpose and, in return for the insertion or deposit thereof, to offer, to provide, to assist in providing or to permit the acquisition of property or a public or private service.

Slug means any object or article which, by virtue of its size, shape or any other quality, is capable of being inserted, deposited or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill or token, and of thereby enabling a person to obtain without valid consideration the property or service sold through the machine. (Prior code 4-9-1; Ord. 956 §1, 2014)

Sec. 10-12-20. Fireworks.

It shall be unlawful for any person to sell, offer or expose for sale, lend or give away, set fire to, discharge or explode within the Town any firecrackers, fireworks, blank cartridge, toy cannon, bomb, torpedo or anything of like nature containing gunpowder or any other combustible matter or explosive material; provided however, that the Board of Trustees may by motion grant permission for a public display of fireworks. (Prior code 4-9-2; Ord. 956 §1, 2014)

Sec. 10-12-30. Abandoned appliances.

It shall be unlawful for any person to store, keep or junk any icebox, refrigerator, deep freeze or other container having an air-tight compartment without first removing the door or doors there from; except for any such container when it is in active use or when it is stored or kept for sale by any person engaged in the business of selling the same; and except for any such container which is too small in area to permit a child to become locked therein. (Prior code 4-9-3; Ord. 956 §1, 2014)

Sec. 10-12-40. Public urination.

No person shall urinate or defecate on any property zoned for residential uses without the express permission of the owner, in any park within the Town limits, or on any other public property, 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. (Prior code 4-9-6; Ord. 956 §1, 2014)

Sec. 10-12-50. Glass containers.

It shall be unlawful for any person to have in his or her possession or control or to discard any glass container in or upon any street, alley, sidewalk, park or other public place within the Town; however, this Section shall not pertain to:

(1) Transporting or carrying a glass container directly from a premises where purchased to a vehicle, a place of residence or another premises which is not a public place; or

(2) Transporting or carrying a glass container directly to a trash receptacle in a public place from a vehicle, private residence or business. (Prior code 4-9-7; Ord. 956 §1, 2014)