

CHAPTER 10

GENERAL OFFENSES

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Article 1

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sec. 10-1. Definitions.

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

(1) *Government* includes any branch, subdivision, institution or agency of the government of this 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. 90-2 Sec. 1, 1990)

Sec. 10-2. Obstructing government operations.

(a) It is unlawful to obstruct government operations.

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

(c) It is an affirmative defense that:

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

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

(3) The obstruction, impairment or hindrance of a governmental function was by lawful activities in connection with a labor dispute with the government. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-3. Obstructing a peace officer or fireman.

(a) It is unlawful to obstruct a peace officer or fireman.

(b) A person commits obstructing a peace officer or fireman 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 or his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of fire by a fireman, acting under color of his or her official authority.

(c) 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 10-4 of this code.

(d) This section does not apply to obstruction, impairment or hindrance of the making of an arrest. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-4. 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:

(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, one (1) who has identified

himself or herself by exhibiting his or her credentials as such peace officer to the person whose arrest is attempted. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-5. False reporting to authorities.

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

(1) He or she 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) He or she 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; or

(3) He or she 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; or

(4) He or she knowingly gives false information to any law enforcement officer with the purpose of implicating another.

(5) He or she gives a false name or address to a law enforcement officer with the intent of concealing or hiding one's own real name and/or address and/or age. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-6. Unlawful conduct on public property.

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

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

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

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

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

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

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

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

(c) Any person who violates this section is guilty of unlawful conduct on public property. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-7. Public buildings--Trespass--Interference.

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

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

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

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

or session or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

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

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

(g) Any person who violates any of the provisions of this section commits an unlawful act. (Ord. 90-2 Sec. 1, 1990)

Secs. 10-8—10-19. Reserved.

Article 2

OFFENSES AGAINST PUBLIC DECENCY

Sec. 10-20. Public indecency.

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

- (1) An act of sexual intercourse;

(2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or

(3) A lewd fondling or caress of the body of another person. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-21. 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. 90-2 Sec. 1, 1990)

Secs. 10-22—10-29. Reserved.

Article 3

OFFENSES AGAINST PROPERTY

Sec. 10-30. Damaging town property.

It is unlawful for any person to willfully, maliciously, wantonly or negligently injure or destroy real property or improvements thereon, or movable or personal property belonging to the town. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-31. 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 one thousand dollars (\$1,000.00). (Ord. 90-2 Sec. 1, 1990; Ord. 07-14 Sec. 1, 2007)

Sec. 10-32. Trespassing—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 persons entitled to the possession thereof. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-33. 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 and deception, when the value of the thing is less than one thousand dollars (\$1,000.00), and he or she:

(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 or she is not legally entitled as a condition of restoring the thing of value to the other person. (Ord. 90-2 Sec. 1, 1990; Ord. 07-14 Sec. 2, 2007)

Sec. 10-34. Theft of rental property.

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

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

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

(3) The value of the property involved is less than one thousand dollars (\$1,000.00). (Ord. 90-2 Sec. 1, 1990; Ord. 07-14 Sec. 3, 2007)

Sec. 10-35. Theft by receiving.

It is unlawful to commit theft by receiving. A person commits theft by receiving when he or she receives, retains, loans money by pawn or pledge on, or disposes of anything of value of another, knowing or believing that the thing of value has been stolen, and when he or she intends to deprive the lawful owner permanently of the use or benefit of the thing of value, where the value of the thing of value is less than one thousand dollars (\$1,000.00). (Ord. 90-2 Sec. 1, 1990; Ord. 07-14 Sec. 4, 2007)

Sec. 10-36. Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than one thousand dollars (\$1,000.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his or her 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. 90-2 Sec. 1, 1990; Ord. 07-14 Sec. 5, 2007)

Secs. 10-37—10-39. Reserved.**Article 3.5****GRAFFITI****Sec. 10-40. Definitions.**

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

(1) *Abate* means to remove graffiti by such means, in such a manner and to such an extent as is reasonably necessary to remove the graffiti from public view.

(2) *Deface* means to alter the appearance of something by removing, distorting, adding to or covering all or a part of it.

(3) *Graffiti vandalism* means defacement of public or private property by means of painting, drawing, writing, etching or carving, by use of paint, spray paint, ink, knife or any similar method which is visible from any public street, sidewalk, alley, park or other public place or from any other parcel of property, without the consent of the owner.

(4) *Graffiti nuisance property* means property upon which graffiti has not been abated within ten (10) days after having been vandalized.

(5) *Owner or property owner* means any person leasing, occupying, having the right to possession and/or control of any property real or personal located within the town boundaries.

(6) *Responsible party* means an owner or property owner, or any entity or person acting as an agent for an owner by agreement, who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a *responsible party* for the purposes of this provision. There may be more than one (1) *responsible party* for a particular property. (Ord. 01-03 Sec. 1, 2001)

Sec. 10-41. Graffiti vandalism prohibited.

It shall be unlawful to deface public or private property by means of painting, drawing, writing, etching or carving, by use of paint, spray paint, ink, knife, etching equipment or any similar method without permission of the property owner. Any person who violates this provision will be charged with the offense of criminal mischief pursuant to Section 10-31 of this chapter. (Ord. 01-03 Sec. 1, 2001)

Sec. 10-42. Abatement required.

It shall be the responsibility of the property owner or responsible person of any property that is vandalized with graffiti to abate the graffiti within ten (10) days after the property is vandalized so as to prevent the property

from becoming a graffiti nuisance. Every owner or responsible party who fails to abate the graffiti within ten (10) days shall be in violation of this provision and subject to its remedies. (Ord. 01-03 Sec. 1, 2001)

Sec. 10-43. Administrative actions for enforcement and abatement.

(a) Notice of violation. If it is determined by the board of trustees that any property has become a graffiti nuisance, the board of trustees shall notify, in writing, the owner or responsible party of the property in question of their violation of the requirement to abate through the issuance of a notice of violation. The notice of violation shall require the graffiti to be abated within ten (10) days. The notice may be served by certified mail, personal service or by posting the subject property and publishing notice in the official town newspaper.

(b) Contents of notice of violation. The notice of violation shall identify the property determined to be in violation of this provision, generally describe the location of the graffiti, explain the problems caused by the continued presence of graffiti and the need for its prompt removal, give notice that the failure to remove graffiti is in violation of town law that may lead to legal action to remove the graffiti at the expense of the owner or responsible party, and direct that the graffiti shall be abated within ten (10) days of receipt of the notice of violation. The notice of violation shall also state that, in the event the owner or responsible party fails to abate the graffiti within ten (10) days, the town shall abate the graffiti and bill the owner or responsible party for the costs thereof. (Ord. 01-03 Sec. 1, 2001)

Secs. 10-44—10-49. Reserved.

Article 4

**OFFENSES AGAINST PUBLIC PEACE,
ORDER AND SAFETY**

Sec. 10-50. Disturbing the peace.

It is unlawful for any person to voluntarily by violent, tumultuous, offensive or obstreperous conduct likely to incite an immediate breach of the peace, or loud or unusual noises, which by causing consternation and alarm, disturb the peace and quiet of the community; or to utter obscene or offensive language likely to cause an immediate breach of the peace, or repeatedly insult, taunt or challenge another in a manner which is inherently likely to provoke a violent or disorderly response, and such language is directed to any person or group of persons. (Ord. 90-2 Sec. 1, 1990; Ord. 95-4 Sec. 1, 1995)

Sec. 10-51. Disorderly conduct.

It is unlawful to commit disorderly conduct. A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:

- (1) Openly urinates or defecates in or upon any street, alley or public place other than in a toilet facility provided for such purpose;
- (2) Fights with another in a public place except in an amateur or professional contest of athletic skill; or
- (3) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm a member of the public. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-52. Obstructing highway or other passageway.

(a) It is unlawful to obstruct a highway or other passageway.

(b) An individual or corporation commits an offense if, without legal privilege, he, she or it 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 fireman 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.

(c) For purposes of this section, obstruct means to render impassable or to render passage unreasonably inconvenient or hazardous. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-53. 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. 90-2 Sec. 1, 1990)

Sec. 10-54. 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 or at or upon any building, structure or other private property not belonging to that person. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-55. Discharge of firearms.

It is unlawful for any person, except a law enforcement officer in performance of his or her duties, to fire or discharge within the town any firearm, revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or shells, or any air gun, gas-operated gun, spring gun or bows and arrows. This section shall not apply to persons discharging such weapons in lawful defense of person or property. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-56. Weeds.

(a) It is unlawful for the owner or occupant of any property to permit weeds to grow on such property to a height of more than six (6) inches or to permit trash and debris to accumulate. For purposes of this section, *property* shall include any adjacent alleys, streets and sidewalk areas to the centerline of such adjacent areas. This section shall not apply to property zoned as agricultural or open space.

(b) It is unlawful for the owner or occupant of any property zoned as agricultural or open space to permit weeds to grow on such property to a height of more than six (6) inches within a distance of one hundred (100) feet from any property line. (Ord. 00-12 Sec. 1, 2000; Ord. 03-11, 2003)

Secs. 10-57—10-69. Reserved.

Article 5

OPEN DISPLAY OF FERMENTED MALT BEVERAGES, MALT, VINOUS AND SPIRITUOUS LIQUORS

Sec. 10-70. Possession of alcohol in public places.

(a) Unless excepted by subsection (c) below, it is unlawful for any person to possess any open container or consume any fermented malt beverage, malt, vinous or spirituous liquor, whether such possess is actual or constructive, in any public place as defined in subsection (b) below, or to consume or possess the same upon property owned, operated, leased or maintained by the state, any political subdivision or agency thereof or the town; but it shall not be a violation of this provision to store or consume any fermented malt beverage, malt, vinous or spirituous liquor in conformance with and pursuant to the terms of any validly issued permit or license.

(b) *Public place* includes any place commonly open to the general public, to which members of the general public may resort, or to which members of the public have access, including upon payment of a fee. *Public places* include, but are not limited to, public ways, streets, buildings, sidewalks, alleys, parking lots, shopping centers, malls, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places; but shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments.

(c) A customer of a hotel or restaurant licensed pursuant to Section 12-47-411, C.R.S., may reseal, remove and transport from the licensed premises one (1) opened container of partially consumed vinous liquor purchased on the premises so long as the original container did not contain more than seven hundred fifty (750) milliliters of vinous liquor. (Ord. OC-1-88 Sec. 1, 1988; Ord. 04-08 Sec. 1, 2004)

Sec. 10-71. Illegal possession or consumption of ethyl alcohol by, or furnishing of same to, an underage person.

(a) Definitions. As used in this article, unless the context otherwise requires:

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 any substance which is or contains ethyl alcohol.

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

Private property means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public, and privately owned real property which is

not open to the public. *Private property* shall not include:

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

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.

(b) Possession or consumption of ethyl alcohol by an underage person.

(1) Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere in the town commits illegal possession or consumption of ethyl alcohol by an underage person.

(2) Illegal possession or consumption of ethyl alcohol by an underage person is a petty offense.

(c) It shall be an affirmative defense to the offense described in subsection (b) of this section 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 during such possession or consumption; or

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

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

(e) Prima facie evidence of a violation of subsection (b) of this section 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 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 ethyl alcohol intoxication or impairment while present anywhere in this state.

(f) During any trial for a violation of subsection (b) or (k) of this section, any bottle, can or any other container with labeling indicating that the contents of such bottle, can or container shall be admissible into evidence, and the information contained in any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey," "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.

(g) A parent or legal guardian of a person under twenty-one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption of, ethyl alcohol to or by a person under the age of twenty-one (21) years under the conditions described in subparagraph (c)(1) of this section. 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 ethyl alcohol to a person under twenty-one (21) years of age.

(h) Nothing in this section shall be construed to limit or preclude prosecution for any offense pursuant to any other applicable law or ordinance.

(i) 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.

(j) 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.

(k) Illegal furnishing of ethyl alcohol to an underage person.

(1) Any person who sells or otherwise furnishes ethyl alcohol to any person under twenty-one (21) years of age commits illegal furnishing of ethyl alcohol to an underage person. Illegal furnishing of ethyl alcohol to any underage person is a strict liability offense.

(2) Illegal furnishing of ethyl alcohol 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 ethyl alcohol 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) of this section.

(l) 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. 91-3 Sec. 1, 1991)

Secs. 10-72—10-79. Reserved.

Article 6

FIREWORKS

Sec. 10-80. Definitions.

As used in this chapter:

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, skyrocket, rockets, Roman candles, day-glo bombs and torches, or other fireworks of like construction and any 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 (25/100) 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. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-81. 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 of to explode, any fireworks within the town, except as provided for in this code. (Ord. 90-2 Sec. 1, 1990)

Sec. 10-82. 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. Such organizations or groups desiring such a permit shall file with the town clerk a written application for a permit. The application shall state the name of the organization or group, the date of the proposed public display of the fireworks, the name of the person or persons who will operate the display, the location of the display and the nature and type of fireworks to be displayed. 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. 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 chief of the town fire department or his or her authorized agent. No permit shall be transferable or assignable.

(b) 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. 90-2 Sec. 1, 1990)

Secs. 10-83—10-89. Reserved.

Article 7

CURFEW

Sec. 10-90. Curfew for minors.

(a) It is unlawful for any parent, guardian or other person having legal care or custody of any minor who has not reached his or her eighteenth birthday to allow or permit any such minor to loiter upon any street, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground or yard, whether public or private, or any establishment open to the public generally, after the hour of 10:30 p.m. on any day, or before the hour of 5:00 a.m. on any day except:

- (1) When accompanied by a parent, guardian or other person having legal care or custody of such minor;
- (2) For lawful employment;
- (3) When such minor is in the custody of and accompanied by a person who has reached his or her eighteenth birthday and who has in his or her possession the written consent of such parent, guardian or other person having legal care or custody of such minor; or
- (4) When such minor is engaged in religious or civic activities.

(b) It is unlawful for any minor who has not reached his or her eighteenth birthday to loiter upon any street, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground or yard, whether public or private, or any establishment open to the public generally, after the hour of 10:30 p.m. on any day, or before the hour of 5:00 a.m. on any day except as approved in subsections (a)(1), (2), (3) or (4) of this Section 10-90.

(c) For purposes of this Section 10-90, *loitering* or *loiter* shall mean remaining idle in essentially one (1) location, to be dilatory, to tarry, to dawdle and shall include, but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or prowling. (Ord. 55 Sec. 1, 2, 1955; Ord. 99-9 Sec. 1, 1999)

Sec. 10-91. Reserved.

Sec. 10-92. Park curfew.

It is unlawful to enter, use or occupy park lands between the hours of 10:30 p.m. and 6:00 a.m., except when such entry, use or occupancy is authorized in writing by the town. (Ord. 96-8 Sec. 1, 1996)

Secs. 10-93—10-99. Reserved.

Article 8

NOISE

Sec. 10-100. Noise, unreasonable.

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. 90-2 Sec. 1, 1990)

Secs. 10-101—10-109. Reserved.

Article 9

OFFENSES AGAINST THE PERSON

Sec. 10-110. Harrassment.

(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 about in a public place;

(4) Initiates communication with a person, anonymously or otherwise by telephone, 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 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 subsection (a)(4) hereof 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. (Ord. 03-07 Sec. 1, 2003)

Secs. 10-111—10-119. Reserved.