

## CHAPTER 10

### General Offenses

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## ARTICLE I

### Definitions

#### Sec. 10-1. Alcoholic beverages.

(a) *Alcoholic beverages* or *alcoholic liquors* means malt, vinous or spirituous liquors.

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

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

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

(e) *Vinous liquor* means wine and fortified wines which contain not less than one-half of one percent (0.5%) and not more than twenty-one percent (21%) of alcohol by volume and shall be construed to mean alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar. (Ord. 1-1992, § 1)

#### Sec. 10-2. Government and public servants.

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

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

(c) *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. 1-1992, § 1)

#### Secs. 10-3--10-20. Reserved.

## ARTICLE II

### Offenses Against Property

#### **Sec. 10-21. Defacing posted notice.**

Any person who intentionally mars, destroys or removes any posted notice authorized by law commits the violation of defacing posted notice. (Prior code 7.04.200)

#### **Sec. 10-22. Posting notice without consent.**

Any person who places a posted notice or advertisement upon any public or private property without the consent of the owner of such property commits the violation of posting notice without consent. (Prior code 7.04.210)

#### **Sec. 10-23. Concealment of goods.**

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than three hundred dollars (\$300.00) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on his or her own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft. (Ord. 1-1992, § 1)

#### **Secs. 10-24--10-40. Reserved.**

## ARTICLE III

### Offenses Relating to Streets and Public Places

#### **Sec. 10-41. Interfering with use of streets or sidewalks.**

It shall be unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregating on any public highway, street, alley or sidewalk in the Town shall obstruct, interfere with or prevent the free, unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the Town or other authorized peace officer. (Ord. 1-1992, § 1)

#### **Sec. 10-42. Removal or injury of street signs or traffic signs.**

It shall be unlawful for any person without proper authorization to remove, deface, injure or destroy any street sign or traffic sign. (Ord. 1-1992, § 1)

#### **Secs. 10-43--10-60. Reserved.**

## ARTICLE IV

### Offenses Against Public Peace, Order and Safety

#### **Sec. 10-61. Assault.**

(a) A person commits the crime of assault if he or she causes bodily injury to another person. The causing of pain upon another person shall be prima facie evidence of bodily injury.

(b) It shall be unlawful to assault another person. (Ord. 1-1992, § 1)

#### **Sec. 10-62. Storage of flammable liquids.**

It shall be unlawful to store or cause to be stored or parked, except for delivery, any tank vehicle carrying flammable liquids or gases upon any streets, ways or avenues of the Town or in any other part of the Town, except those areas zoned for such uses. (Ord. 1-1992, § 1)

#### **Sec. 10-63. Explosives.**

It shall be unlawful for any person to store within the Town limits or within one (1) mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosive in excess of one (1) fifty (50) pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives. (Ord. 1-1992, § 1)

#### **Sec. 10-64. Urinating in public.**

Any person who urinates in any street, alley, sidewalk or other public place or on private property within the public view commits violation of this Code. (Ord. 6-1992, § 3)

#### **Secs. 10-65--10-80. Reserved.**

## ARTICLE V

### Offenses Relating to Alcoholic Beverages

#### **Sec. 10-81. Consumption of alcoholic beverages in public prohibited; exceptions.**

(a) It is unlawful for any person to consume any beverage licensed under the provisions of this Article on any public street, sidewalk, parking lot, park or alleyway within the Town except as follows:

(1) With the permission of the Board of Trustees, and when a valid fermented malt beverage license for consumption on the premises has been issued, fermented malt beverages, commonly known as three and two-tenths percent (3.2%) beer, may be sold and consumed at a public park, including the LaSalle Ballpark, subject to such reasonable restrictions as the Board of Trustees may impose as a condition to granting such a license.

(2) Consumption in a public park, including the LaSalle Ballpark, is allowable when park use is of a private unscheduled nature.

(b) Nothing herein shall be construed to permit, during a scheduled activity, any person to bring alcoholic beverages of any type to a public park, including the LaSalle Ballpark, or to consume alcoholic beverages of any type at a public park, including the LaSalle Ballpark, which are not purchased there.

(c) Nothing herein shall be further construed to permit any person to bring alcoholic beverages of any type to a public park, including the LaSalle Ballpark or to consume alcoholic beverages of any type at a public park, including the LaSalle Ballpark during a scheduled youth activity. (Prior code 5.04.080; Ord. 4-1981, § 1)

**Sec. 10-82. Drinking in streets.**

It shall be unlawful for any person to drink any fermented malt beverage, malt, vinous or spirituous liquors upon any street, alley, sidewalk or other public place in the Town except in the parks and where otherwise specifically permitted. (Ord. 1-1992, § 1)

**Sec. 10-83. Sales near schools.**

It shall be unlawful for any person to sell, offer or expose for sale or gift, beer or any vinous, spirituous or malt liquors within a distance of two hundred fifty (250) feet from any private, public or parochial school, said distance to be computed by direct measurement from the nearest property lines. However, this prohibition shall not affect the rights of any person holding a lawful permit or license to conduct such business within the restricted area hereby established. Nor shall this prohibition prevent the renewal upon the expiration thereof of any license in effect at such time authorizing such business within the restricted area hereby established. (Ord. 1-1992, § 1)

**Sec. 10-84. Regulations concerning fermented malt beverages.**

(a) It is unlawful to sell fermented malt beverage to any person under the age of twenty-one (21) years, or to any person between the hours of midnight and 5:00 a.m., or for any person under twenty-one (21) years to purchase or possess the same. It is unlawful to permit any fermented malt beverages to be sold or dispensed by a person under the age of twenty-one (21) years or to permit any such person to participate in the sale or dispensing thereof.

(b) It is unlawful for any person under the age of twenty-one (21) years to represent himself or herself to be of the age of twenty-one (21) years or more for the purpose of purchasing within the Town any fermented malt beverage.

(c) It is unlawful for any person over the age of twenty-one (21) years to purchase or attempt to purchase fermented malt beverage for a person under the age of twenty-one (21) years.

(d) It is unlawful to fail to display at all times in a prominent place on premises licensed for retail sale of fermented malt beverages a printed card with a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

## WARNING

IT IS ILLEGAL TO SELL 3.2 BEER TO ANY PERSON UNDER TWENTY-ONE YEARS OF AGE, AND IT IS ILLEGAL FOR ANY PERSON UNDER TWENTY-ONE YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

IDENTIFICATION CARDS WHICH APPEAR TO BE FRAUDULENT WHEN PRESENTED BY PURCHASERS MAY BE CONFISCATED BY THE ESTABLISHMENT AND TURNED OVER TO A LAW ENFORCEMENT AGENCY.

IT IS ILLEGAL IF YOU ARE TWENTY-ONE YEARS OF AGE OR OVER FOR YOU TO PURCHASE 3.2 BEER FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE.

FINES AND IMPRISONMENT MAY BE IMPOSED BY THE COURTS FOR VIOLATION OF THESE PROVISIONS.

(e) It shall be unlawful for any minor under twenty-one (21) years of age to have in his or her possession fermented malt beverages in public places, including but not limited to, public streets, alleys, roads or highways. (Ord. 1-1992, § 1)

### **Sec. 10-85. Regulations concerning malt, vinous and spirituous liquors.**

(a) It shall be unlawful for any person to sell malt, vinous or spirituous liquors as defined by state law to any person under the age of twenty-one (21) years, to permit any malt, vinous or spirituous liquors to be sold or dispensed by a person under twenty-one (21) years of age, or to permit any such person to participate in the sale or dispensing thereof.

(b) It shall be unlawful for any minor under twenty-one (21) years of age to have in his or her possession malt, vinous or spirituous liquors in public places, including but not limited to, public streets, alleys, roads or highways.

(c) It shall be unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any article which the person under the age of twenty-one (21) years of age is forbidden by law to purchase or possess. (Ord. 1-1992, § 1)

**Secs. 10-86--10-100. Reserved.**

## ARTICLE VI

### **Offenses Relating to Minors**

#### **Sec. 10-101. 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, and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. (Ord. 1-1992, § 1)

**Sec. 10-102. Curfew hours designated.**

It is unlawful for any minor who has not reached his or her sixteenth birthday to be or remain upon any streets, alleys or other public places within the Town or to remain in any establishment open to the public generally within the Town between the hours of 11:00 p.m. and 6:00 a.m., except:

- (1) When accompanied by a parent or guardian, or other person having legal care or custody of such minor;
- (2) For lawful employment; or
- (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. (Prior code 9.04.010)

**Sec. 10-103. Curfew laws posted.**

Current curfew laws must be posted in two (2) conspicuous locations in any amusement arcade in the Town. (Ord. 5-1984, § 1)

**Sec. 10-104. Permitting minors to violate unlawful.**

It is unlawful for any parent, guardian or the person having legal care or custody of any minor falling under the terms of this Chapter to allow or permit such minor to violate any terms or provisions of this Chapter. (Prior code 9.04.020)

**Secs. 10-105--10-120. Reserved.**

**ARTICLE VII**

**Noise**

**Sec. 10-121. 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. 1-1992, § 1)

**Sec. 10-122. Animals.**

It shall be unlawful for any person to use, keep, have in his or her possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood; provided, however, that the provisions of this Section shall not apply to hospitals conducted for the treatment of small animals which are approved by the Health Department or to premises occupied or used by the Town pound. (Ord. 1-1992, § 1)

**Sec. 10-123. Sirens, whistles, gongs and red lights.**

It shall be unlawful for any person to carry or use upon a vehicle, other than Police or Fire Department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Departments. (Ord. 1-1992, § 1)

**Sec. 10-124. Unlawful noise; special cases.**

(a) The following noises shall be unlawful:

(1) Sounding of any horn or audible signaling device on any truck, automobile, motorcycle or other vehicle on any street or public place of the Town except as a danger warning signal as provided in the traffic code of the Town;

(2) The sounding of a horn or audible signaling for any unnecessary and unreasonable period of time;

(3) Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound, between the hours of 10:00 p.m. and the following 7:00 a.m., in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty (50) feet from such device when operated within a vehicle parked on a public right-of-way;

(4) Operating or permitting to be operated in an enclosed place of public entertainment, any loudspeaker or other source of amplified sound in such a manner as to violate the permissible noise exposure of the Colorado Occupational Safety and Health Act (COSHA) for any individual in the enclosed place of public entertainment;

(5) Operating any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger;

(6) Operating or permitting the operation of any motor or motorized vehicle without the use of approved mufflers or other sound deadening devices installed and in good working order, between the hours of 10:00 p.m. to the following 7:00 a.m.;

(7) Operating or permitting the operation of any motor of a motor vehicle in excess of ten thousand (10,000) pounds, manufacturer's gross vehicle weight, or any attached auxiliary equipment, for a consecutive period longer than ten (10) minutes while such vehicle is standing on a public right-of-way in a residential district and is not within a completely enclosed structure.

(b) A person commits a violation of this Section if he or she uses or operates sound amplifying equipment:

(1) Out-of-doors, except between 7:00 a.m. and 10:00 p.m.;

(2) Indoors, but for projection of the sound so as to reach persons out-of-doors, except between 7:00 a.m. and 10:00 p.m.;



(3) At a sound level higher than necessary to accomplish the purposes for which a permit from the Chief of Police was granted; or

(4) Within five hundred (500) feet of any place where a public council, board or court is in session.

(c) It shall be an affirmative defense to Subsection (b) of this Section that the defendant has been granted a permit from the Chief of Police and that the use and operation of the sound amplifying equipment has been consistent with the use authorized by the permit. *Sound amplifying equipment*, as used in this Section, means any machine or device for the amplification of the human voice, music or any other sound, but shall not be construed as including such equipment when used in a normal and reasonable manner in or about a residence, business establishment or vehicle, if the equipment is designed and intended to be heard only by the occupants thereof. (Prior code 7.04.450)

**Sec. 10-125. Unlawful noise; amplified sound.**

(a) It is unlawful for any person to install, use or operate a loudspeaker or sound amplifying equipment in a fixed or movable position or attached to or mounted upon any motor vehicle within a residential district for the purpose of giving instructions, directions, talks, addresses or lectures or for transmitting music or sound to any persons or assemblages of persons; provided, however, that a permit as described in Section 10-126 may be applied for, for activities such as, but not limited to, concerts, speeches or lectures held in public parks of the Town.

(b) It is unlawful for any person to install, use or operate a loudspeaker or sound amplifying equipment in a fixed or movable position or attached to or mounted upon any motor vehicle within a commercial or industrial district for the purpose of giving instructions, directions, talks, addresses or for transmitting music or sound to any persons or assemblages of persons without first obtaining a permit pursuant to Section 10-126. (Prior code 7.04.460)

**Sec. 10-126. Permits for sound amplifying equipment.**

(a) An application for a permit shall be directed to the Chief of Police, and shall provide the following information:

(1) The name, address and telephone number of both the owner and user of the sound amplifying equipment;

(2) The license number of a vehicle which is to be used;

(3) The general description of the sound amplifying equipment which is to be used;

(4) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes; and

(5) The dates and times upon which, and the streets over which, the equipment is proposed to be operated.

(b) A permit shall be issued unless the Chief of Police finds that the conditions of motor vehicle movement or pedestrian movement are such that the use of the equipment would constitute an unreasonable interference with traffic safety, or that the applicant for the permit cannot or will not comply with the provisions of subsection (c) of this Section.

(c) The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulation: The sound amplifying equipment shall be operated only between the hours of 7:00 a.m. and 10:00 p.m. of each day. The operation of sound amplifying equipment for commercial purposes on Sundays and legal holidays shall be permitted only between the hours of 10:00 a.m. and 4:00 p.m. (Prior code 7.04.470)

**Sec. 10-127. Exemptions from noise restrictions.**

Nothing in Sections 10-124 through 10-126 shall be construed to apply to, nor restrict, any activity conducted by any person for the safety or protection of life or property in an emergency situation, nor shall the provisions of said Sections apply to: Authorized emergency vehicles, as defined in Sections 4-8, 21-7 and 21-8 of the Model Traffic Code, when such emergency vehicles are responding to, but not returning from, an emergency call, unless the return is of an emergency nature. (Prior code 7.04.480)

**Sec. 10-128. Provisions not exclusive.**

The enumerated provisions of the above Sections of this Article are in no way deemed to be exclusive and anything declared a nuisance under Section 7-1 shall be abated in accordance with the provisions contained therein and in addition, subject to the penalties provided for in Section 1-71 of this Code. (Prior code 7.04.490)

**Sec. 10-129. Election of remedies.**

If an offense or violation of this Code is one which is chargeable as a nuisance for which abatement is a remedy and the same offense or violation may be charged as a criminal offense for which a fine and/or imprisonment may be imposed, such offense is chargeable, at the discretion of the charging official or person, under only one (1) offense. (Ord. 1-1992, § 1)

**Secs. 10-130--10-140. Reserved.**

**ARTICLE VIII**

**Criminal Code**

**Sec. 10-141. Adoption.**

Pursuant to Section 31-16-202, C.R.S., there is hereby adopted by reference Articles 1 through 2, inclusive, of the Colorado Criminal Code, Title 18, officially approved, adopted and published as such by the State, of which one (1) copy is now filed in the office of the Town Clerk and may be inspected during regular business hours, the same being adopted as if set out at length, save and except as modified in Section 10-142 below. (Ord. 5-1992, § 1; Ord. 1-2000, § 1)

**Sec. 10-142. Application, modifications.**

Application of said adopted Code is hereby limited to those offenses designated in said Code as Class 2 misdemeanor and Class 3 misdemeanor and all petty offenses. For purposes of this Article, *misdemeanors* and *petty offenses* mean and are to be construed to mean violations, and are not intended to mean crimes or criminal conduct. (Ord. 5-1992, § 1; Ord. 1-2000, § 1)

**Sec. 10-143. Jurisdiction.**

This Article shall apply to conduct and occurrences within the corporate limits of the Town, the manner of which the Town has jurisdiction and authority to regulate. (Ord. 5-1992, § 1; Ord. 1-2000, § 1)

**Secs. 10-144--10-160. Reserved.**