

CHAPTER 3 CRIMINAL CODE

ARTICLE 3-1 GENERAL PROVISIONS

ARTICLE 3-II ATTEMPT, CONSPIRACY, COMPLICITY, ACCESSORY

ARTICLE 3-III- OFFENSES AGAINST THE PERSON

ARTICLE 3-IV OFFENSES AGAINST PROPERTY

ARTICLE 3-V OFFENSES RELATING TO DRUGS

ARTICLE 3-VI OFFENSES RELATING TO MORALS

ARTICLE 3-VII OFFENSES - GOVERNMENTAL OPERATIONS

ARTICLE 3-VIII OFFENSES AGAINST PUBLIC PEACE, ORDER AND DECENCY

ARTICLE 3-IX OFFENSES RELATING TO FIREARMS AND WEAPONS

ARTICLE 3-X MISCELLANEOUS OFFENSES

ARTICLE 3-XI OFFENSES INVOLVING MINORS AND UNDERAGE PERSONS

ARTICLE 3-1 GENERAL PROVISIONS

SEC. 3-2. LEGISLATIVE PURPOSE.

SEC. 3-3. LOCAL QUESTION.

SEC. 3-4. IRRECONCILABLE ORDINANCES.

SEC. 3-5. APPLICATION OF CHAPTER

SEC. 3-6. APPLICATION OF PENALTIES TO JUVENILES.

SEC. 3-7. CODE VIOLATIONS.

SEC. 3-8. STATUTE OF LIMITATIONS.

SEC. 3-9. PENALTIES NOT RELEASED BY REPEAL.

Sec. 3.1 General Provisions

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., there is adopted by reference, in part, Title 18, C.R.S., officially approved, adopted and published by the Town of Center, of which three (3) copies are on file at the Center Town Hall and may be inspected during regular business hours, pursuant to the adopted ordinance.

Sec. 3-2. Legislative purpose

It is the purpose of this Chapter to provide for the public health, safety, and welfare of the Town of Center.

Sec. 3-3. Local question

It is the intention of the Board of Trustees that the ordinances and provisions of this Chapter deal with matters of "local" and "mixed" state and local concern and that no provision of this Chapter is to be construed expressly or by implication to permit conduct that is illegal under state laws or to prohibit conduct that is expressly permitted by state laws. The provisions of this Chapter are to be construed to apply to misdemeanors and other minor and petty offenses only and are not to be interpreted to apply to conduct that is defined as a felony under state laws.

Sec. 3-4. Irreconcilable ordinances

If the Board of Trustees enacts an ordinance that is irreconcilable with another provision of this Chapter, the ordinance whose effective date is the latest prevails.

Sec. 3-5. Application of Chapter

- (a) A person is subject to prosecution in the Municipal Court for a violation committed through the conduct of such a person or through the conduct of another for whom such person is legally accountable, if:
 - (1) The conduct constitutes a violation and is committed either wholly or partly within the Town.
 - (2) Conduct outside the Town constitutes an attempt, as defined by this Chapter, to commit a violation within the Town.
 - (3) The conduct outside the Town constitutes a conspiracy to commit a violation within the Town, and an act in furtherance of the conspiracy occurs in the Town; or
 - (4) Conduct within the Town constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction a violation prohibited under the laws of the Town and such other jurisdiction.
- (b) Whether a violator is in or outside the Town is immaterial to the commission of a violation based on an omission to perform a duty imposed by the laws of the Town.
- (c) *Town*, as used in this Section and in any summons, summons and complaint or complaint alleging a violation of this Chapter or any ordinance, includes both the area within the territorial limits of the Town of Center, Colorado, and those areas over which extraterritorial police power has been granted by the state statutes. It is the intent of the Board of Trustees to extend the territorial jurisdiction of the Municipal Court as widely as possible. However, where specific sections of this Chapter require that the violation occurs "within the Town", then the offense is limited to the territorial limits of the Town.
- (d) Any person convicted of a non-criminal violation, shall be subject to the general penalty provisions of this Code at Section 3-7 as it relates to non-criminal violations.
- (e) Any person convicted of a criminal violation, shall be subject to the general penalty provisions of this Code at Section 3-7 as it relates to criminal violations.
- (f) Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all the fines and/or penalties applicable to the original charge.
- (g) Where any violation is a continuing offense, each day that the violation continues shall be considered and held to be a separate and distinct offense.

Sec. 3-6. Application of penalties to juveniles

Any person convicted of violating a municipal ordinance in a municipal court which is not of record may be incarcerated for a period not to exceed ninety days or fined an amount not to exceed one thousand dollars, or both.

- (a) In sentencing or fining a violator, the municipal judge shall not exceed the sentence or fine limitations established by ordinance. Any other provision of the law to the contrary notwithstanding, the municipal judge may suspend the sentence or fine of any violator and place him on probation for a period not to exceed one year.

- (b) The municipal judge is empowered in his or her discretion to assess costs, as established by the municipal governing body by ordinance, against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of an ordinance violation.
- (c) Notwithstanding any provision of law to the contrary, a municipal court has the authority to order a child under eighteen years of age confined in a juvenile detention facility operated or contracted by the department of human services or a temporary holding facility operated by or under contract with a municipal government for failure to comply with a lawful order of the court, including an order to pay a fine. Any confinement of a child for contempt of municipal court shall not exceed forty-eight hours.
- (d) Notwithstanding any other provision of law, a juvenile, arrested for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by a municipal court, or found in contempt of court in connection with a violation or alleged violation of a municipal ordinance must not be confined in a jail, lockup, or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of human services or a temporary holding facility operated by or under contract with a municipal government that shall receive and provide care for the juvenile. A municipal court imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a municipal ordinance may confine a juvenile for up to forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services. In imposing any jail sentence upon a juvenile for violating any municipal ordinance when the municipal court has jurisdiction over the juvenile, a municipal court does not have the authority to order a juvenile under eighteen years of age to a juvenile detention facility operated or contracted by the department of human services.
- (e) Whenever the judge in a municipal court of record imposes a fine for a nonviolent municipal ordinance or code offense, if the person who committed the offense is unable to pay the fine at the time of the court hearing or if he or she fails to pay any fine imposed for the commission of such offense, in order to guarantee the payment of such fine, the municipal judge may compel collection of the fine
- (f) "nonviolent municipal ordinance or code offense" means a municipal ordinance or code offense which does not involve the use or threat of physical force on or to a person in the commission of the offense.
- (g) If, as a condition of or in connection with any sentence imposed pursuant to this section, a municipal court judge requires a juvenile who is younger than eighteen years of age to attend school, the municipal court shall notify the school district in which the juvenile is enrolled in such requirement.

Sec. 3-7. Code Violations

- (a) Any act or omission declared to be a violation or to be unlawful or required or prohibited by the phrase "no person shall" or similar mandatory language in or by this Chapter or any ordinance of the Town or any rule promulgated thereunder constitutes a violation.
- (b) Unless otherwise specifically provided in this Chapter or an ordinance of the Town or a rule promulgated thereunder, every day of a violation of this Chapter, ordinance or rule constitutes as separate violation.
- (c) The following sections of this Chapter 3-49 through 3-58 are designated non-criminal violations. Any person charged with violating any provision of this Chapter so designated shall not be subject to incarceration upon the conviction. Further, such person shall not be entitled to a trial by jury.
- (d) The following sections of this Chapter are designated criminal violations 3-8 through 3-48 violations. Any person charged with violating any provision of this Chapter so designated may be subject to incarceration, in addition to fines and costs, upon conviction. Further, such person may be entitled to a trial by jury, if entitled to a jury trial upon meeting the requirements of Rule 223, Colorado Municipal Court Rules.
- (e) It is unlawful for any person to violate any of the provisions adopted in this ordinance. Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine of up to \$1,000.00 or imprisonment of up to 90 days in the County jail or both fine and imprisonment.
- (f) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a surcharge of \$50.00.

Sec. 3-8. Statute of limitations

No person shall be prosecuted, tried or punished for any violation under this Chapter or any ordinance unless the action for said violation is instituted within one (1) year of the date of the alleged violation, but the statute of limitations within which a prosecution must be instituted shall be tolled for any period in which a prosecution is pending against the accused for the same conduct, even if the summons, the complaint or the summons and complaint that commence the prosecution are quashed or the proceedings thereon are set aside or reversed on appeal.

Sec. 3-9. Penalties not released by repeal

- (a) The repeal, revision, amendment, or consolidation of any section of this Chapter, as amended, does not constitute a bar to the prosecution and punishment of an act already committed in violation of the section so repealed, unless the repealing, revising, amending, or consolidating ordinance expressly so provides.
- (b) Any such section so repealed, amended, revised, or consolidated shall remain in full force and effect for the purpose of sustaining all actions, suits, proceedings, and prosecutions brought thereunder that arose before the effective date of the repeal, amendment, revision, or consolidation.

ARTICLE 3-II Attempt, Conspiracy, Complicity, Accessory

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

[Sec. 3-11. Conspiracy](#)

[Sec. 3-12. Complicity](#)

[Sec. 3-13. Accessory to crime](#)

Sec. 3-10. Criminal attempt

- (a) 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 perpetrated by the accused.
- (b) 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 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.
- (c) 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 this criminal intent.

Sec. 3-11. Conspiracy

- (a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agreed with another person or persons 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 agreed to aid the other person or persons 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 one with whom he or she conspires to commit a crime has conspired with another person or persons to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person or persons, whether he or she knows their 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.

Sec. 3-12. 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.

Sec. 3-13. Accessory to crime

- (a) 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 a person.
- (b) *Render assistance* means to:
- (1) Harbor or conceal the other.
 - (2) Warn such person of impending discovery or apprehension; except that this does not apply to a warning given 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; or
 - (5) Conceal, destroy, or alter any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.

ARTICLE 3-III- Offenses Against the Person

[Sec. 3-14. Menacing](#)

[Sec. 3-15. Reckless endangerment](#)

[Sec. 3-16. False imprisonment](#)

[Sec. 3-17. Assault](#)

Sec. 3-14. Menacing

A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.

Sec. 3-15. Reckless endangerment

A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment.

Sec. 3-16. False imprisonment

Any person who knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment. This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties.

Sec. 3-17. Assault

A person commits the crime of assault if he or she intentionally, knowingly, or recklessly causes bodily injury to another; except that this provision shall not apply if such bodily injury is inflicted by means of a deadly weapon.

ARTICLE 3-IV Offenses Against Property

[Sec. 3-18. Theft](#)

[Sec. 3-19. Criminal mischief](#)

[Sec. 3-20. 2nd & 3rd degree criminal trespass](#)

[Sec. 3-21. Second degree criminal tampering](#)

[Sec. 3-22. Tampering with a utility meter; penalty](#)

[Sec. 3-23. Damaging public property](#)

[Sec. 3-24. Defacing property; graffiti](#)

[Sec. 3-25. Littering of public and private property](#)

[Sec. 3-26. Use of a noxious substance](#)

Sec. 3-18. Theft

A person commits theft when he or she knowingly obtains, retains, or exercises control over anything of value less than \$500.00 dollars of another without authorization, or by threat or deception; receives, loans money by pawn or pledge on, or disposes of anything of value or belonging to another that he or she knows or believes to have been stolen; or procures food or accommodations from a public establishment without making payment therefor, and:

- (a) Intends to deprive the other person permanently of the use or benefit of the thing of value.
- (b) Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit.
- (c) Uses, conceals, or abandons the things of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit.
- (d) 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; or
- (e) Knowingly retains the thing of value more than seventy-two (72) hours after the agreed-upon time of return in any lease or hire agreement.
- (f) Obtaining control over any stolen thing of value. Every person who obtains control over any stolen thing of value, knowing the thing of value to have been stolen by another, may be tried, convicted, and punished, whether the principal is charged, tried, or convicted.

Sec. 3-19. Criminal mischief

A person commits criminal mischief if he or she knowingly damages the real or personal property of one (1) or more other persons during a single criminal episode, if the amount is less than \$500.00 dollars.

Sec. 3-20. Trespassing

Second degree criminal trespass: A person commits the crime of second-degree criminal trespass if he or she unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or are fenced or if he or she knowingly and unlawfully enters or remains in or upon the premises of a hotel, motel, condominium or apartment building.

Third degree criminal trespass: A person commits the crime of third-degree criminal trespass if he or she unlawfully enters or remains in or upon the premises of another.

Sec. 3-21. Second degree criminal tampering

A person commits the crime of second-degree criminal tampering if he or she tampers with property of another with intent to cause injury, inconvenience, or annoyance to that person or to another, or if he or she knowingly makes unauthorized connection with property of a utility.

Sec. 3-22. Tampering with a utility meter; penalty

- (a) It is unlawful for any person who connects any pipe, tube, stopcock, wire, cord, socket, motor or other instrument or contrivance with any main, service pipe or other medium conducting or supplying gas, water or electricity to any building without the knowledge and consent of the person supplying such gas, water or electricity.
- (b) It is unlawful for any person who in any manner alters, obstructs, or interferes with the action of any meter provided for measuring or registering the quantity of gas, water or

electricity passing through said meter without the knowledge and consent of the person owning said meter.

- (c) Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

Sec. 3-23. Damaging public property

No person shall damage, move, remove, destroy or injure a monetary value of \$500.00 dollars or less, in any manner whatsoever or cause to be damaged, moved, removed, destroyed or injured any grass, tree, shrub, plant, flower, railing, bridge, culvert, sign, building or any other property whatsoever belonging to the Town or under the possession and control of the Town, unless done pursuant to a written permit or contract from the Town.

Sec. 3-24. Defacing property; graffiti

It is 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 painting, drawing, or writing, by use of paint, spray paint or ink, or any other method of defacement. Upon conviction of this Section, the court may order the person so convicted to personally repair any property damaged or properties similarly damaged, if possible. In addition, upon conviction of a violation of this Section, the offender's driver's license shall be revoked.

Sec. 3-25. Littering of public and private property

- (a) Any person who deposits, throws, or leaves any litter on any public or private property or in any water commits littering.
- (b) The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.
- (c) It shall be an affirmative defense that:
 - (1) Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to use the property.
 - (2) The litter is placed in a receptacle or container installed on such property for that purpose; or
 - (3) Such person is the owner or tenant in lawful possession of such property, or he or she has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.
- (d) The phrase *public or private property* as used in this Section includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas, any park, playground or building, any refuge, conservation or recreation area, and any residential, property.
- (e) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this Section, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped, or dumped therefrom.

Sec. 3-26. Use of a noxious substance.

- (a) It is unlawful for 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.
- (b) It shall be an affirmative defense that a peace officer in the performance of his or her duties used a noxious substance.

ARTICLE 3-V Offenses Relating to Drugs

[Sec. 3-30. Definitions](#)

[Sec. 3-31. Possession of drug paraphernalia](#)

[Sec. 3-32. Possession of marijuana](#)

Sec. 3-30. Definitions

As used in this Article:

Controlled substance means a drug or other substance or an immediate precursor which is declared to be a controlled substance and includes marijuana and marijuana concentrate and cocaine.

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 state laws. *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 state laws.
- (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 marijuana.
- (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; or
- (g) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, 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 marijuana 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.

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.

Sec. 3-31. Possession of drug paraphernalia.

- (a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or should know that the drug paraphernalia could be used under circumstances in violation of state laws.
- (b) Drug paraphernalia; determinations; considerations. 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 should know, that it will be delivered to persons who he or she knows or should know, could use the object to facilitate a violation of state laws.

Sec. 3-32. Possession of marijuana.

- (a) It is unlawful for any person to possess marijuana in any amount or manner inconsistent with state law or Article XVIII, §16 of the Colorado Constitution.
- (b) Private use.
 - (1) It is unlawful to grow marijuana for personal use anywhere in the Town other than in an enclosed, locked space which is not open or public. "Enclosed" shall mean having a roof and all sides closed to the weather with walls, windows, or doors.
 - (2) No person other than the person growing for his or her personal use shall have access to the locked space where the marijuana is grown.

- (3) Any person growing marijuana for personal use shall comply with all land use regulations of the Town, the 2006 International Building Code, or any subsequent building code adopted by and enforced by the Town.
- (4) It is unlawful for any person who grows marijuana for his or her own personal use, to make such marijuana available for sale in any manner.
- (5) Nothing in this Section or Code shall permit the consumption of marijuana that is conducted openly and publicly or in a manner that endangers others.
- (6) This Section is designated a non-criminal violation. Penalties set forth of this Code may be imposed by the municipal court upon conviction.

ARTICLE 3-VI Offenses Relating to Morals

[Sec. 3-33. Indecent exposure](#)

Sec. 3-33. Indecent exposure

A person commits indecent exposure if he or she knowingly exposes his or her genitals to the view of any person when such conduct is likely to cause affront or alarm to the other person.

ARTICLE 3-VII Offenses - Governmental Operations

[Sec. 3-34. Resisting arrest](#)

[Sec. 3-35. Obstructing a peace officer or firefighter](#)

[Sec. 3-36. Refusing to aid a peace officer](#)

[Sec. 3-37. False reporting to authorities](#)

[Sec. 3-38. Escapes](#)

Sec. 3-34. 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 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. 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 that an arrest should be made by him or her.

Sec. 3-35. Obstructing a peace officer or firefighter

- (a) A person commits obstructing a peace officer or fireman when, by using or threatening to use violence, force or physical interference, or obstacle, he or she knowingly obstructs, impairs or hinders 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, 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.

- (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 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.

Sec. 3-36. Refusing to aid a peace officer

A person, eighteen (18) years of age or older, commits refusing to aid a peace officer when, upon command by a person known to him or her to be a peace officer, he or she unreasonably refuses or fails to aid the peace officer in effecting or securing an arrest or preventing the commission by another of any offense.

Sec. 3-37. False reporting to authorities

A person commits false reporting to authorities, if:

- (a) 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.
- (b) 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
- (c) 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.
- (d) He or she knowingly provides false identifying information to law enforcement authorities. For purposes of this Section, identifying information means a person's name, address, birth date, social security number and driver's license or Colorado identification number.

Sec. 3-38. Escapes

A person commits escape if, while being in custody or confinement and held for or charged with but not convicted of a misdemeanor or petty offense, he or she knowingly escapes from said custody or confinement.

ARTICLE 3-VIII Offenses Against Public Peace, Order and Decency

[Sec. 3-39. Disorderly conduct](#)

[Sec. 3-40. Disrupting lawful assembly](#)

[Sec. 3-41. Harassment](#)

[Sec. 3-42. Desecration of venerated objects](#)

[Sec. 3-43. Hindering transportation](#)

[Sec. 3-44. Public urination](#)

Sec. 3-39. 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 or she has no right to occupy.

- (3) Fights with another in a public place except in an amateur or professional contest of athletic skill.
- (4) Not being a peace officer, displays a deadly weapon in a public place except when engaged in lawful target practice or hunting; or
- (5) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

Sec. 3-40. 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 any other means.

Sec. 3-41. Harassment.

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he, or she:
 - (1) Strikes, shoves, kicks, or otherwise touches a person or subjects him or her to physical contact.
 - (2) In a public place directs obscene language or makes an obscene gesture to or at another person.
 - (3) Follows a person in or about a public place.
 - (4) Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene.
 - (5) Makes a telephone call or causes a telephone to ring repeatedly, whether 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, or challenges another in a manner likely to provoke a violent or disorderly response.
- (b) As used in this Section unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether said ultimate sexual acts are normal or perverted, actual, or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- (c) Any act prohibited by paragraphs (4) and (5) of Subsection (a) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

Sec. 3-42. Desecration of venerated objects.

- (a) A person commits a misdemeanor if he or she knowingly desecrates any public monument, structure, or place of worship or burial or desecrates in a public place any other object of veneration by the public or a substantial segment thereof.
- (b) The term *desecrate* means defacing, damaging, polluting, or otherwise physically mistreating in a way that the defendant knows will outrage the sensibilities of persons likely to observe or discover his or her action or its result.

Sec. 3-43. Hindering transportation.

A person commits hindering transportation if he or she knowingly and without lawful authority forcibly stops and hinders the operation of any vehicle used in providing transportation services of any kind to the public or to any person.

Sec. 3-44. Public urination.

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

ARTICLE 3-IX Offenses Relating to Firearms and Weapons

[Sec. 3-45. Discharging weapons](#)

[Sec. 3-46. Discharging bow or slingshot](#)

[Sec. 3-47. Unlawful use of nunchaku or throwing stars](#)

[Sec. 3-48. Exemptions from Article](#)

[Sec. 3-49. Possession of a weapon by an intoxicated person](#)

[Sec. 3-50. Seizure of weapons](#)

[Sec. 3-51. Disturbances](#)

Sec. 3-45. Discharging weapons.

It is unlawful to discharge a projectile from a firearm or gas operated or mechanically operated gun, except:

- (a) At a target range designated by the Town for the specific type of weapon involved; or
- (b) During the act of hunting on land designated by the Town as being in agricultural production and subject to an annual permit issued by the Town to the property owner. Application for an annual migratory waterfowl and game bird hunting permit shall be made to the Town Clerk, together with the payment of a permit fee set by resolution of the Board of Trustees. The designation of lands as being in agricultural production and the issuance of the permit shall be approved by the Town Manager on a case-by-case basis. Permits issued shall be for the benefit of the property owner or his invitees and shall be only for the taking of migratory waterfowl and game birds in accordance with all state and federal regulations.

Sec. 3-46. Discharging bow or slingshot.

It is unlawful to knowingly:

- (1) Discharge any projectile from or possess any bow, slingshot or crossbow in any Town Park or open space; or
- (2) Discharge any projectile from a bow, crossbow, or slingshot in a negligent manner.

Sec. 3-47. Unlawful use of nunchaku or throwing stars.

It is unlawful to knowingly aim, swing or throw a throwing star or nunchaku at another person, or knowingly possess a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed non-assessable container.

Sec. 3-48. Exemptions from Article.

Nothing in this Article shall be construed to forbid United States marshals, sheriffs and their deputies, police officers, any other peace officers or members of the United States Armed Forces or Colorado National Guard from having in their possession, displaying, concealing or discharging such weapons as are necessary in the authorized and proper performance of their duties.

Sec. 3-49. Possession of a weapon by an intoxicated person.

- (a) It is unlawful to knowingly possess a firearm while under the influence of any intoxicating liquor or substance.
- (b) It is not a defense that the defendant had a concealed weapon permit or is a peace officer.

Sec. 3-50. Seizure of weapons.

Any police officer who has probable cause for a violation of this Article shall, in addition to taking any other action, seize the weapon or items used in the violation. Any weapon or items so seized shall be secured by the police officer in accordance with the Police Department procedures.

Sec. 3-51. Disturbances.

- (a) It is unlawful for any licensee, agent, or employee thereof to permit any disturbance, undue noise or unlawful or disorderly act or conduct by any person or group of persons upon the premises.
- (b) It is unlawful for any licensee, agent or employee thereof, in any manner, to encourage or participate in any disturbance or unlawful act or disorderly conduct upon the premises; provided, however, that such licensee may use such lawful means as may be proper to protect his or her person or property from damage or injury.
- (c) Any licensee, agent or employee thereof shall immediately report to the police authority of the Town any unlawful or disorderly act, disorderly conduct or disturbance committed on the premises.
- (d) It shall not be a defense that the licensee, agent or employee thereof was not personally present on the premises at the time of any violation of this Section; provided, however, that an agent, servant or employee of the licensee shall not be liable under this Section when absent from the premises while not on duty.

ARTICLE 3-X Miscellaneous Offenses

[Sec. 3-52. Open burning is prohibited](#)

[Sec. 3-53. Bottles, littering, prohibited](#)

[Sec. 3-54. Open containers/permits](#)

[Sec. 3-55. Motorbike](#)

[Sec. 3-56. Minors use tobacco](#)

Sec. 3-52. Open burning is prohibited.

- (a) No person shall kindle or maintain in the outdoors any bonfire or burn or permit to be burned any trash, paper, rubbish, wastepaper, wood, weeds, brush, leaves, plants or other combustible or flammable material within the Town limits or on Town property outside the Town limits, except when:
- (1) The burning is during an agricultural operation in the growing of crops as a gainful occupation and presents no fire hazard to other property in the vicinity.
 - (2) The burning is for the noncommercial cooking of food for human beings in a portable or permanent grill, barbecue pit or similar fixture.
 - (3) The burning is a smokeless flare, or a safety flare used to indicate some danger to the public.
 - (4) The burning is a training fire conducted by the Fire Department, or a training fire conducted by another fire department and approved in writing by the Town or District.
 - (5) The burning is on Town property, is conducted by employees of the Town, is expressly authorized by fire officials, and for which an open burning permit from the Colorado Air Quality Control Commission or its authorized local agency has been issued.
 - (6) The burning is of wetlands where it is normal wetlands management practice to burn plant cover from time to time in order to promote the growth of native wetlands species and inhibit the growth of inappropriate species; subject, however, to such burning being allowed as part of a wetlands management plan or permit approved or issued by the U.S. Army Corps of Engineers or other agency having jurisdiction, if applicable.
- (b) Open burning activities allowed in Subsections (a)(1), (a)(5) and (a)(6) of this Section must be attended by a responsible person at all times, shall not be conducted in such a manner so as to create a smoke visibility or other hazard on adjacent roadways, and shall require the issuance of a permit or written authorization by the appropriate fire department or district and the Weld County Health Department, as well as conformance with their instructions and regulations as applicable.
- (c) Nothing in this Section shall be construed to prohibit the use of fireplaces, wood-burning stoves, or similar fixtures for the burning of wood, or the use of gas-fired ceramic and artificial log fireplaces, as an indoor recreational activity.
- (d) *Recreational burning*, defined as a small outdoor fire which is conducted as an ancillary aspect of socializing or entertaining, such as a picnic, is permitted subject to the following regulations:
- (1) Only wood may be used in burning, which is seasoned or dry. No grass clippings, leaves, greenwood, or similar plant materials shall be burned, and a minimal amount of paper may be used only for kindling purposes.
 - (2) Burning shall be conducted in a permanent or portable fireplace grill designed for outdoor use or upon an incombustible surface, such as concrete or stone.
 - (3) The fire circle of an open bonfire shall not exceed three (3) feet in diameter.

- (4) A responsible person shall attend all times, and an adequate method of fire extinguishment shall be readily available.
- (5) All burning shall be conducted on private property only.
- (6) There shall be a limit of one (1) recreational burn per property at anyone (1) time.

Sec. 3-53. Bottles, littering, prohibited.

- (a) It shall be unlawful for any person to bring or to have in his or her possession any glass bottle in any park or other public area in the Town.
- (b) It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in or upon any park or other public area in the Town.
- (c) It shall be unlawful for any person utilizing the facilities of any park or other public area in the Town to leave such area or facility without first having completely extinguished fires, not before placing in disposal receptacles, where provided, all trash in the nature of boxes, papers, cans or other containers, garbage and other refuse in the possession of such person. If no disposal receptacle is available, then such person shall carry away said refuse or trash in his or her possession from the area, to be disposed of in a proper and legal manner elsewhere.

Sec. 3-54. Open containers/permits.

- (a) It shall be unlawful for any person to serve, consume, or have any open container or keg of alcoholic beverage, in any municipal park in the Town, or any other public place, except by permit.
- (b) Organized groups and family gatherings may obtain a one-day, 8:00 a.m. to 12:00 midnight, permit, excepting the prohibitions of Subsection (a) above, by making application for same, with payment of the required fee to the Town Clerk at least twenty-four (24) hours in advance of such use.
- (c) For purposes of this Section, *open container* means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage. If an original container has been unsealed, undone, or opened in any manner, it is an opened container for purposes of this Section.

Sec. 3-55. Motorbike.

The operation anywhere within the Town, whether on private or public property, of any so-called motorbike, mini bike or other such motorized vehicle not designed and equipped for operation on a public street or highway is hereby declared and deemed a public nuisance, and it shall be unlawful for any person to cause or maintain such public nuisance.

Sec. 3-56. Minors use tobacco.

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

Cigarette shall have the same meaning as set forth in Section 39-28-202(4), C.R.S.

Possession means that a person:

- (1) Has or holds any number of cigarettes, tobacco, or tobacco products anywhere on his or her person.
- (2) Owns or has custody of cigarettes, tobacco, or tobacco products; or
- (3) Has cigarettes, tobacco, or tobacco products within his or her immediate presence and control.

Tobacco shall have the same meaning as set forth in Section 25-14-203(17), C.R.S.

Tobacco products shall have the same meaning as set forth in Section 18-13-121(5), C.R.S.

(b) Possession of cigarettes, tobacco, or tobacco product by minor.

- (1) The legal age limit in Colorado to buy or consume tobacco is 21
- (2) Possession of a cigarette, tobacco or tobacco product by a person who is under 21 years of age is prohibited.
- (3) The use, possession, or consumption of vape and nicotine products by a person who is under 21 years of age
- (4) It shall not be an offense if the person under 21 years of age was acting at the direction of an employee of a governmental agency authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes and tobacco products to minors.

ARTICLE 3-XI Offenses Involving Minors and Underage Persons

[Sec. 3-57. Definitions](#)

[Sec. 3-58. Curfew](#)

[Sec. 3-59. Child abuse](#)

[Sec. 3-60. Offenses related to marijuana](#)

[Sec. 3-61. Offenses related to tobacco](#)

Sec. 3-57. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Cigarettes, tobacco products, or nicotine products means:

- (a) A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or
- (b) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.
- (c) Notwithstanding the foregoing, cigarette, tobacco product, or nicotine product does not mean a product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.

Marijuana has the same meaning as in Section 16(2) of article XVIII of the Colorado Constitution.

Marijuana paraphernalia has the same meaning as marijuana accessories in Section 16(2) of article XVIII of the Colorado Constitution.

Minor means a person who is under the age of eighteen (18) years.

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.

Underage or *underage person* refers to a person who is under the age of twenty-one (21) years.

Sec. 3-58. Curfew

- (a) It is unlawful for any parent, guardian or other person having care or custody of any minor to allow or permit any such minor to loiter or remain upon any street, alley or other public place, on foot or in or upon a vehicle, subsequent to the hour of 10:00 p.m. on Sunday through Thursday, and 11:00 p.m. Friday and Saturday, or prior to 6:00 a.m. Sunday through Saturday, except for lawful employment, school, church or other organized activity, or unless such minor is accompanied by the parent, guardian or other person of the age of twenty-one (21) years or older having permission of the parent or guardian to have the custody or care of such minor.
- (b) It shall be unlawful for any minor to loiter or remain upon any street, alley or other public place, on foot or within or upon a vehicle, subsequent to the hour of 10:00 p.m. on Sunday through Thursday, and 11:00 p.m. Friday and Saturday, or prior to 6:00 a.m. Sunday through Saturday, except for lawful employment, school, church or other organized activity, or unless such minor is accompanied by the parent, guardian or other person of the age of twenty-one (21) years or older having permission of the parent or guardian to have the custody or care of such minor.
- (c) Any person found guilty of violating this Section shall be fined in an amount set by the Municipal Judge and published in the municipal court fee schedule for each violation.

Sec. 3-59. Child abuse

- (a) A person commits child abuse if he or she causes an injury to a child's life or health or permits a child to be unreasonably placed in a situation which poses a threat of injury to the child's life or health.
- (b) In this Section, "child" means a person under the age of sixteen (16) years.
- (c) The statutory privilege between patient and physician and between husband and wife shall not be available for excluding or refusing testimony in any prosecution for a violation of this Section.
- (d) No person, other than the perpetrator, complicitor, coconspirator or accessory, who reports an instance of child abuse to law enforcement officials shall be subjected to criminal or civil liability for any consequence of making such report unless he or she knows at the time of making it that it is untrue.

Sec. 3-60. Offenses related to marijuana

- (a) It is unlawful for any person, including any person who lawfully grows marijuana for his or her own consumption, to purchase marijuana for consumption or possession by, to otherwise provide marijuana for consumption or possession by, or to sell marijuana to any underage person.
- (b) It is unlawful for any underage person to consume marijuana or to possess, attempt to possess, purchase, or obtain marijuana, either directly or indirectly, or through an intermediary, by misrepresentation of age or by any other means. A violation of this paragraph is a strict liability offense.
- (c) It is unlawful for an underage person to possess marijuana paraphernalia who knows or should know that the marijuana paraphernalia could be used in circumstances in violation of the law of Colorado, except as allowed under Section 14 of article XVIII of the Colorado Constitution

and Section 18-18-406.3 of the C.R.S. A violation of this paragraph is a strict liability offense. In determining whether an object is marijuana 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 marijuana.
 - (3) The existence of any residue of marijuana on the object; or
 - (4) Direct or circumstantial evidence of the knowledge or 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, is likely to use the object to violate state laws.
- (d) Prima facie evidence of a violation of this Section shall consist of:
- (1) Evidence that the defendant was underage and possessed or consumed marijuana.
 - (2) Evidence that the defendant was underage and manifested any of the characteristics commonly associated with marijuana intoxication or impairment.
- (e) It is an affirmative defense to a prosecution under paragraph (a) of this Section that the person furnishing the marijuana was presented with and relied upon a government-issued photographic identification that identified the individual receiving the marijuana as being twenty-one (21) years of age or older.
- (f) It is an affirmative defense to a charged violation under paragraphs (b) and (c) of this Section that the underage person:
- (1) On the date of the alleged offense, lawfully possessed a current registry identification card issued by the State of Colorado; and
 - (2) Possessed no more marijuana than the amount permitted by Section 14 of article XVIII of the Colorado Constitution.

Such evidence shall be presented at an arraignment or at a pre-trial conference on the offense. Any underage person who raises this defense waives doctor-patient privilege and confidentiality with respect to the patient registry information.

Sec. 3-61. Offenses related to tobacco

- (a) Possession or consumption of a cigarette, tobacco product, or nicotine product by a minor is prohibited. A violation of this paragraph is a strict liability offense.
- (b) No person shall give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, or nicotine product to any person who is underage.
- (c) It is an affirmative defense to a prosecution under paragraph (b) of this Section that the person furnishing the cigarette, tobacco product, or nicotine product was presented with and reasonably relied upon a government-issued photographic identification that identified the individual receiving the cigarette, tobacco product, or nicotine product as being twenty-one (21) years of age or older.