

# Chapter 10 General Offenses

## ARTICLE I Criminal Code

### Sec. 10-1. Jurisdiction.

This Chapter 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 per CRS §31-15-401.

The Town may enter into agreement with local and county law enforcement as necessary to enforce criminal laws within the corporate limits of the Town in accordance with CRS §29-5-108.

### Sec. 10-2. Interpretation.

This Chapter shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of this Chapter and the adopted Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

### Secs. 10-3—10-10. Reserved.

## ARTICLE II Offenses by or Against Public Officers, Government, and Private Property

### Sec. 10-11. 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.

### Sec. 10-12. False reporting to authorities. [See CRS §18-8-111]

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 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 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.

### Sec. 10-13. Public buildings - trespass - interference. [See CRS §18-9-110, 117]

1. 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.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. Any person who violates any of the provisions of this Section commits an unlawful act.

#### Sec. 10-14. Destruction of Public Property.

1. Definitions:
  - a. *Public property* is defined as any property obtained or maintained by the Town.
  - b. *Destruction or Damage*: any defacing, alteration, removal, physical modification or consumptive use of any property meeting the definition in a, above.
2. It is unlawful to cause any unauthorized destruction or damage to public property.

#### Sec. 10-15. Penalties.

The penalty for violation of Section 10-14 Destruction of Public Property shall be a fine as established by ordinance of the current Board of Trustees. The Court may add the cost of replacement or repair of the property as restitution, which shall not be considered a fine, but shall instead be considered a forfeiture. Each item damaged or destroyed shall be considered a separate offense.

Nothing in the municipal Code should be interpreted as preventing the Town from proceeding in County Court or District Court in a civil action to recover damages for damaged or destroyed items, and the prosecution under Section 10-14 shall not prevent such civil action.

#### Sec. 10-16. Trespassing - privately owned property. [See CRS §18-4-502, 503, 504]

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.

Secs. 10-17--10-40. Reserved.

## ARTICLE III Offenses Against Public Peace, Order and Safety

### Sec. 10-41. Loitering prohibited. [See CRS §18-9-112]

It shall be unlawful for any persons to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of such public way or place of public nature by any other person or persons, or to be profane, lewd or wanton in speech or behavior in such public way or place.

### Sec. 10-42. Disorderly conduct. [See CRS §18-9-106]

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.

### Sec. 10-43. Disturbing the peace; using offensive language. [See CRS §18-9-106]

It shall be unlawful for any person to disturb or to tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, by loud or unusual noises, by unseemly, profane, obscene or offensive language calculated to provoke a breach of the peace, or by assaulting, striking or fighting another; or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or her or under his or her management or control, when it is within his or her power to prevent, so that others in the vicinity are or may be disturbed thereby.

### Sec. 10-44. Assault, Battery, Harassment. [CRS §18-9-111, §18-3-602]

1. An assault is an unlawful attempt coupled with a present ability to commit a bodily injury on the person of another.
2. It shall be unlawful to assault, batter, beat, strike, wound, imprison or inflict violence on another.
3. A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
  - a. Subjects or threatens to subject a person to physical contact or harm
  - b. Follows a person in or about a public place [see CRS §18-9-111(1)(c) Harassment, and CRS §18-3-602 Legislative Declaration on Stalking]

## Sec. 10-45. Obstructing passageway. [See CRS §18-9-107]

1. It is unlawful to obstruct any passageway.
2. For purposes of this Section, *obstruct* means to render impassible or to render passage unreasonably inconvenient or hazardous.
3. An individual or corporation commits an offense if, without legal privilege, him or her intentionally, knowingly or recklessly:
  - a. Obstructs a 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
  - b. Disobeys a reasonable request or order to move issued by a person known to be a peace officer, fireman or person with authority to control the use of the premises, to prevent obstruction of a passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.

## Sec. 10-46. Assembling to commit unlawful acts. [See CRS §18-9-101, 102]

It shall be unlawful for any three (3) or more persons to assemble together in the Town with an intent to do any unlawful act; or, being assembled, mutually to agree or act in concert, to do an unlawful act with force or violence against the property of the Town or the person or property of another or against the peace and to the terror of others; or to make any move or preparation therefore; or, being present at such meeting or assembly, to fail to endeavor to prevent the commission of or perpetration of such unlawful act.

## Sec. 10-47. Throwing missiles. [CRS §18-9-116 Throwing Missiles at Vehicles, Harassment of Bicyclists]

It shall be unlawful for any person within the limits of the Town to throw any stones, snowballs or other objects or missiles upon or at any vehicle, building, free or other public or private property, or upon or at any person in any public way or upon other public ground.

## Sec. 10-48. Use and possession of weapons. [see CRS §18-12-107.5 Illegal use of a firearm]

Except as specifically provided herein, it shall be unlawful for any persons to discharge any firearms in a reckless or endangering manner, in the Town. This Section shall not apply to peace officers engaged in the lawful execution of their duty. Additionally, this Section shall not apply to any persons lawfully defending their person or property in accordance with the laws of the State of Colorado.

### Sec. 10-49. Vagrancy.

It shall be unlawful for any person to be deemed a vagrant in the Town. A person shall be deemed a vagrant if they are found to be

1. Loitering, begging, sleeping, or strolling in, about or upon any street, land, avenue, alley or any other public way or public place, or at any public gathering or assembly, or in or around any public building or on any public land
2. Trespassing on private premises, or occupying a vacant building or lot without authorization of the owner of said building or lot

### Sec. 10-50. Disturbing religious worship. [See CRS §18-9-106]

It shall be unlawful for any person, firm or corporation to disquiet or disturb any congregation or assembly for religious worship by making a noise or rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

### Sec. 10-51. Criminal trespass. [See CRS §18-4-502, 503 ,504]

1. No person shall unlawfully enter or remain upon any premises within the Town.
2. Premises, as used in Subsection (1) above, means real property, buildings and other improvements thereon located in the Town.

### Sec. 10-52. Door-to-door solicitation.

1. It shall be unlawful for any person to enter or remain upon any public or private premises in the Town, not having been requested or invited by the occupant or occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value. The provisions of the ordinance codified herein shall apply to, but shall not be limited to, books, pictures and periodicals.
2. Nothing in the ordinance codified herein shall be deemed to apply to solicitations by nonprofit organizations exempt from federal income tax under Section 26 U.S.C. 501(c)(3).
3. Nothing in the ordinance codified herein shall be deemed to apply to any person engaged in the business of selling and delivering goods or services directly to residents of the Town, who regularly delivers on a schedule or usually employs a vehicle for such deliveries over a regularly defined route and ordinarily sells from orders previously placed by such residents.
4. Nothing in the ordinance codified herein shall be deemed to apply to any person engaged in the distribution of information in the exercise of such person's rights under the constitutions of the United States and the State of Colorado.

### Sec. 10-53. Open fires.

1. It shall be unlawful for any person to have an open fire in the Town without first obtaining an appropriate permission to burn from the Florence Fire Protection District.

2. State, County, or Florence Fire Protection fire ban laws may be enforced and fines levied as appropriate.

Secs. 10-54—10-90. Reserved.



## ARTICLE IV Fireworks

### Sec. 10-91. Adoption

The Town of Williamsburg hereby adopts by reference CRS §24-33.5-2002 Unlawful Use or Sale of Fireworks

Secs. 10-92–10-120. Reserved.