

CHAPTER 10

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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.

Sec. 10-2. Interpretation.

This Chapter shall be so interpreted and construed as to effectuate its general purpose. Articles and section headings of this Article 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 and Government

Sec. 10-11. Definitions.

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

(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.

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

(1) He or she knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service or any other government agency which deals with emergencies involving danger to life or property;

(2) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur; or

(3) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false.

Sec. 10-13. Public buildings - trespass - interference.

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

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

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

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

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

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

(g) No person shall interfere with any Town employee, volunteer, or Board member while they are on duty or performing a Town authorized function.

(h) Any person who violates any of the provisions of this Section commits an unlawful act.

Sections 10-14-31 Reserved

Sec 10-32 Definitions:

- (1) Public property is defined as any property obtained or maintained by the Town.
- (2) Destruction or Damage: any defacing, alteration, removal, physical modification or consumptive use of any property meeting the definition in (1) above.

Sec. 10-33. Destruction of Public Property:

It is unlawful to cause any unauthorized destruction or damage to public property.

Sec. 10-34. Penalties: The penalty for violation of Section 10-33 shall be a fine of \$300.00. 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 10-33 shall not prevent such civil action.

ARTICLE III

Offenses Against Property

Secs. 10-31--10-40. Reserved.

ARTICLE IV

Offenses Against Public Peace, Order and Safety

Sec. 10-41. Loitering prohibited.

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.

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.

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.

(a) An assault is an unlawful attempt coupled with a present ability to commit a bodily injury on the person of another.

(b) It shall be unlawful to assault, beat, strike, wound, imprison or inflict violence on another.

Sec. 10-45. Obstructing highway or other passageway.

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

(b) An individual or corporation commits an offense if, without legal privilege, he or she intentionally, knowingly or recklessly:

(1) Obstructs a highway, street, sidewalk, railway, waterway, building, entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or

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

(3) For purposes of this Section, obstruct means to render impassible or to render passage unreasonably inconvenient or hazardous.

Sec. 10-46. Location restriction for campers, trailers and mobile homes.

No person or persons shall occupy a camper, trailer or recreation vehicle anywhere within the limits of the Town, unless said camper, trailer or recreation vehicle is located in an authorized and approved park. Visitors to Williamsburg residents are exempt from these provisions for a period of 30 days in any consecutive 12 month period unless approved by the Town Board.

Sec. 10-47. Assembling to commit unlawful act.

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. 10-48. Throwing missiles.

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, or other public or private property, or upon or at any person in any public way or upon other public ground.

Sec. 10-49. Use and possession of weapons.

(a) Except as specifically provided herein, it shall be unlawful for any persons to discharge any firearms, pellet guns, BB guns, bow and arrow, or crossbows in the Town. This prohibition shall not apply to peace officers engaged in the lawful execution of their duty or to peace officers engaged in firearms training. Additionally, this prohibition shall not apply to any persons lawfully defending their person or property in accordance with the laws of the State.

(b) The Board of Trustees may, by resolution containing such conditions as may be appropriate, designate certain areas of the Town wherein firearms, BB guns, pellet guns, bow and arrow or crossbows may be discharged for the purpose of hunting or target shooting. Any such resolution so adopted shall be subject to all statutes and regulations of the State pertaining to the discharge of firearms, BB guns, pellet guns, bow and arrow or crossbows.

Sec. 10-50. Harassment.

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

- (1) Verbally assaults, strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact; or
- (2) In a public place directs obscene language or makes an obscene gesture to or at another person; or
- (3) Follows a person in or about a public place; or
- (4) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person~~;~~; or
- (5) Initiates communication with a person, anonymously or otherwise 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; or
- (6) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
- (7) Makes repeated communications at inconvenient hours or in offensively coarse language; or
- (8) 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 or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, nailing's or excretory functions.

(c) Any act prohibited by subparagraph (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. 10-51. Illegal Actions.

The following actions by persons shall be deemed illegal within the Town:

(1) Any person found loitering 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 private property or place without lawful business and conducting himself or herself in a lewd, wanton or lascivious manner in speech or behavior.

(2) Any person upon whose person or in whose possession shall be found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred is designed to be employed in the commission of any felony, misdemeanor or in the violation of any ordinance.

(3) Any person wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same and without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness.

(4) Any person wandering abroad and begging; or any person who goes about from door to door of private homes or places himself or herself in or upon, any public way or public place to beg or receive contributions for himself or herself.

(5) Any person who shall be found trespassing in the nighttime upon the private premises of others.

Sec. 10-52. Disturbing religious worship.

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. 10-53. Criminal trespass.

(a) No person shall unlawfully enter or remain upon any premises within the Town.

(b) *Premises*, as used in Subsection (a) above, means real property, buildings and other improvements thereon located in the Town.

Sec. 10-54. Door-to-door solicitation.

(a) 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.

(b) 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).

(c) 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.

(d) 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. 10-55. Attempt to obtain invitation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

Sec. 10-56. Hours for solicitation.

All persons exempted by the provisions of the ordinance codified herein shall conduct solicitations only between the hours of 9:00 a.m. and 7:00 p.m.

Sec. 10-57. Storage of flammable liquids.

It shall be unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids or gases upon any streets, ways or avenues of the Town, or in any part of the Town, except those areas zoned for such uses.

Sec. 10-58. Explosives.

It shall be unlawful for any person to store within the Town limits 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. Components for sporting purposes are exempt.

Sec. 10-59. Open fires.

(a) 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.

(b) For purposes of this Article, an open fire shall include all open burning with the specific exception of properly designed furnaces or other equipment connected to a stack or chimney, inside fireplaces and stoves, permanent outdoor fireplaces, charcoal-activated grills, propane grills, natural gas grills and outdoor electric cooking devices.

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

Secs. 10-60—10-80. Reserved.

ARTICLE V

Curfew

Sec. 10-81. Curfew established.

(a) It shall be unlawful for any person under the age of eighteen (18) years to loaf, play, loiter or remain upon the streets, public parks or alleys or in any unoccupied or vacant lot, block or building within the limits of the Town between the hours of 11:00 p.m. and 6:00 a.m. This Section shall not apply to persons who meet any of the following criteria:

(1) Any person engaged in lawful employment;

(2) Any person engaged in religious activities protected by the First Amendment to the United States Constitution;

(3) Any person accompanied by a parent, guardian or other person at least twenty-one (21) years of age who has permission of the parent or guardian to have custody of such person;

(4) Any person engaged upon an emergency errand or legitimate business directed by a parent, guardian or other adult person having the care and custody of such person; or

(5) Any person traveling either on foot or in or upon any conveyance directly to or from any activity specified herein and the person's residence.

(b) Upon the conviction of a violation of this Section, the Municipal Court shall have authority to impose a fine as is otherwise authorized by this Code and, in addition thereto, the Municipal Court:

(1) Is hereby authorized to impose useful public service hours not to exceed one hundred (100) hours, in addition to any fine which may be imposed hereunder;

(2) May impose a minimum of twenty (20) hours of useful public service upon the first conviction of a violation of this Section.

(3) May impose a minimum of forty (40) hours of useful public service upon a second and subsequent conviction.

(4) In the event useful public service is imposed, the Municipal Court shall assess costs for the administration of useful public service in the amount of thirty dollars (\$30.00) upon the imposition of a sentence to useful public service. Payment of said costs shall be deemed mandatory and necessary for the administration of the useful public service program and shall not be suspended.

Sec. 10-82. Parental responsibility.

It shall be unlawful for the parent, guardian or other adult person having the duty of care or custody of a person under the age of eighteen (18) years to knowingly allow such person to violate Section 10-81(a).

Secs. 10-83--10-90. Reserved.

ARTILCE VI

RESERVED

ARTICLE VII

Noise

Sec. 10-91. 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, the code enforcement officer is empowered to make a prima facie determination as to whether a noise is unreasonable.

Sec. 10-92. Garbage collection.

No person or entity providing garbage collection service for a fee shall operate any vehicle for the purpose of collecting solid waste, garbage or recyclable materials on any street within the Town between the hours of 7:00 p.m. and 7:00 a.m.

Secs. 10-93--10-100. Reserved.

ARTICLE VIII

Fireworks

Sec. 10-101. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

(1) **Display** means a supervised public display of fireworks by municipalities, fair associations, amusement parks or other organizations in the Town.

(2) **Fireworks** means any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Day-Glo bombs, any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substances, except that the term fireworks shall not include automobile flares, sparklers or other devices of like construction, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the same and use of which shall be permitted at all times.

Sec. 10-102. Manufacture, sale, use or possession of fireworks.

(a) Except as hereinafter provided, it shall be unlawful for any person to use or explode any fireworks not in compliance with State Code.

(b) The Town board or designated representative may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks and other organizations or groups of individuals. Such permits may be granted upon application to the Town Clerk and after the filing of a bond by the applicant as provided hereafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the Florence Fire Chief or his or her designated representative and shall be of such composition, character and so located, discharged or fired as, in the opinion of the Florence Fire Chief, after proper inspection, shall not be hazardous to property or endanger any person or persons.

(c) Application for permits shall be made in writing at least thirty (30) days in advance of the date of any public display. After such permit has been granted, the possession and use of fireworks for the permitted display shall be lawful for that purpose only. No permit granted herein shall be transferable. At the time of permit application, a fee set by resolution shall be payable to the Town. Said fee may be subsequently adjusted by the Board of Trustees by resolution.

Sec. 10-103. Bond and proof of financial responsibility.

Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefore shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character and form as the Florence Fire Chief or his or her designated representative determines to be necessary for the protection of the public.

Sec. 10-104. Disposal of unused fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

Sec. 10-105. Seizure of illegal fireworks.

The Code Enforcement Officer , or any Fire Department officer or police officer shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or being fired in violation of this Article.

Secs. 10-106--10-120. Reserved