



Legal Notice

Date: 03/05/2020

Subject: An ordinance of the City of Littleton, Colorado, amending multiple sections of Title 6 of the Littleton Municipal Code pertaining to police regulations

Passed/Failed: Passed on first reading

CITY OF LITTLETON, COLORADO

**ORDINANCE 12
Series of 2020**

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 12

4
5 Series, 2020

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9 AN ORDINANCE OF THE CITY OF LITTLETON,
10 COLORADO, AMENDING MULTIPLE SECTIONS OF
11 LITTLETON MUNICIPAL CODE, TITLE 6, PERTAINING
12 TO POLICE REGULATIONS
13

14 WHEREAS, the City Council of the City of Littleton desires to update the Littleton
15 Municipal Code to reflect the current Colorado Revised Statutes; and

16
17 WHEREAS, the revisions align with state law, clean up language in the code,
18 clarify process and terms, and allow charging into municipal court.

19
20 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
21 THE CITY OF LITTLETON, COLORADO, THAT:

22
23 Section 1: Title 6 of the Littleton City Code is hereby amended as follows:

24
25 **6-1-5-3: DAMAGE TO PROPERTY OR HABITAT UNDER CITY OR PARKS**
26 **DISTRICT:**

27
28 (A) It is unlawful for any person to remove, damage, deface, or destroy or to use any
29 instrument, fireworks, drone or model aircraft to remove, damage, deface or destroy any
30 real or personal property or wildlife habitat under the control of the City, Parks District
31 managing property within the City or Urban Flood Control and Drainage District. Any
32 person who violates this subsection (A) is guilty of a misdemeanor and, upon conviction
33 thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor
34 more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail for
35 not more than ~~one year~~ THREE HUNDRED SIXTY-FOUR (364) DAYS, or by both
36 such fine and imprisonment. In addition, the court may require the defendant to
37 reimburse the City, the Parks District managing property within the City or the Urban
38 Drainage and Flood Control District for any damages.
39

40 **6-1-10: DEFINITIONS:**

41
42 As used in this chapter, the following words and phrases shall have the following meanings
43 unless the context otherwise indicates:

44
45 AT LARGE: An animal that is off the premises of the owner, as "owner" is defined in this
46 section, and is not under the actual physical control of such owner.

47
48 HARASS: To unlawfully endanger, impede, annoy, pursue, disturb, molest or torment wildlife.

1

2 HAZING: A method that employs immediate use of deterrents to move an animal out of an area
3 or discourage an undesirable behavior or activity. Hazing techniques include, but are not limited
4 to, loud noises, spraying water, bright lights, throwing non-edible objects, shouting. Hazing can
5 help maintain wildlife's fear of humans and deter them from neighborhood spaces such as
6 backyards and play spaces. Hazing does not do damage to animals, humans or property.

7

8 HUMANE TRAPS: Box-type live traps which do not cause bodily harm to the animal intended
9 to be captured or any other animal or person coming in contact with such trap.

10

11 ~~MUZZLE: A device which is constructed of strong, soft material or metal such as that used~~
12 ~~commercially with greyhounds which prevents a dog from biting any person or animal. Said~~
13 ~~muzzle shall be made and attached in a manner which will not cause injury to the dog or interfere~~
14 ~~with its vision or respiration.~~

15

16 OWNER: Any person owning, keeping, harboring, or having the full or temporary care of an
17 animal at the time any violation of this chapter is committed.

18

19 PERSON: Any person regardless of age and specifically including minors under the age of
20 eighteen (18) years.

21

22 WILDLIFE: Wild vertebrates, mollusks and crustaceans whether alive or dead, including any
23 part, product, egg or offspring thereof that exist as a species in a natural wild state in their place
24 of origin or historically. Wildlife does not include:

25 (A) Those species determined to be domestic animals by the Colorado Parks and Wildlife
26 Commission.

27 (B) Those species determined to be domestic animals by the Colorado Agricultural
28 Commission.

29 WILDLIFE HABITAT: An area on public property that has been designated by the public entity
30 as a habitat area for wildlife or an area on private property that is subject to a conservation
31 easement or a zoning restriction designating the area as a habitat for wildlife.

32 **6-2-1: DEFINITIONS:**

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34 As used in this chapter, the following words and phrases shall have the following meanings
35 unless the context otherwise indicates:

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37 CAT: ~~Male, female, and neutered~~ members of the family felis catus.

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39 CITY CLERK: The city clerk or his or her designee.

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~~DOG: Male, female and neutered~~ members of the family canis familiaris.

~~FEMALE CAT: Any cat of female gender upon whom no alterative surgery of the genital organs has been performed.~~

~~FEMALE DOG: Any dog of female gender upon whom no alterative surgery of the genital organs has been performed.~~

~~FIERCE OR VICIOUS CAT OR DOG: Any cat or dog that, without provocation, bites or attacks human beings or other animals on private or public property within the city; a cat or dog that, without provocation, approaches in apparent attitude of attack upon a human being or other animal on private or public property within the city; or a cat or dog that runs after, leaps at, or pounces upon, or bites, barks, growls, or snaps at horses, bicycles, or any other means of transportation being ridden, driven, or operated at any place within the city.~~

KENNEL: Any place where dogs or cats are born, bred, raised, boarded, fed, or sold for any valuable consideration, but shall not include a household which sells only the offspring of a female dog or female cat maintained solely as a family pet.

~~MALE DOG: Any dog of the male gender upon whom no alterative surgery of the genital organs has been performed.~~

MUZZLE: A DEVICE WHICH IS CONSTRUCTED OF STRONG, SOFT MATERIAL OR METAL SUCH AS THAT USED COMMERCIALY WITH GREYHOUNDS WHICH PREVENTS A DOG FROM BITING ANY PERSON OR ANIMAL. SAID MUZZLE SHALL BE MADE AND ATTACHED IN A MANNER WHICH WILL NOT CAUSE INJURY TO THE DOG OR INTERFERE WITH ITS VISION OR RESPIRATION.

~~NEUTERED CAT: Any male or female cat upon which alterative surgery of the genital organs has been performed.~~

~~NEUTERED DOG: Any male or female dog upon which alterative surgery of the genital organs has been performed.~~

OWNER: Any person owning, keeping, harboring, or having the full or temporary care of a dog or cat at the time any violation of this chapter is committed.

PERMIT: To allow, acquiesce in, or fail to take reasonable steps to prevent.

PERSON: Any person regardless of age and specifically including minors under the age of eighteen (18) years.

PROVOCATION: Such conduct towards a dog or cat AN ANIMAL as could reasonably be expected to cause such dog or cat ANIMAL to take some retaliatory or self-protective action. Provocation shall include a person's unlicensed, uninvited, or illegal presence upon or within

1 private property inhabited by or belonging to the ANIMAL'S ~~cat's or dog's~~ "owner", as defined
2 herein, or private property inhabited by or belonging to members of such owner's household.
3

4 RABIES: That communicable disease of wild and domestic animals transmittable to human
5 beings and defined as follows in Borland's medical dictionary: "Specific infectious disease of
6 certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite
7 by an infected animal and due to a filterable virus".
8

9 RUNNING AT LARGE: A dog that is off the premises of the owner, as "owner" is defined
10 herein, and is not under the actual physical control of such owner by adequate leash, cord, or
11 chain.
12

13 TRANSIENT: Any dog or cat whose entire period of residency within the city is and will be less
14 than forty five (45) days.

15 **~~6-2-5: FIERCE OR VICIOUS CATS OR DOGS PROHIBITED:~~**
16 **DANGEROUS ANIMALS:**

17
18 (A) ~~It shall be unlawful for any person to have, keep or harbor a fierce or vicious cat or dog~~
19 ~~within the City. Fierce or vicious cats or dogs are declared to be a public nuisance.~~

20 ANY ANIMAL EXHIBITING BEHAVIOR SET FORTH IN THIS SECTION IS HEREBY
21 DECLARED TO BE A DANGEROUS ANIMAL. IT SHALL BE UNLAWFUL FOR ANY
22 OWNER OR CUSTODIAN OF AN ANIMAL TO PERMIT OR ALLOW SAID ANIMAL,
23 WITHOUT INTENTIONAL PROVOCATION TO:

24 1. CAUSE BODILY INJURY OR DEATH TO ANY PERSON AT ANY PLACE WITHIN
25 THE CITY; OR

26 2. APPROACH ANY PERSON IN A MENACING OR TERRORIZING MANNER, OR IN
27 AN APPARENT ATTITUDE OF ATTACK, WHILE OFF THE OWNER'S OR
28 CUSTODIAN'S PROPERTY; OR

29 3. KILL ANOTHER ANIMAL WHILE OFF THE OWNER'S OR CUSTODIAN'S
30 PROPERTY; OR

31 4. ATTACK ANY PERSON WHO IS LAWFULLY ON THE OWNER'S OR
32 CUSTODIAN'S PROPERTY.

33 IT SHALL BE AN AFFIRMATIVE DEFENSE TO CHARGES UNDER THIS SECTION
34 IF THE VICTIM OF THE ATTACK HAS MADE AN UNLAWFUL ENTRY INTO THE
35 DWELLING OR ENCLOSED PREMISES OF THE OWNER OR CUSTODIAN, OR WAS
36 ATTACKED OR INJURED DURING THE COMMISSION OF A CRIME AGAINST THE
37 OWNER OR CUSTODIAN.

1 IMPOUNDMENT OF ANIMALS WHOSE OWNERS OR CUSTODIANS HAVE BEEN
2 CITED FOR A VIOLATION OF THIS SECTION SHALL BE AT THE DISCRETION OF
3 THE ANIMAL CONTROL OFFICER. IF THE ANIMAL PRESENTS A CLEAR AND
4 PRESENT DANGER TO THE PUBLIC HEALTH OR SAFETY, IT SHALL BE THE
5 DUTY OF THE ANIMAL CONTROL OFFICER OR HIS AGENT TO IMPOUND SUCH
6 ANIMAL.

7 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PREVENT THE ANIMAL
8 CONTROL OFFICER FROM TAKING WHATEVER ACTION IS NECESSARY TO
9 PROTECT HIS OR HER PERSON OR OTHER MEMBERS OF THE PUBLIC FROM
10 INJURY OR DAMAGE, INCLUDING IMMEDIATE DESTRUCTION OF ANY
11 DANGEROUS ANIMAL WITHOUT NOTICE TO THE OWNER OR CUSTODIAN.

12 (B) Any person found guilty of violating subsection (A) of this Section shall not subsequently
13 permit the ~~fiere or vicious~~ DANGEROUS animal to be upon the public streets, sidewalks,
14 public parks, or any other public place within the Municipality, except when muzzled and
15 held under leash by an able-bodied person. Any such animal shall not be permitted on private
16 property except when muzzled and held under leash by an able-bodied person or when such
17 animal is securely confined indoors, or in a securely enclosed and locked pen or other
18 enclosure. Such pen or other enclosure shall be constructed with secure sides and a secure
19 top. If the pen or enclosure has no bottom secured to the sides, the sides must be imbedded
20 into the ground no less than one foot (1').

21 (C) In addition to any penalties which are provided in this Code for a violation of this Section,
22 the Municipal Judge shall have the authority, upon a conviction for a violation of this
23 Section, and upon making a finding that such ~~dog or cat~~ ANIMAL constitutes a clear and
24 present danger to the citizens of the City, to order that such ~~dog or cat~~ ANIMAL be destroyed
25 in a humane manner by the Animal Control Officer or by persons so authorized by the City
26 Manager. In the event a ~~vicious dog or cat~~ DANGEROUS ANIMAL cannot be taken up and
27 caught by the Animal Control Officer or any police officer without such officer being
28 exposed to danger of personal injury from such ~~dog or cat~~ ANIMAL, it shall be lawful for
29 such officer to forthwith destroy such ~~dog or cat~~ ANIMAL without notice to the owner,
30 keeper or possessor thereof. A second conviction of any person or persons for violating
31 subsection (A) of this Section with respect to the same animal shall create a rebuttable
32 presumption that such animal constitutes a clear and present danger to the citizens of the
33 City. A third conviction of any person or persons with respect to the same animal shall, in
34 addition to other penalties imposed by this Chapter, require that an order be issued by the
35 Municipal Court Judge authorizing the destruction of such animal. (Ord. 4, Series of 1988)

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6-2-10: UNLAWFUL TO VIOLATE NUMBERS RESTRICTIONS:

1 (A) On and after January 1, 1978, it shall be unlawful for any person to maintain on one property
2 in any City residential zone the combined total of more than three (3) dogs or cats over the
3 age of six (6) months or more than one litter of dogs or cats.

4 ~~(B) Exception To Numbers Restriction: Any person who, prior to January 1, 1978, has provided~~
5 ~~the City with the name, age, sex, color photograph, and rabies tag number of each dog and/or~~
6 ~~cat then owned by such person and who, prior to January 1, 1978, has paid to the City Clerk~~
7 ~~the full fee required in subsection (C) of this Section may maintain all such cats or dogs after~~
8 ~~January 1, 1978, but may not replace any such cat or dog after January 1, 1978, but may not~~
9 ~~replace any such cat or dog who dies or is otherwise permanently removed from such~~
10 ~~person's household if such replacement would cause the total number of dogs and cats to~~
11 ~~exceed the limitations of subsection (A) of this Section.~~

12 ~~(C) Fee: The fee required by subsection (B) of this Section shall be five dollars (\$5.00) for each~~
13 ~~neutered cat and each neutered dog and ten dollars (\$10.00) for each female cat, female dog,~~
14 ~~male dog, and male cat.~~

15 ~~(D) Permit: Upon receipt of the information and documents required by subsection (B) of this~~
16 ~~Section, and upon payment of the fee provided for in said subsection (B) and specified in~~
17 ~~subsection (C) of this Section, the City Clerk shall issue to such person a permit authorizing~~
18 ~~such person to continue to maintain those animals.~~

19 (E) Enforcement: The City police or other person duly employed and appointed as an Animal
20 Control Officer may serve a summons and complaint upon any person for violation of any
21 ~~provision~~ of this Section upon their own initiative when they have personally observed the
22 violation. Otherwise, such summons and complaint shall not be served unless it has first been
23 signed and verified by two (2) persons over the age of eighteen (18) who do not live in the
24 same household.

25
26 **6-2-11: IMPOUNDMENT OF DOGS AND CATS:**

27
28 (A) In General: Dogs running at large and DANGEROUS ANIMALS ~~fierce or vicious dogs or~~
29 ~~eats~~ may be impounded by the City police or other persons duly appointed and employed for
30 that purpose either on their own initiative or after the signing of a complaint by a private
31 party.

32 (B) Registry: Any person impounding a dog or cat under this Chapter shall maintain a complete
33 registry of such impoundment, entering therein the breed, color, sex, and rabies tag number,
34 if any, of such cat or dog, and the date, time, and location of such impoundment. (Ord. 21,
35 Series of 1977)

36 (C) Notice: As soon as practicable, the animal enforcement officer shall attempt to give notice
37 via telephone to the owner of any impounded dog or cat. If such telephone contact is

1 unsuccessful, not later than three (3) days after the impoundment the City shall give written
2 notice of such impoundment to the owner by ordinary mail. If the owner of the impounded
3 dog or cat is unknown to the City's humane officers, such owner is hereby notified by this
4 provision that he may contact the Municipal pound for purposes of inquiring as to whether or
5 not his dog or cat has been impounded. (Ord. 18, Series of 1982)

6 (D) Reclaiming: Except as otherwise herein expressly provided, the owner of any dog or cat
7 impounded under this Chapter may reclaim such dog or cat upon payment of all costs and
8 charges for such impounding and maintenance and upon presentation of proof that such cat
9 or dog has been vaccinated as required by this Chapter.

10 (E) Disposition Of Unclaimed Cats And Dogs: Except as otherwise herein expressly provided,
11 any dog or cat that has not been reclaimed by its owner within six (6) days of its
12 impoundment may be destroyed, sold, or otherwise disposed of.

13 (F) Impoundment And Holding Of Biting Dogs Or Cats: Any dog or cat that has bitten a human
14 being may be impounded by the City police or other persons duly appointed and employed
15 for that purpose. Such dog or cat may be kept in impoundment for observation for up to ten
16 (10) consecutive days. Such dog or cat may be reclaimed by its owner at the expiration of
17 such ten (10) day period upon presentation of proof that such cat or dog has been vaccinated
18 as required by this Chapter and upon payment of all costs and charges for impounding and
19 maintenance. Any such dog or cat that is not reclaimed by its owner within twelve (12) days
20 of its impoundment may be destroyed, sold, or otherwise disposed of. (Ord. 21, Series of
21 1977)

22

23 **6-2-12: PENALTIES FOR VIOLATION:**

24

25 ~~(A) Except as otherwise herein expressly provided, any person found guilty of violating any~~
26 ~~provision of this Chapter shall be punished by a fine of not more than nine hundred ninety~~
27 ~~nine dollars (\$999.00). (Ord. 18, Series of 1982) ANY PERSON FOUND GUILTY OF~~
28 ~~VIOLATING ANY PROVISION OF THIS CHAPTER SHALL BE PUNISHED AS~~
29 ~~PROVIDED BY SECTION 1-4-1 OF THIS CODE, BY A FINE NOT TO EXCEED TWO~~
30 ~~THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650.00) OR BY IMPRISONMENT~~
31 ~~NOT TO EXCEED THREE HUNDRED SIXTY-FOUR (364) DAYS, OR BY SUCH FINE~~
32 ~~AND IMPRISONMENT.~~

33 ~~(B) Any person found guilty of violating any provision of Section 6-2-5 of this Chapter shall be~~
34 ~~punished by a fine of not less than twenty five dollars (\$25.00) nor more than nine hundred~~
35 ~~ninety nine dollars (\$999.00) for the first offense; by a fine not less than fifty dollars (\$50.00)~~
36 ~~nor more than nine hundred ninety nine dollars (\$999.00) for the second offense; and by a~~
37 ~~fine of not less than one hundred dollars (\$100.00) nor more than nine hundred ninety nine~~
38 ~~dollars (\$999.00) for the third offense. A charge of violation of any provision of Section 6-2-~~
39 ~~5 of this Chapter, shall require a mandatory court appearance. Additionally, the punishment~~

1 imposed for a finding of guilty of a third or later violation of any provision of Section ~~6-2-5~~
2 shall in no case be less than a fine of one hundred dollars (\$100.00). In addition to any fines
3 which may be imposed, the Municipal Court Judge may impose a jail sentence of up to
4 ninety (90) days on any defendant found to be in violation of any provision of Section ~~6-2-5~~
5 of this Chapter, excluding violations by minors under the age of eighteen (18) who shall be
6 subject to fines only. (Ord. 20, Series of 1988)

7 (C) ~~A third charge of violation of any provision of either Section 6-2-3 or 6-2-4 of this Chapter~~
8 ~~and all charges of violations of any provisions of said Sections after said third charge shall~~
9 ~~require a mandatory court appearance. ANY VIOLATION OF THIS CHAPTER SHALL~~
10 ~~REQUIRE A COURT APPEARANCE, UNLESS SUCH APPEARANCE IS WAIVED FOR~~
11 ~~GOOD CAUSE OR BY AGREEMENT.~~

12 (D) ~~In those cases resulting in conviction of violation of any provision of Section 6-2-3, 6-2-4 or~~
13 ~~6-2-5 of this Chapter, the Court, in imposing sentence, shall consider as an aggravating~~
14 ~~factor, the fact that the animal involved is a male dog, male cat, female dog, or female cat, as~~
15 ~~the same are defined in Section 6-2-1 of this Chapter.~~

16 **6-2-13: REMOVAL OF DOG WASTE REQUIRED:**

17
18 (A) THE OWNER OF ANY DOG SHALL IMMEDIATELY REMOVE ANY FECES
19 DEPOSITED BY SUCH DOG ON ANY PROPERTY, PUBLIC OR PRIVATE, NOT
20 OWNED OR EXCLUSIVELY OCCUPIED BY THE OWNER.

21
22 (B) THE OWNER OF ANY DOG SHALL ALSO BE RESPONSIBLE FOR THE PERIODIC
23 REMOVAL OF FECES DEPOSITED BY SUCH DOG ON PROPERTY OWNED OR
24 EXCLUSIVELY OCCUPIED BY SUCH OWNER AS TO NOT ALLOW SUCH
25 ACCUMULATION THAT CREATES AN UNSANITARY, OFFENSIVE, OR
26 UNHEALTHY CONDITION.

27 **6-4-1: DEFINITIONS:**

28
29 Unless otherwise stated, the provisions in this chapter are subject to all applicable definitions,
30 defenses, and presumptions provided by the Colorado criminal code¹. In addition, the following
31 words, terms, phrases, when used in this chapter, shall have the meanings ascribed to them in this
32 section, except where the context clearly indicates a different meaning:

33
34 ADMINISTRATIVE SCHOOL OFFICIAL: Any principal, vice principal, dean, faculty member
35 (temporary or permanent), or any other person so designated by a principal, vice principal, dean
36 or faculty member (temporary or permanent).

37
38 ALCOHOLIC BEVERAGES: Any fermented malt beverage or malt, vinous or spirituous

1 liquors, as further defined by Colorado Revised Statutes sections ~~12-46-103(1)~~ and ~~12-47-103~~
2 44-3-103.

3
4 ANAL INTERCOURSE: Contact between human beings of the genital organs of one and the
5 anus of another.

6
7 ANILINGUS: Sexual stimulation involving oral contact with the anus.

8
9 CANNABIS: Shall include all parts of the plant Cannabis sativa L., whether growing or not; the
10 seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture,
11 salt derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include the
12 mature stalks of such plant, fiber produced from its stalks, oil or cake made from the seeds of
13 such plant, any other compound, manufacture, salt derivative, mixture or preparation of its
14 mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of
15 such plant which is incapable of germination.

16
17 CUNNILINGUS: Any act of oral stimulation of the vulva or clitoris.

18
19 DEADLY WEAPON: Any of the following which in the manner it is used or intended to be used
20 is capable of producing death or serious bodily injury:

21 (A) A firearm, whether loaded or unloaded;

22 (B) A knife;

23 (C) A bludgeon; or

24 (D) Any other weapon, device, instrument, material, or substance, whether animate or inanimate.

25 DRUG PARAPHERNALIA: All equipment, products, and materials of any kind which are used,
26 intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting,
27 manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,
28 packaging, repackaging, storing, containing, concealing or injecting, ingesting, inhaling, or
29 otherwise introducing into the human body a controlled substance, in violation of the laws of the
30 city or the state of Colorado. "Drug paraphernalia" includes, but is not limited to:

31 (A) Testing equipment used, intended for use, or designed for use in identifying or in analyzing
32 the strength, effectiveness, or purity of controlled substances under circumstances in violation of
33 the laws of the city or the state of Colorado;

34 (B) Scales and balances used, intended for use, or designed for use in weighing or measuring
35 controlled substances;

36 (C) Separation gins and sifters used, intended for use, or designed for use in removing twigs and
37 seeds from or in otherwise cleaning or refining marijuana;

38 (D) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed
39 for use in compounding controlled substances;

1 (E) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for
2 use in packaging small quantities of controlled substances;

3 (F) Containers and other objects used, intended for use, or designed for use in storing or
4 concealing controlled substances; or

5 (G) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
6 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: Air driven
7 pipes; Bongs; Carburetion tubes and devices; Carburetor pipes; Chamber pipes; Chillums;
8 Electric pipes; Ice pipes or chillers; Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
9 with or without screens, permanent screens, hashish heads, or punctured metal bowls; Miniature
10 cocaine spoons and cocaine vials; "Roach clips", meaning objects used to hold burning material,
11 such as a marijuana cigarette that has become too small or too short to be held in the hand;
12 Smoking and carburetion masks; or Water pipes.

13 EMERGENCY MEDICAL SERVICE PROVIDER: A MEMBER OF A PUBLIC OR PRIVATE
14 EMERGENCY MEDICAL SERVICE AGENCY, WHETHER THAT PERSON IS A
15 VOLUNTEER OR RECEIVES COMPENSATION FOR SERVICES RENDERED AS SUCH
16 EMERGENCY MEDICAL SERVICE PROVIDER.

17 FELLATIO: Any act of oral stimulation of the penis.

18
19 LITTER: All rubbish, waste, material, refuse, garbage, trash, debris or other foreign substances,
20 solid or liquid, of every form, size, kind and description.

21
22 LOITER: Remaining idle in essentially one location, to be dilatory, to tarry, to dawdle and shall
23 include, but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or
24 prowling whether in or out of a vehicle.

25
26 MARIJUANA: Shall have the same definition as "cannabis".

27
28 MARIJUANA ACCESSORIES: Any equipment, products, or materials of any kind which are
29 used, intended for use, or designed for use in planting, propagating, cultivating, growing,
30 harvesting, composting, manufacturing, compounding, converting, producing, processing,
31 preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing
32 marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

33
34 MASTURBATION: Stimulation of the genital organs by manual or other bodily contact
35 exclusive of sexual intercourse.

36
37 MINOR: Any person under the age of eighteen (18) years.

38
39 MOTOR VEHICLE: All vehicles of whatever description propelled by any power other than
40 muscular, except vehicles running on rails.

41

1 OBSCENE: A patently offensive description of ultimate sexual acts or solicitation to commit
2 ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or
3 simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.
4

5 OPEN MARIJUANA CONTAINER: A RECEPTACLE OR MARIJUANA ACCESSORY
6 THAT CONTAINS ANY AMOUNT OF MARIJUANA THAT IS OPEN OR HAS A BROKEN
7 SEAL, AND THE CONTENTS OF WHICH ARE PARTIALLY REMOVED, AND THERE IS
8 EVIDENCE THAT MARIJUANA HAS BEEN CONSUMED WITHIN THE MOTOR
9 VEHICLE.

10 OPENLY OR PUBLICLY: The consumption or growing of marijuana in a place commonly or
11 usually open to or accessible by the general public, or to which members of the general public
12 may resort, including, without limitation, public ways, streets, sidewalks, alleys, bicycle paths,
13 trails, golf courses, public buildings, parks, open spaces, parking lots, shopping centers, places of
14 business usually open to the general public and automobiles or other vehicles in or upon any
15 such place or places. For purposes of this section, openly or publicly expressly includes the
16 consumption or growing of marijuana in any place not used for residential purposes where
17 individuals gather to consume or grow marijuana, regardless of whether such place calls itself
18 private or public or charges an admission or membership fee.
19

20 POSSESSION OF ETHYL ALCOHOL: Means that a person has or holds any amount of ethyl
21 alcohol anywhere on his or her person, or that a person owns or has custody of ethyl alcohol, or
22 has ethyl alcohol within his or her immediate presence and control.
23

24 POSSESSION OF MARIJUANA: MEANS THAT A PERSON HAS OR HOLDS ANY
25 AMOUNT OF MARIJUANA ANYWHERE ON HIS OR HER PERSON, OR THAT A
26 PERSON OWNS OR HAS CUSTODY OF MARIJUANA, OR HAS MARIJUANA WITHIN
27 HIS OR HER IMMEDIATE PRESENCE AND CONTROL.

28 PUBLIC OR PRIVATE PROPERTY: Shall include, but is not limited to, the right of way of any
29 road or highway, any body of water or watercourse including frozen areas or the shores or
30 beaches thereof, any park, playground, or building, any refuge, conservation, or recreation area,
31 and any residential, farm, or ranch properties or timberlands.
32

33 RENDER ASSISTANCE:

34 (A) Harbor or conceal such person;

35 (B) Warn such other person of impending discovery or apprehension; except that this does not
36 apply to a warning given in an effort to bring such other person into compliance with the law;

37 (C) Provide such other person with money, transportation, weapon, disguise, or other thing to be
38 used in avoiding discovery or apprehension;

39 (D) By force, intimidation, or deception, obstruct anyone in the performance of any act which
40 might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of
41 such other person; or

1 (E) Conceal, destroy, or alter, or assist in concealing, destroying, or altering any physical
2 evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or
3 punishment of such other person.

4 RESCUE SPECIALIST: A MEMBER OF A PUBLIC OR PRIVATE RESCUE AGENCY,
5 WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR
6 SERVICES RENDERED AS SUCH RESCUE SPECIALIST.

7 RESIDENTIAL PROPERTY: A single dwelling unit providing complete independent living
8 facilities for one or more persons, including permanent provisions for living, sleeping, eating,
9 cooking, and sanitation. Residential property also includes the real property surrounding a
10 structure, owned in common with the structure, that includes one or more single units providing
11 complete independent living facilities.

12
13 SERIOUS BODILY INJURY: BODILY INJURY WHICH, EITHER AT THE TIME OF THE
14 ACTUAL INJURY OR AT A LATER TIME, INVOLVES A SUBSTANTIAL RISK OF
15 DEATH, A SUBSTANTIAL RISK OF SERIOUS PERMANENT DISFIGUREMENT, A
16 SUBSTANTIAL RISK OF PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION
17 OF ANY PART OR ORGAN OF THE BODY, OR BREAKS, FRACTURES, OR BURNS OF
18 THE SECOND OR THIRD DEGREE.

19 SEXUAL INTERCOURSE: Real or simulated intercourse, whether genital-genital, oral-genital,
20 anal-genital, or oral-anal, between human beings of the opposite or same sex or with an artificial
21 genital organ.

22
23 SYNTHETIC COCAINE: Any product containing methylenedioxyprovalerone (MDPV) or
24 mephedrone.

25
26 THING OF VALUE OR ANYTHING OF VALUE OF ANOTHER: If anyone other than the
27 defendant has a possessory or proprietary interest therein.

28
29 TOBACCO PRODUCTS: Cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut,
30 ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco,
31 fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of
32 tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for
33 chewing or for smoking in a pipe or otherwise, or both for chewing and smoking.

34
35 UNDER COLOR OF OFFICIAL AUTHORITY: When, in the regular course of assigned duties,
36 a peace officer, firefighter is called upon to make and does make a judgment in good faith based
37 upon surrounding facts and circumstances that an order or command should be given, an arrest
38 made, or other action taken of those assigned duties.

39
40 UNSEALED CONTAINERS: Any container which has an altered or broken seal which was

1 applied by the United States government over the cap or top of said container of alcoholic
2 beverages or any open container of any type which contains alcoholic beverages.

3 **6-4-5: CONSPIRACY:**

4 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSPIRE TO COMMIT A
5 VIOLATION OF THIS CODE. A PERSON COMMITS CONSPIRACY TO COMMIT
6 A VIOLATION IF, WITH INTENT TO PROMOTE OR FACILITATE ITS
7 COMMISSION, HE OR SHE AGREES WITH ANOTHER PERSON OR PERSONS
8 THAT THEY, OR ONE OR MORE OF THEM, WILL ENGAGE IN CONDUCT
9 WHICH CONSTITUTES A VIOLATION OR AN ATTEMPT TO COMMIT A
10 VIOLATION, OR HE OR SHE AGREES TO AID THE OTHER PERSON OR
11 PERSONS IN THE PLANNING OR COMMISSION OF A VIOLATION OR AN
12 ATTEMPT TO COMMIT SUCH VIOLATION.

13 (B) NO PERSON MAY BE CONVICTED OF CONSPIRACY TO COMMIT A
14 VIOLATION, UNLESS AN OVERT ACT IN PURSUANCE OF THAT CONSPIRACY
15 IS PROVED TO HAVE BEEN DONE BY THAT PERSON OR BY A PERSON WITH
16 WHOM HE OR SHE CONSPIRED.

17 (C) IF A PERSON KNOWS THAT ONE PERSON WITH WHOM HE OR SHE
18 CONSPIRES TO COMMIT A VIOLATION HAS CONSPIRED WITH ANOTHER
19 PERSON OR PERSONS TO COMMIT THE SAME VIOLATION, HE OR SHE IS
20 GUILTY OF CONSPIRING TO COMMIT A VIOLATION WITH THE OTHER
21 PERSON OR PERSONS, WHETHER OR NOT HE OR SHE KNOWS THEIR
22 IDENTITY.

23 (D) IF A PERSON CONSPIRES TO COMMIT A NUMBER OF VIOLATIONS, HE OR
24 SHE IS GUILTY OF ONLY ONE CONSPIRACY SO LONG AS SUCH MULTIPLE
25 VIOLATIONS ARE PART OF A SINGLE CRIMINAL EPISODE.

26

27 **6-4-6: CRIMINAL SOLICITATION**

28 (A) A PERSON COMMITS CRIMINAL SOLICITATION IF HE OR SHE COMMANDS,
29 INDUCES, ENTREATS, OR OTHERWISE ATTEMPTS TO PERSUADE ANOTHER
30 PERSON, OR OFFERS HIS OR HER SERVICES OR ANOTHER'S SERVICES TO A
31 THIRD PERSON, TO COMMIT AN OFFENSE, WHETHER AS PRINCIPAL OR
32 ACCOMPLICE, WITH INTENT TO PROMOTE OR FACILITATE THE
33 COMMISSION OF THAT OFFENSE, AND UNDER CIRCUMSTANCES
34 STRONGLY CORROBORATIVE OF THAT INTENT.

35

36 (B) SUBSECTION (A) DOES NOT APPLY TO BONA FIDE ACTS OF PERSONS
37 AUTHORIZED BY LAW TO INVESTIGATE AND DETECT THE COMMISSION OF
38 OFFENSES BY OTHERS.

39

1 (C) IT IS A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT, IF THE
2 CRIMINAL OBJECT WAS ACHIEVED, THE DEFENDANT WOULD BE THE SOLE
3 VICTIM OF THE OFFENSE OR THE OFFENSE IS SO DEFINED THAT HIS OR
4 HER CONDUCT WOULD BE INEVITABLY INCIDENT TO ITS COMMISSION OR
5 HE OTHERWISE WOULD NOT BE GUILTY UNDER THE STATUTE OR CODE
6 DEFINING THE OFFENSE OR UNDER SECTION 6-4-2 DEALING WITH
7 COMPLICITY.

8
9 (D) IT IS NO DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE
10 PERSON SOLICITED COULD NOT BE GUILTY OF THE OFFENSE BECAUSE OF
11 LACK OF RESPONSIBILITY OR CULPABILITY, OR OTHER INCAPACITY.

12
13 (E) IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS SECTION
14 THAT THE DEFENDANT, AFTER SOLICITING ANOTHER PERSON TO COMMIT
15 AN OFFENSE, PERSUADED THAT PERSON NOT TO DO SO OR OTHERWISE
16 PREVENTED THE COMMISSION OF THE OFFENSE, UNDER CIRCUMSTANCES
17 MANIFESTING A COMPLETE AND VOLUNTARY RENUNCIATION OF THE
18 DEFENDANT'S CRIMINAL INTENT.

19
20 **6-4-22: HARASSMENT:**

21
22 (1) A person commits harassment if, with the intent to harass, annoy or alarm another person, he
23 or she:

24 (A) Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact;
25 or

26 (B) In a public place directs obscene language or makes an obscene gesture to or at another
27 person; or

28 (C) Follows a person in or about a public place; or

29 (D) DIRECTLY OR INDIRECTLY initiates communication with a person OR DIRECTS
30 LANGUAGE TOWARD ANOTHER PERSON, anonymously or otherwise by telephone,
31 telephone network, data network, text message, instant message, computer, computer
32 network, or computer system, OR OTHER INTERACTIVE ELECTRONIC MEDIUM in a
33 manner intended to harass or threaten bodily INJURY ~~harm~~ or property damage, or makes
34 any comment, request, suggestion or proposal by telephone, computer, computer network, ~~or~~
35 computer system, OR OTHER INTERACTIVE ELECTRONIC MEDIUM that is obscene;
36 or

37 (E) Makes a telephone call or causes a telephone to ring repeatedly whether or not a
38 conversation ensues, with no purpose of legitimate conversation; or

1 (F) Makes repeated communications at inconvenient hours that invade the privacy of another
2 and interfere in the use and enjoyment of another's home or private residence or other private
3 property; or

4 (G) Repeatedly insults, taunts, challenges or makes communications in offensively coarse
5 language to another in a manner likely to provoke a violent or disorderly response; OR

6 (H) Delivers or causes delivery of written, printed, or graphic material or any object that in
7 fact harasses another person or threatens bodily injury or property damage to or against
8 another person.

9 (2) Any act prohibited by SUBSECTIONS (D), (E), AND (F) of ~~this~~ section (1) may be deemed
10 to have occurred or have been committed at the place at which the telephone call, electronic
11 mail, or other electronic communication was either made or received.

12
13 **6-4-24: FALSE IMPRISONMENT:**

14
15 It shall be unlawful to ~~intentionally~~ KNOWINGLY confine or detain another without the other's
16 consent and without proper legal authority. This section shall not apply to a peace officer acting
17 in good faith within the scope of his or her duties.
18

19 **6-4-41: TRESPASSING:**

20 (A) It shall be unlawful for any person to enter or remain upon the property, real or personal, of
21 another without the consent of the owner or occupant of said property; and, it shall be
22 unlawful for a person to fail or refuse to remove himself or herself immediately from the
23 property of another when requested to leave by the owner or occupant of said property, or the
24 agent, employee, servant or custodian of said owner or occupant. THIS INCLUDES
25 PREMISES OF ANOTHER THAT ARE ENCLOSED IN A MANNER DESIGNED TO
26 EXCLUDE INTRUDERS OR ARE FENCED, AS WELL AS PROPERTY THAT HAS
27 BEEN POSTED WITH A SIGN SPECIFICALLY PROHIBITING TRESPASSERS.

28
29 (B) It shall be unlawful for any person or persons to enter or remain upon any school property,
30 real or personal, without the express consent of the administrative school official, unless such
31 person is in lawful attendance at the school or such person is lawfully transacting business at
32 the school with the express consent of an administrative school official; and it shall be
33 unlawful for a person to fail or refuse to remove himself or herself immediately from any
34 school property when requested to leave by an administrative school official. (Ord. 14, Series
35 of 2012)

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6-4-42: CRIMINAL MISCHIEF:

It shall be unlawful for a person to knowingly damage the real or personal property of one or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, in the course of a single criminal episode, where the aggregate damage to the real OR PERSONAL property is less than one thousand dollars (\$1,000.00).

6-4-45: THEFT:

(A) A person commits theft when he OR SHE knowingly obtains, RETAINS, or exercises control over anything of value of another where the aggregate value is less than ~~one~~ TWO thousand dollars (\$~~1~~2,000.00) without authorization, or by threat or deception; OR 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, and:

1. Intends to deprive the other person permanently of the use or benefit of the thing of value; or
2. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or
3. Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or
4. Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person; OR
5. KNOWINGLY RETAINS THE THING OF VALUE MORE THAN SEVENTY-TWO HOURS AFTER THE AGREED-UPON TIME OF RETURN IN ANY LEASE OR HIRE AGREEMENT.

(B) It shall be unlawful for any person to knowingly alter, remove or switch the indicated price of any merchandise owned or held by or offered or displayed for sale by any store or other mercantile establishment, with the intent to defraud such store or mercantile establishment where the aggregate value is less than ~~one~~ TWO thousand dollars (\$~~1~~2,000.00).

(C) If any person knowingly conceals merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on his own person or otherwise and whether on or off the premises of said store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

6-4-46: ~~THEFT BY RECEIVING:~~

1
2 ~~It shall be unlawful to commit theft by receiving. A person commits theft by receiving when he~~
3 ~~or she receives, retains, loans money by pawn or pledge on or disposes of anything of value of~~
4 ~~another, knowing or believing that the thing of value has been stolen, and when he or she intends~~
5 ~~to deprive the lawful owner permanently of the use or benefit of the thing of value, where the~~
6 ~~value of the thing involved is less than one thousand dollars (\$1,000.00).~~

7 **THEFT DETECTION DEVICES**

8 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

- 9
- 10 1) KNOWINGLY MANUFACTURE, DISTRIBUTE, OR SELL A THEFT
11 DETECTION SHIELDING DEVICE OR A THEFT DETECTION
12 DEACTIVATING DEVICE WITH THE KNOWLEDGE THAT SOME PERSON
13 INTENDS TO USE THE DEVICE IN THE COMMISSION OF AN OFFENSE
14 INVOLVING THEFT; OR
 - 15 2) POSSESS A THEFT DETECTION SHIELDING DEVICE OR A THEFT
16 DETECTION DEACTIVATING DEVICE WITH THE INTENT TO USE DEVICE
17 POSSESSED, OR WITH THE KNOWLEDGE THAT SOME PERSON INTENDS
18 TO USE THE DEVICE POSSESSED, IN THE COMMISSION OF AN OFFENSE
19 INVOLVING THEFT; OR
 - 20
21 3) KNOWINGLY DEACTIVATE OR REMOVE A THEFT DETECTION DEVICE
22 OR ANY COMPONENT THEREOF IN ANY STORE OR MERCANTILE
23 ESTABLISHMENT WITHOUT AUTHORIZATION PRIOR TO PURCHASE.

24
25 (B) AS USED IN THIS SECTION:

- 26
- 27 1) "THEFT DETECTION DEACTIVATING DEVICE" MEANS ANY TOOL,
28 INSTRUMENT, MECHANISM, OR OTHER ARTICLE ADAPTED, DESIGNED,
29 ENGINEERED, USED, OR OPERATED TO INACTIVATE, INCAPACITATE, OR
30 REMOVE A THEFT DETECTION DEVICE WITHOUT AUTHORIZATION. THIS
31 INCLUDES, BUT IS NOT LIMITED TO, JUMPER WIRES, WIRE CUTTERS,
32 AND ELECTRONIC ARTICLE SURVEILLANCE REMOVAL DEVICES.
 - 33
34 2) "THEFT DETECTION DEVICE" MEANS AN ELECTRONIC OR MAGNETIC
35 MECHANISM, MACHINE, APPARATUS, TAG, OR ARTICLE DESIGNED AND
36 OPERATED FOR THE PURPOSE OF DETECTING THE UNAUTHORIZED
37 REMOVAL OF MERCHANDISE FROM A STORE OR MERCANTILE
38 ESTABLISHMENT.
 - 39
40 3) "THEFT DETECTION SHIELDING DEVICE" MEANS ANY TOOL,
41 INSTRUMENT, MECHANISM, OR ARTICLE ADAPTED, DESIGNED,
42 ENGINEERED, USED, OR OPERATED TO AVOID DETECTION BY A THEFT
43 DETECTION DEVICE DURING THE COMMISSION OF AN OFFENSE

1 INVOLVING THEFT. THIS INCLUDES, BUT IS NOT LIMITED TO, FOIL-
2 LINED OR OTHERWISE MODIFIED CLOTHING, BAGS, PURSES, OR
3 CONTAINERS CAPABLE OF AND FOR THE SOLE PURPOSE OF AVOIDING
4 DETECTION DEVICES.

5
6 **6-4-47: MOTOR VEHICLE THEFT:**

7
8 It shall be unlawful to commit motor vehicle theft. A person commits motor vehicle theft if he or
9 she knowingly obtains or exercises control over a motor vehicle of another without authorization
10 or by threat or deception ~~and if none of the aggravating factors or other circumstances listed in~~
11 ~~Colorado Revised Statutes section 18-4-409, as amended, recodified, or reenacted, that would~~
12 ~~otherwise classify the offense as a felony are present.~~ (Ord. 14, Series of 2012)

13
14
15 **6-4-49: CRIMINAL TAMPERING:**

16
17 IT SHALL BE UNLAWFUL FOR ANY PERSON TO COMMIT CRIMINAL TAMPERING. A
18 PERSON COMMITS CRIMINAL TAMPERING IF HE OR SHE:

- 19 (A) TAMPERS WITH PROPERTY OF A UTILITY OR INSTITUTION WITH THE
20 INTENT TO CAUSE INTERRUPTION OR IMPAIRMENT OF A SERVICE
21 RENDERED TO THE PUBLIC BY A UTILITY OR BY AN INSTITUTION
22 PROVIDING HEALTH OR SAFETY PROTECTION; OR
23 (B) TAMPERS WITH PROPERTY OF ANOTHER WITH INTENT TO CAUSE INJURY,
24 INCONVENIENCE, OR ANNOYANCE TO THAT PERSON OR TO ANOTHER; OR
25 (C) KNOWINGLY MAKES AN UNAUTHORIZED CONNECTION WITH PROPERTY
26 OF A UTILITY.

27
28 **6-4-72: DISORDERLY CONDUCT:**

29
30 It shall be unlawful for any person to commit disorderly conduct. A person commits disorderly
31 conduct if he or she intentionally, knowingly or recklessly:

- 32
33 (A) Makes a coarse and obviously offensive utterance, gesture or display in a public place and
34 the utterance, gesture, or display MAY tends to incite an immediate breach of the peace; or
35 (B) ~~(Deleted by laws 2000, P.708, section 39, effective July 1, 2000).~~ MAKES
36 UNREASONABLE NOISE IN A PUBLIC PLACE OR NEAR A PRIVATE RESIDENCE
37 THAT HE OR SHE HAS NO RIGHT TO OCCUPY; OR
38 (C) Fights with another in a public place except in an amateur or professional contest of athletic
39 skill; or
40 (D) Not being a peace officer, discharges a firearm in a public place except when engaged in
41 lawful target practice or hunting; or

1 (E) Not being a peace officer, displays a deadly weapon, displays any article used or fashioned in
2 a manner to cause a person to reasonably believe that the article is a deadly weapon, or
3 represents verbally or otherwise that he or she is armed with a deadly weapon in a public
4 place in a manner calculated to alarm. (Ord. 14, Series of 2012)

5 **6-4-73: LOITERING:**

6
7 ~~(A) It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual~~
8 ~~for law abiding individuals, under circumstances that warrant a justifiable and reasonable~~
9 ~~alarm or immediate concern for the safety of persons or property in the vicinity.~~

10 ~~(B) Among the circumstances which may be considered in determining whether such alarm or~~
11 ~~immediate concern is warranted is the fact that the person takes flight upon appearance of a~~
12 ~~law enforcement officer, refuses to identify himself or manifestly endeavors to conceal~~
13 ~~himself or any object. Unless flight by the person or other circumstances makes it~~
14 ~~impracticable, a law enforcement officer shall, prior to any arrest for an offense under this~~
15 ~~section, afford the person an opportunity to dispel any alarm or immediate concern which~~
16 ~~would otherwise be warranted by requesting him to identify himself and explain his presence~~
17 ~~and conduct. No person shall be convicted of an offense under this section if the law~~
18 ~~enforcement officer did not comply with this procedure or if it appears at trial that the~~
19 ~~explanation given by the person is true and, if believed by the officer at the time, would have~~
20 ~~dispelled the alarm or immediate concern. (Ord. 14, Series of 2012)~~

21

22 **6-4-81: OBSTRUCTION OF TELEPHONE OR TELEGRAPH SERVICE**

23 IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY PREVENT,
24 OBSTRUCT, OR DELAY, BY ANY MEANS WHATSOEVER, THE SENDING,
25 TRANSMISSION, CONVEYANCE, OR DELIVERY OF ANY MESSAGE,
26 COMMUNICATION, OR REPORT BY OR THROUGH ANY TELEGRAPH OR
27 TELEPHONE LINE, WIRE, CABLE, OR OTHER FACILITY OR ANY CORDLESS,
28 WIRELESS, ELECTRONIC, MECHANICAL, OR OTHER DEVICE.

29

30 **6-4-101: UNLAWFUL POSSESSION OR CONSUMPTION OF ALCOHOLIC**
31 **BEVERAGES BY ANY PERSON UNDER TWENTY-ONE:**

32 (A) It shall be unlawful for any person under the age of twenty-one (21) years to consume,
33 purchase or have in his or her possession, actually or constructively, any beverage containing
34 any amount of ethyl alcohol. A violation of this subsection shall be a strict liability offense.

35 (B) During any trial for a violation of subsection (A) of this section, any bottle, can, or any other
36 container with labeling indicating the contents of such bottle, can, or container shall be
37 admissible into evidence, and the information contained on any label on such bottle, can, or

1 other container shall be admissible into evidence and shall not constitute hearsay. The trier of
2 fact may consider the information upon such label in determining whether the contents of the
3 bottle, can, or other container were composed in whole or in part of ethyl alcohol. A label
4 which identifies the contents of any bottle, can, or other container as "beer", "ale", "malt
5 beverage", "fermented malt beverage", "malt liquor", "wine", "champagne", "whiskey" or
6 "whisky", "gin", "vodka", "tequila", "schnapps", "brandy", "cognac", "liqueur", "cordial",
7 "alcohol", or "liquor" shall constitute prima facie evidence that the contents of the bottle, can,
8 or other container contained, in whole or in part, ethyl alcohol.

9 (C) A PERSON IS IMMUNE FROM ARREST AND PROSECUTION FOR A VIOLATION
10 OF SUBSECTION (A) IF HE OR SHE ESTABLISHES THE FOLLOWING:

11 1. HE OR SHE CALLED 911 AND REPORTED IN GOOD FAITH THAT ANOTHER
12 UNDERAGE PERSON WAS IN NEED OF MEDICAL ASSISTANCE DUE TO
13 ALCOHOL OR MARIJUANA CONSUMPTION;

14 2. HE OR SHE PROVIDED HIS OR HER NAME TO THE 911 OPERATOR;

15 3. HE OR SHE WAS THE FIRST PERSON TO MAKE THE 911 REPORT; AND

16 4. HE OR SHE REMAINED ON THE SCENE WITH THE UNDERAGE PERSON IN
17 NEED OF MEDICAL ASSISTANCE UNTIL ASSISTANCE ARRIVED AND
18 COOPERATED WITH MEDICAL ASSISTANCE OR LAW ENFORCEMENT
19 PERSONNEL ON THE SCENE

20 (D) THE IMMUNITY DESCRIBED IN SUBSECTION (C) ALSO EXTENDS TO THE
21 UNDERAGE PERSON WHO WAS IN NEED OF MEDICAL ASSISTANCE DUE TO
22 ALCOHOL OR MARIJUANA CONSUMPTION IF THE CONDITIONS OF
23 SUBSECTION (C) ARE SATISFIED.

24 (E) NOTHING IN SUBSECTIONS (C) OR (D) SHALL BE INTERPRETED TO LIMIT THE
25 ABILITY OF A PROSECUTOR OR A LAW ENFORCEMENT OFFICER TO OBTAIN
26 OR USE EVIDENCE OBTAINED FROM A REPORT, RECORDING, OR ANY OTHER
27 STATEMENT PROVIDED PURSUANT TO SUBSECTION (C) TO INVESTIGATE AND
28 PROSECUTE A VIOLATION OTHER THAN THE VIOLATION LISTED IN
29 SUBSECTION (A).

30 (F) IT IS AN AFFIRMATIVE DEFENSE TO THE VIOLATION DESCRIBED IN
31 SUBSECTION (A) OF THIS SECTION THAT THE ETHYL ALCOHOL WAS
32 POSSESSED OR CONSUMED BY A PERSON UNDER TWENTY-ONE YEARS OF
33 AGE UNDER THE FOLLOWING CIRCUMSTANCES:

34 1. HE OR SHE WAS LEGALLY UPON PRIVATE PROPERTY WITH THE
35 KNOWLEDGE AND CONSENT OF THE OWNER OR LEGAL POSSESSOR OF SUCH

1 PRIVATE PROPERTY AND THE ETHYL ALCOHOL WAS POSSESSED OR
2 CONSUMED WITH THE CONSENT OF HIS OR HER PARENT OR LEGAL
3 GUARDIAN WHO WAS PRESENT DURING SUCH POSSESSION OR
4 CONSUMPTION;

5 2. WHEN THE EXISTENCE OF ETHYL ALCOHOL IN HIS OR HER BODY WAS DUE
6 SOLELY TO THE INGESTION OF A CONFECTIONERY WHICH CONTAINED
7 ETHYL ALCOHOL WITHIN THE LIMITS PRESCRIBED BY SECTION 25-5-
8 410(1)(I)(II) OF THE COLORADO REVISED STATUTES; OR THE INGESTION OF
9 ANY SUBSTANCE WHICH WAS MANUFACTURED, DESIGNED OR INTENDED
10 PRIMARILY FOR A PURPOSE OTHER THAN ORAL HUMAN INGESTION; OR THE
11 INGESTION OF ANY SUBSTANCE WHICH WAS MANUFACTURED, DESIGNED OR
12 INTENDED SOLELY FOR MEDICINAL OR HYGIENIC PURPOSES; OR SOLELY
13 FROM THE INGESTION OF A BEVERAGE WHICH CONTAINED LESS THAN ONE-
14 HALF OF ONE PERCENT OF ETHYL ALCOHOL BY WEIGHT; OR

15 3. HE OR SHE IS A STUDENT WHO:

16 (A) TASTES BUT DOES NOT IMBIBE AN ALCOHOL BEVERAGE ONLY WHILE
17 UNDER THE DIRECT SUPERVISION OF AN INSTRUCTOR WHO IS AT LEAST
18 TWENTY-ONE YEARS OF AGE AND EMPLOYED BY A POST-SECONDARY
19 SCHOOL;

20 (B) IS ENROLLED IN A UNIVERSITY OR A POST-SECONDARY SCHOOL
21 ACCREDITED OR CERTIFIED BY AN AGENCY RECOGNIZED BY THE UNITED
22 STATES DEPARTMENT OF EDUCATION, A NATIONALLY RECOGNIZED
23 ACCREDITING AGENCY OR ASSOCIATION, OR THE "PRIVATE
24 OCCUPATIONAL EDUCATION ACT OF 1981", ARTICLE 64 OF TITLE 23;

25 (C) IS PARTICIPATING IN A CULINARY ART, FOOD SERVICE, OR
26 RESTAURANT MANAGEMENT DEGREE PROGRAM; AND

27 (D) TASTES BUT DOES NOT IMBIBE THE ALCOHOL BEVERAGE FOR
28 INSTRUCTIONAL PURPOSES AS A PART OF A REQUIRED COURSE IN WHICH
29 THE ALCOHOL BEVERAGE, EXCEPT THE PORTION THE STUDENT
30 TASTES, REMAINS UNDER THE CONTROL OF THE INSTRUCTOR.

31
32 **6-4-102: SALE OR DISPENSING OF ALCOHOLIC BEVERAGES TO ANY PERSON**
33 **UNDER TWENTY-ONE:**
34

35 (A) It shall be unlawful for any person to sell, serve, give away, dispose of, exchange or deliver
36 or permit the sale, serving, ~~or~~ giving OR PROCURING of ethyl alcohol to or for any person

1 under the age of twenty-one (21) years. A violation of this subsection shall be a strict liability
2 offense.

3 (B) During any trial for a violation of subsection (A) of this section, any bottle, can, or any other
4 container with labeling indicating the contents of such bottle, can, or container shall be
5 admissible into evidence, and the information, or testimony regarding the information,
6 contained on any label on such bottle, can, or other container shall be admissible into
7 evidence and shall not constitute hearsay. The trier of fact may consider the information upon
8 such label in determining whether the contents of the bottle, can, or other container were
9 composed in whole or in part of ethyl alcohol. A label which identifies the contents of any
10 bottle, can, or other container as "beer", "ale", "malt beverage", "fermented malt beverage",
11 "malt liquor", "wine", "champagne", "whiskey" or "whisky", "gin", "vodka", "tequila",
12 "schnapps", "brandy", "cognac", "liqueur", "cordial", "alcohol", or "liquor" shall constitute
13 prima facie evidence that the contents of the bottle, can, or other container contained, in
14 whole or in part, ethyl alcohol.

15 (C) It shall be an affirmative defense to this section if a parent or legal guardian of a person
16 under twenty one (21) years of age or any natural person who has the permission of such
17 parent or legal guardian gives or permits the possession and consumption of ethyl alcohol to
18 or by a person under the age of twenty one (21) years under the conditions described in
19 paragraph (A) of subsection (3) of Colorado Revised Statutes 18-13-122. This subsection
20 shall not be construed to permit any establishment which is or is required to be licensed
21 pursuant to article 46, 47, or 48 of title 12, 3 OF TITLE 44, Colorado Revised Statutes, or
22 any members, employees, or occupants of any such establishment to give, provide, make
23 available, or sell ethyl alcohol to a person under twenty-one (21) years of age.

24

25 **6-4-104: POSSESSION AND CONSUMPTION OF MARIJUANA:**

26

27 (A) Age Restriction: It shall be unlawful for any person less than twenty-one (21) years of age to
28 possess marijuana. Full compliance with the provisions of article XVIII, section 14, of the
29 Colorado Constitution and with ~~the provisions of the Colorado Medical Marijuana Code~~
30 ~~contained in article 43.3 of title 12 of the Colorado Revised Statutes 25-1.5-106 (2.5) AND~~
31 (14) shall constitute an affirmative defense to a charge under this provision.

32 (B) Possession: Unless otherwise provided by law, it shall be unlawful for any person regardless
33 of age to possess more than one ounce of marijuana.

34 (C) Public Consumption Unlawful: It shall be unlawful for any person to openly and publicly
35 consume marijuana. (Ord. 26, Series of 2013)

36 (D) Cultivation:

1 1. Except for a person who lawfully cultivates medical marijuana pursuant to the authority
2 granted in section 14 of article XVIII of the State Constitution, it shall be unlawful for a
3 person under twenty one (21) years of age to knowingly cultivate, grow or produce marijuana
4 plants or knowingly allow marijuana plants to be cultivated, grown or produced on land that
5 the person owns, occupies or controls.

6 2. Except for a person who lawfully cultivates medical marijuana pursuant to the authority
7 granted in article XVIII, section 14, of the Colorado Constitution, it shall be unlawful for a
8 person twenty one (21) years of age or older to:

9 (a) Knowingly cultivate or have growing at any one time in excess of six (6) marijuana
10 plants per resident, regardless of their stage of development; or

11 (b) Knowingly cultivate, grow, or produce more than twelve (12) marijuana plants on or
12 in a residential property; or to knowingly allow more than twelve (12) marijuana plants to
13 be cultivated, grown, or produced on or in a residential property; or

14 (c) To knowingly be cultivating or growing more than three (3) mature flowering
15 marijuana plants at any one time; or

16 (d) To knowingly cultivate or grow any marijuana plants in violation of provisions set
17 forth in [title 3](#) of this Code; or

18 (e) To knowingly cultivate or grow any marijuana plants in any area that is not an
19 enclosed locked space, not in public view, and which space does not reasonably preclude
20 access to those plants by persons not lawfully entitled to possess or grow such plants.
21 (Ord. 30, Series of 2018)

22 (E) Penalties:

23 1. Persons who are convicted, plead guilty or no contest to possession of less than two (2)
24 ounces of marijuana under subsections (A) and (B) of this section shall be punished by a fine
25 not to exceed one hundred dollars (\$100.00).

26 2. Persons who are convicted, plead guilty or no contest to possession of more than two (2)
27 ounces of marijuana or to a violation of subsection (C) or (D) of this section shall be
28 punished, ~~at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a~~
29 ~~maximum,~~ by a fine of not more than one hundred dollars (\$100.00) and twenty four (24)
30 hours of community service.

31 (F) Surcharge: Any person convicted of a violation of this section ~~and/or section 6-4-105 of this~~
32 ~~chapter~~ shall be subject to a surcharge of fifty dollars (\$50.00) to be paid to the Police
33 Department through the court to offset the cost of destruction of drugs, injection devices and
34 drug paraphernalia.

1 (G) Restrictions: It shall not be an offense under this section for a person twenty one (21) years
2 of age or older to possess, grow, process, or transport six (6) or fewer marijuana plants, with
3 three (3) or fewer being mature, flowering plants and/or to possess the marijuana produced
4 by the plants on the premises where the plants were grown, provided the growing is not in
5 violation of the provisions set forth in [title 3](#) of this Code and it takes place in an enclosed,
6 locked space and is not conducted openly or publicly and is not made available for sale.

7 (H) A PERSON IS IMMUNE FROM ARREST AND PROSECUTION FOR A VIOLATION
8 OF SUBSECTIONS (A), (B), AND (C) IF HE OR SHE ESTABLISHES THE
9 FOLLOWING:

10 1. HE OR SHE REPORTS IN GOOD FAITH AN EMERGENCY DRUG OR
11 ALCOHOL OVERDOSE EVENT TO A LAW ENFORCEMENT OFFICER, TO THE
12 911 SYSTEM, OR TO A MEDICAL PROVIDER;

13 2. HE OR SHE REMAINS AT THE SCENE OF THE EVENT UNTIL A LAW
14 ENFORCEMENT OFFICER OR AN EMERGENCY MEDICAL RESPONDER
15 ARRIVES, OR THE PERSON REMAINS AT THE FACILITIES OF THE MEDICAL
16 PROVIDER UNTIL A LAW ENFORCEMENT OFFICER ARRIVES;

17 3. HE OR SHE IDENTIFIES HIMSELF OR HERSELF TO, AND COOPERATES
18 WITH, THE LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL
19 RESPONDER, OR MEDICAL PROVIDER; AND

20 4. THE OFFENSE ARISES FROM THE SAME COURSE OF EVENTS FROM
21 WHICH THE EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT AROSE.

22 (I) THE IMMUNITY DESCRIBED IN SUBSECTION (H) ALSO EXTENDS TO THE
23 PERSON WHO SUFFERED THE EMERGENCY DRUG OR ALCOHOL OVERDOSE
24 EVENT IF ALL THE CONDITIONS OF SUBSECTION (H) ARE SATISFIED.

25 (J) NOTHING IN SUBSECTIONS (H) OR (I) SHALL BE INTERPRETED TO LIMIT THE
26 ABILITY OF A PROSECUTOR OR A LAW ENFORCEMENT OFFICER TO OBTAIN
27 OR USE EVIDENCE OBTAINED FROM A REPORT, RECORDING, OR ANY OTHER
28 STATEMENT PROVIDED PURSUANT TO SUBSECTION (H) TO INVESTIGATE AND
29 PROSECUTE A VIOLATION OTHER THAN THE VIOLATION LISTED IN
30 SUBSECTIONS (A), (B), OR (C).

31 **6-4-105: DRUG PARAPHERNALIA:**

32

33 (A) Possession: A person commits possession of drug paraphernalia if he or she possesses drug
34 paraphernalia and knows or reasonably should know that the drug paraphernalia could be
35 used under circumstances in violation of this Code or the laws of this State.

1 (B) Manufacture, Sale, Or Delivery: It shall be unlawful for any person to sell or deliver, possess
2 with intent to sell or deliver, or manufacture with intent to sell or deliver equipment,
3 products, or materials knowing or under circumstances where one should reasonably know
4 that such equipment, products, or materials could be used as drug paraphernalia.

5 (C) Advertisement: It shall be unlawful for any person to place an advertisement in any
6 newspaper, magazine, handbill, other publication or display with the intent thereby to
7 promote the sale within the City of equipment, products, or materials designed and intended
8 for use as drug paraphernalia.

9 (D) Marijuana Accessories: It shall not be a violation of this section if the person is twenty-one
10 (21) years of age or older and all drug paraphernalia involved are solely marijuana
11 accessories.

12
13 (E) Penalty: Persons who are convicted, plead guilty or no contest to a violation of this section
14 shall be punished by a fine not to exceed one hundred dollars (\$100.00).

15 (F) SURCHARGE: ANY PERSON CONVICTED OF A VIOLATION OF THIS SECTION
16 SHALL BE SUBJECT TO A SURCHARGE OF FIFTY DOLLARS (\$50.00) TO BE PAID TO
17 THE POLICE DEPARTMENT THROUGH THE COURT TO OFFSET THE COST OF
18 DESTRUCTION OF DRUGS, INJECTION DEVICES AND DRUG PARAPHERNALIA.

19 (G) A PERSON IS IMMUNE FROM ARREST AND PROSECUTION FOR A VIOLATION
20 OF SUBSECTIONS (A) IF HE OR SHE ESTABLISHES THE FOLLOWING:

21 1. HE OR SHE REPORTS IN GOOD FAITH AN EMERGENCY DRUG OR
22 ALCOHOL OVERDOSE EVENT TO A LAW ENFORCEMENT OFFICER, TO THE
23 911 SYSTEM, OR TO A MEDICAL PROVIDER;

24 2. HE OR SHE REMAINS AT THE SCENE OF THE EVENT UNTIL A LAW
25 ENFORCEMENT OFFICER OR AN EMERGENCY MEDICAL RESPONDER
26 ARRIVES, OR THE PERSON REMAINS AT THE FACILITIES OF THE MEDICAL
27 PROVIDER UNTIL A LAW ENFORCEMENT OFFICER ARRIVES;

28 3. HE OR SHE IDENTIFIES HIMSELF OR HERSELF TO, AND COOPERATES
29 WITH, THE LAW ENFORCEMENT OFFICER, EMERGENCY MEDICAL
30 RESPONDER, OR MEDICAL PROVIDER; AND

31 4. THE OFFENSE ARISES FROM THE SAME COURSE OF EVENTS FROM
32 WHICH THE EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT AROSE.

33 (H) THE IMMUNITY DESCRIBED IN SUBSECTION (G) ALSO EXTENDS TO THE
34 PERSON WHO SUFFERED THE EMERGENCY DRUG OR ALCOHOL OVERDOSE

1 EVENT IF ALL THE CONDITIONS OF SUBSECTION (G) ARE SATISFIED.

2 (I) NOTHING IN SUBSECTIONS (G) OR (H) SHALL BE INTERPRETED TO LIMIT THE
3 ABILITY OF A PROSECUTOR OR A LAW ENFORCEMENT OFFICER TO OBTAIN
4 OR USE EVIDENCE OBTAINED FROM A REPORT, RECORDING, OR ANY OTHER
5 STATEMENT PROVIDED PURSUANT TO SUBSECTION (G) TO INVESTIGATE AND
6 PROSECUTE A VIOLATION OTHER THAN THE VIOLATION LISTED IN
7 SUBSECTION (A).

8 **6-4-106: UNLAWFUL SALE AND/OR PUBLIC CONSUMPTION OF SYNTHETIC**
9 **COCAINE:**

10
11 ~~(A) It is unlawful for any person to sell, market, offer for sale or publicly consume synthetic~~
12 ~~cocaine.~~

13 ~~(B) It is unlawful for any person to display, burn, incinerate, or ignite synthetic cocaine in any~~
14 ~~public place or on any property owned, leased, or controlled by the City of Littleton.~~

15 ~~(C) It is unlawful for any person, entity, business, or retail establishment to sell, publicly display~~
16 ~~for sale, or attempt to sell, give, or barter synthetic cocaine. (Ord. 14, Series of 2012)~~

17 **6-4-107: PROHIBITION OF OPEN MARIJUANA CONTAINERS**

18
19 IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS, WHILE ON OR IN A
20 MOTOR VEHICLE, IN ANY PUBLIC PLACE, TO POSSESS ANY OPEN MARIJUANA
21 CONTAINERS.
22

23 **6-4-121: OBSTRUCTING PEACE OFFICER, ~~OR~~ FIREFIGHTER, EMERGENCY**
24 **MEDICAL SERVICE PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER:**

25
26 (A) PEACE OFFICER: A person commits obstructing a peace officer ~~or firefighter~~ when, by
27 using or threatening to use violence, force, or physical interference or obstacle, he or she
28 knowingly obstructs, impairs, or hinders the investigation or enforcement of any law or
29 the preservation of the peace by a peace officer, acting under the color of official
30 authority, ~~or knowingly obstructs, impairs, or hinders the prevention, control, or~~
31 ~~abatement of fire by a firefighter, acting under color of official authority.~~
32

33 (B) FIREFIGHTER: A PERSON COMMITS OBSTRUCTING A FIREFIGHTER WHEN,
34 BY USING OR THREATENING TO USE VIOLENCE, FORCE, OR PHYSICAL
35 INTERFERENCE OR OBSTACLE, HE OR SHE KNOWINGLY OBSTRUCTS,
36 IMPAIRS, OR HINDERS THE PREVENTION, CONTROL, OR ABATEMENT OF

1 FIRE BY A FIREFIGHTER, ACTING UNDER THE COLOR OF OFFICIAL
2 AUTHORITY.

3
4 (C) EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE SPECIALIST: A
5 PERSON COMMITS OBSTRUCTING AN EMERGENCY MEDICAL SERVICE
6 PROVIDER OR RESCUE SPECIALIST WHEN, BY USING OR THREATENING TO
7 USE VIOLENCE, FORCE, OR PHYSICAL INTERFERENCE OR OBSTACLE, HE
8 OR SHE KNOWINGLY OBSTRUCTS, IMPAIRS, OR HINDERS THE
9 ADMINISTRATION OF MEDICAL TREATMENT OR EMERGENCY ASSISTANCE
10 BY AN EMERGENCY MEDICAL SERVICE PROVIDER OR RESCUE SPECIALIST,
11 ACTING UNDER THE COLOR OF OFFICIAL AUTHORITY.

12
13 (D) VOLUNTEER: A PERSON COMMITS OBSTRUCTING A VOLUNTEER WHEN, BY
14 USING OR THREATENING TO USE VIOLENCE, FORCE, OR PHYSICAL
15 INTERFERENCE OR OBSTACLE, HE OR SHE KNOWINGLY OBSTRUCTS,
16 IMPAIRS, OR HINDERS THE ADMINISTRATION OF EMERGENCY CARE OR
17 EMERGENCY ASSISTANCE BY A VOLUNTEER, ACTING IN GOOD FAITH TO
18 RENDER SUCH CARE OR ASSISTANCE WITHOUT COMPENSATION AT THE
19 PLACE OF AN EMERGENCY OR ACCIDENT.

20 ~~(B)~~ (E) To ensure that animals used in law enforcement or fire prevention activities are protected
21 from harm, a person commits obstructing a peace officer or firefighter when, by using or
22 threatening to use violence, force, physical interference, or obstacle, he or she knowingly
23 obstructs, impairs or hinders any such animal.

24 ~~(C)~~ (F) It is no defense to a charge brought under this section that the peace officer or firefighter
25 was acting in an unlawful manner if the peace officer or firefighter was acting under the color
26 of official authority.

27 **6-4-124: FAILURE TO OBEY LAWFUL ORDER:**

28
29 It shall be unlawful for any person to fail to obey a lawful order or command by a peace officer,
30 firefighter, marshal, or detention officer acting under the color of official authority ~~which causes~~
31 ~~or is likely to cause harm or a serious inconvenience. A "serious inconvenience" for purposes of~~
32 ~~this section shall mean to cause significant disruption to the carrying out of law enforcement~~
33 ~~commands.~~ (Ord. 14, Series of 2012)

34
35 **6-4-127: VIOLATION OF COURT ORDER:**

36
37 (A) It shall be unlawful for any person to commit an act which is prohibited by any court
38 pursuant to a valid order issued as part of the proceedings concerning a criminal municipal
39 ordinance violation or issued by a municipal court pursuant to ARTICLE 13 OF TITLE 14
40 OF THE Colorado Revised Statutes ~~14-4-101~~ or for such person to fail to perform any act

1 mandated by such an order, after such person has been personally served with any such order
2 or otherwise acquired from the court actual knowledge of the contents of any such order.

3 (B) Any sentence imposed for violation of subsection (A) of this section shall run consecutively
4 and not concurrently with any sentence imposed for any crime which gave rise to the issuing
5 of the order.

6 (C) Nothing in this section shall be construed to alter or diminish the inherent authority of the
7 municipal court to enforce its orders through civil or criminal contempt proceedings.

8 **6-4-128: OBSTRUCTING MUNICIPAL GOVERNMENTAL OPERATIONS:**

9

10 (A) It shall be unlawful for any person to WILLFULLY obstruct Municipal governmental
11 operations if that person intentionally obstructs, impairs or hinders the performance of a
12 LAWFUL Municipal governmental function by a City employee by using or threatening to
13 use violence, force, or physical interference or obstacle.

14 ~~(B) It shall be an affirmative defense that:~~

15 ~~1. The obstruction, impairment, or hindrance was of an unlawful action by a public servant;~~

16 ~~2. The obstruction, impairment, or hindrance was of the making of an arrest; or~~

17 ~~3. The obstruction, impairment, or hindrance of governmental function was by lawful activities~~
18 ~~in connection with a labor dispute with the government. (Ord. 14, Series of 2012)~~

19

20

21 **6-4-129: RESISTING ARREST:**

22

23 (A) A PERSON COMMITS RESISTING ARREST IF HE OR SHE KNOWINGLY
24 PREVENTS OR ATTEMPTS TO PREVENT A PEACE OFFICER, ACTING UNDER
25 COLOR OF HIS OR HER OFFICIAL AUTHORITY, FROM EFFECTING AN
26 ARREST OF THE ACTOR OR ANOTHER BY USING OR THREATENING TO USE
27 PHYSICAL FORCE OR VIOLENCE AGAINST THE PEACE OFFICER OR
28 ANOTHER, OR BY USING ANY OTHER MEANS WHICH CREATES A
29 SUBSTANTIAL RISK OF CAUSING BODILY INJURY TO THE PEACE OFFICER
30 OR ANOTHER.

31 (B) IT IS NO DEFENSE TO A PROSECUTION UNDER SUBSECTION (A) THAT THE
32 PEACE OFFICER WAS ATTEMPTING TO MAKE AN UNLAWFUL ARREST, IF
33 HE WAS ACTING UNDER THE COLOR OF HIS OFFICIAL AUTHORITY, AND IN
34 ATTEMPTING TO MAKE THE ARREST HE WAS NOT RESORTING TO
35 UNREASONABLE OR EXCESSIVE FORCE GIVING RISE TO THE RIGHT OF
36 SELF-DEFENSE.

37 (C) THE TERM "PEACE OFFICER" AS USED IN THIS SECTION MEANS A PEACE
38 OFFICER IN UNIFORM OR, IF OUT OF UNIFORM, ONE WHO HAS IDENTIFIED
39 HIMSELF BY EXHIBITING HIS CREDENTIALS AS SUCH PEACE OFFICER TO
40 THE PERSON WHOSE ARREST IS ATTEMPTED.

1
2

3 **6-4-130: IMPROPER USE OF THE 911 EMERGENCY COMMUNICATIONS SYSTEM**

4 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO INTENTIONALLY CALL THE
5 911 EMERGENCY NUMBER AND:

- 6 1) KNOWINGLY PROVIDE FALSE INFORMATION; OR
7 2) PROVIDE NO INFORMATION AS A PRANK, OR
8 3) REQUEST EMERGENCY ASSISTANCE WHEN NO ACTUAL EMERGENCY
9 EXISTS.

10
11
12
13
14

(B) THIS SECTION SHALL NOT APPLY WHERE A PERSON CALLS THE 911
EMERGENCY NUMBER AND MAKES A GOOD FAITH REQUEST FOR
EMERGENCY ASSISTANCE BASED ON A REASONABLE FACTUAL BASIS
THAT AN EMERGENCY SITUATION EXISTS.

15

16 **6-4-151: DEFINITIONS:**

17
18
19

ADULT: Any person eighteen (18) years of age or older.

20
21
22

BALLISTIC KNIFE: Any knife that has a blade which is forcefully projected from the handle by means of a spring loaded device or explosive charge.

23
24
25
26

BLACKJACK: Any billy, sand club, sandbag or other hand operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases the force of impact.

27
28
29

BOMB: Any explosive or incendiary device or molotov cocktail as defined by State law, or any chemical device which causes or can cause an explosion, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

30
31
32

DANGEROUS WEAPON: A firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.

33
34
35

DEADLY WEAPON: Any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury:

- 36 (A) A firearm, whether loaded or unloaded;
37 (B) A knife;
38 (C) A bludgeon; or

1 (D) Any other weapon, device, instrument, material, or substance, whether animate or
2 inanimate.

3 FIREARM: ANY HANDGUN, AUTOMATIC, REVOLVER, PISTOL, RIFLE, SHOTGUN,
4 OR OTHER INSTRUMENT OR DEVICE CAPABLE OR INTENDED TO BE CAPABLE OF
5 DISCHARGING BULLETS, CARTRIDGES, OR OTHER EXPLOSIVE CHARGES.

6 FIREARM SILENCER: Any instrument, attachment, weapon, or appliance for causing the firing
7 of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise
8 of the firing of any such weapon.

9
10 GAS GUN: A device designed for projecting gas filled projectiles which release their contents
11 after having been projected from the device and includes projectiles designed for use in such a
12 device.

13
14 HANDGUN: A pistol, revolver, or other firearm of any description, loaded or unloaded, from
15 which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not
16 including any revolving, detachable, or magazine breech, does not exceed twelve inches (12").

17
18 ILLEGAL WEAPON: A blackjack, bomb, firearm silencer, gas gun, nunchaku, machine gun,
19 short shotgun, short rifle, metallic knuckles, or throwing star.

20
21 JUVENILE: Any person under the age of eighteen (18) years.

22
23 KNIFE: Any dagger, dirk, knife, or stiletto with a blade over three and one-half inches (3^{1/2}") in
24 length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing
25 wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a
26 knife is a hunting or fishing knife must be raised as an affirmative defense.

27
28 MACHINE GUN: Any firearm, whatever its size and usual designation, that shoots
29 automatically more than one shot, without manual reloading by a single function of the trigger.

30
31 NUNCHAKU: An instrument consisting of two (2) sticks, clubs, bars or rods to be used as
32 handles, connected by a rope, cord, wire, or chain, which is in the design of a weapon used in
33 connection with the practice of a system of self-defense.

34
35 SHORT RIFLE: A rifle having a barrel less than sixteen inches (16") long or an overall length of
36 less than twenty six inches (26").

37
38 SHORT SHOTGUN: A shotgun having a barrel or barrels less than eighteen inches (18") long or
39 an overall length of less than twenty six inches (26").

40
41 THROWING STAR: A disk having sharp radiating points or any disk shaped blade object which

1 is handheld and thrown and which is in the design of a weapon used in connection with the
2 practice of a system of self-defense.

3 **6-4-152: CONCEALING OR DISPLAYING IN THREATENING MANNER:**
4 **CONCEALED WEAPONS**

5
6 ~~(A) It shall be unlawful for any person to wear under his clothes, or concealed about his person,~~
7 ~~or to display in a threatening manner, any dangerous or deadly weapon, including, but not by~~
8 ~~way of limitation, any pistol, revolver, slingshot, cross knuckles or knuckles of lead, brass or~~
9 ~~other metal, or any bowie knife, dirk, dagger or any knife resembling a bowie knife, or any other~~
10 ~~dangerous or deadly weapon. (Ord. 28, Series of 2017) KNIFE: IT SHALL BE UNLAWFUL~~
11 ~~FOR ANY PERSON TO KNOWINGLY CARRY A KNIFE CONCEALED ON OR ABOUT~~
12 ~~HIS OR HER PERSON.~~

13 ~~(B) Nothing in this section shall be construed to forbid any law enforcement officer from~~
14 ~~carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge~~
15 ~~of his duties, nor shall this section be construed so as to prevent the concealed carrying of any~~
16 ~~type of gun when unloaded and properly carried to or from any shooting range or gallery.~~
17 ~~FIREARM: IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY CARRY A~~
18 ~~FIREARM CONCEALED ON OR ABOUT HIS OR HER PERSON.~~

19 ~~(C) Other than the displaying of a weapon in a threatening manner of subsection (A) of this~~
20 ~~section, it shall not be an offense to subsection (A) of this section if a knife or firearm, as defined~~
21 ~~in Colorado Revised Statutes section 18-1-901, is possessed or concealed in a manner that is~~
22 ~~lawful under Colorado Revised Statutes article 12, title 18. IT SHALL NOT BE AN OFFENSE~~
23 ~~UNDER SUBSECTIONS (A) OR (B) IF THE PERSON:~~

- 24 1. IS IN HIS OR HER OWN DWELLING OR PLACE OF BUSINESS OR ON
25 PROPERTY OWNED OR UNDER HIS OR HER CONTROL AT THE TIME OF
26 THE ACT OF CARRYING; OR
27 2. IS IN A PRIVATE AUTOMOBILE OR OTHER PRIVATE MEANS OF
28 CONVEYANCE WHO CARRIES A WEAPON FOR LAWFUL PROTECTION OF
29 SUCH PERSON'S OR ANOTHER'S PERSON OR PROPERTY WHILE
30 TRAVELING; OR
31 3. AT THE TIME OF CARRYING A CONCEALED WEAPON, HELD A VALID
32 WRITTEN PERMIT TO CARRY A CONCEALED WEAPON ISSUED
33 PURSUANT TO COLORADO STATE STATUTE (18-12-214) AND IS IN FULL
34 COMPLIANCE WITH THE REQUIREMENTS OF THAT STATUTE; OR
35 4. IS A PEACE OFFICER, WHEN CARRYING A WEAPON IN CONFORMANCE
36 WITH THE POLICY OF THE EMPLOYING AGENCY; OR
37 5. IS A UNITED STATES PROBATION OFFICER OR A UNITED STATES
38 PRETRIAL SERVICES OFFICER WHILE ON DUTY AND SERVING IN THE
39 STATE OF COLORADO UNDER THE AUTHORITY OF RULES AND

1 REGULATIONS PROMULGATED BY THE JUDICIAL CONFERENCE OF THE
2 UNITED STATES.

3 **6-4-158: ILLEGAL WEAPONS:**

4
5 ~~It shall be unlawful for any person, other than a peace officer or member of the armed forces of~~
6 ~~the United States or Colorado national guard while acting in the lawful discharge of his duties or~~
7 ~~a person who has a valid permit and license issued pursuant to the federal code for such weapon,~~
8 ~~to knowingly possess an illegal weapon. The exceptions in this section shall be an affirmative~~
9 ~~defense.~~

10 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY POSSESS AN
11 ILLEGAL WEAPON.

12
13 (B) IT IS AN AFFIRMATIVE DEFENSE TO SUBSECTION (A) IF THE PERSON IS A
14 PEACE OFFICER OR MEMBER OF THE ARMED FORCES OF THE UNITED
15 STATES OR COLORADO NATIONAL GUARD ACTING IN THE LAWFUL
16 DISCHARGE OF HIS DUTIES, OR IF THE PERSON HAS A VALID PERMIT AND
17 LICENSE FOR POSSESSION OF SUCH WEAPON.

18
19

20 **6-4-160: FIREARMS PROHIBITED IN OR UPON PUBLIC FACILITIES:**

21
22 (A) The open carrying of firearms in or upon public facilities including, but not limited to:
23 buildings, sites, areas, including municipally owned, operated, or leased buildings or
24 properties; recreation facilities; and public parks, trails, or open space is unlawful when said
25 facilities are posted with notification that the carrying of firearms is prohibited.

26 (B) Postings, including the appearance thereof, shall be approved by the city council.

27 (C) Nothing in this section shall be construed to forbid any law enforcement officer from
28 carrying or wearing such weapons and firearms as shall be necessary in the proper discharge
29 of his or her duties.

30 (D) It shall not be an offense of this section if a ~~knife or~~ firearm, as defined in Colorado Revised
31 Statutes section 18-1-901, is possessed or concealed in a manner that is lawful under
32 Colorado Revised Statutes article 12, title 18.

33

34 **6-4-184: SALE OR POSSESSION OF TOBACCO:**

35
36 (A) It shall be unlawful for any person to knowingly furnish to any person who is under ~~eighteen~~
37 ~~(18)~~ TWENTY-ONE (21) years of age, by gift, sale, or any other means, any cigarettes, or

1 tobacco products, OR NICOTINE PRODUCT. It shall be an affirmative defense to a
2 prosecution under this subsection that the person furnishing the cigarettes, ~~or~~ tobacco
3 product, OR NICOTINE PRODUCT was presented with and reasonably relied upon a
4 document which identified the person receiving the cigarettes, ~~or~~ tobacco product, OR
5 NICOTINE PRODUCT as being ~~eighteen (18)~~ TWENTY-ONE (21) years of age or older.

6 (B) It shall be unlawful for any person who is under ~~eighteen (18)~~ TWENTY-ONE (21) years of
7 age to possess, purchase or attempt to purchase or sell any cigarettes, ~~or~~ tobacco products,
8 OR NICOTINE PRODUCT. It shall not be an offense under this section if the person under
9 ~~eighteen (18)~~ TWENTY-ONE (21) years of age was acting at the direction of an employee
10 of a governmental agency authorized to enforce or ensure compliance with laws relating to
11 the prohibition of the sale of cigarettes, ~~and~~ tobacco products AND NICOTINE
12 PRODUCTS to minors.

13 (C) AS USED IN THIS SECTION, "CIGARETTE, TOBACCO PRODUCT, OR NICOTINE
14 PRODUCT" MEANS:

15 1) A PRODUCT THAT CONTAINS NICOTINE OR TOBACCO, OR IS DERIVED FROM
16 TOBACCO, AND IS INTENDED TO BE INGESTED OR INHALED BY, OR APPLIED
17 TO THE SKIN OF, AN INDIVIDUAL; OR

18 2) ANY DEVICE THAT CAN BE USED TO DELIVER TOBACCO OR NICOTINE TO
19 THE PERSON INHALING FROM THE DEVICE, INCLUDING A CIGAR, CIGARILLO,
20 PIPE, OR ELECTRONIC SMOKING DEVICE (ESD) AS DEFINED IN SECTION 6-10-1
21 OF THIS TITLE.

22 **6-9-5: UNLAWFUL CONDUCT ON RIVER:**

23

24 (A) The city manager may, in his discretion, order closed any river, tributary, creek, or stream
25 when said body of water constitutes or may constitute a hazard to human life or safety. For
26 purposes of this section such closure shall not apply to whitewater canoes or kayaks. Said
27 closure may apply to swimming, wading or to the use of any vessel or flotation device
28 including, but not limited to: aquaplanes, inner tubes, air mattresses, inflatable rafts,
29 rowboats, personal flotation devices, sailboats, or any motorized or other watercraft. It shall
30 be unlawful for any person having actual or constructive knowledge of the closure of any
31 body of water, excepting whitewater canoeists or kayakers, to be in or upon any body of
32 water which is ordered closed pursuant to this section.

33

34 (B) It shall be unlawful for any person to operate, manipulate, or ride any device as illustrated by
35 subsection (A) of this section, and including whitewater canoes and kayaks, above or on any
36 body of water within the city while under the influence of alcohol, a controlled substance as
37 defined in section ~~12-22-303(7)~~ 18-18-102(5) Colorado Revised Statutes, or any other drug or
38 combination thereof, which renders him incapable of the safe operation of such device.

1 (C) It shall be unlawful for any person to operate, manipulate, or ride any device as illustrated by
2 subsection (A) of this section, and including whitewater canoes and kayaks, in a careless or
3 imprudent manner without due regard for attendant circumstances so as to endanger any
4 person, property or wildlife.

5 (D) It shall be unlawful for any person to operate, manipulate, or ride any device as illustrated by
6 subsection (A) of this section, and including whitewater canoes and kayaks, in such a manner
7 as to indicate either a wanton or wilful disregard for the safety of any person, property or
8 wildlife.

9 **6-10-1: DEFINITIONS:**

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

11

12 AUDITORIUM: The part of a public building where an audience gathers to attend a
13 performance, and includes any corridors, hallways, or lobbies adjacent thereto.

14

15 BAR: Any indoor area that is operated and licensed under ~~article 47 of title 12~~ ARTICLE 3
16 TITLE 44, Colorado Revised Statutes, primarily for the sale and service of alcoholic beverages
17 for on premises consumption and where the service of food is secondary to the consumption of
18 such beverages.

19

20 ELECTRONIC SMOKING DEVICE (ESD): ANY PRODUCT THAT CONTAINS OR
21 DELIVERS NICOTINE OR ANY OTHER SUBSTANCE INTENDED FOR HUMAN
22 CONSUMPTION AND THAT CAN BE USED BY A PERSON TO ENABLE THE
23 INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. INCLUDES ANY
24 PRODUCT OR DEVICE, WHETHER MANUFACTURED, DISTRIBUTED, MARKETED,
25 OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, E-HOOKAH, OR VAPE PEN OR
26 UNDER ANY OTHER PRODUCT NAME OR DESCRIPTOR. IT DOES NOT INCLUDE A
27 HUMIDIFIER OR SIMILAR DEVICE THAT EMITS ONLY WATER VAPOR, OR AN
28 INHALER, NEBULIZER, OR VAPORIZER THAT IS APPROVED BY THE FEDERAL
29 FOOD AND DRUG ADMINISTRATION FOR THE DELIVERY OF MEDICATION.

30 EMPLOYEE: Any person who:

31 (A) Performs any type of work for benefit of another in consideration of direct or indirect wages
32 or profit; or

33 (B) Provides uncompensated work or services to a business or nonprofit entity.

34 "Employee" includes every person described herein, regardless of whether such person is
35 referred to as an employee, contractor, independent contractor, or volunteer or by any other
36 designation or title.

37 EMPLOYER: Any person, partnership, association, corporation, or nonprofit entity that employs
38 one or more persons. "Employer" includes, without limitation, the legislative, executive, and

1 judicial branches of state government; any county, city and county, city, or town, or
2 instrumentality thereof, or any other political subdivision of the state, special district, authority,
3 commission, or agency; or any other separate corporate instrumentality or unit of state or local
4 government.

5

6 ENTRYWAY: The outside of the front or main doorway leading into a building or facility that is
7 not exempted from this chapter under section [6-10-3](#) of this chapter. "Entryway" also includes
8 the area of public or private property within a radius of fifteen feet (15') outside of the doorway.

9

10 ENVIRONMENTAL TOBACCO SMOKE, ETS, OR SECONDHAND SMOKE: The complex
11 mixture formed from the escaping smoke of a burning tobacco product, also known as
12 "sidestream smoke", and smoke exhaled by the smoker.

13

14 FOOD SERVICE ESTABLISHMENT: Any indoor area or portion thereof in which the principal
15 business is the sale of food for on premises consumption. The term includes, without limitation,
16 restaurants, cafeterias, coffee shops, diners, sandwich shops, and short order cafes.

17

18 INDOOR AREA: Any enclosed area or portion thereof. The opening of windows or doors, or the
19 temporary removal of wall panels, does not convert an indoor area into an outdoor area.

20

21 MARIJUANA: Has the same meaning as in section 16(2)(f) of article XVIII of the state
22 constitution.

23

24 PLACE OF EMPLOYMENT: Any indoor area or portion thereof under the control of an
25 employer in which employees of the employer perform services for, or on behalf of, the
26 employer.

27

28 PUBLIC BUILDING: Any building owned or operated by:

29 (A) The state, including the legislative, executive, and judicial branches of state government;

30 (B) Any county, city and county, city, or town, or instrumentality thereof, or any other political
31 subdivision of the state, a special district, an authority, a commission, or an agency; or

32 (C) Any other separate corporate instrumentality or unit of state or local government.

33 PUBLIC MEETING: Any meeting open to the public pursuant to part 4 of article 6 of title 24,
34 Colorado Revised Statutes, or any other law of this state.

35

36 SMOKE FREE WORK AREA: An indoor area in a place of employment where smoking is
37 prohibited under this chapter.

38

39 ~~SMOKING: The burning of a lighted cigarette, cigar, pipe, or any other matter or substance that~~
40 ~~contains tobacco or marijuana.~~ INHALING, EXHALING, BURNING, OR CARRYING ANY
41 LIGHTED OR HEATED CIGAR, CIGARETTE, OR PIPE OR ANY OTHER LIGHTED OR
42 HEATED TOBACCO OR PLANT PRODUCT INTENDED FOR INHALATION INCLUDING

1 MARIJUANA, WHETHER NATURAL OR SYNTHETIC, IN ANY MANNER OR IN ANY
2 FORM. "SMOKING" ALSO INCLUDES THE USED OF AN ESD.

3
4 TOBACCO: Cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut,
5 ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist
6 tobacco; fine cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and
7 sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be
8 suitable for chewing or for smoking in a cigarette, pipe, electronic smoking device, or otherwise,
9 or both for chewing and smoking. "Tobacco" also includes cloves and any other plant matter or
10 product that is packaged for smoking.

11
12 TOBACCO BUSINESS: A sole proprietorship, corporation, partnership, or other enterprise
13 engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or
14 smoking devices or accessories, INCLUDING ESDS, either at wholesale or retail, and in which
15 the sale, manufacture, or promotion of other products is merely incidental.

16
17 WORK AREA: An area in a place of employment where one or more employees are routinely
18 assigned and perform services for or on behalf of their employer.

19 **6-10-2: GENERAL SMOKING RESTRICTIONS:**

20
21 Except as provided in section [6-10-3](#) of this chapter, ~~and in order to reduce the levels of exposure~~
22 ~~to environmental tobacco and marijuana smoke~~, smoking IS shall not be permitted and no person
23 shall smoke:

24
25 (A) In any outdoor public area located in the area bounded by the centerlines of S. Rio Grande
26 and Bega Streets on the east; S. Santa Fe Drive on the west; W. Alamo Avenue on the south;
27 and W. Powers Avenue on the north, excluding rooftop and back patios, alleys and privately
28 owned parking lots within such area. For purposes of this subsection, the boundary of W.
29 Powers Avenue shall be treated as if it extended to S. Santa Fe Drive; and

30 (B) In any indoor area, including, but not limited to:

- 31 1. Public meeting places;
32 2. Elevators;
33 3. Government owned or operated means of mass transportation, including, but not limited to,
34 buses, vans, and trains;
35 4. Taxicabs and limousines;
36 5. Grocery stores;
37 6. Gymnasiums;
38 7. Jury waiting and deliberation rooms;
39 8. Courtrooms;
40 9. Child daycare facilities;

- 1 10. Healthcare facilities including hospitals, healthcare clinics, doctor's offices, and other
2 healthcare related facilities;
- 3 11. Any place of employment that is not exempted, WHETHER OR NOT OPEN TO THE
4 PUBLIC AND REGARDLESS OF THE NUMBER OF EMPLOYEES. In the case of employers
5 who own facilities otherwise exempted from this chapter, each such employer shall provide a
6 smoke free work area for each employee requesting not to have to breathe SECONDHAND
7 SMOKE AND EMISSIONS FROM ELECTRONIC SMOKING DEVICES; ~~environmental~~
8 ~~tobacco smoke. Every employee shall have a right to work in an area free of environmental~~
9 ~~tobacco smoke;~~
- 10 12. Food service establishments;
- 11 13. Bars;
- 12 14. Limited gaming facilities and any other facilities in which any gaming or gambling activity is
13 conducted;
- 14 15. Indoor sports arenas;
- 15 16. Restrooms, lobbies, hallways, and other common areas in public and private buildings,
16 condominiums, and other multiple-unit residential facilities;
- 17 ~~17. Restrooms, lobbies, hallways, and other common areas in hotels and motels, and in at least~~
18 ~~seventy five percent (75%) of the sleeping quarters within a hotel or motel that are rented to~~
19 ~~guests; HOTEL AND MOTEL ROOMS;~~
- 20 18. Bowling alleys;
- 21 19. Billiard or pool halls;
- 22 20. Facilities in which games of chance are conducted;
- 23 21. The common areas of retirement facilities, publicly owned housing facilities, and, nursing
24 homes, but not including any resident's private residential quarters; ~~or areas of assisted living~~
25 ~~facilities;~~
- 26 22. Public buildings;
- 27 23. Auditoria;
- 28 24. Theaters;
- 29 25. Museums;
- 30 26. Libraries;
- 31 27. Public and nonpublic schools;
- 32 28. Other educational and vocational institutions; ~~and~~
- 33 ~~29. The entryways of all buildings and facilities listed in subsections (B)1 to (B)28 of this~~
34 ~~section. ASSISTED LIVING FACILITIES, INCLUDING NURSING FACILITIES AS~~
35 ~~DEFINED IN SECTION 25.5-4-103, COLORADO REVISED STATUTES, AND ASSISTED~~
36 ~~LIVING RESIDENCES AS DEFINED IN SECTION 25-27-102; AND~~
- 37 30. THE ENTRYWAYS OF ALL BUILDINGS AND FACILITIES LISTED IN
38 SUBSECTIONS (B)(1) TO (B)(29) OF THIS SECTION; AND
39
40 (C) IN ANY OUTDOOR PUBLIC PARK, TRAIL, OR OPEN SPACE.

41 **6-10-3: EXCEPTIONS TO SMOKING RESTRICTIONS:**

42

43 This chapter shall not apply to:

1
2 (A) Private homes, private residences, and private automobiles; except that this chapter shall
3 apply if any such home, residence, or vehicle is being used for childcare or daycare or if a
4 private vehicle is being used for the public transportation of children or as part of healthcare
5 or daycare transportation;

6 (B) Limousines under private hire;

7 ~~(C) A hotel or motel room rented to one or more guests if the total percentage of such hotel or~~
8 ~~motel rooms in such hotel or motel does not exceed twenty five percent (25%);~~

9 (D) Any retail tobacco business; PROVIDED, ANY CIGAR-TOBACCO BAR OR RETAIL
10 TOBACCO BUSINESS SHALL PROHIBIT ENTRY BY ANY PERSON UNDER TWENTY-
11 ONE (21) YEARS OF AGE AND SHALL DISPLAY SIGNAGE IN AT LEAST ONE
12 CONSPICUOUS PLACE AND AT LEAST FOUR INCHES BY SIX INCHES IN SIZE
13 STATING: "SMOKING ALLOWED. CHILDREN UNDER TWENTY-ONE YEARS OF AGE
14 MAY NOT ENTER."

15 (E) The privately owned outdoor area of any business, except that the entryways of businesses
16 located in a building or facility listed in subsection [6-10-2\(B\)](#) of this chapter and the outdoor
17 areas referenced in subsection [6-10-2\(A\)](#) of this chapter shall be subject to the provisions of this
18 chapter;

19 ~~(F) A place of employment that is not open to the public and that is under the control of an~~
20 ~~employer that employs three (3) or fewer employees;~~

21 (G) A private, nonresidential building on a farm or ranch, as defined in section 39-1-102,
22 Colorado Revised Statutes, that has annual gross income of less than five hundred thousand
23 dollars (\$500,000.00); or

24 ~~(H) The areas of assisted living facilities that are designated for smoking for residents, are fully~~
25 ~~enclosed and ventilated and to which access is restricted to the residents or their guests. As used~~
26 ~~in this subsection, "assisted living facility" means a nursing facility, as that term is defined in~~
27 ~~section 25.5-4-103, Colorado Revised Statutes, and an assisted living residence, as that term is~~
28 ~~defined in section 25-27-102.~~

29 **6-10-4: OPTIONAL PROHIBITIONS:**

30
31 (A) The owner or manager of any place ~~not specifically listed in section [6-10-2](#) of this chapter,~~
32 ~~including a place otherwise exempted under section [6-10-3](#) of this chapter,~~ may post signs
33 prohibiting smoking. ~~or providing smoking and nonsmoking areas.~~ Such posting shall have
34 the effect of including such place, ~~or the designated nonsmoking portion thereof,~~ in the
35 places where smoking is prohibited or restricted pursuant to this chapter.

1
2 ~~(B) If the owner or manager of a place not specifically listed in section 6-10-2 of this chapter,~~
3 ~~including a place otherwise exempted under section 6-10-3 of this chapter, is an employer~~
4 ~~and receives a request from an employee to create a smoke free work area as contemplated~~
5 ~~by subsection 6-10-2(B)11 of this chapter, the owner or manager shall post a sign or signs in~~
6 ~~the smoke free work area as provided in subsection (A) of this section.~~

7 **6-11-1: DEFINITIONS:**
8

9 The following definitions shall apply to this chapter:
10

11 ~~CHILD: An unmarried person who is under eighteen (18) years of age. The term includes a~~
12 ~~stepchild or an adopted child.~~
13

14 **COMPENSABLE CRIME:** An intentional, knowing, reckless, or criminally negligent act of a
15 person that results in residential property damage or damage to a motor vehicle which is not the
16 result of a traffic accident or bodily injury or results in loss of or damage to eyeglasses, dentures,
17 hearing aids, or other prosthetic or medically necessary devices or results in the need for mental
18 health counseling and which is punishable as a crime in this state or as a violation of this code.
19 This term includes federal offenses committed in the city.
20

21 **ECONOMIC LOSS:** Economic detriment consisting only of allowable expense, net income, or
22 replacement services loss. The term does not include noneconomic detriment.
23

24 **INJURY:** Actual bodily harm.
25

26 **VICTIM:** A person who suffers residential property damage or damage to a motor vehicle as a
27 result of a compensable crime which was perpetrated or attempted against him within the city of
28 Littleton; is injured in this city as a result of a compensable crime perpetrated or attempted
29 against him; is injured while not in the city as a result of a compensable crime that began in this
30 city; or is injured in this city while attempting to assist a person against whom a compensable
31 crime is being perpetrated or attempted, if that attempt of assistance would be expected of a
32 reasonable man under the circumstances.
33

34 **VICTIM AND WITNESS ASSISTANCE PROGRAM:** Programs which provide to victims and
35 witnesses of crimes which occurred within the city, assistance, service, and information, prior to,
36 during, and after the prosecution of such crimes.

37 **6-11-2: SURCHARGE LEVIED ON CRIMINAL ACTIONS AND TRAFFIC OFFENSES:**
38

39 ~~(A) A ten percent (10%) surcharge is hereby levied on FOR every fine and supervision fee~~
40 ~~imposed for a violation of this code resulting in a conviction, a deferred prosecution, a~~
41 ~~deferred judgment and sentence, or a plea of guilty or nolo contendere entered on or after~~

1 March 1, 2004. IN CASES WHERE A FINE IS IMPOSED, THE SURCHARGE SHALL
2 BE EQUAL TO FIFTEEN PERCENT (15%) OF THE FINE IMPOSED OR A
3 SURCHARGE OF TWENTY-FIVE DOLLARS (\$25.00), WHICHEVER AMOUNT IS
4 GREATER. IN CASES WHERE NO FINE IS IMPOSED, THE SURCHARGE SHALL BE
5 TWENTY-FIVE DOLLARS (\$25.00). This surcharge shall be paid to the clerk of the court,
6 who shall deposit same in the Littleton victim assistance and law enforcement fund as
7 established by this chapter.

8 (B) This surcharge shall be mandatory and be in addition to any other surcharge, fine, or cost
9 imposed by this code or the court. The surcharge levied by this section may not be suspended
10 or waived by the court unless the court determines that the defendant is indigent. (Ord. 5,
11 Series of 2004)

12 **6-12-1: ELECTRONIC CITATION SURCHARGE ESTABLISHED:**

13 (A) A surcharge is hereby levied on every violation of this code occurring on or after January 1,
14 2015, and resulting in a conviction, a deferred prosecution, a deferred judgment and
15 sentence, or a plea of guilty or nolo contendere. However, no more than one surcharge shall
16 be assessed per ticket or citation. Such surcharge shall ~~initially~~ be set at TEN DOLLARS
17 (\$10.00) ~~SIX dollars seventy five cents (\$6.75) but~~ AND thereafter may be amended by
18 council resolution.

19 (B) This surcharge shall be mandatory and be in addition to any other surcharge, fine, or cost
20 imposed by this code or court. The surcharge levied by this section may not be suspended or
21 waived by the court unless the court determines that the defendant is indigent.

22
23 (C) This surcharge shall be paid to the court clerk who shall deposit the same into the general
24 fund for the city of Littleton, provided, however, the amount of the surcharge shall be
25 commensurate with the cost of deploying and maintaining the hardware and software and
26 other related costs required to issue citations electronically. (Ord. 40, Series of 2014)

27 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
28 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect
29 the validity of the remaining sections of this ordinance. The City Council hereby declares
30 that it would have passed this ordinance, including each part, section, subsection, sentence,
31 clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections,
32 sentences, clauses or phrases may be declared invalid.

33
34 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
35 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
36 clauses of such ordinance nor revive any ordinance thereby.

37
38

1
2 INTRODUCTION AS A BILL at a regularly scheduled meeting of the City Council
3 of the City of Littleton on the 3rd day of March, 2020, passed on first reading by a vote of 6 FOR
4 and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
5 Municipal Courthouse and on the City of Littleton Website.

6 PUBLIC HEARING on the Ordinance to take place on the 17th day of March, 2020,
7 in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the
8 hour of 6:30 p.m., or as soon thereafter as it may be heard.

9
10 PASSED on second and final reading, following public hearing, by a vote of _____ FOR
11 and _____ AGAINST on the 17th day of March, 2020 and ordered published by posting at Littleton
12 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

13 ATTEST:

14 _____
15 Colleen L. Norton
16 INTERIM CITY CLERK

Jerry Valdes
MAYOR

17 _____
18
19 Reid Betzing
20 CITY ATTORNEY

21
22

