

1 CITY OF LITTLETON, COLORADO

2  
3 ORDINANCE NO. 12

4  
5 Series, 2020

6  
7  
8  
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:**

33

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

36

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

38

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

~~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

1 expected to cause such ~~dog or cat~~ ANIMAL to take some retaliatory or self-protective action.  
2 Provocation shall include a person's unlicensed, uninvited, or illegal presence upon or within  
3 private property inhabited by or belonging to the ANIMAL'S ~~cat's or dog's~~ "owner", as defined  
4 herein, or private property inhabited by or belonging to members of such owner's household.  
5

6 RABIES: That communicable disease of wild and domestic animals transmittable to human  
7 beings and defined as follows in Borland's medical dictionary: "Specific infectious disease of  
8 certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite  
9 by an infected animal and due to a filterable virus".  
10

11 RUNNING AT LARGE: A dog that is off the premises of the owner, as "owner" is defined  
12 herein, and is not under the actual physical control of such owner by adequate leash, cord, or  
13 chain.  
14

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

17 **~~6-2-5: FIERCE OR VICIOUS CATS OR DOGS PROHIBITED:~~**  
18 **DANGEROUS ANIMALS:**  
19

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

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

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

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

31 3. KILL ANOTHER ANIMAL WHILE OFF THE OWNER'S OR CUSTODIAN'S  
32 PROPERTY; OR

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

35 IT SHALL BE AN AFFIRMATIVE DEFENSE TO CHARGES UNDER THIS SECTION  
36 IF THE VICTIM OF THE ATTACK HAS MADE AN UNLAWFUL ENTRY INTO THE  
37 DWELLING OR ENCLOSED PREMISES OF THE OWNER OR CUSTODIAN, OR WAS

1 ATTACKED OR INJURED DURING THE COMMISSION OF A CRIME AGAINST THE  
2 OWNER OR CUSTODIAN.

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

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

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

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

38

39 **6-2-10: UNLAWFUL TO VIOLATE NUMBERS RESTRICTIONS:**

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

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

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

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

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

26  
27 **6-2-11: IMPOUNDMENT OF DOGS AND CATS:**

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

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

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

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

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

15 (F) Impoundment And Holding Of Biting Dogs Or Cats: Any dog or cat that has bitten a human  
16 being may be impounded by the City police or other persons duly appointed and employed  
17 for that purpose. Such dog or cat may be kept in impoundment for observation for up to ten  
18 (10) consecutive days. Such dog or cat may be reclaimed by its owner at the expiration of  
19 such ten (10) day period upon presentation of proof that such cat or dog has been vaccinated  
20 as required by this Chapter and upon payment of all costs and charges for impounding and  
21 maintenance. Any such dog or cat that is not reclaimed by its owner within twelve (12) days  
22 of its impoundment may be destroyed, sold, or otherwise disposed of. (Ord. 21, Series of  
23 1977)

24

25 **6-2-12: PENALTIES FOR VIOLATION:**

26

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

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

1 dollars (\$999.00) for the third offense. A charge of violation of any provision of Section ~~6-2-~~  
2 ~~5~~ of this Chapter, shall require a mandatory court appearance. Additionally, the punishment  
3 imposed for a finding of guilty of a third or later violation of any provision of Section ~~6-2-5~~  
4 shall in no case be less than a fine of one hundred dollars (\$100.00). In addition to any fines  
5 which may be imposed, the Municipal Court Judge may impose a jail sentence of up to  
6 ninety (90) days on any defendant found to be in violation of any provision of Section ~~6-2-5~~  
7 of this Chapter, excluding violations by minors under the age of eighteen (18) who shall be  
8 subject to fines only. (Ord. 20, Series of 1988)

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

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

18 **6-2-13: REMOVAL OF DOG WASTE REQUIRED:**

19  
20 (A) THE OWNER OF ANY DOG SHALL IMMEDIATELY REMOVE ANY FECES  
21 DEPOSITED BY SUCH DOG ON ANY PROPERTY, PUBLIC OR PRIVATE, NOT  
22 OWNED OR EXCLUSIVELY OCCUPIED BY THE OWNER.  
23

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

29 **6-4-1: DEFINITIONS:**

30  
31 Unless otherwise stated, the provisions in this chapter are subject to all applicable definitions,  
32 defenses, and presumptions provided by the Colorado criminal code<sup>1</sup>. In addition, the following  
33 words, terms, phrases, when used in this chapter, shall have the meanings ascribed to them in this  
34 section, except where the context clearly indicates a different meaning:  
35

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

1

2 ALCOHOLIC BEVERAGES: Any fermented malt beverage or malt, vinous or spirituous  
3 liquors, as further defined by Colorado Revised Statutes sections ~~12-46-103(1)~~ and ~~12-47-103~~  
4 44-3-103.

5

6 ANAL INTERCOURSE: Contact between human beings of the genital organs of one and the  
7 anus of another.

8

9 ANILINGUS: Sexual stimulation involving oral contact with the anus.

10

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

18

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

20

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

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

24 (B) A knife;

25 (C) A bludgeon; or

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

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

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

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

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

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

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

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

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

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

19 FELLATIO: Any act of oral stimulation of the penis.  
20

21 LITTER: All rubbish, waste, material, refuse, garbage, trash, debris or other foreign substances,  
22 solid or liquid, of every form, size, kind and description.  
23

24 LOITER: Remaining idle in essentially one location, to be dilatory, to tarry, to dawdle and shall  
25 include, but not be limited to, standing around, hanging out, sitting, kneeling, sauntering or  
26 prowling whether in or out of a vehicle.  
27

28 MARIJUANA: Shall have the same definition as "cannabis".  
29

30 MARIJUANA ACCESSORIES: Any equipment, products, or materials of any kind which are  
31 used, intended for use, or designed for use in planting, propagating, cultivating, growing,  
32 harvesting, composting, manufacturing, compounding, converting, producing, processing,  
33 preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing  
34 marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.  
35

36 MASTURBATION: Stimulation of the genital organs by manual or other bodily contact  
37 exclusive of sexual intercourse.  
38

39 MINOR: Any person under the age of eighteen (18) years.  
40

41 MOTOR VEHICLE: All vehicles of whatever description propelled by any power other than

1 muscular, except vehicles running on rails.

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

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

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

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

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

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

34  
35 **RENDER ASSISTANCE:**

- 36 (A) Harbor or conceal such person;  
37 (B) Warn such other person of impending discovery or apprehension; except that this does not  
38 apply to a warning given in an effort to bring such other person into compliance with the law;  
39 (C) Provide such other person with money, transportation, weapon, disguise, or other thing to be  
40 used in avoiding discovery or apprehension;

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

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

7 **RESCUE SPECIALIST: A MEMBER OF A PUBLIC OR PRIVATE RESCUE AGENCY,**  
8 **WHETHER THAT PERSON IS A VOLUNTEER OR RECEIVES COMPENSATION FOR**  
9 **SERVICES RENDERED AS SUCH RESCUE SPECIALIST.**

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

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

22 **SEXUAL INTERCOURSE: Real or simulated intercourse, whether genital-genital, oral-genital,**  
23 **anal-genital, or oral-anal, between human beings of the opposite or same sex or with an artificial**  
24 **genital organ.**

25  
26 **SYNTHETIC COCAINE: Any product containing methylenedioxyprovalerone (MDPV) or**  
27 **mephedrone.**

28  
29 **THING OF VALUE OR ANYTHING OF VALUE OF ANOTHER: If anyone other than the**  
30 **defendant has a possessory or proprietary interest therein.**

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

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

1

2 UNSEALED CONTAINERS: Any container which has an altered or broken seal which was  
3 applied by the United States government over the cap or top of said container of alcoholic  
4 beverages or any open container of any type which contains alcoholic beverages.

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

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

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

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

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

28

29 **6-4-6: CRIMINAL SOLICITATION**

30 (A) A PERSON COMMITS CRIMINAL SOLICITATION IF HE OR SHE COMMANDS,  
31 INDUCES, ENTREATS, OR OTHERWISE ATTEMPTS TO PERSUADE ANOTHER  
32 PERSON, OR OFFERS HIS OR HER SERVICES OR ANOTHER'S SERVICES TO A  
33 THIRD PERSON, TO COMMIT AN OFFENSE, WHETHER AS PRINCIPAL OR  
34 ACCOMPLICE, WITH INTENT TO PROMOTE OR FACILITATE THE  
35 COMMISSION OF THAT OFFENSE, AND UNDER CIRCUMSTANCES  
36 STRONGLY CORROBORATIVE OF THAT INTENT.  
37

1 (B) SUBSECTION (A) DOES NOT APPLY TO BONA FIDE ACTS OF PERSONS  
2 AUTHORIZED BY LAW TO INVESTIGATE AND DETECT THE COMMISSION OF  
3 OFFENSES BY OTHERS.  
4

5 (C) IT IS A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT, IF THE  
6 CRIMINAL OBJECT WAS ACHIEVED, THE DEFENDANT WOULD BE THE SOLE  
7 VICTIM OF THE OFFENSE OR THE OFFENSE IS SO DEFINED THAT HIS OR  
8 HER CONDUCT WOULD BE INEVITABLY INCIDENT TO ITS COMMISSION OR  
9 HE OTHERWISE WOULD NOT BE GUILTY UNDER THE STATUTE OR CODE  
10 DEFINING THE OFFENSE OR UNDER SECTION 6-4-2 DEALING WITH  
11 COMPLICITY.  
12

13 (D) IT IS NO DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE  
14 PERSON SOLICITED COULD NOT BE GUILTY OF THE OFFENSE BECAUSE OF  
15 LACK OF RESPONSIBILITY OR CULPABILITY, OR OTHER INCAPACITY.  
16

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

23  
24 **6-4-22: HARASSMENT:**  
25

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

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

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

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

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

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

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

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

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

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

14  
15 **6-4-24: FALSE IMPRISONMENT:**  
16

17 It shall be unlawful to ~~intentionally~~ KNOWINGLY confine or detain another without the other's  
18 consent and without proper legal authority. This section shall not apply to a peace officer acting  
19 in good faith within the scope of his or her duties.  
20

21 **6-4-41: TRESPASSING:**

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

**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.

1 **6-4-46: THEFT BY RECEIVING:**

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

8 **THEFT DETECTION DEVICES**

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

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

25  
26 (B) AS USED IN THIS SECTION:

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

1 ENGINEERED, USED, OR OPERATED TO AVOID DETECTION BY A THEFT  
2 DETECTION DEVICE DURING THE COMMISSION OF AN OFFENSE  
3 INVOLVING THEFT. THIS INCLUDES, BUT IS NOT LIMITED TO, FOIL-  
4 LINED OR OTHERWISE MODIFIED CLOTHING, BAGS, PURSES, OR  
5 CONTAINERS CAPABLE OF AND FOR THE SOLE PURPOSE OF AVOIDING  
6 DETECTION DEVICES.

7

8 **6-4-47: MOTOR VEHICLE THEFT:**

9

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

15

16

17 **6-4-49: CRIMINAL TAMPERING:**

18

19 IT SHALL BE UNLAWFUL FOR ANY PERSON TO COMMIT CRIMINAL TAMPERING. A  
20 PERSON COMMITS CRIMINAL TAMPERING IF HE OR SHE:

21 (A) TAMPERS WITH PROPERTY OF A UTILITY OR INSTITUTION WITH THE  
22 INTENT TO CAUSE INTERRUPTION OR IMPAIRMENT OF A SERVICE  
23 RENDERED TO THE PUBLIC BY A UTILITY OR BY AN INSTITUTION  
24 PROVIDING HEALTH OR SAFETY PROTECTION; OR

25 (B) TAMPERS WITH PROPERTY OF ANOTHER WITH INTENT TO CAUSE INJURY,  
26 INCONVENIENCE, OR ANNOYANCE TO THAT PERSON OR TO ANOTHER; OR

27 (C) KNOWINGLY MAKES AN UNAUTHORIZED CONNECTION WITH PROPERTY  
28 OF A UTILITY.

29

30 **6-4-72: DISORDERLY CONDUCT:**

31

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

34

35 (A) Makes a coarse and obviously offensive utterance, gesture or display in a public place and  
36 the utterance, gesture, or display MAY tends to incite an immediate breach of the peace; or

37 (B) ~~(Deleted by laws 2000, P.708, section 39, effective July 1, 2000).~~ MAKES  
38 UNREASONABLE NOISE IN A PUBLIC PLACE OR NEAR A PRIVATE RESIDENCE  
39 THAT HE OR SHE HAS NO RIGHT TO OCCUPY; OR

40 (C) Fights with another in a public place except in an amateur or professional contest of athletic  
41 skill; or

1 (D) Not being a peace officer, discharges a firearm in a public place except when engaged in  
2 lawful target practice or hunting; or

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

7 **6-4-73: LOITERING:**

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

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

23

24 **6-4-81: OBSTRUCTION OF TELEPHONE OR TELEGRAPH SERVICE**

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

31

32 **6-4-101: UNLAWFUL POSSESSION OR CONSUMPTION OF ALCOHOLIC**  
33 **BEVERAGES BY ANY PERSON UNDER TWENTY-ONE:**

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

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

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

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

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

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

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

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

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

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

1 1. HE OR SHE WAS LEGALLY UPON PRIVATE PROPERTY WITH THE  
2 KNOWLEDGE AND CONSENT OF THE OWNER OR LEGAL POSSESSOR OF SUCH  
3 PRIVATE PROPERTY AND THE ETHYL ALCOHOL WAS POSSESSED OR  
4 CONSUMED WITH THE CONSENT OF HIS OR HER PARENT OR LEGAL  
5 GUARDIAN WHO WAS PRESENT DURING SUCH POSSESSION OR  
6 CONSUMPTION;

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

17 3. HE OR SHE IS A STUDENT WHO:

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

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

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

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

33  
34 **6-4-102: SALE OR DISPENSING OF ALCOHOLIC BEVERAGES TO ANY PERSON**  
35 **UNDER TWENTY-ONE:**  
36

1 (A) It shall be unlawful for any person to sell, serve, give away, dispose of, exchange or deliver  
2 or permit the sale, serving, ~~or giving~~ OR PROCURING of ethyl alcohol to or for any person  
3 under the age of twenty-one (21) years. A violation of this subsection shall be a strict liability  
4 offense.

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

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

26

27 **6-4-104: POSSESSION AND CONSUMPTION OF MARIJUANA:**

28

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

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

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

38 (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<sup>1</sup>/<sub>2</sub>") 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 3<sup>rd</sup> 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 17<sup>th</sup> day of March<sup>1</sup>,  
7 2020, in the Council Chamber<sup>2</sup>, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,  
8 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

9 PASSED on second and final reading, following public hearing, by a vote of  
10 FOR and \_\_\_\_\_ AGAINST on the 5<sup>th</sup> day of May, 2020 and ordered published by posting at  
11 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

12 ATTEST:

13 \_\_\_\_\_  
14 Colleen L. Norton  
15 CITY CLERK

\_\_\_\_\_   
Jerry Valdes  
MAYOR

16 \_\_\_\_\_  
17 Reid Betzing  
18 CITY ATTORNEY

19  
20  
21



1 Public Hearing rescheduled to May 5, 2020 due to COVID-19 closures

2 Due to COVID19, the City of Littleton is providing virtual coverage of city council meetings to protect the health of citizens, council members and staff. Meetings will not be held in the council chamber until further notice.