

ORDINANCE NO. 371

AN ORDINANCE AMENDING CHAPTER 17 OF ORDINANCE NO. 324 OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO, RELATING TO OFFENSES - GENERAL.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 1. PURPOSE:

The purpose of this Ordinance is to re-define certain general offenses to conform with current law as established by the Supreme Court of the State of Colorado and the Colorado Criminal Code.

Section 2.

Chapter 17, "Offenses - General" of Ordinance No. 324 of the Town of Berthoud, further identified as Chapter 17 of the Municipal Code of the Town of Berthoud, be and the same is hereby amended to read as follows:

C.C.C.
40-12-101

17.1-1 FIREARMS & WEAPONS. (1) The following definitions apply to this chapter: (a) "Blackjack" includes any billy, sand club, sand bag, 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. (b) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon. (c) "Short rifle" means a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches. (d) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches. (e) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device. (f) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor. (g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger. (h) "Knife" means any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense. (i) "Gravity knife" means any knife that has a blade released from the handle or sheath thereof by force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever, or other device. (j) "Switch-blade knife" means any knife, the blade of which opens automatically by hand pressure applied to a button, spring, or other device in its handle. (2) The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

C.C.C.
40-12-102

17.1-2 POSSESSING AN ILLEGAL WEAPON. (1) As used in this section, the term "illegal weapon" means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckle, gravity knife, or switchblade knife. (2) A person other than a peace officer or member of the armed forces of the United States of Colorado National Guard is in violation of this ordinance if he knowingly possesses an illegal weapon.

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40-12-103

17.1-3 POSSESSION OF A DEFACED FIREARM. It shall be unlawful if a person knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

C.C.C.
40-12-104

17.1-4 DEFACING A FIREARM. It shall be unlawful if a person intentionally removes, defaces, covers, alters, or destroys the manufacturers' serial number or any other distinguishing numbers or identification mark of a firearm.

C.C.C.
40-12-105

17.1-5 UNLAWFULLY CARRYING A CONCEALED WEAPON. (1) A person is in violation of this chapter if he knowingly and unlawfully within the town of Berthoud: (a) Carries a knife concealed on or about his person; or (b) Carries a firearm concealed on or about his person. (2) It shall be an affirmative defense that the defendant was: (a) A person in his own dwelling, or place of business, or on property owned or under his control at the time of the act of carrying; or (b) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of his or another's person or property, while traveling; or (c) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit to carry the weapon by the chief of police of a city, the mayor of a town, or the sheriff of a county, or the Chief of Police of the town of Berthoud; and such written permit shall be effective within the town of Berthoud.

C.C.C.
40-12-106

17.2 PROHIBITED USE OF WEAPONS. A person is in violation of this chapter if: (a) He intentionally and unlawfully aims a firearm at another person; or (b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or (c) He sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or (d) He has in his possession a firearm while he is under the influence of intoxication liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under 17.1-5 is no defense to a violation of this subsection.

C.C.C.
40-8-104

17.3 OBSTRUCTING A PEACE OFFICER OR FIREMAN. (1) It shall be unlawful for a person to obstruct a peace officer or fireman, when, by using or threatening to use violence, force, or physical interference, or an obstacle, he intentionally obstructs, impairs, or hinders the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his official authority, or intentionally obstructs, impairs, or hinders the prevention, control, or abatement of fire by a fireman acting under color of his official authority. (2) It is no defense to a prosecution under this chapter that the peace officer was acting in an illegal manner, if he was acting under color of his official authority as defined in section 17.3-1. (3) This section does not apply to obstruction, impairment, or hindrance of the making of an arrest. (4) Obstructing a peace officer or fireman is a misdemeanor and in violation of this ordinance.

C.C.C.
40-8-103

17.3-1 RESISTING ARREST. (1) A person commits resisting arrest if he intentionally prevents or attempts to prevent a peace officer, acting under color of his official authority, from effecting an arrest of the actor or another, by (a) Using or threatening to use physical force or violence against the peace officer or another; or (b) Using any other means which creates a substantial risk of causing physical injury to the peace officer or another. (2) It is no defense to a prosecution under this section that the peace officer was attempting to make an arrest which in fact was unlawful, if he was acting under color of his official authority, and in attempting to make the arrest he was not resorting to unreasonable or excessive force giving rise to the right of self defense. A peace officer acts "under color of his official authority" when, in the regular course of assigned duties, he is called upon to make, and does make, a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by him. (3) The term "peace officer" as used in this section and section 17.3 means a police officer in uniform, or if out of uniform, one who has identified himself by exhibiting his credentials as such peace officer to the person whose arrest is attempted. (4) Resisting arrest is in violation of this ordinance.

C.C.C.
40-8-201

17.4 AIDING PRISONER TO ESCAPE. (1) Any person who aids, abets, or assists another person to escape or attempt to escape from custody or confinement commits the offense of aiding escape. (2) "Escape" is deemed to be a continuing activity commencing with the conception of the design to escape and continuing until the escapee is returned to custody or the attempt to escape is thwarted or abandoned. (3) "Assist" includes any activity characterized as "rendering assistance" as defined in section 40-8-105 of the Colorado Criminal Code, said definition incorporated herein by reference. (4) Aiding escape shall be unlawful if the person aided was in custody or confinement.

17.5 DISTURBANCE OF THE PEACE. It shall be unlawful for any person to disturb or tend to disturb the peace and quiet of others by violent, tumultuous, offensive, or obstreperous conduct, or by loud or unusual noises, or by unseemly, profane, obscene, or offensive language.

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

C.C.C.
40-9-102

17.7-1 INCITING RIOT. (1) A person commits inciting riot and is in violation of this chapter if he: (a) Incites or urges a group of five or more persons to engage in a current or impending riot; or (b) Gives commands, instructions, or signals to a group of five or more persons in furtherance of a riot. (2) For the purpose of this section, the term "riot" shall be defined as stated in the Colorado Criminal Code under Section 40-9-101. (1) Said definitions being incorporated herein by reference.

C.C.C.
40-9-103

17.7-2 ARMING RIOTERS. (1) A person commits arming rioters if he: (a) Knowingly supplies a deadly weapon or destructive device for use in a riot; or (b) Teaches another to prepare or use a deadly weapon or destructive device with intent that any such thing be used in a riot. (2) Arming rioters shall be in violation of this chapter.

C.C.C.
40-9-104

17.7-3 ENGAGING IN A RIOT. (1) A person commits an offense if he engages in a riot. For the purposes of this section, the term "riot" shall be defined as stated in the Colorado Criminal Code under Section 40-9-101 (1), said definition being incorporated herein by reference.

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40-9-105

17.7-4 DISOBEDIENCE OF PUBLIC SAFETY ORDERS UNDER RIOT CONDITIONS. A person is in violation of this chapter if during a riot, or when one is impending, he intentionally disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A public safety order is an order designed to prevent or control disorder, or promote the safety of persons or property, issued by an authorized member of the police, force, military, or other forces concerned with the riot. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he is physically obstructing efforts by such forces to cope with the riot or impending riot. Inapplicability of such order is an affirmative defense. The definition of riot as used herein shall be the same as stated in Section 17.7-3.

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40-9-106

17.8 DISORDERLY CONDUCT. (1) A person commits disorderly conduct which is in violation of this chapter if he intentionally, knowingly, or recklessly: (a) Makes a coarse and obviously offensive utterance, gesture, or display in a public place; or (b) Abuses or threatens a person in a public place in an obviously offensive manner; or (c) Makes unreasonable noise in a public place, or near a private residence that he has no right to occupy; or (d) Fights with another in a public place; or (e) Not being a peace officer, discharges a firearm in a public place other than a shooting gallery or rifle range; or (f) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm. (2) It is an affirmative defense to prosecution under subsection (1)(b) that the actor had significant provocation for his abusive or threatening conduct.

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40-7-301

17.9 PUBLIC INDECENCY. (1) Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency, a violation of this chapter: (a) An act of sexual intercourse; or (b) An act of deviate sexual intercourse; or (c) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of any person; or (d) A lewd fondling or caress of the body of another person.

C.C.C.
40-9-112

17.10 PUBLIC INTOXICATION. (1) A person is in violation of this chapter and guilty of public intoxication if he appears in any public place manifestly under the influence of alcohol, narcotics, or other drugs, not administered pursuant to medical advice, to the degree that he may endanger himself or other persons or property.

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40-9-113

17.11 LOITERING. (1) The word "loiter" shall mean to be dilatory, to stand idly around, to linger, delay, or wander about, to remain, abide, or tarry in a public place. (2) A person is in violation of this chapter if he: (a) Loiters for the purpose of begging; or (b) Loiters for the purpose of unlawful gambling with cards, dice, or other gambling paraphernalia; or (c) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse; or (d) Loiters in or about a school building or grounds, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific, legitimate reason for being there, and not having written permission from a school administrator; or (e) Loiters with one or more persons for the purpose of unlawfully using or possessing a narcotic or dangerous drug. (3) Lawful acts in the course of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes, or otherwise, shall not be held to be in violation of this section.

17.12 SOLICITING SALES OF DRINKS. It shall be unlawful for any woman to be employed in or to frequent or loiter in any tavern or place where fermented malt beverages or intoxicating liquors are sold, for the purpose of soliciting men to purchase such drinks. It shall also be unlawful for the proprietor or operator of any such establishment to allow the presence of any such woman in his establishment for such purpose.

C.C.C.
40-7-201

17.13-1 PROSTITUTION. Any person who performs, offers, or agrees to perform any act of sexual intercourse, or any act of deviate sexual intercourse, with any person not his spouse in exchange for money or other thing of value commits prostitution. Prostitution is in violation of this chapter.

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40-7-202

17.13-2 SOLICITING FOR PROSTITUTION. (1) A person commits soliciting for prostitution if he: (a) Solicits another for the purpose of prostitution; or (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or (c) Directs another to a place knowing such direction is for the purpose of prostitution. (2) Soliciting for prostitution is in violation of this chapter.

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40-7-203

17.13-3 PANDERING. (1) Any person who does any of the following for money or other things of value commits pandering: (a) Inducing a female by menacing or criminal intimidation to commit prostitution; or (b) Knowingly arranging or offering to arrange a situation in which a female may practice prostitution. (2) Pandering under this paragraph is in violation of this ordinance.

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40-7-204

17.13-4 KEEPING A PLACE OF PROSTITUTION. (1) Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following, commits keeping a place of prostitution if he: (a) Knowingly grants or permits the use of such place for the purpose of prostitution; or (b) Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution. (2) Keeping a place of prostitution is in violation of this chapter.

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40-7-205

17.13-5 PATRONIZING A PROSTITUTE. (1) Any person who performs any of the following with a person not his spouse, commits patronizing a prostitute is in violation of this chapter: (a) Engages in an act of sexual intercourse or of deviate sexual conduct with a prostitute; or (b) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.

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17.13-6 PIMPING. Any person who knowingly lives on or is supported or maintained in whole or in part by money or other things of value earned, received, procured, or realized by any person through prostitution commits pimping, which is unlawful and in violation of this chapter.

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40-7-207

17.13-7 PROSTITUTE MAKING DISPLAY. Any person who by word, gesture, or action endeavors to further the practice of prostitution in any public place or within public view, commits a misdemeanor in violation of this ordinance.

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40-7-208

17.13-8 PROMOTING SEXUAL IMMORALITY. It shall be unlawful for: (1) Any person who, for pecuniary gain, furnishes or makes available to another person

any facility, knowing that the same is to be used for or in aid of sexual intercourse, or who shall advertise in any manner that he furnishes or is willing to furnish or make available any such facility for such purposes, commits promoting sexual immorality. (2) "Facility," as used in this section, means any place or thing which provides seclusion, privacy, opportunity, protection, comfort, or assistance to or for a person or persons engaging or intending to engage in sexual intercourse or deviate sexual intercourse.

17.14 OCCUPANCY OF HOTEL ROOMS. It shall be unlawful for any persons of opposite sex, except husband and wife or parent and minor child, to occupy jointly and privately any room or rooms in any dwelling unit, hotel, motel, or rooming house.

17.15-1 PORNOGRAPHY. Definitions: (1) "Obscene" means that which, considered as a whole, predominately appeals to prurient interest, i.e. a lustful or morbid interest in nudity, sex, sexual conduct, sexual excitement, excretion, sadism, masochism, or sado-masochistic abuse, and which goes substantially beyond customary limits of candor in describing, portraying, or dealing with such matters and is utterly without redeeming social value. (2) "Predominant appeal," "customary limits of candor," and "redeeming social value" of a thing shall be judged by reference to the average adult in the community as a whole, except that where the thing appears to be designed for, or is made available to, minors, they shall be judged with reference to the average minor in the age group for which the thing appears to be designed or to which it is made available. (3) "Material" means any physical object used as a means of presenting or communicating information, knowledge, sensation, image, or emotion to or throughout the visual, aural, tactile, or olfactory senses of a human being. (4) "Performance" means the presentation or showing to another person or for recording by any means, of: (a) Any material, including the information, knowledge, sensation, image, or emotion which that material presents or communicates; or (b) Any live physical presence or live physical activity, including vocal activity. (5) "Promote" means to produce, direct, perform in, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, or advertise, for pecuniary gain, or to offer or agree to do any of these things for pecuniary gain. (6) "Owner" includes any person who has a financial interest in an activity or thing entitling him to participate in the promotion, management, or proceeds of the activity or thing. It does not include a person whose connection with the activity entitles him only to reasonable salary or wages for services actually rendered. (7) "Minor" means a person who has not reached his eighteenth birthday. (8) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry concerning: (a) The character and content of any material which is reasonably susceptible of examination by the defendant; and (b) If the offense involves conduct with respect to a minor, the age of the minor, but the defendant does not act knowingly with respect to the age of a minor if he shows as an affirmative defense that he was honestly mistaken as to such age after making a reasonable and bona fide attempt to ascertain the true age of the minor. (9) "Harmful to minors" means obscenity which: (a) Predominately appeals to the prurient interest of minors; and (b) Goes substantially beyond customary limits of candor recognized in the adult community with respect to what is suitable for minors; and (c) Is utterly without redeeming social value for minors.

17.15-2 PROMOTING OBSCENITY. (1) A person commits promoting obscenity if he knowingly: (a) Promotes, or possesses with intent to promote, any obscene material; or (b) As owner, producer, director, manager, or performer, promotes any obscene performance or any portion of such a performance which contributes to the obscenity of the performance as a whole. (2) Promoting obscenity is in violation of this chapter.

17.15-3 PROMOTING OBSCENITY TO A MINOR. (1) A person commits promoting obscenity to a minor if he knowingly: (a) Promotes to a minor any material which, taken as a whole, is harmful to minors; or (b) As owner, producer, director, manager, or performer, promotes to a minor a performance which, taken as a whole, is harmful to minors, or admits a minor to premises where such a performance is exhibited or takes place; or (c) Permits a minor to participate in a performance which, taken as a whole, is harmful to minors. (2) Promoting obscenity to a minor is in violation of this chapter.

17.16 CLAIRVOYANCY AND FORTUNE TELLING. It shall be unlawful for any person to engage in or carry on the practice of clairvoyance, fortune telling, or any similar fraudulent device, scheme, or practice, for the purpose of gaining or obtaining money or property therefrom.

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40-10-107

17.17 GAMBLING PREMISES. (1) Whoever as owner, lessee, agent, employee, operator, or occupant knowingly maintains or aids or permits the maintaining of a gambling premise commits maintaining gambling premises which is unlawful. (2) All gambling premises are common nuisances and unlawful.

C.C.C.
40-10-101

17.18-1 GAMBLING. (1) It is declared to be the policy of the Board of Trustees, recognizing the close relationship between professional gambling and other organized crime, to restrain all persons from seeking profit from gambling activities within the town; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public, and do not breach the peace. (2) All the provisions of this article shall be liberally construed to achieve these ends, and administered and enforced with a view to carrying out the above declaration of policy. (3) "Gain" means the direct realization of winnings; "profit" means any other realized or unrealized benefit, direct or indirect, including without limitation benefits from proprietorship, management, or unequal advantage in a series of transactions. (4) "Gambling" means risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include: (a) Bona fide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; (b) Bona fide business transactions which are valid under the law of contracts; or (c) Other acts or transactions now or hereafter expressly authorized by law; (d) Any game, wager, or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in professional gambling. (5) "Professional" gambling means: (a) Aiding or inducing another to engage in gambling, with the intent to derive a profit therefrom; or (b) Participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one or more of the other participants. (6) "Gambling device" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. (7) "Gambling record" means any record, receipt, ticket, certificate, token, slip, or notation given, made, used, or intended to be used in connection with professional gambling. (8) "Gambling information" means a communication with respect to any wager made in the course of, and any information intended to be used for, professional gambling. In the application of this definition the following shall be presumed to be intended for use in professional gambling; information as to wagers, betting odds, or changes in betting odds. Legitimate news reporting of an event for public dissemination is not gambling information within the meaning of this article. (9) "Gambling premise" means any building, room, enclosure, vehicle, vessel, or other place, whether open or enclosed, used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found shall be presumed to be intended to be used for professional gambling. (10) "Gambling proceeds" means all money or other things of value at stake or displayed in or in connection with professional gambling.

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40-10-103

17.18-2 GAMBLING - PROFESSIONAL GAMBLING - OFFENSES. (1) A person who engages in gambling is in violation of this chapter. (2) A person who engages in professional gambling is in violation of this chapter.

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40-10-104

17.18-3 GAMBLING DEVICES - GAMBLING RECORDS - GAMBLING PROCEEDS. All gambling devices, gambling records, and gambling proceeds are subject to seizure by any peace officer, and may be confiscated and destroyed by order of a court acquiring jurisdiction. Gambling proceeds shall be forfeited to the state and shall be transmitted by court order to the general fund of the state.

17.18-4 POSSESSION OF A GAMBLING DEVICE OR RECORD. (1) A person who owns, manufactures, sells, transports, possesses, or engages in any transaction designed to affect the ownership, custody, or use of a gambling device or gambling record, knowing that it is to be used in professional gambling, commits possession of a gambling device or record. (2) Possession of a gambling device or record is unlawful is in violation of this chapter.

C.C.C.
40-10-106

17.18-5 GAMBLING INFORMATION. (1) Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore, or other means, or knowingly installs or maintains equipment for the transmission

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40-5-111

or receipt of gambling information is in violation of this chapter.

17.19 UNLAWFULLY USING SLUGS. (1) A person commits unlawfully using slugs and is in violation of this chapter if: (a) With intent to defraud the vendor of property or a service sold by means of a coin machine, he knowingly inserts, deposits, or uses a slug in such machine or causes such machine to be operated by any other unauthorized means; or (b) He makes, possesses, or disposes of a slug or slugs with intent to enable a person to use it or them fraudulently in a coin machine. (2) "Coin machine" means a coin box, turnstile, vending machine, or other mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination or token made for the purpose, and in return for the insertion or deposit thereof, to offer, to provide, to assist in providing or to permit the acquisition of some property or some public or private service. (3) "Slug" means any object or article which, by virtue of its size, shape, or any other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper but effective substitute for a genuine coin, bill, or token, and of thereby enabling a person to obtain without valid consideration the property or service sold through the machine.

17.20 FIREWORKS PROHIBITED. It shall be unlawful for any person to sell, offer or expose for sale, lend or give away, set fire to, discharge or explode within the town, any firecrackers, fireworks, blank cartridge, toy cannon, bomb, torpedo, or anything of like nature containing gun powder or any other combustible matter or explosive material. Provided, however, that the Board of Trustees may by motion grant permission for a public display of fireworks. (C.R.S. 1963, 53-5-6)

17.21 DAMAGING TOWN PROPERTY. It shall be unlawful for any person to wilfully, maliciously, wantonly, negligently, or in any other manner injure or destroy real property or improvements thereon, or movable or personal property, belonging to the town.

17.22 DAMAGING PRIVATE PROPERTY. It shall be unlawful for any person to wilfully, maliciously or wantonly injure or destroy any real or personal property belonging to any other person.

17.23 UNLAWFUL TO DISCARD OR ABANDON ICEBOXES OR MOTOR VEHICLES AND SIMILAR ITEMS. Any person, abandoning or discarding in any public or private place accessible to children, any chest, closet, piece of furniture, refrigerator, icebox, or motor vehicle, or other article having a compartment of a capacity of one and one-half cubic feet or more, and having a door or lid which when closed cannot be opened easily from the inside, or who being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition, commits a misdemeanor in violation of this chapter.

17.24 THROWING OF OBJECTS. It shall be unlawful for any person to throw any stone, snowball or any other object upon or at any vehicle, building, tree, or other public or private property, or upon or at any person in any public way or place, or on any enclosed or unenclosed ground.

17.25 SPITTING ON SIDEWALKS AND FLOORS. It shall be unlawful for any person within the town to spit upon the sidewalks, or upon the floors of the postoffice, or any other public building.

17.26 DISTRIBUTION OF HANDBILLS. No show bills, dodgers, or advertising matter of any kind shall be posted, fastened, or affixed to any building, post, pole, fence, tree, motor vehicle, or other device or be scattered about the town, but all such distributed matter shall be placed within the buildings.

17.27 AIDING AND ABETTING. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act violating the provisions of this chapter, whether individually or in connection with one or more other persons, or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or wilfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter is likewise guilty of such offense.

17.28 USE OF LOUDSPEAKERS PROHIBITED. It shall be unlawful for any person to use any radio, loudspeaker, musical instrument, or any noise-making group or device within the Town for the purpose of vending, advertising or soliciting the sale of any merchandise or tickets of admission to any show or event, or for the purpose of attracting attention to any signs or exhibits which are displayed in connection therewith.

17.29 LITTERING OF STREET PROHIBITED. It shall be unlawful for any person to deposit in or litter any street or sidewalk with ashes, sod, earth, grass clippings, sand or gravel, rubbish, waste paper, garbage, or any other junk, refuse or waste material.

17.30 OPEN DISPLAY OF FERMENTED MALT BEVERAGES AND ANY MALT, VINOUS OR SPIRITUOUS LIQUORS. It shall be unlawful to drink or openly display any fermented malt beverages and any malt, vinous or spirituous liquors in or upon any street, alley or other public way within the Town by personally carrying or by automobile or other conveyance. And it shall be unlawful to sell, serve, drink or openly display any fermented malt beverage and any malt, vinous or spirituous liquors in or upon any public building, public park of any other public place within the Town or upon the premises of any restaurant, lunch stand, store or other place of business within the Town, except at such places where the same may lawfully be sold or sold and served as provided by the laws of the State of Colorado.

17.31 CURFEW. A curfew is hereby authorized for any person 18 years or under from 12:00 midnight to 5:00 a.m. unless accompanied by an adult.

17.32 FALSE REPORTING TO AUTHORITIES. (1) a person commits false reporting to authorities, if: (a) He knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service, or any other government agency which deals with emergencies involving danger to life or property; or (b) He makes a report or intentionally causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern, when he knows that it did not occur; or (c) He makes a report or purposely causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he knows that he has no such information or knows that such information is false. (2) False reporting to authorities is a misdemeanor and in violation of this ordinance.

17.33 FAILURE TO OBEY SUMMONS OR NOTICE. It shall be unlawful for any person to violate his written promise to appear given to an officer upon arrest or issuance of a summons or notice for any violation of this ordinance.

Section 3. SEVERABILITY

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared to be severable.

Section 4. The Board of Trustees herewith finds, determines and designates that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, in that the adequate protection of the inhabitants of the community under current and valid law requires this Ordinance take effect at the earliest possible time, and whereas in the opinion of the Board of Trustees an emergency exists, therefore, this Ordinance shall take effect and be in force five (5) days after its final passage, adoption and publication.

The above ordinance was passed on the first reading and adopted by the Board of Trustees of the Town of Berthoud, Colorado at its special meeting held Tuesday, January 23, 1973.

Signed and approved this 23 day of January, 1973.

TOWN OF BERTHOUD

John S. Angeles
Mayor *Mo Lem*

ATTEST:

Carol G. Mayo
Town Clerk

CHAPTER 17
OFFENSES--GENERAL

- 17.1-1 FIREARMS & WEAPONS
- 17.1-2 POSSESSING AN ILLEGAL WEAPON.
- 17.1-3 POSSESSION OF A DEFACED FIREARM.
- 17.1-4 DEFACING A FIREARM.
- 17.1-5 UNLAWFULLY CARRYING A CONCEALED WEAPON.
- 17.2 PROHIBITED USE OF WEAPONS.
- 17.3 OBSTRUCTING A PEACE OFFICER OR FIREMAN.
- 17.3-1 RESISTING ARREST.
- 17.4 AIDING PRISONER TO ESCAPE.
- 17.5 DISTURBANCE OF THE PEACE.
- 17.6 DISTURBANCE OF RELIGIOUS WORSHIP.
- 17.7-1 INCITING RIOT.
- 17.7-2 ARMING RIOTERS.
- 17.7-3 ENGAGING IN A RIOT.
- 17.7-4 DISOBEDIENCE OF PUBLIC SAFETY ORDERS UNDER RIOT CONDITIONS.
- 17.8 DISORDERLY CONDUCT.
- 17.9 PUBLIC INDECENCY.
- 17.10 PUBLIC INTOXICATION.
- 17.11 LOITERING.
- 17.12 SOLICITING SALES OF DRINKS.
- 17.13-1 PROSTITUTION.
- 17.13-2 SOLICITING FOR PROSTITUTION.
- 17.13-3 PANDERING.
- 17.13-4 KEEPING A PLACE OF PROSTITUTION.
- 17.13-5 PATRONIZING A PROSTITUTE.
- 17.13-6 PIMPING.
- 17.13-7 PROSTITUTE MAKING DISPLAY.
- 17.13-8 PROMOTING SEXUAL IMMORALITY.
- 17.14 OCCUPANCY OF HOTEL ROOMS.
- 17.15-1 PORNOGRAPHY.
- 17.15-2 PROMOTING OBSCENITY.
- 17.15-3 PROMOTING OBSCENITY TO A MINOR.
- 17.16 CLAIRVAYANCY AND FORTUNE TELLING.
- 17.17 GAMBLING PREMISES.
- 17.18-1 GAMBLING.
- 17.18-2 GAMBLING - PROFESSIONAL GAMBLING - OFFENSES.
- 17.18-3 GAMBLING DEVICES - GAMBLING RECORDS - GAMBLING PROCEEDS.
- 17.18-4 POSSESSION OF A GAMBLING DEVICE OR RECORD.
- 17.18-5 GAMBLING INFORMATION.
- 17.19 UNLAWFULLY USING SLUGS.
- 17.20 FIREWORKS PROHIBITED.
- 17.21 DAMAGING TOWN PROPERTY.
- 17.22 DAMAGING PRIVATE PROPERTY.
- 17.23 UNLAWFUL TO DISCARD OR ABANDON ICEBOXES OR MOTOR VEHICLE AND SIMILAR ITEMS.
- 17.24 THROWING OF OBJECTS.
- 17.25 SPITTING ON SIDEWALKS AND FLOORS.
- 17.26 DISTRIBUTION OF HANDBILLS.
- 17.27 AIDING AND ABETTING.
- 17.28 USE OF LOUDSPEAKERS PROHIBITED.
- 17.29 LITTERING OF STREET PROHIBITED.
- 17.30 OPEN DISPLAY OF FERMENTED MALT BEVERAGES AND ANY MALT, VINOUS, OR SPIRITUOUS LIQUORS.
- 17.31 CURFEW.
- 17.32 FALSE REPORTING TO AUTHORITIES.
- 17.33 FAILURE TO OBEY SUMMONS OR NOTICE.