

CHAPTER 10

General Offenses

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ARTICLE I

Offenses By or Against Public Officers and Government

Sec. 10-1. Impersonating police or other officers.

No person shall impersonate a police officer or any other officer of the Town by wearing any star, badge or other emblem of office or in any other manner. (Ord. 4-1994 §1)

Sec. 10-2. Obstructing a police officer or fireman.

(a) No person shall willfully fail or refuse to comply with any lawful order, signal or direction of a police officer made or given in the discharge of the police officer's duties.

(b) No person shall, in any way, interfere with or hinder any police officer who is discharging or apparently discharging the duties of the position.

(c) It is unlawful to obstruct a police officer or fireman.

(d) A person commits obstructing a police officer or fireman when, by using or threatening to use violence, force or physical interference or obstacle, such person knowingly obstructs, impairs or hinders the enforcement of the law or the preservation of the peace by a police officer acting under color of his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of fire by a fireman, acting under color of his or her official authority.

(e) It is no defense to a prosecution under this Section that the police officer was acting in an illegal manner, if the police officer was acting under color of his or her official authority as defined in Section 10-3(c) below.

(f) This Section does not apply to obstruction, impairment or hindrance of the making of an arrest. (Ord. 4-1994 §1)

Sec. 10-3. Resisting and interfering with an officer prohibited.

(a) It shall be unlawful for any person in the Town to resist any police officer, member of the Police Department, special police officer or employee of the Town in the discharge of his or her duty, or in any way interfere with or hinder or prevent him or her from discharging his or her duty.

(b) It shall be unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, member of the Police Department, special police officer, private police officer or employee of the Town, to escape or to attempt to escape from such custody.

(c) It shall be no defense to a prosecution under this Section that the officer or employee was attempting to make an arrest which was unlawful if he or she was acting under color of his or her official authority, and in attempting to make the arrest he or she was not resorting to unreasonable or excessive force giving rise to a right of self-defense. An officer or employee acts under color of his or her official authority when, in the regular course of assigned duties, he or she 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 or her. (Prior code Ch. X §1-7)

Sec. 10-4. False reporting to authorities.

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

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

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

(3) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false. (Ord. 4-1994 §1)

Sec. 10-5. Duty to assist officers.

It shall be the duty of all persons when called upon by any police officer, member of the Police Department, special police officer or person duly empowered with police authority, to promptly aid and assist such officer, member or person in the discharge of his or her duties. (Prior code Ch. X 1-6)

Sec. 10-6. Obstructing government operations.

(a) It is unlawful to obstruct government operations.

(b) A person commits obstructing government operations if he or she intentionally obstructs, impairs or hinders the performance of a governmental function by a public official, employee or servant, by using or threatening to use violence, force or physical interference or obstacle.

(c) It is an affirmative defense that:

(1) The obstruction, impairment or hindrance was of unlawful action by a public servant;

(2) The obstruction, impairment or hindrance was of the making of an arrest; or

(3) The obstruction, impairment or hindrance was by lawful activities in connection with a labor dispute with the government. (Ord. 4-1994 §1)

Secs. 10-7—10-20. Reserved.

ARTICLE II

Offenses Relating to Streets and Public Places

Sec. 10-21. Unlawful conduct on public property.

(a) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct himself or herself in or on them in violation of any order, rule or regulation concerning any matter prescribed in this Section, limiting or prohibiting the use, activities or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of such public buildings and property, specifically, orders, rules and regulations upon the following matters:

(1) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings, grounds and other structures, and any object of scientific, historical or scenic interest;

(2) Restriction or limitation of the use of such public buildings or property as to time, manner or permitted activities;

(3) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance;

(4) Hunting, camping and picnicking, public meetings and assemblages and other individual or group usages, including the place, time and manner in which such activities may be permitted;

(5) Use of all vehicles as to place, time and manner of use; and

(6) Control and limitations of fires and designation of places where fires are permitted.

(b) No conviction may be obtained under this Section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the officer or agency, including any agent thereof, or by any law enforcement officer having jurisdiction or authority to enforce this Section.

(c) Any person who violates this Section is guilty of unlawful conduct on public property. (Ord. 4-1994 §1)

Sec. 10-22. Public buildings; trespass; interference.

(a) No person shall so conduct himself or herself at or in any public building owned, operated or controlled by the Town as to willfully deny to any public official, public employee or

invitee on such premises the lawful rights of such official, employee or invitee to enter, to use the facilities of or to leave any such public building.

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

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

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

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

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

(g) Any person who violates any of the provisions of this Section commits an unlawful act. (Ord. 4-1994 §1)

Sec. 10-23. Obstructing public streets, places and buildings prohibited.

(a) It is unlawful for any person, whether alone or with others, without legal privilege to do so, to obstruct vehicular or pedestrian movement on any street, alley, sidewalk, mall, way, place or doorway or entrance into or out of any building which is open to the public.

(b) For purposes of this Section, the following acts will constitute a violation of this Code:

(1) When one (1) person, whether alone or with others, intentionally causes or creates an obstruction; or

(2) When one (1) person, whether alone or with others, causes, creates or contributes to causing or creating an obstruction where a reasonable person in the same circumstances would be aware that he or she was causing, creating or contributing to causing or creating an obstruction. (Prior code Ch. X §1-8)

Sec. 10-24. Vehicles injurious to pavement.

It shall be unlawful for any person to damage or cause to be damaged the pavement or the support for the pavement of any parking lot, public road, sidewalk, trail, property or area of control of the Town. (Prior code Ch. X §1-10; Ord. 10-1997 §7)

Sec. 10-25. Injuring or destroying public property.

It shall be unlawful for any person to either willfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property, improvements thereto or moveable or personal property belonging to the Town. (Ord. 4-1994 §1)

Sec. 10-26. Injury or removal of street signs.

It shall be unlawful for any person without proper authorization to remove, deface, injure or destroy any street sign or sign erected or placed in or adjacent to any street indicating the name of such street. (Ord. 4-1994 §1)

Sec. 10-27. Streets, streams and water supply.

It shall be unlawful to throw, deposit or cause or permit to be thrown or deposited any offal composed of animal or vegetable substance or both, any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public grounds. No person shall throw or deposit or cause or permit to be thrown or deposited in the Town anything specified in any foregoing part of this Section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (Ord. 4-1994 §1)

Sec. 10-28. Littering of public property.

(a) It shall be unlawful to throw or deposit in any street, alley, sidewalk or public grounds in the Town any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw, hay, trash or any other thing on public streets or alleys, except in public receptacles and authorized private receptacles.

(b) It shall be unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town or upon private property.

(c) Any person convicted of a violation of this Section shall be fined not less than fifty dollars (\$50.00) nor greater than one thousand dollars (\$1,000.00) per violation, which shall be a strict liability offense for which the fine shall not be suspended. (Ord. 4-1994 §1)

Sec. 10-29. Seasonal trail closures.

It shall be unlawful for any person to use by any means the following trails during wildlife sensitive periods, as follows:

<i>Trail Name</i>	<i>Dates Closed</i>
Anaerobic Nightmare Trail	April 25 – June 20
Government Trail east of Elk Camp Work Road	May 15 – June 20
Rim Trail northeast of Sinclair Road	October 30 – June 20
Sequel Trail	April 25 – June 20
Tom Blake Trail	April 25 – June 20

The penalty for violation of the provisions of this Section shall be a fine of fifty dollars (\$50.00) for a first offense. Payment of the fine within ten (10) days of the date of the citation shall avoid the necessity of appearing in Municipal Court. Violation of the provisions of this Section for a second or greater offense shall be punishable as provided in Section 1-72. (Ord. 6-1999 §2; Ord. 2-2001 §1)

Secs. 10-30—10-40. Reserved.

ARTICLE III

Offenses Against Public Peace, Order and Safety

Sec. 10-41. Disorderly conduct prohibited.

It shall be unlawful for any person to commit disorderly conduct within the Town. A person commits disorderly conduct when he or she knowingly, intentionally or recklessly:

(1) Makes a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to invite an immediate breach of the peace;

(2) Abuses or threatens another in an obviously offensive manner as to tend to be an immediate breach of the peace;

(3) Disturbs or tends to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, or by loud or unusual noises;

(4) Threatens, quarrels, challenges to fight or fights with another;

(5) Interferes with the free and unobstructed use of any way or place which is public in nature by any other person or persons;

(6) Makes unreasonable noise in a public place or near a private residence that he or she has no right to occupy; or

(7) Not being a peace officer, discharges a firearm in a public place. (Prior code Ch. X §1-9; Ord. 4-1994 §1)

Sec. 10-42. Throwing of missiles.

It shall be unlawful for any person to throw or eject any stone, snowball or other missile at or upon any person, vehicle, animal, building or other public or private property in any manner which may cause physical harm or property damage. (Ord. 4-1994 §1)

Secs. 10-43—10-60. Reserved.

ARTICLE IV

Offenses Relating to Alcoholic Beverages

Sec. 10-61. Public consumption and possession of open containers.

It shall be unlawful for any person:

(1) To consume any fermented malt beverage, alcoholic beverage, special malt liquor, spirituous liquor or vinous liquor in any public place except on a licensed premises; or

(2) To possess any container containing any fermented malt beverage, alcoholic beverage, special malt liquor, spirituous liquor or vinous liquor which is not a closed container in any public place. (Ord. 15-1992 §2)

Sec. 10-62. Temporary suspension.

The Town Manager may temporarily suspend the application of this Article to public places at the discretion of the Town Manager to allow athletic, charitable, civic, cultural, entertainment, private and public events to occur at a specific time and location. When a temporary suspension has been granted by the Town Manager, a certificate of the exemption shall be posted at the event and a copy shall be delivered prior to the commencement of the event to the Chief of Police. (Ord. 15-1992 §2)

Sec. 10-63. Penalties.

(a) Upon the conviction of a first violation of any of the provisions of this Article, the violator shall be fined a minimum of twenty-five dollars (\$25.00), which may not be suspended.

(b) Upon the conviction of a second or succeeding violation of any of the provisions of this Article, the violator shall be fined a minimum of twenty-five dollars (\$25.00), which may not be suspended, and shall be punished by imprisonment for a period of not more than one (1) year, at the discretion of the court, or both. (Ord. 15-1992 §2)

Secs. 10-64—10-80. Reserved.

ARTICLE V

Smoking Regulations

Sec. 10-81. Declaration of policy.

Smoking and environmental tobacco smoke have been established to be Group A carcinogens that cause cancer in humans. It is the express policy of the Town Council that abstention from smoking occur in enclosed public places and in the enclosed work place. As a public policy objective, the Town Council desires that smoking not occur in enclosed public places and that the public effectuate this policy to the greatest extent practicable. (Ord. 6-1989 §1; Ord. 4-1998 §1; Ord. 8-2001 §1; Ord. 30-2001 §1)

Sec. 10-82. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Public place means any area where the public is invited or permitted or an area that serves as a place of work.

Smoking means the combustion of any cigar, cigarette, pipe or similar article, using any form of tobacco or other combustible substance in any form, other than for theatrical performances by an employee of the establishment. (Ord. 6-1989 §1; Ord. 4-1998 §1; Ord. 8-2001 §1; Ord. 30-2001 §1)

Sec. 10-83. Smoking prohibited.

Smoking is prohibited in all enclosed public places. (Ord. 6-1989 §1; Ord. 8-2001 §1; Ord. 30-2001 §1)

Sec. 10-84. Signs.

All enclosed public places shall be posted with signs that clearly and conspicuously recite the phrase "No Smoking" or use the international no-smoking symbol. The signs shall be of sufficient number and placed in prominent locations to convey the message that smoking is prohibited to the public clearly and legibly. Those enclosed public places that are used solely as places of work are exempt from the requirements of this Section. (Ord. 6-1989 §1; Ord. 8-2001 §1; Ord. 30-2001 §1)

Sec. 10-85. Violation and penalty.

The following acts constitute violations of this Article:

- (1) Smoking in an enclosed public place;
- (2) Failing to post signs as required by this Article;
- (3) Willfully destructing or defacing signs required to be posted by this Article. (Ord. 6-1989 §1; Ord. 8-2001 §1; Ord. 30-2001 §1)

Secs. 10-86—10-100. Reserved.

ARTICLE VI

Noise

Sec. 10-101. Noise, unreasonable.

No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, members of the Police Department are empowered to make a prima facie determination as to whether a noise is unreasonable. (Ord. 4-1994 §1)

Secs. 10-102—10-120. Reserved.

ARTICLE VII

Offenses Relating to Ski Areas and Recreational Facilities

Sec. 10-121. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Event facility means any facility for which the operator requires a user or entry fee, including without limitation, any conference center facility or room, or any festival site or hall or any other structure or site not open to the public.

Open to the public means a premises which by its physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe no permission to enter or remain is required.

Passenger tramway means a device used to transport passengers uphill on skis or otherwise, or in cars on tracks, or suspended in the air by the use of steel cables, chains or belts, or by ropes, and usually supported by trestles or towers with one (1) or more spans. *Passenger tramway* includes but is not limited to additional devices as defined in Section 25-5-702 (4), C.R.S.

Recreational facility means any recreational property for which the operator requires a user or entry fee, including without limitation, any golf course, tennis court, swimming pool or athletic club.

Skiing facility means any related property within the ski area for which the operator requires a user or entry fee, including without limitation, any half-pipe, terrain park, inner tube park or race course.

Skiing service means any service in connection with any ski area for which the operator requires a user fee, including without limitation, any service or instruction offered or provided by any ski instructor or ski school. (Ord. 19-2001, §1)

Sec. 10-122. Skiing in a closed area prohibited.

No skier shall ski on a ski slope or trail that has been posted as "Closed" pursuant to Section 33-44-107, C.R.S. (Ord. 19-2001, §1)

Sec. 10-123. Deceptive use of a facility.

It is unlawful for any person to knowingly obtain or attempt to obtain the use, benefit or enjoyment of any skiing facility, skiing service, passenger tramway, recreational facility or event facility by any false pretense, trick or deceptive means. (Ord. 19-2001, §1)

Sec. 10-124. Using a false ticket.

It is unlawful for any person to knowingly possess, offer, use, present, sell or give away, any false, simulated, spurious, sham, altered, forged, counterfeit, defaced, nontransferable or mutilated ticket, token, pass, badge, pin or other device which then entitles the bearer to the use, benefit or enjoyment of any skiing facility, skiing service, recreational facility or event facility. (Ord. 19-2001, §1)

Sec. 10-125. Making a false ticket.

It is unlawful for any person to knowingly falsify, alter, forge, counterfeit, deface or mutilate any ticket, token, pass, badge, pin or other device which then entitles the bearer to the use, benefit or enjoyment of any skiing facility, skiing service, recreational facility or event facility, or to make or manufacture any simulated, bogus, spurious or sham ticket, token, pass, badge, pin or other device purporting to entitle the bearer to the use, benefit or enjoyment of any skiing facility, skiing service, recreational facility or event facility. (Ord. 19-2001, §1)

Sec. 10-126. Unlawful resale of a lift ticket or coupon.

It is unlawful for any person to, with the intent to profit therefrom, resell or offer to resell any ticket, token, pass, badge, pin, coupon or other device which then entitles the bearer to the use, benefit or enjoyment of any skiing facility or skiing service. (Ord. 19-2001, §1)

Sec. 10-127. Penalty assessment.

The following penalty assessments are declared to be mandatory and minimum:

<i>Offense</i>	<i>Penalty</i>
<i>Skiing in a closed area prohibited (Sec. 10-122)</i>	
First offense	\$150.00
Second offense	Summons
<i>Deceptive use of a facility (Sec. 10-123)</i>	
First offense	\$150.00
Second offense	Summons
<i>Using a false ticket (Sec. 10-124)</i>	
First offense	\$150.00
Second offense	Summons
<i>Making a false ticket (Sec. 10-125)</i>	
First offense	Summons
<i>Theft by resale of a lift ticket or coupon (Sec. 10-126)</i>	
First offense	Summons

(Ord. 19-2001, §1)

Secs. 10-128—10-140. Reserved.

