

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2024-690**

AN ORDINANCE (A) AMENDING SECTION 1-4-20 OF THE TOWN OF LOCHBUIE MUNICIPAL CODE TO INCREASE THE PENALTY FOR NON-CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE TO A \$1000 FINE MAXIMUM FROM A \$500 FINE MAXIMUM, (B) REPEALING AND READOPTING CHAPTER 10 CONCERNING GENERAL OFFENSES, (C) MOVING CERTAIN SECTIONS CURRENTLY WITHIN CHAPTER 10 TO OTHER CHAPTERS OF THE MUNICIPAL CODE, AND (D) REVISING PARK REGULATIONS

WHEREAS, the Town of Lochbuie ("Town") is a Colorado statutory town that, pursuant to Section 31-15-401, C.R.S., has general police powers and the authority to make regulations necessary for promotion of public health and safety; and

WHEREAS, Section 1-4-20 of the Lochbuie Municipal Code sets the maximum fine at \$500 for non-criminal violations of the Municipal Code although certain provisions within the Code set the maximum fine at \$1000, necessitating the need to revise Section 1-4-20; and

WHEREAS, Chapter 10 of the Lochbuie Municipal Code contains the general municipal offenses and procedures that govern the prosecution of municipal ordinance offenses and penalties therefor in the Town's Municipal Court; and

WHEREAS, recent state law changes required a review and revisions of Chapter 10 as set forth herein; and

WHEREAS, certain provisions currently contained within Chapter 10 of the Lochbuie Municipal Code are more appropriately codified at other locations within such Code and this ordinance will result in renumbering and placement.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO:

Section 1. Amend Subsections (a) and (b) of Section 1-4-20. Subsections (a) and (b) of Section 1-4-20 of the Lochbuie Municipal Code, entitled "General penalty for violation," shall be amended to read as follows in their entirety:

- (a) Any person convicted of a noncriminal violation, as designated in Section 10-1-50 of this Code, may be fined by an amount not to exceed one thousand dollars (\$1000.00).
- (b) Any person convicted of a criminal violation, as designated in Subsection 10-1-50 of this Code, may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed two thousand six hundred fifty dollars (\$2,650.00), as shall be adjusted for inflation on January 1, 2014, and on January 1 of each year thereafter based on the annual

percentage change in the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index, or both.

Section 2. Repeal and Readoption of Chapter 10 of the Municipal Code. Chapter 10 of the Lochbuie Municipal Code is hereby repealed and readopted to read as follows in its entirety.

ARTICLE I General Provisions

Sec. 10-1-10. Legislative intent and purpose.

It is the purpose of this Chapter to provide for the public health, safety and welfare of the Town. It is the intention of the Board of Trustees that the ordinances and provisions of this Chapter deal with matters of "local" and "mixed" state and local concern and that no provision of this Chapter is to be construed expressly or by implication to permit conduct that is illegal under state law or to prohibit conduct that is expressly permitted by state law. The provisions of this Chapter are to be construed to apply to misdemeanors and other minor and petty offenses only and are not to be interpreted to apply to conduct that is defined as a felony under state law.

Sec. 10-1-20. Irreconcilable ordinances.

If the Board of Trustees enacts an ordinance that is irreconcilable with another provision of this Chapter, the ordinance whose effective date is latest prevails.

Sec. 10-1-30. Application of Code.

- (a) A person is subject to prosecution in Municipal Court for a violation committed through the conduct of such person or through the conduct of another for whom such person is legally accountable, if:
 - (1) The conduct constitutes a violation and is committed either wholly or partly within the Town;
 - (2) The conduct outside the Town constitutes an attempt, as defined by this Chapter, to commit a violation within the Town;
 - (3) The conduct outside the Town constitutes a conspiracy to commit a violation within the Town, and an act in furtherance of the conspiracy occurs in the Town; or
 - (4) The conduct within the Town constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction a violation prohibited under the laws of the Town and such other jurisdiction.
- (b) Whether a violator is in or outside the Town is immaterial to the commission of a violation based on an omission to perform a duty imposed by the law of the Town.

- (c) Town, as used in this Chapter and in any summons, summons and complaint or complaint alleging a violation of the Code or any ordinance, includes both the area within the territorial limits of the Town of Lochbuie, Colorado, and also those areas over which extraterritorial police power has been granted by the statutes of this State. It is the intent of the Board of Trustees to extend the territorial jurisdiction of the Municipal Court as widely as possible. However, where specific sections of this Chapter require that the violation occur within the Town, then the offense is limited to the territorial limits of the Town.

Sec. 10-1-40. Violations and Penalty.

- (a) Violations of this Code, unless otherwise specifically provided for in this Code, are subject to the penalty provisions of Chapter 1, Article IV.
- (b) Unless otherwise specifically provided in this Code, an ordinance of the Town or a rule promulgated thereunder, every day of a violation of this Code, ordinance or rule constitutes a separate violation.

Sec. 10-1-50. Classification of violations and available penalties.

- (a) Violations of this Code shall be classified as criminal violations or non-criminal (civil) violations. Any provision of this Code or any ordinance of the Town not specifically designated as criminal or non-criminal (civil) in nature shall be presumed to be non-criminal (civil), provided there is no counterpart state statute for which, upon conviction, a jail sentence is possible.
- (b) The following sections of this Code are designated criminal violations:

10-2-10	Criminal attempt (may be either non-criminal or criminal)
10-2-20	Conspiracy (may be either non-criminal or criminal)
10-2-40	Accessory to crime
10-3-10	Menacing
10-3-20	Reckless endangerment
10-3-20	False imprisonment
10-3-40	Assault
10-4-10	Theft
10-4-20	Obtaining control over thing of value
10-4-30	Criminal mischief
10-4-40	Trespassing
10-4-50	Tampering
10-4-60	Damaging public property
10-4-100	Defacing property / graffiti
10-4-110	Tampering with a utility meter
10-5-30	Unlawful possession and consumption of marijuana by an adult
10-5-40	Marijuana cultivation and use
10-5-50	Substances releasing toxic vapors
10-6-20	Unlawful acts related to alcohol beverages

10-7-10 Resisting arrest
 10-7-20 Obstructing a peace officer or firefighter
 10-7-30 False Reporting to Authorities
 10-8-10 Disorderly Conduct
 10-8-20 Disrupting lawful assembly
 10-8-30 Harassment
 10-8-40 Loitering on or around school property
 10-8-50 Unlawful interference with educational institution
 10-8-60 Desecration of venerated objects
 10-8-70 Hindering transportation
 10-8-110 Indecent exposure
 10-9-10 Discharge of firearms
 10-10-10 Unlawful exploding of fireworks
 10-11-50 (except (a)(2) and (3)) Sale of alcohol to persons under age twenty-one
 10-11-60 (except (a)(2) and (3)) Sale of marijuana to persons under age twenty-one

(c) The following sections of the Code are designated non-criminal (civil) violations punishable by civil penalties of not more than one thousand dollars (\$1000.00) to be determined and assessed at the discretion of the Municipal Judge and no jail sentence shall be available as a possible penalty for such a violation:

10-2-10 Criminal attempt (may be either non-criminal or criminal)
 10-2-20 Conspiracy (may be either non-criminal or criminal)
 10-4-70 Defacing posted notice
 10-4-80 Littering of public and private property
 10-4-90 Use of a noxious substance
 10-5-20 Possession of drug paraphernalia
 10-6-30 Adult possession and consumption of alcoholic beverages in public prohibited
 10-8-40 Loitering
 10-8-80 Throwing missiles
 10-8-90 Unreasonable noises prohibited
 10-8-100 Public urination
 10-11-10 Curfew for minors
 10-11-20 Furnishing cigarettes, electronic smoking devices or tobacco products to persons under the age of twenty-one
 10-11-30 Purchasing or attempting to purchase cigarettes, other smoking devices or tobacco products by persons under the age of twenty-one
 10-11-40 Possession or use of cigarettes, electronic smoking devices or tobacco products by persons under the age of twenty-one
 10-11-50 ((a)(2) and (3)) Possession or consumption of alcohol by persons under age twenty-one
 10-11-60 ((a)(2) and (3)) Possession or consumption of marijuana by persons under age twenty-one
 10-12-10 Motorbikes
 10-12-20 Unlawful activities in Town parks; penalties

Sec. 10-1-60. Statute of limitations.

No person shall be prosecuted, tried or punished for any violation under this Code or any ordinance unless the action for said violation is instituted within one (1) year of the date of the alleged violation, but the statute of limitations within which a prosecution must be instituted shall be tolled for any period in which a prosecution is pending against the accused for the same conduct, even if the summons, complaint or summons and complaint that commences the prosecution is quashed or the proceedings thereon are set aside or reversed on appeal.

Sec. 10-1-70. Court costs and surcharges.

Court costs in an amount to be set by the Board of Trustees by resolution and any legally authorized or required surcharges shall be assessed by the presiding Municipal Judge against any defendant in the Municipal Court.

Sec. 10-1-80. Alternatives in sentencing.

When a defendant enters a plea of guilty or nolo contendere or is convicted, the Municipal Court has the following alternatives which are not mutually exclusive, in entering judgment and imposing sentence:

(1) The defendant may be sentenced to pay a fine, to imprisonment or both, within the minimum and maximum sentence authorized pursuant to this Code.

(2) All or part of the sentence may be suspended and the defendant placed on probation for a term not longer than one (1) year.

(3) The Court, with the consent of the defendant and the prosecution, may defer judgment and sentence for a term not longer than one (1) year.

(4) The Court may order that the defendant make restitution to the victim of his or her conduct for the actual damage or loss that was sustained. The Court shall fix the manner and time for performance.

ARTICLE II Inchoate Offenses

Sec. 10-2-10. Criminal attempt.

(a) A person commits criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he or she engages in conduct constituting a substantial step toward the commission of the offense. A substantial step is any conduct, whether act, omission or possession, which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be, nor is it a defense that the crime attempted was actually perpetrated by the accused.

- (b) A person who engages in conduct intending to aid another to commit an offense commits criminal attempt if the conduct would establish his or her complicity under Section 18-1-603, C.R.S., were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.
- (c) It is an affirmative defense to a charge under this Section that the defendant abandoned his or her effort to commit the crime or otherwise prevented its commission, under circumstances manifesting the complete and voluntary renunciation of this criminal intent.
- (d) Criminal attempt to commit an offense classified as criminal is a criminal offense.
- (e) Criminal attempt to commit a civil infraction is a civil infraction.

Sec. 10-2-20. Conspiracy.

- (a) A person commits conspiracy to commit a crime if, with the intent to promote or facilitate its commission, he or she agreed with another person or persons that they, or one (1) or more of them, will engage in conduct which constitutes a crime or an attempt to commit a crime, or he or she agreed to aid the other person or persons in the planning or commission of a crime or of an attempt to commit such crime.
- (b) No person may be convicted of conspiracy to commit a crime, unless an overt act in pursuance of that conspiracy is proved to have been done by him or her or by a person with whom he or she conspired.
- (c) If a person knows that one with whom he or she conspires to commit a crime has conspired with another person or persons to commit the same crime, he or she is guilty of conspiring to commit a crime with the other person or persons, whether or not he or she knows their identity.
- (d) If a person conspires to commit a number of crimes, he or she is guilty of only one (1) conspiracy so long as such multiple crimes are part of a single criminal episode.
- (e) Conspiracy to commit an offense classified as criminal is a criminal offense.
- (f) Conspiracy to commit a civil infraction is a civil infraction.

Sec. 10-2-30. Complicity.

A person is legally accountable as principal for the behavior of another constituting a criminal offense if, with the intent to promote or facilitate the commission of the offense, he or she aids, abets or advises the other person in planning or committing the offense.

Sec. 10-2-40. Accessory to crime.

- (a) A person is an accessory to crime if, with intent to hinder, delay or prevent the discovery, detection, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he or she renders assistance to such person.
- (b) Render assistance means to:
 - (1) Harbor or conceal the other;
 - (2) Harbor or conceal the victim or a witness to the crime; or
 - (3) Warn such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law;
 - (4) Provide such person with money, transportation, weapon, disguise or other thing to be used in avoiding discovery or apprehension;
 - (5) By force, intimidation or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution or punishment of such person; or
 - (6) Conceal, destroy or alter any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction or punishment of such person.

ARTICLE III Offenses Against the Person

Sec. 10-3-10. Menacing.

A person commits the crime of menacing if, by any threat or physical action, he or she knowingly places or attempts to place another person in fear of imminent serious bodily injury.

Sec. 10-3-20. Reckless endangerment.

A person commits the crime of reckless endangerment if a person recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment.

Sec. 10-3-30. False imprisonment.

Any person commits the crime of false imprisonment if a person knowingly confines or detains another without the other's consent and without proper legal authority commits false imprisonment. This Section shall not apply to a peace officer acting in good faith within the scope of his or her duties.

Sec. 10-3-40. Assault.

The person commits the crime of assault if a person intentionally, knowingly or recklessly causes bodily injury to another person. This provision shall not apply if such bodily injury is inflicted by means of a deadly weapon.

ARTICLE IV Offenses Against Property

Sec. 10-4-10. Theft.

- (a) A person commits the crime of theft when he or she knowingly obtains, retains, or exercises control over anything of value of another, worth less than \$2000.00, without authorization or by threat or deception; 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;
 - (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;
 - (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 or benefit;
 - (4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person;
 - (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; or
 - (6) Intentionally misrepresents or withholds a material fact for determining eligibility for a public benefit and does so for the purpose of obtaining or retaining public benefits for which the person is not eligible.
- (b) For purposes of this Section, a thing of value is that of "another" if anyone other than the defendant has a possessory or proprietary interest therein. In all cases where theft occurs, evidence of the value of the thing involved may be established through the sale price of other similar property and may include but shall not be limited to testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.
- (c) If any person willfully conceals unpurchased goods, wares or merchandise merchandise owned and held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on his or her own person or otherwise and whether on or off the premises of the store or mercantile establishment, and makes no

effort to pay for such goods, such actions are prima facie evidence that the person intended to commit the crime of theft

- (d) For the purposes of this Section, any reference or mention of stealing, false pretenses or shoplifting shall be interpreted as if the word "theft" were substituted therefor.

Sec. 10-4-20. Obtaining control over any stolen thing of value.

Every person who obtains control over any stolen thing of value, knowing the thing of value to have been stolen by another, may be tried, convicted and punished, whether or not the principal is charged, tried or convicted.

Sec. 10-4-30. Criminal mischief.

A person commits the crime of criminal mischief if he or she knowingly or intentionally injures, defaces, damages or destroys the real or personal property of another person, whether public or private, in the Town of Lochbuie. It is further provided that this section shall not apply where the aggregate damage in any one (1) criminal episode to such real or personal property is two thousand dollars (\$2,000.00) or more.

Sec. 10-4-40. Trespassing.

- (a) A person commits a trespass when he unlawfully enters or remains in or upon premises of another person. It is unlawful for any person:
- (1) To trespass intentionally on the premises of another person, and intentionally and without regard for the rights of the owner or lawful occupant to use, be in or upon, or occupy such premises without authority to do so from the owner or lawful occupant thereof.
 - (2) To trespass intentionally on the premises of another person, when a sign or other device forbidding entry has been posted upon such premises, and intentionally and without regard for the rights of the owner or lawful occupant to use, be in or upon, occupy or cross such premises without authority to do so from the owner or lawful occupant thereof.
 - (3) To trespass and commit depredations upon the premises or property of another person.
 - (4) To trespass on the premises of another person and by negligence be responsible for any fire which results in damage to any building, structure or personal property.
 - (5) To trespass and cut, break, destroy, mar or deface, or remove any tree, plant, gate, door, window, wall, fence or personal property on the premises of another person without authority to do so from the owner or lawful occupant thereof.

- (6) Being lawfully upon the premises of another person, intentionally or willfully and without regard for the rights of the owner or lawful occupant to remain upon or refuse to leave such premises within a reasonable time after notice to quit the same.
- (b) A person commits a trespass when he unlawfully enters or remains in or upon a motor vehicle, trailer or mobile home of another person. It is unlawful for any person;
 - (1) To intentionally enter, use or occupy a motor vehicle, trailer or mobile home without authority to do so from the owner or lawful occupant thereof.
 - (2) To trespass upon the motor vehicle, trailer or mobile home of another person and by negligence be responsible for any fire which results in damage to such motor vehicle, trailer or mobile home.
 - (3) To trespass and cut, break, destroy, mar or deface, or remove any door, window, or other part or accessory of any motor vehicle, trailer or mobile home without authority to do so from the owner or lawful occupant thereof.
 - (c) The provisions of this section shall not apply to police officers, firemen, building inspectors, Town employees or other federal, state or local governmental employees in the lawful performance of their duties. The provisions of Section 10-4-40(a)(2) shall not apply to persons making deliveries of newspapers, periodicals, publications, mail or merchandise, to persons employed to read water, gas or electricity meters, to persons collecting trash or garbage, or to salesmen, solicitors, peddlers, or canvassers lawfully engaged in such business within the Town. No conviction shall be had for violation of Section 10-4-40(a)(1) for trespass to an uninhabited or unoccupied building unless the building is locked or a sign or other device forbidding entry has been posted upon such building or unless such building is contained within a fence; and no conviction shall be had under Section 10-4-40(a)(1) for trespass to any unimproved real property unless such property is posted by signs forbidding entry, at intervals of not less than one hundred yards along the exterior boundaries of the property with at least one such sign facing each street or parcel of land adjoining the posted property.
 - (d) A sign forbidding entry, for the purposes of this section, shall be sufficient when the same is legible, contains the words "**no trespassing**" or other express statement forbidding entry, and is posted in a place where it is plainly visible; provided that any such sign posted on the property of a municipal or quasi-municipal corporation shall contain the name or official symbol of such municipal or quasi-municipal corporation.

Sec. 10-4-50. Tampering.

A person commits the crime of criminal tampering if he or she tampers with property of another with intent to cause injury, inconvenience or annoyance to that person or to another, or if he or she knowingly makes unauthorized connection with property of a utility.

Sec. 10-4-60. Damaging public property.

No person shall damage, move, remove, destroy or injure in any manner whatsoever or cause to be damaged, moved, removed, destroyed or injured any grass, tree, shrub, plant, flower, railing, bridge, culvert, sign, building or any other property whatsoever belonging to the Town or under the possession and control of the Town.

Sec. 10-4-70. Defacing posted notice.

No person shall knowingly mar, destroys or remove any posted notice authorized by law.

Sec. 10-4-80. Littering of public and private property.

- (a) It shall be unlawful for any person to deposit, throw or leave any litter on any public or private property within the Town.
- (b) The term *litter*, as used in this Section, means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.
- (c) It shall be an affirmative defense that:
 - (1) Such property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property;
 - (2) The litter is placed in a receptacle or container installed on such property for that purpose; or
 - (3) Such person is the owner or tenant in lawful possession of such property, or he or she has first obtained written consent of the owner or tenant in lawful possession, or the act is done under the personal direction of said owner or tenant.
- (d) The phrase *public or private property* as used in this Section includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores or beaches thereof, any park, playground or building, any refuge, conservation or recreation area, and any residential, farm or ranch properties or timberlands.
- (e) It is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this Section, to suspend any or all of the fine in excess of the mandatory minimum fine upon the condition that the convicted person gather and remove from specified public property or lawful possession thereof, any litter found thereon, or upon

the condition that the convicted person pick up litter at the time prescribed by and a place within the jurisdiction of the court for not less than eight (8) hours upon a second or subsequent conviction.

- (f) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this Section, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped or dumped therefrom.

Sec. 10-4-90. Use of a noxious substance.

- (a) Any person who deposits on the land or in the building or vehicle of another, without his or her consent, any stink bomb or device, irritant or offensive-smelling substance, with the intent to interfere with another's use or enjoyment of the land, building or vehicle, commits a misdemeanor.
- (b) It shall be an affirmative defense that a peace officer in the performance of his or her duties reasonably used a noxious substance.

Sec. 10-4-100. Defacing property / graffiti.

It is unlawful for any person to deface or cause, aid in or permit the defacing of public or private property without the consent of the owner by any method of defacement, including but not limited to painting, drawing, writing or otherwise marring the surface of the property by use of paint, spray paint, ink or any other substance or object. In addition to any other penalty lawfully imposed, any person convicted of violating this Section may be ordered by the court to personally make repairs to any property damaged, or properties similarly damaged.

Sec. 10-4-110. Tampering with a utility meter.

- (a) It is unlawful for any person to connect any pipe, tube, stopcock, wire, cord, socket, motor or other instrument or contrivance with any main, service pipe or other medium conducting or supplying gas, water or electricity to any building without the knowledge and consent of the person supplying such gas, water or electricity..
- (b) It is unlawful for any person to, in any manner, alter, obstruct or interfere with the action of any meter provided for measuring or registering the quantity of gas, water or electricity passing through said meter without the knowledge and consent of the person owning said meter.
- (c) Nothing in this Section shall be construed to apply to any authorized Town or utility provider staff or contractor or any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

ARTICLE V Offenses Relating to Drugs

Sec. 10-5-10. Definitions.

As used in this Article, the following words shall have the meanings ascribed hereafter:

Controlled substance means a drug or an immediate precursor which is declared to be a controlled substance under Section 18-18-101, et seq., C.R.S., and also includes marijuana, marijuana concentrate and cocaine.

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the laws of the State. Drug paraphernalia includes, but is not limited to:

a. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances under circumstances in violations of state law;

b. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

c. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

d. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

e. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

f. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances; or

g. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
2. Water pipes;
3. Carburetion tubes and devices;
4. Smoking and carburetion masks;
5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
6. Miniature cocaine spoons and cocaine vials;
7. Chamber pipes;
8. Carburetor pipes;
9. Electric pipes;

10. Air-driven pipes;
11. Chillums;
12. Bongs; or
13. Ice pipes or chillers.

Marijuana means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Public place means any place commonly or usually open to the general public or any resort accessible to members of the general public. By way of illustration, public places include but are not limited to, public ways, streets, public buildings, sidewalks, alleys parking lots, shopping centers, theaters, restaurants, malls, places of business open to the public, automobiles or other vehicles in or upon such place or places, common public living areas in apartment or condominium complexes, but shall not include the interior or enclosed yard area of private homes, residences, condominiums or apartments.

Sec. 10-5-20. Possession of drug paraphernalia.

- (a) A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of state or Town law.
- (b) Any person who commits possession of drug paraphernalia, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.
- (c) The provisions of this Section shall not apply to personal possession or use of "Marijuana Accessories" as such term is defined in Article XVIII, Section 16, of the Colorado Constitution by any person that is twenty-one (21) years of age or older to the extent provided by Article XVIII, Section 16, of the Colorado Constitution.

Sec. 10-5-30. Unlawful possession and consumption of marijuana by adult.

- (a) It is unlawful for any person to possess more than two (2) and less than six (6) ounces or less of marijuana as defined in 10-5-10.
- (b) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.
- (c) The provisions of this Section shall not apply to the personal use of marijuana by any person that is twenty-one (21) years of age or older to the extent provided by Article XVIII, Section 16(3), of the Colorado Constitution.

- (1) The personal use of marijuana pursuant to Article XVIII, Section 16(3) of the Colorado Constitution shall not include openly or publicly consuming or growing marijuana or consuming marijuana in a manner that endangers others.
 - (2) For purposes of this section, the term "openly and publicly" means (a) in a manner observable by the public or a substantial number of the public; (b) in an area to which the public has access without restriction, including, but not limited to, streets, public ways, highways, sidewalks, alleys, bicycle paths, trails, public buildings, parks, open spaces, parking lots, shopping centers, places of business usually open to the general public, playgrounds, transportation facilities, places of amusement, and the common areas of buildings and other facilities, but shall not include any activity occurring on private residential property by the occupant or their guests.
- (d) As such terms are defined in (c)(2) of this Section it is unlawful for any person to openly and publicly display, consume or use marijuana in any public place, upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town.

Sec. 10-5-40. Marijuana cultivation and use.

- (a) Definitions. The following words, terms and phrases, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:
- (1) *Marijuana* shall mean all parts of the plant *cannabis sativa* L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate whether grown for personal use. It does not include industrial hemp, fiber produced from the stalks, oil or cake made from the seeds of the plant, or sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product, if these items exist apart from any other item defined as marijuana. For the purposes of this Section, marijuana shall include medical marijuana.
 - (2) *Primary residence* shall mean the addressed inhabitable structure that a person, by custom and practice, makes his or her principle domicile and to which the person intends to return, following any temporary absence, such as vacation. Such residence is evidenced by actual daily physical presence, use, and occupancy of the structure and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking of meals, regular mail deliver, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one (1) primary residence.
- (b) Applicability. This Section shall apply to all property within the Town. To the extent that the Town is required to allow the cultivation of marijuana for personal or medicinal use under state law, the rules set forth herein shall apply. Nothing in this Section shall be

interpreted to permit retail marijuana stores or medical marijuana establishments of any kind otherwise prohibited by Chapter 19 or any other Chapter. If the Colorado Medical Marijuana Code, Article XVIII, § 14 of the Colorado Constitution, the Colorado Retail Marijuana Code or Article XVIII, § 16 of the Colorado Constitution are declared unlawful in violation of federal law, nothing in this Code shall be deemed to permit the cultivation, possession or use of marijuana for medicinal use or any other purpose. Nothing in this Section shall be deemed to provide a defense to the prosecution of offenses under the Federal Controlled Substances Act occurring in the Town.

- (c) Prohibitions regarding marijuana cultivation for personal or medicinal use.
- (1) It is unlawful to cultivate marijuana for personal or medicinal use or consumption anywhere in the Town other than in an enclosed, locked space within a detached single-family residential property or single-family residential garage or in a detached accessory building under the ownership of the person cultivating the marijuana or with the written permission of the property owner but only so long as the person cultivating marijuana also maintains his or her primary residence on such property. Enclosed means having a roof and all sides closed to the weather with walls, windows or doors.
 - (2) It is unlawful to cultivate or process marijuana in the common areas of a multi-family or attached residential development.
 - (3) Except for medicinal use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, any cultivation, production or possession of marijuana plants shall not exceed six (6) marijuana plants, with three (3) or fewer being mature flowering plants, for each individual who is over twenty-one (21) years of age and for whom the property on which those activities occur is maintained as his or her primary residence.
 - (4) It is unlawful to cultivate marijuana inside a residential dwelling in an area exceeding thirty-two (32) square feet or exceeding a height of ten (10) feet. This limit applies regardless of the number of qualified patients or primary caregivers or persons otherwise allowed to possess and grow marijuana for personal use residing in the residence. The cultivation area shall contain at least one (1) smoke detector and shall be a single, locked area and shall not be accessible to anyone under the age of twenty-one (21).
 - (5) It is unlawful for any person to cultivate marijuana in a detached accessory structure or attached or detached garage unless such structure or garage is on property of the person's primary residence. Any garage or accessory structure used for the cultivation of marijuana, including all walls, doors and the roof, shall be constructed with a firewall assembly of Type X drywall meeting the minimum building code requirements for residential structures. The cultivation area shall contain at least one (1) smoke detector and shall be a locked area and not accessible to anyone under the age of twenty-one (21). Other provisions of this

Chapter notwithstanding, a permit is required for an accessory structure used for cultivating marijuana.

- (6) It is unlawful to cultivate marijuana in an accessory structure in an area that exceeds fifty (50) square feet and more than ten (10) feet in height.
- (7) It is unlawful to cultivate marijuana in an attached or detached garage in an area that is greater than thirty-two (32) square feet and more than ten (10) feet in height.
- (8) It is unlawful to use any lighting for the indoor cultivation of marijuana other than light-emitting diodes (LEDs), compact fluorescent lamps (CFLs) or fluorescent lighting. All high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, are prohibited.
- (9) It is unlawful to use gas products (e.g., CO₂, butane) for indoor marijuana cultivation or processing.
- (10) It is unlawful to use a kitchen, bathroom or primary bedrooms for the indoor cultivation of marijuana.
- (11) It is unlawful to cultivate marijuana in any structure without complying with applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including, but not limited to, lot coverage, setback and height requirements.
- (12) Any indoor marijuana cultivation area shall include a ventilation and filtration system designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence. This shall include, at a minimum, a system meeting the requirements of the current edition of the International Residential Building Code adopted by the Town.
- (13) It is unlawful to store chemicals used for marijuana cultivation inside of the habitable areas of the residence or within public view from neighboring properties and public rights-of-way.
- (14) It is unlawful to cultivate marijuana within public view from neighboring properties and public rights-of-way.
- (15) It is unlawful for any marijuana cultivation activity to adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts; or be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.

(d) Penalty; Nuisance declared.

(1) It is unlawful for any person to violate any of the provisions of this Section. Any such violation is hereby designated a criminal offense, and any person found guilty of violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine or imprisonment or both pursuant to Article IV of Chapter 1 of this Code. Each day that a violation of any of the provisions of this Section continues to exist shall be deemed a separate and distinct violation.

(2) The conduct of any activity in violation of this Section is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the abatement of nuisance provided for in Article II of Chapter 7 of this Code.

(e) Authorization for application for search warrant. In the interest of public safety, officers of the police department may make application to the Town's municipal court for a warrant to enforce the provisions of this Section. Such application and any warrant issued pursuant thereto shall comply with the provisions in Rule 241 of the Colorado Municipal Court Rules of Procedure.

Sec. 10-5-50. Substances releasing toxic vapors.

(a) No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system. No person shall knowingly possess, buy, or use any such substance for the purposes described in this subsection, nor shall any person knowingly aid any other person to use any such substance for the purposes described in this subsection.

(b) For the purposes of this section, the term "*toxic vapors*" means the following substances or products containing such substances:

- (1) Alcohols, including methyl, isopropyl, propyl, or butyl;
- (2) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
- (3) Acetone;
- (4) Benzene;
- (5) Carbon tetrachloride;
- (6) Cyclohexane;
- (7) Freons, including freon 11 and freon 12;
- (8) Hexane;
- (9) Methyl ethyl ketone;
- (10) Methyl isobutyl ketone;
- (11) Naphtha;
- (12) Perchloroethylene;
- (13) Toluene;
- (14) Trichloroethane; or
- (15) Xylene.

- (c) In a prosecution for a violation of this section, evidence that a container lists one or more of the substances described in subsection (b) of this section as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.
- (d) Exception for medical or dental use. This Article shall not apply to the inhalation of anesthesia for medical or dental purposes.

ARTICLE VI Offenses Relating to Alcohol

Sec. 10-6-10. Definitions.

For purposes of this Article VI, the following words shall have the meanings ascribed hereafter:

Alcohol beverage means fermented malt beverage or malt, vinous or spirituous liquors; except that alcoholic beverages and alcoholic liquors shall not include confectionery containing alcohol within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S.

Fermented malt beverage has the meaning assigned in Section 44-4-103, C.R.S.

Malt liquors includes beer and shall be construed to mean any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination thereof, in water containing not less than one-half of one percent alcohol by volume.

Spirituous liquors shall have the meaning assigned in Section 44-3-103, C.R.S.

Vinous liquors shall have the meaning assigned in Section 44-3-103, C.R.S.

Sec. 10-6-20. Unlawful acts related to alcohol beverages.

It is unlawful for any person to sell, serve, give away, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of, any alcohol beverage to a visibly intoxicated person or to a known habitual drunkard.

Sec. 10-6-30. Adult possession and consumption of alcoholic beverages in public prohibited.

- (a) Except by permit issued by the Town, no person within the Town limits shall possess an opened container of or consume any alcohol beverage in public, except upon premises licensed for consumption of the beverage involved.
- (b) For purposes of this Section, opened container means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the alcohol beverage. If an original container has been unsealed, undone or opened in any manner, it is an opened container for purposes of this Section.

- (c) For purposes of this Section, *in public* means:
 - (1) In or upon any public highway, street, alley, walk, parking lot, building, park or other public property or place, whether in a vehicle or not;
 - (2) In or upon those portions of any private property upon which the public has an express or implied license to enter or remain; or
 - (3) In or upon any other private property without the express or implied permission of the owner or person in possession and control of such property or such person's agent.
- (d) It is an affirmative defense to a charge brought against a person twenty-one years of age or older of violating this Section that the premises were licensed by the Town and/or by the State for the consumption of the alcohol beverage involved, and any judge shall take judicial notice of the official records of such license and dismiss forthwith any charge to which this defense applies. If such dismissal is *ex parte*, the judge shall notify the Town Attorney, who may petition the court for permission to refile the charge.
- (e) It is a specific defense to a charge of violating this Section brought against a person twenty-one years of age or older that:
 - (1) The owner of the property involved or the owner's agent gave express permission to the accused or to members of the accused's class to perform the acts complained of; or
 - (2) The accused was transporting the liquor or beverage from one (1) place where it could be lawfully consumed directly and without delay to another such place, and the container was at all times during the transportation capped, corked or otherwise reclosed with a firmly affixed waterproof lid. When the liquor or beverage was being transported in a motor vehicle, this defense is only available if the container was in the trunk or was not otherwise immediately accessible to the driver or any passenger.

ARTICLE VII Offenses Related to Governmental Operations

Sec. 10-7-10. Resisting arrest.

- (a) It is unlawful to knowingly prevent or attempt to prevent a police officer acting under color of his or her official authority, from effecting the arrest of any person, by:
 - (1) Using or threatening to use physical force or violence against the police officer or another; or
 - (2) Using any other means which creates a substantial risk of causing bodily injury to the police officer or another.

- (b) It is no defense to prosecution under this Section that the police officer was attempting to make an arrest which in fact 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 the right of self-defense.
- (c) As used in this section:
 - (1) *acting under color of his or her official authority* means when, in the regular course of assigned duties, a police officer 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.
 - (2) a *police officer* means any person defined as a peace officer by C.R.S. Section 18-1-901, as amended, who is in uniform or who has displayed his or her credentials to the person whose arrest is attempted.

Sec. 10-7-20. Obstructing a peace officer or firefighter.

- (a) A person commits the crime of obstructing a peace officer or firefighter when, by using or threatening to use violence, force, physical interference, or obstacle, he or she knowingly obstructs, impairs or hinders the enforcement of the penal law or the preservation of peace by a peace officer, acting under color of his or her official authority, or knowingly obstructs, impairs or hinders the prevention, control or abatement of a fire by a firefighter, acting under color of his or her official authority.
- (b) To assure that animals used in law enforcement or fire prevention activities are protected from harm, a person commits obstructing a peace officer or firefighter when, by using or threatening to use violence, force, physical interference or obstacle, he or she knowingly obstructs, impairs or hinders any such animal.
- (c) It is no defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority, as defined in Section 10-7-10(c)(1) above.

Sec. 10-7-30. False reporting to authorities.

A person commits the crime of false reporting to authorities if:

- (1) He or she knowingly causes by any means, including but not limited to activation, a false alarm of fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within an official or volunteer fire department, ambulance service, law enforcement agency, or any other government agency which deals with emergencies involving danger to life or property; or
- (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.

(4) He or she makes telephone calls to the Town's police, fire or emergency telephone numbers, including 911, when such person makes the call knowingly but for no legitimate purpose. This subsection shall apply regardless of whether the person who makes the call speaks or in any way communicates to the person answering the call.

(5) He or she knowingly provides false identifying information to law enforcement authorities. For purposes of this Section, identifying information means a person's name, address, birth date, social security number and driver's license or Colorado identification number.

ARTICLE VIII Public Peace, Order and Decency

Sec. 10-8-10. Disorderly conduct.

(a) A person commits the crime of disorderly conduct if he or she intentionally, knowingly 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 incite an immediate breach of the peace;

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

(3) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States; or

(4) Not being a peace officer, displays a real or simulated firearm, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a firearm, or represents verbally or otherwise that he or she is armed with a firearm in a public place in a manner calculated to alarm and does alarm another person.

Sec. 10-8-20. Disrupting lawful assembly.

A person commits the crime of disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance or any other means. This section is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United States constitution or to prevent the lawful expression of any religious, political, or philosophical views.

Sec. 10-8-30. Harassment.

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

(1) Strikes, shoves, kicks or otherwise touches a person or subjects a person to physical contact;

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

(3) Follows a person in or about a public place;

(4) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene; or

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

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

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

(b) As used in this Section unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

(c) Any act prohibited by Subsections (a)(4), (a)(5), (a)(6) above may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, or other electronic communication was either made or received.

(d) This section is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

Sec. 10-8-40. Loitering on or around school property.

(a) As used in this Section, *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place.

(b) It is unlawful for any person with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, to loiter in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on the 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 having been asked to leave by a school administrator or his or her or representative or by a peace officer.

(c) It shall be an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievance, either in the course of labor disputes or otherwise.

Sec. 10-8-50. Unlawful interference with educational institutions.

(a) It is unlawful for any person on or near the premises or facilities of any educational institution willfully to deny to students, school officials, employees and invitees:

- (1) Lawful freedom of movement on the premises;
- (2) Lawful use of the property or facilities of such institution; or
- (3) The right of lawful ingress and egress to the institution's physical facilities.

(b) It is unlawful for any person on the premises of any educational institution or at or in any building or other facility being used by any educational institution willfully to impede the staff or faculty of such institution in the lawful performance of their duties or willfully to impede a student of such institution in the lawful pursuit of his or her educational activities through the use of restraint, coercion or intimidation or when force and violence are present or threatened.

(c) It is unlawful for any person willfully to refuse or to fail to leave the property of, or any building or other facility used by, any educational institution upon being requested to do so by the chief administrative officer, his or her designees charged with maintaining order on the school premises and in its facilities or a dean of such educational institution, if such person is committing, threatens to commit or incites others to commit any act which would disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of the institution.

(d) Nothing in this Section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor or any employee thereof.

Sec. 10-8-60. Desecration of venerated objects.

(a) It is unlawful for any person to knowingly desecrate any public monument, structure or place of worship or burial or desecrate in a public place any other object of veneration by the public or a substantial segment thereof.

- (b) As used in this Section, *desecrate* means defacing, damaging, polluting or otherwise physically mistreating in a way that the defendant knows will outrage the sensibilities of persons likely to observe or disc over his or her action or its result.

Sec. 10-8-70. Hindering transportation.

It shall be unlawful for any person to knowingly and without lawful authority forcibly stop and/or hinder the operation of any vehicle used in providing transportation services of any kind to the public or to any person, association or corporation.

Sec. 10-8-80. Throwing missiles.

(a) It shall be unlawful for any person to knowingly project any missile at or against any vehicle or equipment designed for the transportation of persons or property, other than a bicycle.

(b) As used in this Section, "*missile*" means any object or substance.

Sec. 10-8-90. Unreasonable noises prohibited.

It is unlawful to intentionally, knowingly or recklessly make, permit or assist another to make unreasonable noise within the Town which, under all of the circumstances presented, would cause a person of ordinary sensitivities significant annoyance and irritation. The following noises and circumstances shall be deemed as prima facie unreasonable in the context, however, of the above standards:

- (1) Electrically amplified sound audible twenty-five (25) feet from the source of said sound or audible within a residence other than that of the person responsible for the sound;
- (2) Nonlicensed motor vehicle gasoline engines, nonvehicular gasoline engines and electric tools operated between 10:00 p.m. and 7:00 a.m. and audible twenty-five (25) feet from the source of the sound or audible within a residence other than that of the person responsible for the sound;
- (3) Repair or adjustment of a motor vehicle between 10:00 p.m. and 7:00 a.m. which is audible twenty-five (25) feet from the source of the sound or audible within a residence other than that of the person responsible for the sound; or
- (4) A gathering of persons engaged in loud and continuing activities continuing for a minimum of fifteen (15) minutes between 10:00 p.m. and 7:00 a.m. and audible twenty-five (25) feet from the source of the sound or audible within a residence other than that of the person responsible for the sound.
- (5) Except for emergency construction immediately necessary to protect property or person, noise from any construction activities between 7:00 p.m. and 7:00 a.m. which is audible twenty-five (25) feet from the source of the sound or audible within a residence other than that of the person responsible for the sound.

Sec. 10-8-100. Public urination.

It is unlawful for any person to urinate or defecate within public view, whether in or on public or private property, except in a room or area designated and equipped for such purposes.

Sec. 10-8-110. Indecent exposure.

It shall be unlawful for any person to:

- (a) knowingly expose his or her genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person with the intent to arouse or to satisfy the sexual desire of any person; or
- (b) knowingly performs an act of masturbation in a manner which exposes the act to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.
- (c) For purposes of this Section, *masturbation* means the real or simulated touching, rubbing, or otherwise stimulating of a person's own genitals or pubic area for the purpose of sexual gratification or arousal of the person, regardless of whether the genitals or pubic area is exposed or covered.

ARTICLE IX Weapons

Sec. 10-9-10. Discharge of firearms.

It is unlawful for a person, other than a peace officer or member of the Armed Forces of the United States or the Colorado National Guard acting in lawful discharge of his or her duties, to discharge or cause to be discharged any firearm within or into the limits of the Town. For purposes of this Section, the lawful discharge of a peace officer's duties shall include but not be limited to firearms training and/or certification at a designated training site.

ARTICLE X Fireworks

Sec. 10-10-10. Unlawful exploding of fireworks.

Unless specifically permitted in accordance with Article III of Chapter 6, it is unlawful for any person to use, discharge or explode any fireworks as defined in Section 6-3-10 within the Town limits. Any person convicted of a violation of this Section shall be fined a minimum \$500.00 for a first offense and \$1,000.00 for any subsequent offense within any two year period.

Sec. 10-10-20. Seizure of fireworks.

The police authorities of the Town shall seize, take and remove, at the expense of the owner, all stocks of fireworks used, discharged or exploded in violation of this Article subject to the laws of the state of Colorado.

Sec. 10-10-30. Toy propellant devices used for model or educational rockets.

Nothing in this Article shall prevent or regulate the use of educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two (2) ounces of propellant when such engine or model cartridge is designed to be ignited by electrical means.

ARTICLE XI Offenses Related to Minors and Persons Under the Age of Twenty-One (21)

Sec. 10-11-10. Curfew for minors.

- (a) It is unlawful for any parent, guardian or other person having care or custody of any child under the age of eighteen (18) years to allow or permit any such child to loiter or remain upon any street, alley or other public place, on foot or in or upon a vehicle, subsequent to the hour of 9 10:00 p.m. or prior to 5:00 a.m.
- (b) It is unlawful for any child under the age of eighteen (18) years to loiter or remain upon any street, alley or other public place, on foot or within or upon a vehicle, subsequent to the hour of 10:00 p.m. or prior to 5:00 a.m.
- (c) The provisions of Section (a) and/or (b) shall not apply if the child under the age of eighteen (18) years is:
 - a. travelling to or from lawful employment, or organized school, church or civic organization organized activity or other activity that represents an exercise of the child's constitutional First Amendment rights;
 - b. accompanied by the parent, guardian or other person of the age of twenty-one (21) years having permission of the parent or guardian to have the custody or care of such child; or
 - c. on an emergency or legitimate business errand directed by a parent or guardian
- (d) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) of this section is proffered or is present.
- (e) The Chief of Police or designate thereof is hereby authorized to take any person charged with violating any of the provisions of Subsection (a) or (b) to the Town Hall and release such person to the custody of his or her parents or guardians after notifying the same. Upon a subsequent violation of Subsection (b) and upon any violation of Subsection (a), the person arrested shall be so charged.

Sec. 10-11-20. Furnishing cigarettes, electronic smoking devices or tobacco products to persons under the age of twenty-one (21).

- (a) A person shall not give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, or nicotine product to any person who is under twenty-one years of age.
- (b) Before giving, selling, distributing, dispensing, or offering to sell to an individual any cigarette, tobacco product, or nicotine product, a person shall request from the individual and examine a government-issued photographic identification that establishes that the individual is twenty-one years of age or older.
- (c) It is an affirmative defense to a prosecution under subsection (1)(a) of this section that the person furnishing the cigarette, tobacco product, or nicotine product was presented with and reasonably relied upon a government-issued photographic identification that identified the individual receiving the cigarette, tobacco product, or nicotine product as being twenty-one years of age or older.
- (d) As used in this section, “cigarette, tobacco product, or nicotine product” means:
 - (1) A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or
 - (2) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.
 - (3) Notwithstanding any provision of paragraph (1) of this subsection (d) to the contrary, “cigarette, tobacco product, or nicotine product” does not mean a product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.
- (e) Persons convicted of violating the offenses described in this Section 10-11-20 shall be punished by a fine as follows:
 - (1) If the person convicted was at the time of the violation under eighteen (18) years of age, then the following punishment shall be applicable:
 - a. First offense: fine of two hundred dollars (\$200.00).
 - b. Second offense: fine of three hundred dollars (\$300.00).
 - c. Third offense: fine of five hundred dollars (\$500.00).
 - d. Additional offenses: fine of five hundred dollars (\$500.00).
 - (2) In lieu of the fine to be imposed under Paragraph (1) above, the court may sentence the person to participate in a tobacco education program.

- (3) The court may allow a person under eighteen (18) years of age convicted of violating the offenses described in this Section 10-11-20 to perform community service and be granted credit against the fine and court costs at the rate set by the Municipal Court Judge for each hour of work performed.
- (4) If the person convicted was at the time of the violation eighteen (18) years of age or older, then the following punishment shall be applicable:
 - a. First offense: fine of three hundred dollars (\$300.00).
 - b. Second offense: fine of five hundred dollars (\$500.00).
 - c. Third offense: fine of one thousand dollars (\$1,000.00).
 - d. Additional offenses: fine of one thousand dollars (\$1,000.00).

Sec. 10-11-30. Purchasing or attempting to purchase cigarettes, other smoking devices or tobacco products by persons under the age of twenty-one (21).

- (a) It is unlawful for any person under the age of twenty-one (21) years of age to purchase or attempt to purchase any cigarette, tobacco product, or nicotine product, as such terms are defined in Section 10-11-20.
- (b) Persons convicted of violating this Sections 10-11-30, except as otherwise provided herein, shall be punished by a fine as follows:
 - (1) First offense: fine of one hundred dollars (\$100.00).
 - (2) Second offense: fine of two hundred dollars (\$200.00).
 - (3) Third offense: fine of five hundred dollars (\$500.00).
 - (4) Additional offenses: fine of five hundred dollars (\$500.00).
 - (5) Following a conviction for a first offense under this Section, the court in lieu of the fine may sentence the person to participate in a tobacco education program.
 - (6) The court may allow a person convicted for a first offense under this Section to perform community service and be granted credit against the fine and court costs at a rate set by the Municipal Court Judge for each hour of work performed for up to fifty percent (50%) of the fine and court costs.

Sec. 10-11-40. Possession or use of cigarettes, electronic smoking devices or tobacco products by persons under the age of twenty-one (21).

- (a) It is unlawful for any person under the age of twenty-one (21) years to possess or use any cigarette, tobacco product, or nicotine product, as such terms are defined in Section 10-14-30. It shall not be an offense under this Section if the person under twenty-one (21) years of age was acting at the direction of an employee of a governmental agency

authorized to enforce or ensure compliance with laws relating to the prohibition of the sale of cigarettes, tobacco products, or nicotine products to persons under the age of twenty-one (21) years.

- (b) Persons convicted of violating this Sections 10-11-40, except as otherwise provided herein, shall be punished by a fine as follows:
 - (1) First offense: fine of one hundred dollars (\$100.00).
 - (2) Second offense: fine of two hundred dollars (\$200.00).
 - (3) Third offense: fine of five hundred dollars (\$500.00).
 - (4) Additional offenses: fine of five hundred dollars (\$500.00).
 - (5) Following a conviction for a first offense under this Section, the court in lieu of the fine may sentence the person to participate in a tobacco education program.
 - (6) The court may allow a person convicted for a first offense under this Section to perform community service and be granted credit against the fine and court costs at a rate set by the Municipal Court Judge for each hour of work performed for up to fifty percent (50%) of the fine and court costs.

Sec. 10-11-50. Possession, consumption or sale of alcohol to persons under age twenty-one.

- (a) It is unlawful to:
 - (1) Sell, serve, give away, dispose of, exchange or deliver or permit the sale, serving, giving or procuring of any alcohol beverages to or for any person under the age of twenty-one (21) years;
 - (2) Obtain or attempt to obtain any alcohol beverages by misrepresentation of age or any other method in any place selling alcohol beverages when such person is under the age of twenty-one (21) years;
 - (3) Possess or consume any alcohol beverage when such person is under the age of twenty-one (21) years; or
 - (4) Knowingly, or under conditions that an average parent or guardian should have knowledge of, suffer or permit any person under twenty-one (21) years of age, of whom such person may be a parent or guardian, to violate Paragraph (1), (2) or (3) above.
 - (5) For any person to purchase, provide or attempt to purchase or provide alcohol beverage for a person under the age of twenty-one (21) years.

- (b) It shall be an affirmative defense that the person under the age of twenty-one (21) years was practicing in a religious ceremony or practice, or is participating in a supervised and bona fide investigation conducted by a law enforcement agency, or that the conduct was permitted by Article 3 or 4 of Title 44, C.R.S.
- (c) Any person under the age of twenty-one (21) years convicted of an offense under this Section may be punished by a fine not to exceed one thousand dollars (\$1000.00) and a term of probation not to exceed one (1) year.
- (d) Prima facie evidence of a violation of Subsection (a)(3) above shall consist of:
 - (1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed alcoholic beverages or fermented malt beverages anywhere in the Town; or
 - (2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with alcohol intoxication or impairment while present anywhere in the Town.
- (e) During any trial for a violation of this Section, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of alcohol beverage. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" "hard seltzer" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of alcohol beverage.

Sec. 10-11-60. Underage possession, consumption or sale of marijuana to persons under the age of twenty-one (21)

- (a) It is unlawful to:
 - (1) Sell, serve, give away, dispose of, exchange or deliver or permit the sale, serving, giving or procuring of any marijuana as defined in in subsection 10-5-10 of this Chapter to or for any person under the age of twenty-one (21) years;
 - (2) Obtain or attempt to obtain any such marijuana by misrepresentation of age or any other method in any place selling marijuana when such person is under the age of twenty-one (21) years;
 - (3) Possess or consume any marijuana when such person is under the age of twenty-one (21) years; or

- (4) Knowingly, or under conditions that an average parent or guardian should have knowledge of, suffer or permit any person under twenty-one (21) years of age, of whom such person may be a parent or guardian, to violate Paragraph (1), (2) or (3) above.
 - (5) For any person to purchase, provide or attempt to purchase or provide marijuana for a person under the age of twenty-one (21) years.
- (c) Any person under the age of twenty-one (21) years convicted of an offense under this Section may be punished by a fine not to exceed one thousand dollars (\$1000.00) and a term of probation not to exceed one (1) year.

ARTICLE XII Miscellaneous Offenses

Sec. 10-12-10. Motorbikes.

The operation anywhere within the Town, whether on private or public property, of any so-called motorbike, minibike, all-terrain four (4) wheeled open vehicle, or other such motorized vehicle designed primarily for recreation and not designed and equipped for operation on a public street or highway, or otherwise permitted under Section 8-1-100 shall be unlawful within the Town except on premises for which land use approvals specifically allow such operation.

Sec. 11-12-20. Unlawful activities in Town parks; penalties.

- (a) It is unlawful for any person:
 - (1) to bring or to have in his or her possession any glass bottle in any Town-owned and maintained park.
 - (2) except for Town personnel performing security or park maintenance services in Town parks or when a valid Town permit has been issued allowing park use at different hours, to enter upon or remain within a Town owned and maintained park during hours not designated for public use.
 - (3) to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in or upon any Town-owned and maintained park or other public area in the Town except in containers designed for deposit of such items.
 - (4) utilizing the facilities of any Town owned and maintained park or other public area in the Town, to leave such area or facility without first having placed in disposal receptacles, where provided, all trash in the nature of boxes, papers, cans or other containers, garbage and other refuse in the possession of such person. If no disposal receptacle is available or the receptacles are full, then such person shall carry away said refuse or trash in his or her possession from the area, to be disposed of in a proper and legal manner elsewhere.

(5) to dispose of trash in a Town owned and maintained park that park activities do not generate.

- (b) A violation of this Section shall be a non-criminal (civil) offense and anyone convicted of violating this Section shall be fined a civil penalty not less than twenty-five dollars (\$25.00) for the first offense.

Section 3. Amend Section 19-4-340. Section 19-4-340 addressing prohibited fences and requirements for materials is amended by the addition of a new subsection (d), the substance of which was previously codified at Section 10-12-30, such subsection to read as follows:

- (d) Barbed wire fences prohibited. It is unlawful for any person to construct or maintain within the Town any fence, cellar or window guard containing barbs, barbed wire, sharpened nails, or any other pointed or sharpened thing or metallic substance.

Section 4. New Article III of Chapter 6, regulating fireworks. A new Article III is added to Chapter 6 which governs business licenses and regulations, entitled "Fireworks" to read as follows in its entirety:

Sec. 6-3-10. - Definitions.

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

Fireworks means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath to propel the same, firecrackers, torpedoes, skyrockets, rockets, Roman candles, Day-Glo bombs and torches, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. *Fireworks* does not include:

- a. Toy caps which do not contain more than twenty-five hundredths (0.25) of a grain of explosive compound per cap;
- b. Sparklers, trick matches, cigarette loads, trick noisemakers, toy smoke devices and novelty auto alarms;
- c. Highway flares, railway fuses, shop distress signals, smoke candles and other emergency signal devices.

Manufacturer includes any wholesaler and any person who manufactures, makes, constructs or produces any fireworks article or device.

Person includes an individual, partnership, firm, company, association or corporation.

Retailer includes any person who sells, delivers, consigns or furnishes fireworks to another person not for resale.

Wholesaler includes any person who sells, delivers, consigns, gives or in any way furnishes fireworks to a retailer for resale.

Sec. 6-3-20. - Permits required for display.

- (a) The Board of Trustees has the power to grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks and other organizations and groups, and to adopt reasonable rules and regulations for the granting of such permits and it shall be unlawful to display fireworks without first having obtained a permit therefor.
- (b) Application for a permit as provided for herein shall be filed with the Town Clerk, together with a permit fee in an amount as set by the Board of Trustees by resolution as may be amended from time to time and an inspection fee in an amount as set by the Board of Trustees by resolution as may be amended from time to time. The application shall contain at least the following information:
 - (1) Name and address of applicant;
 - (2) Location where the applicant will sell fireworks;
 - (3) Name and address of any wholesaler or distributor from whom the retailer proposes to purchase lawful fireworks for resale;
 - (4) Manner, method and times when and how the applicant proposes to sell lawful fireworks; and
 - (5) Such additional information may be required by the Board of Trustees.

Such application shall be made in writing at least thirty (30) days in advance of the date of display.

- (b) Every display shall be handled by a competent operator and shall be of such character and so located, discharged and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the operator and the location and handling of the display shall be approved, after investigation, by the Fire Chief of the relevant fire protection district or the Chief of Police, or their authorized agents.
- (c) No person displaying fireworks under this Section shall fail to dispose of any fireworks that remain unfired after the display is concluded in a safe manner.
- (d) No permit shall be transferable or assignable. No permit shall be required for such public display of fireworks at any county or district fair duly organized under state law and the ordinances of the Town.

Sec. 6-3-30. - Insurance.

All permittees shall be required to provide a certificate of insurance to protect persons and property from death or injury as a result of any fireworks display for which a permit is issued, in an amount not less than one hundred fifty thousand dollars (\$150,000.00) per person injured and one million dollars (\$1,000,000.00) per incident. The insurance shall cover any liability of the Town or any employee or agent thereof arising out of or connected with the permit and the fireworks display permitted thereunder.

Sec. 6-3-40. - Bond.

Any permittee shall be required to obtain a performance bond in a sum not less than one thousand dollars (\$1,000.00) conditioned on compliance with the provisions of this Article; except that the Town shall not be required to file such bond.

Sec. 6-3-50. - Interpretation.

This Article shall not be construed to prohibit:

- (1) Any person, including a manufacturer, who has first obtained a license to sell display fireworks, from offering for sale, exposing for sale, selling or having in his or her possession with intent to offer for sale, or sell, fireworks to any municipality, fair association, amusement park or other organization or group holding a display permit issued as provided in this Article, or to any county or district fair duly organized under the laws of the State;
- (2) Any person from using or exploding fireworks in accordance with the provisions of any display permit issued as provided in this Article or as part of a supervised public display at any county or district fair duly organized under the laws of the State;
- (3) Any resident manufacturer from manufacturing and selling, or any resident wholesaler, dealer or jobber from selling at wholesale, such fireworks as are not prohibited under this Article, the sale of any kind of fireworks, provided that the same are to be shipped directly out of state in accordance with regulations of the United States Interstate Commerce Commission covering the transportation of explosives and other dangerous articles by motor, rail and water, the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, the sale or use of blank cartridges for a show or theater, signal or ceremonial purposes in athletics or sports, or use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by the Board of Trustees;
- (4) Any person from offering for sale, exposing for sale, selling, having in his or her possession with intent to offer for sale or sell, or using or firing toy pistols, toy guns, sparklers or other devices in which caps manufactured in accordance with this Article are used; or(5)The importation, purchase, sale or possession of fireworks which are used or to be used solely to prevent damage to crops by animals or birds, by the Board of Trustees with the assistance of other appropriate state departments and in accordance with Article 4 of Title 24, C.R.S.

Sec. 6-3-60. - Licensing; sale of display fireworks; manufacture and wholesale.

- (a) No person shall sell or offer to sell at retail any fireworks which are to be used for display purposes within the Town unless he or she first obtains a license to do so from the Secretary of State and from the Board of Trustees.
- (b) No person shall manufacture or wholesale fireworks until he or she shall first obtain a license from the Secretary of State, pursuant to Sections 12-28-106(c) and (d), C.R.S., and the Secretary of State shall be the sole licensing authority for manufacturers' and wholesalers' licenses.

Sec. 6-3-70. - Seizure of fireworks.

The police authorities of the Town or their authorized agents shall seize, take and remove, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this Article.

Sec. 6-3-80. - Toy propellant devices used for model or educational rockets.

Nothing in this Article shall prevent or regulate the manufacture or sale of educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two (2) ounces of propellant when such engine or model cartridge is designed to be ignited by electrical means.

Section 5. New Article V of Chapter 11, governing Town parks. A new Article V is added to Chapter 11 which governs street sidewalks and public property, entitled "Town Parks" to read as follows in its entirety:

Sec. 11-5-10. - Permitting and administrative policy.

- (a) The Town Administrator is hereby authorized to promulgate an administrative policy and rules for:
 - (1) Setting park hours. In the absence of any Town Administrator policy, public use of Town owned and maintained parks is limited to between 6:00 a.m. through 6:00 p.m. for the months of October through April, and 6:00 a.m. through 8:30 p.m. for the months of May through September, which hours may be extended by the Town Administrator for approved special events.;
 - (2) Use of space limitations, including temporary closures of areas of the parks;
 - (3) Rentals of facilities within the Town's parks;
 - (4) Permitting of larger group gatherings, including criteria and an administrative process and appropriate fees;

- (5) Permitting for exceptions to any prohibitions generally applicable within the parks; and
- (6) Park usage rules consistent with this Article.

Section 6. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this 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. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 7. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 8. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby. Prosecutions for violations of any provision of Chapter 10 of the Lochbuie Municipal Code in process as of the date of approval or effectiveness of this ordinance shall not be affected hereby, it being the intent of the Board of Trustees that such matters shall remain enforceable and that the repeal of Chapter 10 that is effected hereby shall not impair existing prosecutions.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 7 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only this 16th day of January, 2024.

TOWN OF LOCHBUIE, COLORADO




Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of January 16, 2024, and ordered published by title only one time by *The Brighton Blade* newspaper on January 25, 2024.

Heather Bowen
Heather Bowen, Town Clerk